

JOURNAL OF THE HOUSE

OF THE

STATE OF VERMONT

ADJOURNED SESSION, 2012

VOLUME 2

**April 26, 2012 through Adjournment
(For Appendices A & B
General Index and
Joint Assemblies, see Volume 3)**



Published by Authority

STATE OF VERMONT

BUILDINGS AND GENERAL SERVICES,

MIDDLESEX, VERMONT

**Compiled and Edited by:
Donald G. Milne, Clerk of the House and Cathleen M. Cameron, Journal Clerk**

* * *

Sec. 2. 33 V.S.A. § 1804 is amended to read:

§ 1804. QUALIFIED EMPLOYERS

[Reserved.]

(a)(1) Until January 1, 2016, a qualified employer shall be an employer which, on at least 50 percent of its working days during the preceding calendar year, employed at least one and no more than 50 employees, and the term “qualified employer” includes self-employed persons. Calculation of the number of employees of a qualified employer shall not include a part-time employee who works fewer than 30 hours per week.

(2) An employer with 50 or fewer employees that offers a qualified health benefit plan to its employees through the Vermont health benefit exchange may continue to participate in the exchange even if the employer’s size grows beyond 50 employees as long as the employer continuously makes qualified health benefit plans in the Vermont health benefit exchange available to its employees.

(b)(1) From January 1, 2016 until January 1, 2017, a qualified employer shall be an employer which, on at least 50 percent of its working days during the preceding calendar year, employed at least one and no more than 100 employees, and the term “qualified employer” includes self-employed persons. Calculation of the number of employees of a qualified employer shall not include a part-time employee who works fewer than 30 hours per week.

(2) An employer with 100 or fewer employees that offers a qualified health benefit plan to its employees through the Vermont health benefit exchange may continue to participate in the exchange even if the employer’s size grows beyond 100 employees as long as the employer continuously makes qualified health benefit plans in the Vermont health exchange available to its employees.

(c) On and after January 1, 2017, a qualified employer shall be an employer of any size which elects to make all of its full-time employees eligible for one or more qualified health plans offered in the Vermont health benefit exchange, and the term “qualified employer” includes self-employed persons. A full-time employee shall be an employee who works more than 30 hours per week.

Sec. 2a. 33 V.S.A. § 1806(b) is amended to read:

(b) A qualified health benefit plan shall provide the following benefits:

(1)(A) The essential benefits package required by Section 1302(a) of the Affordable Care Act and any additional benefits required by the secretary of human services by rule after consultation with the advisory committee established in section 402 of this title and after approval from the Green Mountain Care board established in 18 V.S.A. chapter 220.

(B) Notwithstanding subdivision (1)(A) of this subsection, a health insurer or a stand-alone dental insurer, including a nonprofit dental service corporation, may offer a plan that provides only limited dental benefits, either separately or in conjunction with a qualified health benefit plan, if it meets the requirements of Section 9832(c)(2)(A) of the Internal Revenue Code and provides pediatric dental benefits meeting the requirements of Section 1302(b)(1)(J) of the Affordable Care Act. Said plans may include child-only policies or family policies. If permitted under federal law, a qualified health benefit plan offered in conjunction with a stand-alone dental plan providing pediatric dental benefits meeting the requirements of Section 1302(b)(1)(J) of the Affordable Care Act shall be deemed to meet the requirements of this subsection.

(2) At least the ~~silver~~ bronze level of coverage as defined by Section 1302 of the Affordable Care Act and the cost-sharing limitations for individuals provided in Section 1302 of the Affordable Care Act, as well as any more restrictive cost-sharing requirements specified by the secretary of human services by rule after consultation with the advisory committee established in section 402 of this title and after approval from the Green Mountain Care board established in 18 V.S.A. chapter 220.

* * *

Sec. 2b. 33 V.S.A. § 1807(b) is amended to read:

(b) Navigators shall have the following duties:

* * *

(7) Provide information about and facilitate employers' establishment of cafeteria or premium-only plans under Section 125 of the Internal Revenue Code that allow employees to pay for health insurance premiums with pretax dollars.

Sec. 2c. EXCHANGE OPTIONS

In approving benefit packages for the Vermont health benefit exchange pursuant to 18 V.S.A. § 9375(b)(7), the Green Mountain Care board shall approve a full range of cost-sharing structures for each level of actuarial value. To the extent permitted under federal law, the board shall also allow health

insurers to establish rewards, premium discounts, split benefit designs, rebates, or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by an insured to programs of health promotion and disease prevention pursuant to 33 V.S.A. § 1811(f)(2)(B).

Sec. 2d. 33 V.S.A. § 1805 is amended to read:

§ 1805. DUTIES AND RESPONSIBILITIES

The Vermont health benefit exchange shall have the following duties and responsibilities consistent with the Affordable Care Act:

* * *

(17) Establishing procedures that allow licensed insurance agents and brokers to be appropriately compensated for:

(A) facilitating the enrollment of qualified individuals and qualified employers in any qualified health plan offered through the exchange for which the individual or employer is eligible; and

(B) assisting qualified individuals in applying for premium tax credits and cost-sharing reductions for qualified health benefit plans purchased through the exchange.

Sec. 2e. 33 V.S.A. § 1806(e)(1) is amended to read:

(e)(1) A health insurer offering a qualified health benefit plan shall comply with the following insurance and consumer information requirements:

* * *

(D) Provide accurate and timely disclosure of information to the public and to the Vermont health benefit exchange relating to claims denials, enrollment data, rating practices, out-of-network coverage, enrollee and participant rights provided by Title I of the Affordable Care Act, the compensation paid to licensed insurance brokers and agents for enrollments made through the exchange, and other information as required by the commissioner of Vermont health access or by the commissioner of of financial regulation. The commissioner of of financial regulation shall define, by rule, the acceptable time frame for provision of information in accordance with this subdivision.

* * *

Sec. 2f. 33 V.S.A. § 1806(g) is added to read:

(g) The Vermont health benefit exchange shall clearly display on each page of the exchange website on which a bronze-level plan is available for purchase a notice to prospective purchasers regarding the actuarial value of such plan. The notice shall alert prospective purchasers that a bronze plan will cover only 60 percent of their health care expenses, with the beneficiary responsible for the remaining 40 percent through a combination of deductibles, co-payments, and coinsurance.

Sec. 3. 33 V.S.A. § 1811 is added to read:

§ 1811. HEALTH BENEFIT PLANS FOR INDIVIDUALS AND SMALL EMPLOYERS

(a) As used in this section:

(1) "Health benefit plan" means a health insurance policy, a nonprofit hospital or medical service corporation service contract, or a health maintenance organization health benefit plan offered through the Vermont health benefit exchange and issued to an individual or to an employee of a small employer. The term does not include coverage only for accident or disability income insurance, liability insurance, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, automobile medical payment insurance, credit-only insurance, coverage for on-site medical clinics, or other similar insurance coverage in which benefits for health services are secondary or incidental to other insurance benefits as provided under the Affordable Care Act. The term also does not include stand-alone dental or vision benefits; long-term care insurance; specific disease or other limited benefit coverage, Medicare supplemental health benefits, Medicare Advantage plans, and other similar benefits excluded under the Affordable Care Act.

(2) "Registered carrier" means any person, except an insurance agent, broker, appraiser, or adjuster, who issues a health benefit plan and who has a registration in effect with the commissioner of financial regulation as required by this section.

(3)(A) Until January 1, 2016, "small employer" means an employer which, on at least 50 percent of its working days during the preceding calendar year, employs at least one and no more than 50 employees. The term includes self-employed persons. Calculation of the number of employees of a small employer shall not include a part-time employee who works fewer than 30 hours per week. An employer may continue to participate in the exchange even if the employer's size grows beyond 50 employees as long as the employer continuously makes qualified health benefit plans in the Vermont health benefit exchange available to its employees.

(B) Beginning on January 1, 2016, "small employer" means an employer which, on at least 50 percent of its working days during the preceding calendar year, employs at least one and no more than 100 employees. The term includes self-employed persons. Calculation of the number of employees of a small employer shall not include a part-time employee who works fewer than 30 hours per week. An employer may continue to participate in the exchange even if the employer's size grows beyond 100 employees as long as the employer continuously makes qualified health benefit plans in the Vermont health benefit exchange available to its employees.

(b) No person may provide a health benefit plan to an individual or small employer unless the plan is offered through the Vermont health benefit exchange and complies with the provisions of this subchapter.

(c) No person may provide a health benefit plan to an individual or small employer unless such person is a registered carrier. The commissioner of financial regulation shall establish, by rule, the minimum financial, marketing, service and other requirements for registration. Such registration shall be effective upon approval by the commissioner and shall remain in effect until revoked or suspended by the commissioner for cause or until withdrawn by the carrier. A carrier may withdraw its registration upon at least six months prior written notice to the commissioner. A registration filed with the commissioner shall be deemed to be approved unless it is disapproved by the commissioner within 30 days of filing.

(d) A registered carrier shall guarantee acceptance of all individuals, small employers, and employees of small employers, and each dependent of such individuals and employees, for any health benefit plan offered by the carrier.

(e) A registered carrier shall offer a health benefit plan rate structure which at least differentiates between single person, two person, and family rates.

(f)(1) A registered carrier shall use a community rating method acceptable to the commissioner of of financial regulation for determining premiums for health benefit plans. Except as provided in subdivision (2) of this subsection, the following risk classification factors are prohibited from use in rating individuals, small employers, or employees of small employers, or the dependents of such individuals or employees:

(A) demographic rating, including age and gender rating;

(B) geographic area rating;

(C) industry rating;

(D) medical underwriting and screening;

(E) experience rating;

(F) tier rating; or

(G) durational rating.

(2)(A) The commissioner shall, by rule, adopt standards and a process for permitting registered carriers to use one or more risk classifications in their community rating method, provided that the premium charged shall not deviate above or below the community rate filed by the carrier by more than 20 percent and provided further that the commissioner's rules may not permit any medical underwriting and screening and shall give due consideration to the need for affordability and accessibility of health insurance.

(B) The commissioner's rules shall permit a carrier, including a hospital or medical service corporation and a health maintenance organization, to establish rewards, premium discounts, split benefit designs, rebates, or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by a member or subscriber to programs of health promotion and disease prevention. The commissioner shall consult with the commissioner of health, the director of the Blueprint for Health, and the commissioner of Vermont health access in the development of health promotion and disease prevention rules that are consistent with the Blueprint for Health. Such rules shall:

(i) limit any reward, discount, rebate, or waiver or modification of cost-sharing amounts to not more than a total of 15 percent of the cost of the premium for the applicable coverage tier, provided that the sum of any rate deviations under subdivision (A) of this subdivision (2) does not exceed 30 percent;

(ii) be designed to promote good health or prevent disease for individuals in the program and not be used as a subterfuge for imposing higher costs on an individual based on a health factor;

(iii) provide that the reward under the program is available to all similarly situated individuals and shall comply with the nondiscrimination provisions of the federal Health Insurance Portability and Accountability Act of 1996; and

(iv) provide a reasonable alternative standard to obtain the reward to any individual for whom it is unreasonably difficult due to a medical condition or other reasonable mitigating circumstance to satisfy the otherwise applicable standard for the discount and disclose in all plan materials that

describe the discount program the availability of a reasonable alternative standard.

(C) The commissioner's rules shall include:

(i) standards and procedures for health promotion and disease prevention programs based on the best scientific, evidence-based medical practices as recommended by the commissioner of health;

(ii) standards and procedures for evaluating an individual's adherence to programs of health promotion and disease prevention; and

(iii) any other standards and procedures necessary or desirable to carry out the purposes of this subdivision (2).

(D) The commissioner may require a registered carrier to identify that percentage of a requested premium increase which is attributed to the following categories: hospital inpatient costs, hospital outpatient costs, pharmacy costs, primary care, other medical costs, administrative costs, and projected reserves or profit. Reporting of this information shall occur at the time a rate increase is sought and shall be in the manner and form directed by the commissioner. Such information shall be made available to the public in a manner that is easy to understand.

(g) A registered carrier shall file with the commissioner an annual certification by a member of the American Academy of Actuaries of the carrier's compliance with this section. The requirements for certification shall be as the commissioner prescribes by rule.

(h) A registered carrier shall provide, on forms prescribed by the commissioner, full disclosure to a small employer of all premium rates and any risk classification formulas or factors prior to acceptance of a plan by the small employer.

(i) A registered carrier shall guarantee the rates on a health benefit plan for a minimum of 12 months.

(j) The commissioner shall disapprove any rates filed by any registered carrier, whether initial or revised, for insurance policies unless the anticipated medical loss ratios for the entire period for which rates are computed are at least 80 percent, as required by the Patient Protection and Affordable Care Act (Public Law 111-148).

(k) The guaranteed acceptance provision of subsection (d) of this section shall not be construed to limit an employer's discretion in contracting with his or her employees for insurance coverage.

Sec. 4. 8 V.S.A. § 4080g is added to read:

§ 4080g. GRANDFATHERED PLANS

(a) Application. Notwithstanding the provisions of 33 V.S.A. § 1811, on and after January 1, 2014, the provisions of this section shall apply to an individual, small group, or association plan that qualifies as a grandfathered health plan under Section 1251 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152) ("Affordable Care Act"). In the event that a plan no longer qualifies as a grandfathered health plan under the Affordable Care Act, the provisions of this section shall not apply and the provisions of 33 V.S.A. § 1811 shall govern the plan.

(b) Small group plans.

(1) Definitions. As used in this subsection:

(A) "Small employer" means an employer who, on at least 50 percent of its working days during the preceding calendar quarter, employs at least one and no more than 50 employees. The term includes self-employed persons. Calculation of the number of employees of a small employer shall not include a part-time employee who works fewer than 30 hours per week. The provisions of this subsection shall continue to apply until the plan anniversary date following the date that the employer no longer meets the requirements of this subdivision.

(B) "Small group" means:

(i) a small employer; or

(ii) an association, trust, or other group issued a health insurance policy subject to regulation by the commissioner under subdivision 4079(2), (3), or (4) of this title.

(C) "Small group plan" means a group health insurance policy, a nonprofit hospital or medical service corporation service contract, or a health maintenance organization health benefit plan offered or issued to a small group, including but not limited to common health care plans approved by the commissioner under subdivision (5) of this subsection. The term does not include disability insurance policies, accident indemnity or expense policies, long-term care insurance policies, student or athletic expense or indemnity policies, dental policies, policies that supplement the Civilian Health and Medical Program of the Uniformed Services, or Medicare supplemental policies.

(D) "Registered small group carrier" means any person except an insurance agent, broker, appraiser, or adjuster who issues a small group plan and who has a registration in effect with the commissioner as required by this subsection.

(2) No person may provide a small group plan unless the plan complies with the provisions of this subsection.

(3) No person may provide a small group plan unless such person is a registered small group carrier. The commissioner, by rule, shall establish the minimum financial, marketing, service and other requirements for registration. Such registration shall be effective upon approval by the commissioner and shall remain in effect until revoked or suspended by the commissioner for cause or until withdrawn by the carrier. A small group carrier may withdraw its registration upon at least six months prior written notice to the commissioner. A registration filed with the commissioner shall be deemed to be approved unless it is disapproved by the commissioner within 30 days of filing.

(4)(A) A registered small group carrier shall guarantee acceptance of all small groups for any small group plan offered by the carrier. A registered small group carrier shall also guarantee acceptance of all employees or members of a small group and each dependent of such employees or members for any small group plan it offers.

(B) Notwithstanding subdivision (A) of this subdivision (b)(4), a health maintenance organization shall not be required to cover:

(i) a small employer which is not physically located in the health maintenance organization's approved service area; or

(ii) a small employer or an employee or member of the small group located or residing within the health maintenance organization's approved service area for which the health maintenance organization:

(I) is not providing coverage; and

(II) reasonably anticipates and demonstrates to the satisfaction of the commissioner that it will not have the capacity within its network of providers to deliver adequate service because of its existing group contract obligations, including contract obligations subject to the provisions of this subsection and any other group contract obligations.

(5) A registered small group carrier shall offer one or more common health care plans approved by the commissioner. The commissioner, by rule, shall adopt standards and a process for approval of common health care plans

that ensure that consumers may compare the costs of plans offered by carriers and that ensure the development of an affordable common health care plan, providing for deductibles, coinsurance arrangements, managed care, cost containment provisions, and any other term, not inconsistent with the provisions of this title, deemed useful in making the plan affordable. A health maintenance organization may add limitations to a common health care plan if the commissioner finds that the limitations do not unreasonably restrict the insured from access to the benefits covered by the plans.

(6) A registered small group carrier shall offer a small group plan rate structure which at least differentiates between single-person, two-person and family rates.

(7)(A) A registered small group carrier shall use a community rating method acceptable to the commissioner for determining premiums for small group plans. Except as provided in subdivision (B) of this subdivision (7), the following risk classification factors are prohibited from use in rating small groups, employees or members of such groups, and dependents of such employees or members:

- (i) demographic rating, including age and gender rating;
- (ii) geographic area rating;
- (iii) industry rating;
- (iv) medical underwriting and screening;
- (v) experience rating;
- (vi) tier rating; or
- (vii) durational rating.

(B)(i) The commissioner shall, by rule, adopt standards and a process for permitting registered small group carriers to use one or more risk classifications in their community rating method, provided that the premium charged shall not deviate above or below the community rate filed by the carrier by more than 20 percent and provided further that the commissioner's rules may not permit any medical underwriting and screening.

(ii) The commissioner's rules shall permit a carrier, including a hospital or medical service corporation and a health maintenance organization, to establish rewards, premium discounts, split benefit designs, rebates, or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by a member or subscriber to programs of health promotion and disease prevention. The commissioner shall

consult with the commissioner of health, the director of the Blueprint for Health, and the commissioner of Vermont health access in the development of health promotion and disease prevention rules that are consistent with the Blueprint for Health. Such rules shall:

(I) limit any reward, discount, rebate, or waiver or modification of cost-sharing amounts to not more than a total of 15 percent of the cost of the premium for the applicable coverage tier, provided that the sum of any rate deviations under subdivision (i) of this subdivision (7)(B) does not exceed 30 percent;

(II) be designed to promote good health or prevent disease for individuals in the program and not be used as a subterfuge for imposing higher costs on an individual based on a health factor;

(III) provide that the reward under the program is available to all similarly situated individuals and complies with the nondiscrimination provisions of the federal Health Insurance Portability and Accountability Act of 1996; and

(IV) provide a reasonable alternative standard to obtain the reward to any individual for whom it is unreasonably difficult due to a medical condition or other reasonable mitigating circumstance to satisfy the otherwise applicable standard for the discount and disclose in all plan materials that describe the discount program the availability of a reasonable alternative standard.

(iii) The commissioner's rules shall include:

(I) standards and procedures for health promotion and disease prevention programs based on the best scientific, evidence-based medical practices as recommended by the commissioner of health;

(II) standards and procedures for evaluating an individual's adherence to programs of health promotion and disease prevention; and

(III) any other standards and procedures necessary or desirable to carry out the purposes of this subdivision (7)(B).

(C) The commissioner may require a registered small group carrier to identify that percentage of a requested premium increase which is attributed to the following categories: hospital inpatient costs, hospital outpatient costs, pharmacy costs, primary care, other medical costs, administrative costs, and projected reserves or profit. Reporting of this information shall occur at the time a rate increase is sought and shall be in the manner and form as directed

by the commissioner. Such information shall be made available to the public in a manner that is easy to understand.

(D) The commissioner may exempt from the requirements of this subsection an association as defined in subdivision 4079(2) of this title which:

(i) offers a small group plan to a member small employer which is community rated in accordance with the provisions of subdivisions (A) and (B) of this subdivision (b)(7). The plan may include risk classifications in accordance with subdivision (B) of this subdivision (7);

(ii) offers a small group plan that guarantees acceptance of all persons within the association and their dependents; and

(iii) offers one or more of the common health care plans approved by the commissioner under subdivision (5) of this subsection.

(E) The commissioner may revoke or deny the exemption set forth in subdivision (D) of this subdivision (7) if the commissioner determines that:

(i) because of the nature, size, or other characteristics of the association and its members, the employees or members are in need of the protections provided by this subsection; or

(ii) the association exemption has or would have a substantial adverse effect on the small group market.

(8) A registered small group carrier shall file with the commissioner an annual certification by a member of the American Academy of Actuaries of the carrier's compliance with this subsection. The requirements for certification shall be as the commissioner by rule prescribes.

(9) A registered small group carrier shall provide, on forms prescribed by the commissioner, full disclosure to a small group of all premium rates and any risk classification formulas or factors prior to acceptance of a small group plan by the group.

(10) A registered small group carrier shall guarantee the rates on a small group plan for a minimum of six months.

(11)(A) A registered small group carrier may require that 75 percent or less of the employees or members of a small group with more than 10 employees participate in the carrier's plan. A registered small group carrier may require that 50 percent or less of the employees or members of a small group with 10 or fewer employees or members participate in the carrier's plan. A small group carrier's rules established pursuant to this subdivision shall be

applied to all small groups participating in the carrier's plans in a consistent and nondiscriminatory manner.

(B) For purposes of the requirements set forth in subdivision (A) of this subdivision (11), a registered small group carrier shall not include in its calculation an employee or member who is already covered by another group health benefit plan as a spouse or dependent or who is enrolled in Catamount Health, Medicaid, the Vermont health access plan, or Medicare. Employees or members of a small group who are enrolled in the employer's plan and receiving premium assistance under 33 V.S.A. chapter 19 shall be considered to be participating in the plan for purposes of this subsection. If the small group is an association, trust, or other substantially similar group, the participation requirements shall be calculated on an employer-by-employer basis.

(C) A small group carrier may not require recertification of compliance with the participation requirements set forth in this subdivision (11) more often than annually at the time of renewal. If, during the recertification process, a small group is found not to be in compliance with the participation requirements, the small group shall have 120 days to become compliant prior to termination of the plan.

(12) This subsection shall apply to the provisions of small group plans. This subsection shall not be construed to prevent any person from issuing or obtaining a bona fide individual health insurance policy; provided that no person may offer a health benefit plan or insurance policy to individual employees or members of a small group as a means of circumventing the requirements of this subsection. The commissioner shall adopt, by rule, standards and a process to carry out the provisions of this subsection.

(13) The guaranteed acceptance provision of subdivision (4) of this subsection shall not be construed to limit an employer's discretion in contracting with his or her employees for insurance coverage.

(14) Registered small group carriers, except nonprofit medical and hospital service organizations and nonprofit health maintenance organizations, shall form a reinsurance pool for the purpose of reinsuring small group risks. This pool shall not become operative until the commissioner has approved a plan of operation. The commissioner shall not approve any plan which he or she determines may be inconsistent with any other provision of this subsection. Failure or delay in the formation of a reinsurance pool under this subsection shall not delay implementation of this subdivision. The participants in the plan of operation of the pool shall guarantee, without limitation, the solvency of the

pool, and such guarantee shall constitute a permanent financial obligation of each participant, on a pro rata basis.

(c) Nongroup health benefit plans.

(1) Definitions. As used in this subsection:

(A) "Individual" means a person who is not eligible for coverage by group health insurance as defined by section 4079 of this title.

(B) "Nongroup plan" means a health insurance policy, a nonprofit hospital or medical service corporation service contract, or a health maintenance organization health benefit plan offered or issued to an individual, including but not limited to common health care plans approved by the commissioner under subdivision (5) of this subsection. The term does not include disability insurance policies, accident indemnity or expense policies, long-term care insurance policies, student or athletic expense or indemnity policies, Medicare supplemental policies, and dental policies. The term also does not include hospital indemnity policies or specified disease indemnity or expense policies, provided such policies are sold only as supplemental coverage when a common health care plan or other comprehensive health care policy is in effect.

(C) "Registered nongroup carrier" means any person, except an insurance agent, broker, appraiser, or adjuster, who issues a nongroup plan and who has a registration in effect with the commissioner as required by this subsection.

(2) No person may provide a nongroup plan unless the plan complies with the provisions of this subsection.

(3) No person may provide a nongroup plan unless such person is a registered nongroup carrier. The commissioner, by rule, shall establish the minimum financial, marketing, service, and other requirements for registration. Registration under this subsection shall be effective upon approval by the commissioner and shall remain in effect until revoked or suspended by the commissioner for cause or until withdrawn by the carrier. A nongroup carrier may withdraw its registration upon at least six months' prior written notice to the commissioner. A registration filed with the commissioner shall be deemed to be approved unless it is disapproved by the commissioner within 30 days of filing.

(4)(A) A registered nongroup carrier shall guarantee acceptance of any individual for any nongroup plan offered by the carrier. A registered nongroup carrier shall also guarantee acceptance of each dependent of such individual for any nongroup plan it offers.

(B) Notwithstanding subdivision (A) of this subdivision, a health maintenance organization shall not be required to cover:

(i) an individual who is not physically located in the health maintenance organization's approved service area; or

(ii) an individual residing within the health maintenance organization's approved service area for which the health maintenance organization:

(I) is not providing coverage; and

(II) reasonably anticipates and demonstrates to the satisfaction of the commissioner that it will not have the capacity within its network of providers to deliver adequate service because of its existing contract obligations, including contract obligations subject to the provisions of this subsection and any other group contract obligations.

(5) A registered nongroup carrier shall offer two or more common health care plans approved by the commissioner. The commissioner, by rule, shall adopt standards and a process for approval of common health care plans that ensure that consumers may compare the cost of plans offered by carriers. At least one plan shall be a low-cost common health care plan that may provide for deductibles, coinsurance arrangements, managed care, cost-containment provisions, and any other term not inconsistent with the provisions of this title that are deemed useful in making the plan affordable.

A health maintenance organization may add limitations to a common health care plan if the commissioner finds that the limitations do not unreasonably restrict the insured from access to the benefits covered by the plan.

(6) A registered nongroup carrier shall offer a nongroup plan rate structure which at least differentiates between single-person, two-person and family rates.

(7) For a 12-month period from the effective date of coverage, a registered nongroup carrier may limit coverage of preexisting conditions which exist during the 12-month period before the effective date of coverage; provided that a registered nongroup carrier shall waive any preexisting condition provisions for all individuals and their dependents who produce evidence of continuous health benefit coverage during the previous nine months substantially equivalent to the carrier's common health care plan approved by the commissioner. If an individual has a preexisting condition excluded under a subsequent policy, such exclusion shall not continue longer than the period required under the original contract or 12 months, whichever is less. Credit shall be given for prior coverage that occurred without a break in

coverage of 63 days or more. For an eligible individual as such term is defined in Section 2741 of Title XXVII of the Public Health Service Act, a registered nongroup carrier shall not limit coverage of preexisting conditions.

(8)(A) A registered nongroup carrier shall use a community rating method acceptable to the commissioner for determining premiums for nongroup plans. Except as provided in subdivision (B) of this subsection, the following risk classification factors are prohibited from use in rating individuals and their dependents:

- (i) demographic rating, including age and gender rating;
- (ii) geographic area rating;
- (iii) industry rating;
- (iv) medical underwriting and screening;
- (v) experience rating;
- (vi) tier rating; or
- (vii) durational rating.

(B)(i) The commissioner shall, by rule, adopt standards and a process for permitting registered nongroup carriers to use one or more risk classifications in their community rating method, provided that the premium charged shall not deviate above or below the community rate filed by the carrier by more than 20 percent and provided further that the commissioner's rules may not permit any medical underwriting and screening and shall give due consideration to the need for affordability and accessibility of health insurance.

(ii) The commissioner's rules shall permit a carrier, including a hospital or medical service corporation and a health maintenance organization, to establish rewards, premium discounts, and rebates or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by a member or subscriber to programs of health promotion and disease prevention. The commissioner shall consult with the commissioner of health and the commissioner of Vermont health access in the development of health promotion and disease prevention rules. Such rules shall:

(I) limit any reward, discount, rebate, or waiver or modification of cost-sharing amounts to not more than a total of 15 percent of the cost of the premium for the applicable coverage tier, provided that the sum of any rate

deviations under subdivision (B)(i) of this subdivision (8) does not exceed 30 percent;

(II) be designed to promote good health or prevent disease for individuals in the program and not be used as a subterfuge for imposing higher costs on an individual based on a health factor;

(III) provide that the reward under the program is available to all similarly situated individuals; and

(IV) provide a reasonable alternative standard to obtain the reward to any individual for whom it is unreasonably difficult due to a medical condition or other reasonable mitigating circumstance to satisfy the otherwise applicable standard for the discount and disclose in all plan materials that describe the discount program the availability of a reasonable alternative standard.

(iii) The commissioner's rules shall include:

(I) standards and procedures for health promotion and disease prevention programs based on the best scientific, evidence-based medical practices as recommended by the commissioner of health;

(II) standards and procedures for evaluating an individual's adherence to programs of health promotion and disease prevention; and

(III) any other standards and procedures necessary or desirable to carry out the purposes of this subdivision (8)(B).

(iv) The commissioner may require a registered nongroup carrier to identify that percentage of a requested premium increase which is attributed to the following categories: hospital inpatient costs, hospital outpatient costs, pharmacy costs, primary care, other medical costs, administrative costs, and projected reserves or profit. Reporting of this information shall occur at the time a rate increase is sought and shall be in the manner and form directed by the commissioner. Such information shall be made available to the public in a manner that is easy to understand.

(9) Notwithstanding subdivision (8)(B) of this subsection, the commissioner shall not grant rate increases, including increases for medical inflation, for individuals covered pursuant to the provisions of this subsection that exceed 20 percent in any one year; provided that the commissioner may grant an increase that exceeds 20 percent if the commissioner determines that the 20 percent limitation will have a substantial adverse effect on the financial safety and soundness of the insurer. In the event that this limitation prevents implementation of community rating to the full extent provided for in

subdivision (8) of this subsection, the commissioner may permit insurers to limit community rating provisions accordingly as applicable to individuals who would otherwise be entitled to rate reductions.

(10) A registered nongroup carrier shall file with the commissioner an annual certification by a member of the American Academy of Actuaries of the carrier's compliance with this subsection. The requirements for certification shall be as the commissioner by rule prescribes.

(11) A registered nongroup carrier shall guarantee the rates on a nongroup plan for a minimum of 12 months.

(12) Registered nongroup carriers, except nonprofit medical and hospital service organizations and nonprofit health maintenance organizations, shall form a reinsurance pool for the purpose of reinsuring nongroup risks. This pool shall not become operative until the commissioner has approved a plan of operation. The commissioner shall not approve any plan which he or she determines may be inconsistent with any other provision of this subsection. Failure or delay in the formation of a reinsurance pool under this subsection shall not delay implementation of this subdivision. The participants in the plan of operation of the pool shall guarantee, without limitation, the solvency of the pool, and such guarantee shall constitute a permanent financial obligation of each participant, on a pro rata basis.

(13) The commissioner shall disapprove any rates filed by any registered nongroup carrier, whether initial or revised, for nongroup insurance policies unless the anticipated loss ratios for the entire period for which rates are computed are at least 70 percent. For the purpose of this subdivision, "anticipated loss ratio" shall mean a comparison of earned premiums to losses incurred plus a factor for industry trend where the methodology for calculating trend shall be determined by the commissioner by rule.

* * * Green Mountain Care Board * * *

Sec. 5. 18 V.S.A. § 9374 is amended to read:

§ 9374. BOARD MEMBERSHIP; AUTHORITY

* * *

(g) The chair of the board or designee may apply for grant funding, if available, to advance or support any responsibility within the board's jurisdiction.

(h)(1) Expenses incurred to obtain information, analyze expenditures, review hospital budgets, and for any other contracts authorized by the board shall be borne as follows:

- (A) 40 percent by the state from state monies;
- (B) 15 percent by the hospitals;
- (C) 15 percent by nonprofit hospital and medical service corporations licensed under 8 V.S.A. chapter 123 or 125;
- (D) 15 percent by health insurance companies licensed under 8 V.S.A. chapter 101; and
- (E) 15 percent by health maintenance organizations licensed under 8 V.S.A. chapter 139.

(2) Expenses under subdivision (1) of this subsection shall be billed to persons licensed under Title 8 based on premiums paid for health care coverage, which for the purposes of this section shall include major medical, comprehensive medical, hospital or surgical coverage, and comprehensive health care services plans, but shall not include long-term care or limited benefits, disability, credit or stop loss, or excess loss insurance coverage.

(i) In addition to any other penalties and in order to enforce the provisions of this chapter and empower the board to perform its duties, the chair of the board may issue subpoenas, examine persons, administer oaths, and require production of papers and records. Any subpoena or notice to produce may be served by registered or certified mail or in person by an agent of the chair. Service by registered or certified mail shall be effective three business days after mailing. Any subpoena or notice to produce shall provide at least six business days' time from service within which to comply, except that the chair may shorten the time for compliance for good cause shown. Any subpoena or notice to produce sent by registered or certified mail, postage prepaid, shall constitute service on the person to whom it is addressed. Each witness who appears before the chair under subpoena shall receive a fee and mileage as provided for witnesses in civil cases in superior courts; provided, however, any person subject to the board's authority shall not be eligible to receive fees or mileage under this section.

(j) A person who fails or refuses to appear, to testify, or to produce papers or records for examination before the chair upon properly being ordered to do so may be assessed an administrative penalty by the chair of not more than \$2,000.00 for each day of noncompliance and proceeded against as provided in the Administrative Procedure Act, and the chair may recommend to the appropriate licensing entity that the person's authority to do business be suspended for up to six months.

Sec. 5a. BILL-BACK REPORT

No later than February 1, 2013, the department of financial regulation and the Green Mountain Care board shall report to the house committees on health care and on ways and means and the senate committees on health and welfare and on finance regarding the allocation of expenses among hospitals and health insurers to finance the department's and the board's regulatory activities pursuant to 18 V.S.A. §§ 9374(h) and 9415. The report shall address the basis for the formula and how it is applied and shall contain the department's and the board's recommendations for alternate expense allocation formulas or models.

* * * Unified Health Care Budget * * *

Sec. 6. 18 V.S.A. § 9373 is amended to read:

§ 9373. DEFINITIONS

* * *

(14) "Unified health care budget" means the budget established in accordance with section 9375a of this title.

(15) "Wellness services" means health services, programs, or activities that focus on the promotion or maintenance of good health.

Sec. 7. 18 V.S.A. § 9402 is amended to read:

§ 9402. DEFINITIONS

* * *

~~(15) "Unified health care budget" means the budget established in accordance with section 9406 of this title. [Deleted.]~~

* * *

Sec. 8. 18 V.S.A. § 9403 is amended to read:

§ 9403. DIVISION OF HEALTH CARE ADMINISTRATION; PURPOSES

The division of health care administration is created in the department of financial regulation. The division shall assist the commissioner in carrying out the policies of the state regarding health care delivery, cost, and quality; by providing oversight of health care quality and expenditures through the ~~certificate of need program and the unified health care budget for the state or with respect to Vermont residents~~, establishment and maintenance of consumer protection functions; and oversight of quality assurance within the health care system. The division shall also establish and maintain a data base with information needed to carry out the commissioner's duties and obligations under this chapter and Title 8.

Sec. 9. 18 V.S.A. § 9405(b) is amended to read:

(b) On or before July 1, 2005, the commissioner, in consultation with the secretary of human services, shall submit to the governor a four-year health resource allocation plan. The plan shall identify Vermont needs in health care services, programs, and facilities; the resources available to meet those needs; and the priorities for addressing those needs on a statewide basis.

(1) The plan shall include:

* * *

(C) Consistent with the principles set forth in subdivision (A) of this subdivision (1), recommendations for the appropriate supply and distribution of resources, programs, and services identified in subdivision (B) of this subdivision (1), options for implementing such recommendations and mechanisms which will encourage the appropriate integration of these services on a local or regional basis. To arrive at such recommendations, the commissioner shall consider at least the following factors: the values and goals reflected in the state health plan; the needs of the population on a statewide basis; the needs of particular geographic areas of the state, as identified in the state health plan; the needs of uninsured and underinsured populations; the use of Vermont facilities by out-of-state residents; the use of out-of-state facilities by Vermont residents; the needs of populations with special health care needs; the desirability of providing high quality services in an economical and efficient manner, including the appropriate use of midlevel practitioners; the cost impact of these resource requirements on health care expenditures; the services appropriate for the four categories of hospitals described in subdivision 9402(12) of this title; the overall quality and use of health care services as reported by the Vermont program for quality in health care and the Vermont ethics network; the overall quality and cost of services as reported in the annual hospital community reports; individual hospital four-year capital budget projections; ~~the unified health care budget~~; and the four-year projection of health care expenditures prepared by the division.

* * *

Sec. 10. 18 V.S.A. § 9406 is amended to read:

~~§ 9406. EXPENDITURE ANALYSIS; UNIFIED HEALTH CARE BUDGET~~

~~(a) Annually, the commissioner shall develop a unified health care budget and develop an expenditure analysis to promote the policies set forth in section 9401 of this title.~~

~~(1) The budget shall:~~

~~(A) Serve as a guideline within which health care costs are controlled, resources directed, and quality and access assured.~~

~~(B) Identify the total amount of money that has been and is projected to be expended annually for all health care services provided by health care facilities and providers in Vermont, and for all health care services provided to residents of this state.~~

~~(C) Identify any inconsistencies with the state health plan and the health resource allocation plan.~~

~~(D) Analyze health care costs and the impact of the budget on those who receive, provide, and pay for health care services.~~

~~(2) The commissioner shall enter into discussions with health care facilities and with health care provider bargaining groups created under section 9409 of this title concerning matters related to the unified health care budget.~~

~~(b)(1) Annually the division shall prepare a three year projection of health care expenditures made on behalf of Vermont residents, based on the format of the health care budget and expenditure analysis adopted by the commissioner under this section, projecting expenditures in broad sectors such as hospital, physician, home health, or pharmacy. The projection shall include estimates for:~~

~~(A) expenditures for the health plans of any hospital and medical service corporation, health maintenance organizations, Medicaid program, or other health plan regulated by this state which covers more than five percent of the state population; and~~

~~(B) expenditures for Medicare, all self-insured employers, and all other health insurance.~~

~~(2) Each health plan payer identified under subdivision (1)(A) of this subsection may comment on the division's proposed projections, including comments concerning whether the plan agrees with the proposed projection, alternative projections developed by the plan, and a description of what mechanisms, if any, the plan has identified to reduce its health care expenditures. Comments may also include a comparison of the plan's actual expenditures with the applicable projections for the prior year, and an evaluation of the efficacy of any cost containment efforts the plan has made.~~

~~(3) The division's projections prepared under this subsection shall be used as a tool in the evaluation of health insurance rate and trend filings with the department and shall be made available in connection with the hospital budget review process under subchapter 7 of this chapter, the certificate of~~

~~need process under subchapter 5 of this chapter, and the development of the health resource allocation plan.~~

~~(4) The division shall prepare a report of the final projections made under this subsection, and file the report with the general assembly on or before January 15 of each year. [Repealed.]~~

Sec. 11. 18 V.S.A. 9375a is added to read:

§ 9375a. EXPENDITURE ANALYSIS; UNIFIED HEALTH CARE BUDGET

(a) Annually, the board shall develop a unified health care budget and develop an expenditure analysis to promote the policies set forth in sections 9371 and 9372 of this title.

(1) The budget shall:

(A) Serve as a guideline within which health care costs are controlled, resources directed, and quality and access assured.

(B) Identify the total amount of money that has been and is projected to be expended annually for all health care services provided by health care facilities and providers in Vermont and for all health care services provided to residents of this state.

(C) Identify any inconsistencies with the state health plan and the health resource allocation plan.

(D) Analyze health care costs and the impact of the budget on those who receive, provide, and pay for health care services.

(2) The board shall enter into discussions with health care facilities and with health care provider bargaining groups created under section 9409 of this title concerning matters related to the unified health care budget.

(b)(1) Annually the board shall prepare a three-year projection of health care expenditures made on behalf of Vermont residents, based on the format of the health care budget and expenditure analysis adopted by the board under this section, projecting expenditures in broad sectors such as hospital, physician, home health, or pharmacy. The projection shall include estimates for:

(A) expenditures for the health plans of any hospital and medical service corporation, health maintenance organization, Medicaid program, or other health plan regulated by this state which covers more than five percent of the state population; and

(B) expenditures for Medicare, all self-insured employers, and all other health insurance.

(2) Each health plan payer identified under subdivision (1)(A) of this subsection may comment on the board's proposed projections, including comments concerning whether the plan agrees with the proposed projection, alternative projections developed by the plan, and a description of what mechanisms, if any, the plan has identified to reduce its health care expenditures. Comments may also include a comparison of the plan's actual expenditures with the applicable projections for the prior year and an evaluation of the efficacy of any cost containment efforts the plan has made.

(3) The board's projections prepared under this subsection shall be used as a tool in the evaluation of health insurance rate and trend filings with the department of financial regulation, and shall be made available in connection with the hospital budget review process under subchapter 7 of this chapter, the certificate of need process under subchapter 5 of this chapter, and the development of the health resource allocation plan.

(4) The board shall prepare a report of the final projections made under this subsection and file the report with the general assembly on or before January 15 of each year.

* * * Claims Edit Standards * * *

Sec. 11a. 18 V.S.A. § 9418a is amended to read:

§ 9418a. PROCESSING CLAIMS, DOWNCODING, AND ADHERENCE TO CODING RULES

(a) Health plans, contracting entities, covered entities, and payers shall accept and initiate the processing of all health care claims submitted by a health care provider pursuant to and consistent with the current version of the American Medical Association's Current Procedural Terminology (CPT) codes, reporting guidelines, and conventions; the Centers for Medicare and Medicaid Services Healthcare Common Procedure Coding System (HCPCS); American Society of Anesthesiologists; the National Correct Coding Initiative (NCCI); the National Council for Prescription Drug Programs coding; or other appropriate nationally recognized standards, guidelines, or conventions approved by the commissioner.

(b) When editing claims, health plans, contracting entities, covered entities, and payers shall adhere to edit standards ~~that are no more restrictive than the following~~, except as provided in subsection (c) of this section:

(1) The CPT, HCPCS, and NCCI;

(2) National specialty society edit standards; or

(3) Other appropriate nationally recognized edit standards, guidelines, or conventions approved by the commissioner.

(c) Adherence to the edit standards in subdivision (b)(1) or (2) of this section is not required:

(1) When necessary to comply with state or federal laws, rules, regulations, or coverage mandates; or

(2) ~~For services not addressed by NCCI standards or national specialty society edit standards~~ edits that the payer determines are more favorable to providers than the edit standards in subdivisions (b)(1) through (3) of this section or to address new codes not yet incorporated by a payer's edit management software, provided the edit standards are developed with input from the relevant Vermont provider community and national provider organizations and provided the edits are available to providers on the plan's websites and in their newsletters.

(d) Nothing in this section shall preclude a health plan, contracting entity, covered entity, or payer from determining that any such claim is not eligible for payment in full or in part, based on a determination that:

(1) The claim is contested as defined in subdivision 9418(a)(2) of this title;

(2) The service provided is not a covered benefit under the contract, including a determination that such service is not medically necessary or is experimental or investigational;

(3) The insured did not obtain a referral, prior authorization, or precertification, or satisfy any other condition precedent to receiving covered benefits from the health care provider;

(4) The covered benefit exceeds the benefit limits of the contract;

(5) The person is not eligible for coverage or is otherwise not compliant with the terms and conditions of his or her coverage agreement;

(6) The health plan has a reasonable belief that fraud or other intentional misconduct has occurred; or

(7) The health plan, contracting entity, covered entity, or payer determines through coordination of benefits that another entity is liable for the claim.

(e) Nothing in this section shall be deemed to require a health plan, contracting entity, covered entity, or payer to pay or reimburse a claim, in full

or in part, or to dictate the amount of a claim to be paid by a health plan, contracting entity, covered entity, or payer to a health care provider.

(f) No health plan, contracting entity, covered entity, or payer shall automatically reassign or reduce the code level of evaluation and management codes billed for covered services (downcoding), except that a health plan, contracting entity, covered entity, or payer may reassign a new patient visit code to an established patient visit code based solely on CPT codes, CPT guidelines, and CPT conventions.

(g) Notwithstanding the provisions of subsection (d) of this section, and other than the edits contained in the conventions in subsections (a) and (b) of this section, health plans, contracting entities, covered entities, and payers shall continue to have the right to deny, pend, or adjust claims for services on other bases and shall have the right to reassign or reduce the code level for selected claims for services based on a review of the clinical information provided at the time the service was rendered for the particular claim or a review of the information derived from a health plan's fraud or abuse billing detection programs that create a reasonable belief of fraudulent or abusive billing practices, provided that the decision to reassign or reduce is based primarily on a review of clinical information.

(h) Every health plan, contracting entity, covered entity, and payer shall publish on its provider website and in its provider newsletter if applicable:

(1) The name of any commercially available claims editing software product that the health plan, contracting entity, covered entity, or payer utilizes;

(2) The standard or standards, pursuant to subsection (b) of this section, that the entity uses for claim edits;

(3) The payment percentages for modifiers; and

(4) Any significant edits, as determined by the health plan, contracting entity, covered entity, or payer, added to the claims software product after the effective date of this section, which are made at the request of the health plan, contracting entity, covered entity, or payer.

(i) Upon written request, the health plan, contracting entity, covered entity, or payer shall also directly provide the information in subsection (h) of this section to a health care provider who is a participating member in the health plan's, contracting entity's, covered entity's, or payer's provider network.

(j) For purposes of this section, "health plan" includes a workers' compensation policy of a casualty insurer licensed to do business in Vermont.

(k) ~~Prior to the effective date of subsections (b) and (c) of this section, MVP Healthcare is requested to convene~~ Blue Cross and Blue Shield of Vermont and the Vermont Medical Society are requested to continue convening a work group consisting of health plans, health care providers, state agencies, and other interested parties to study the edit standards in subsection (b) of this section, the edit standards in national class action settlements, and edit standards and edit transparency standards established by other states to determine the most appropriate way to ensure that health care providers can access information about the edit standards applicable to the health care services they provide. ~~No later than January 1, 2012, the~~ The work group is requested to ~~report its findings and recommendations, including any recommendations for legislative changes to subsections (b) and (c) of this section, provide an annual progress report to the house committee on health care and the senate committee~~ committees on health and welfare and on finance.

(l) With respect to the work group established under subsection (k) of this section and to the extent required to avoid violations of federal antitrust laws, the department shall facilitate and supervise the participation of members of the work group.

* * * Mental Health and Substance Abuse * * *

Sec. 11b. 18 V.S.A. chapter 221, subchapter 8 is added to read:

Subchapter 8. Mental Health and Substance Abuse Treatment Quality Assurance

§ 9461. QUALITY INDICATORS

(a) The department of financial regulation shall develop performance quality indicators to evaluate and ensure that health insurers, including managed care organizations that contract with health insurers to administer the insurers' mental health benefits, comply with the provisions of 8 V.S.A. § 4089b and related rules.

(b) The departments of health and of mental health shall develop clinical and performance quality measures to evaluate and ensure that health care professionals and health care facilities in Vermont provide high quality mental health and substance abuse treatment services to their patients.

§ 9462. QUALITY IMPROVEMENT PROJECTS

In addition to reviewing mental health and substance abuse treatment data pursuant to subdivision 9375(b)(12) of this title, the Green Mountain Care board shall consider the results of any quality improvement projects not

otherwise confidential or privileged undertaken by managed care organizations for mental health and substance abuse care and treatment pursuant to 8 V.S.A. § 4089b(d)(1)(B)(vii) and subsection 9414(i) of this title.

Sec. 11c. PARITY FOR PRIMARY MENTAL HEALTH CARE SERVICES;
RECOMMENDATIONS

No later than January 15, 2013, the commissioner of financial regulation or designee shall recommend to the house committee on health care and the senate committees on health and welfare and on finance guidelines for distinguishing between primary and specialty mental health services, taking into consideration factors such as mental health care providers' scope of practice and patterns of patient visitation. In addition, the commissioner or designee shall provide the committees with an estimate of the impact on health insurance premiums if such guidelines are enacted into law.

Sec. 11d. 8 V.S.A. § 4089b(c) is amended to read:

(c) A health insurance plan shall provide coverage for treatment of a mental health condition and shall:

(1) not establish any rate, term, or condition that places a greater burden on an insured for access to treatment for a mental health condition than for access to treatment for other health conditions, including no greater co-payment for primary mental health care or services than the co-payment applicable to care or services provided by a primary care provider under an insured's policy and no greater co-payment for specialty mental health care or services than the co-payment applicable to care or services provided by a specialist provider under an insured's policy;

* * *

Sec. 11e. PARITY FOR MENTAL HEALTH CO-PAYMENTS;
RULEMAKING

No later than October 1, 2013, the commissioner of financial regulation shall adopt rules pursuant to 3 V.S.A. chapter 25 establishing the guidelines for distinguishing between primary and specialty mental health services developed pursuant to Sec. 11c of this act, taking into account any recommendations received from the committees of jurisdiction.

Sec. 11f. 18 V.S.A. § 7259 is added to chapter 174 to read:

§ 7259. MENTAL HEALTH CARE OMBUDSMAN

(a) The department of mental health shall establish the office of the mental health care ombudsman within the agency designated by the governor as the

protection and advocacy system for the state pursuant to 42 U.S.C. § 10801 et seq. The agency may execute the duties of the office of the mental health care ombudsman, including authority to assist individuals with mental health conditions and to advocate for policy issues on their behalf.

(b) The agency may provide a report annually to the general assembly regarding the implementation of this section.

(c) In the event the protection and advocacy system ceases to provide federal funding to the agency for the purposes described in this section, the general assembly may allocate sufficient funds to maintain the office of the mental health care ombudsman.

Sec. 11g. 18 V.S.A. § 9418 is amended to read:

§ 9418. PAYMENT FOR HEALTH CARE SERVICES

(a) Except as otherwise specified, as used in this subchapter:

* * *

(15) “Prior authorization” means the process used by a health plan to determine the medical necessity, medical appropriateness, or both, of otherwise covered drugs, medical procedures, medical tests, and health care services. The term “prior authorization” includes preadmission review, pretreatment review, and utilization review.

(16) “Procedure codes” means a set of descriptive codes indicating the procedure performed by a health care provider and includes the American Medical Association’s Current Procedural Terminology codes (CPT), the Healthcare Common Procedure Coding System Level II Codes (HCPCS), the American Society of Anesthesiologists’ (ASA) current procedural terminology, and the American Dental Association’s current dental terminology.

~~(16)~~(17) “Product” means, to the extent permitted by state and federal law, one of the following types of categories of coverage for which a participating provider may be obligated to provide health care services pursuant to a health care contract:

* * *

* * * Prior Authorization * * *

Sec. 11h. 18 V.S.A. § 9418b is amended to read:

§ 9418b. PRIOR AUTHORIZATION

* * *

(g)(1) Notwithstanding any provision of law to the contrary, on and after March 1, 2014, when requiring prior authorization for prescription drugs, medical procedures, and medical tests, a health plan shall accept:

(A) The HIPAA 278 standard transaction for sending or receiving authorizations electronically; or

(B) a uniform prior authorization form developed pursuant to subdivisions (2) and (3) of this subsection.

(2)(A) No later than September 1, 2013, the department of financial regulation shall develop a clear, uniform, and readily accessible prior authorization form for prior authorization requests for medical procedures and medical tests.

(B) No later than September 1, 2013, the department of financial regulation shall develop clear, uniform, and readily accessible forms for prior authorization requests for prescription drugs after determining the appropriate number of forms.

(3) Each uniform prior authorization form developed pursuant to subdivision (2) of this subsection shall meet the following criteria, where applicable:

(A) The form shall include the core set of common data requirements for prior authorization included in the HIPAA 278 standard transaction.

(B) The form shall be made available electronically by the department and by the health plan.

(C) The completed form may be submitted electronically from the prescribing health care provider to the health plan.

(D) The department shall develop the form with input from interested parties from at least one public meeting.

(E) The department shall consider input on the proposed form from the national ASC X-12 workgroup, if available.

(F) In developing the uniform prior authorization forms, the department shall take into consideration the following:

(i) existing prior authorization forms established by the federal Centers for Medicare and Medicaid Services, by the department of Vermont health access, and by insurance and Medicaid departments and agencies in other states; and

(ii) national standards related to electronic prior authorization.

(4) A health plan shall respond to a completed prior authorization request from a prescribing health care provider within 48 hours for urgent requests and within 120 hours for non-urgent requests. The health plan shall notify a health care provider of or make available to a health care provider a receipt of the request for prior authorization and any needed missing information within 24 hours of receipt. If a health plan does not, within the time limits set forth in this section, respond to a completed prior authorization request, acknowledge receipt of the request for prior authorization, or request missing information, the prior authorization request shall be deemed to have been granted.

* * * Certificate of Need * * *

Sec. 12. 18 V.S.A. § 9375(b) is amended to read:

(b) The board shall have the following duties:

(1) Oversee the development and implementation, and evaluate the effectiveness, of health care payment and delivery system reforms designed to control the rate of growth in health care costs and maintain health care quality in Vermont, including ensuring that the payment reform pilot projects set forth in this chapter 13, subchapter 2 of this title are consistent with such reforms.

* * *

~~(6) Review and approve recommendations from the commissioner of financial regulation, within 10 business days of receipt of such recommendations and~~ Approve, modify, or disapprove requests for health insurance rates pursuant to 8 V.S.A. § 4062 within 30 days of receipt of such recommendations and a request for approval from the commissioner of financial regulation, taking into consideration the requirements in the underlying statutes, changes in health care delivery, changes in payment methods and amounts, and other issues at the discretion of the board, ~~on:~~

~~(A) any insurance rate increases pursuant to 8 V.S.A. chapter 107, beginning January 1, 2012;~~

~~(B)~~ (7) Review and establish hospital budgets pursuant to chapter 221, subchapter 7 of this title, beginning July 1, 2012; and

~~(C)~~ (8) Review and approve, approve with conditions, or deny applications for certificates of need pursuant to chapter 221, subchapter 5 of this title, beginning July 1, 2012 January 1, 2013.

~~(7)~~ (9) Prior to the adoption of rules, review and approve, with recommendations from the commissioner of Vermont health access, the benefit package or packages for qualified health benefit plans pursuant to 33 V.S.A.

chapter 18, subchapter 1 no later than January 1, 2013. The board shall report to the house committee on health care and the senate committee on health and welfare within 15 days following its approval of the initial benefit package and any subsequent substantive changes to the benefit package.

~~(8)~~(10) Develop and maintain a method for evaluating systemwide performance and quality, including identification of the appropriate process and outcome measures:

* * *

(11) Develop the unified health care budget pursuant to section 9375a of this title.

(12) Review data regarding mental health and substance abuse treatment reported to the department of financial regulation pursuant to 8 V.S.A. § 4089b(g)(1)(G) and discuss such information, as appropriate, with the mental health technical advisory group established pursuant to subdivision 9374(e)(2) of this title.

Sec. 13. 18 V.S.A. § 9402 is amended to read:

§ 9402. DEFINITIONS

As used in this chapter, unless otherwise indicated:

* * *

(5) “Expenditure analysis” means the expenditure analysis developed pursuant to section ~~9406~~ 9375a of this title.

(6) “Health care facility” means all institutions, whether public or private, proprietary or nonprofit, which offer diagnosis, treatment, inpatient, or ambulatory care to two or more unrelated persons, and the buildings in which those services are offered. The term shall not apply to any facility operated by religious groups relying solely on spiritual means through prayer or healing, but includes all institutions included in subdivision ~~9432(10)~~ 9432(8) of this title, except health maintenance organizations.

* * *

(10) “Health resource allocation plan” means the plan adopted by the commissioner ~~of banking, insurance, securities, and health care administration~~ of financial regulation under section 9405 of this title.

* * *

(15) “Unified health care budget” means the budget established in accordance with section ~~9406~~ 9375a of this title.

(16) "State health plan" means the plan developed under section 9405 of this title.

(17) "Green Mountain Care board" or "board" means the Green Mountain Care board established in chapter 220 of this title.

Sec. 14. 18 V.S.A. § 9412 is amended to read:

§ 9412. ENFORCEMENT

(a) In order to carry out the duties under this chapter, ~~the commissioner~~, in addition to the powers provided in this chapter, in chapter 220 of this title, and in Title 8, the commissioner and the board may examine the books, accounts, and papers of health insurers, health care providers, health care facilities, health plans, contracting entities, covered entities, and payers, as defined in section 9418 of this title, and may administer oaths and may issue subpoenas to a person to appear and testify or to produce documents or things.

* * *

Sec. 14a. 18 V.S.A. § 9431(b) is amended to read:

(b) In order to carry out the policy goals of this subchapter, ~~the department board~~ shall adopt by rule by ~~October 1, 2005~~ January 1, 2013, certificate of need procedural guidelines to assist in its decision-making. The guidelines shall be consistent with the state health plan and the health resource allocation plan.

Sec. 15. 18 V.S.A. § 9433 is amended to read:

§ 9433. ADMINISTRATION

(a) The ~~commissioner~~ board shall exercise such duties and powers as shall be necessary for the implementation of the certificate of need program as provided by and consistent with this subchapter. The ~~commissioner~~ board shall issue or deny certificates of need.

(b) The ~~commissioner~~ board may adopt rules governing the review of certificate of need applications consistent with and necessary to the proper administration of this subchapter. All rules shall be adopted pursuant to 3 V.S.A. chapter 25 of Title 3.

(c) The ~~commissioner~~ board shall consult with hospitals, nursing homes and professional associations and societies, the secretary of human services, and other interested parties in matters of policy affecting the administration of this subchapter.

(d) The ~~commissioner~~ board shall administer the certificate of need program.

Sec. 16. 18 V.S.A. § 9434 is amended to read:

§ 9434. CERTIFICATE OF NEED; GENERAL RULES

(a) A health care facility other than a hospital shall not develop, or have developed on its behalf a new health care project without issuance of a certificate of need by the ~~commissioner~~ board. For purposes of this subsection, a “new health care project” includes the following:

* * *

(3) The offering of any home health service, or the transfer or conveyance of more than a 50 percent ownership interest ~~of a home health agency in a health care facility other than a hospital.~~

(4) The purchase, lease, or other comparable arrangement of a single piece of diagnostic and therapeutic equipment for which the cost, or in the case of a donation the value, is in excess of \$1,000,000.00. For purposes of this subdivision, the purchase or lease of one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions or which would constitute any health care facility included under subdivision ~~9432(7)(B)~~ 9432(8)(B) of this title, as determined by the ~~commissioner~~ board, shall be considered together in calculating the amount of an expenditure. The ~~commissioner's~~ board's determination of functional interdependence of items of equipment under this subdivision shall have the effect of a final decision and is subject to appeal under ~~this subchapter~~ section 9381 of this title.

* * *

(b) A hospital shall not develop or have developed on its behalf a new health care project without issuance of a certificate of need by the ~~commissioner~~ board. For purposes of this subsection, a “new health care project” includes the following:

* * *

(2) The purchase, lease, or other comparable arrangement of a single piece of diagnostic and therapeutic equipment for which the cost, or in the case of a donation the value, is in excess of \$1,000,000.00. For purposes of this subdivision, the purchase or lease of one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions or which would constitute any health care facility included under subdivision ~~9432(7)(B)~~ 9432(8)(B) of this title, as determined by the ~~commissioner~~ board, shall be considered together in calculating the amount of an expenditure. The ~~commissioner's~~ board's determination of

functional interdependence of items of equipment under this subdivision shall have the effect of a final decision and is subject to appeal under ~~this subchapter~~ section 9381 of this title.

* * *

(c) In the case of a project which requires a certificate of need under this section, expenditures for which are anticipated to be in excess of \$30,000,000.00, the applicant first shall secure a conceptual development phase certificate of need, in accordance with the standards and procedures established in this subchapter, which permits the applicant to make expenditures for architectural services, engineering design services, or any other planning services, as defined by the ~~commissioner~~ board, needed in connection with the project. Upon completion of the conceptual development phase of the project, and before offering or further developing the project, the applicant shall secure a final certificate of need, in accordance with the standards and procedures established in this subchapter. Applicants shall not be subject to sanctions for failure to comply with the provisions of this subsection if such failure is solely the result of good faith reliance on verified project cost estimates issued by qualified persons, which cost estimates would have led a reasonable person to conclude the project was not anticipated to be in excess of \$30,000,000.00 and therefore not subject to this subsection. The provisions of this subsection notwithstanding, expenditures may be made in preparation for obtaining a conceptual development phase certificate of need, which expenditures shall not exceed \$1,500,000.00 for non-hospitals or \$3,000,000.00 for hospitals.

(d) If the ~~commissioner~~ board determines that a person required to obtain a certificate of need under this subchapter has separated a single project into components in order to avoid cost thresholds or other requirements under this subchapter, the person shall be required to submit an application for a certificate of need for the entire project, and the ~~commissioner~~ board may proceed under section 9445 of this title. The ~~commissioner's~~ board's determination under this subsection shall have the effect of a final decision and is subject to appeal under ~~this subchapter~~ section 9381 of this title.

(e) Beginning January 1, ~~2005~~ 2013, and biannually thereafter, the ~~commissioner~~ board may by rule adjust the monetary jurisdictional thresholds contained in this section. In doing so, the ~~commissioner~~ board shall reflect the same categories of health care facilities, services, and programs recognized in this section. Any adjustment by the ~~commissioner~~ board shall not exceed the consumer price index rate of inflation.

Sec. 16a. 18 V.S.A. § 9435 is amended to read:

§ 9435. EXCLUSIONS

* * *

(b) Excluded from this subchapter are community mental health or developmental disability center health care projects proposed by a designated agency and supervised by the commissioner of mental health or the commissioner of disabilities, aging, and independent living, or both, depending on the circumstances and subject matter of the project, provided the appropriate commissioner or commissioners make a written approval of the proposed health care project. The designated agency shall submit a copy of the approval with a letter of intent to the ~~commissioner~~ board.

* * *

(e) Upon request under 8 V.S.A. § 5102(f) by a Program for All-Inclusive Care for the Elderly (PACE) authorized under federal Medicare law, or by a Prepaid Inpatient Health Plan (PIHP) or Prepaid Ambulatory Health Plan (PAHP) established in accordance with federal Medicare or Medicaid laws and regulations, the ~~commissioner~~ board may approve the exemption of the PACE program, PIHP, or PAHP from the provisions of this subchapter and from any other provisions of this chapter if the ~~commissioner~~ board determines that the purposes of this subchapter and the purposes of any other provision of this chapter will not be materially and adversely affected by the exemption. In approving an exemption, the ~~commissioner~~ board may prescribe such terms and conditions as the ~~commissioner~~ board deems necessary to carry out the purposes of this subchapter and this chapter.

Sec. 17. 18 V.S.A. § 9437 is amended to read:

§ 9437. CRITERIA

A certificate of need shall be granted if the applicant demonstrates and the ~~commissioner~~ board finds that:

- (1) the application is consistent with the health resource allocation plan;
- (2) the cost of the project is reasonable, because:

(A) the applicant's financial condition will sustain any financial burden likely to result from completion of the project;

(B) the project will not result in an undue increase in the costs of medical care. In making a finding under this subdivision, the ~~commissioner~~ board shall consider and weigh relevant factors, including:

* * *

Sec. 18. 18 V.S.A. § 9439 is amended to read:

§ 9439. COMPETING APPLICATIONS

(a) The ~~commissioner~~ board shall provide by rule a process by which any person wishing to offer or develop a new health care project may submit a competing application when a substantially similar application is pending. The competing application must be filed and completed in a timely manner, and the original application and all competing applications shall be reviewed concurrently. A competing applicant shall have the same standing for administrative and judicial review under this subchapter as the original applicant.

(b) When a letter of intent to compete has been filed, the review process is suspended and the time within which a decision must be made as provided in subdivision 9440(d)(4) of this title is stayed until the competing application has been ruled complete or for a period of 55 days from the date of notification under subdivision 9440(c)(8) as to the original application, whichever is shorter.

(c) Nothing in this subchapter shall be construed to restrict the ~~commissioner~~ board to granting a certificate of need to only one applicant for a new health care project.

(d) The ~~commissioner~~ board may, by rule, establish regular review cycles for the addition of beds for skilled nursing or intermediate care.

(e) In the case of proposals for the addition of beds for skilled nursing or intermediate care, the ~~commissioner~~ board shall identify in advance of the review the number of additional beds to be considered in that cycle or the maximum additional financial obligation to be incurred by the agencies of the state responsible for financing long-term care. The number of beds shall be consistent with the number of beds determined to be necessary by the health resource management plan or state health plan, whichever applies, and shall take into account the number of beds needed to develop a new, efficient facility.

(f) Unless an application meets the requirements of subsection 9440(e) of this title, the ~~commissioner~~ board shall consider disapproving a certificate of need application for a hospital if a project was not identified prospectively as needed at least two years prior to the time of filing in the hospital's four-year capital plan required under subdivision 9454(a)(6) of this title. The ~~commissioner~~ board shall review all hospital four-year capital plans as part of the review under subdivision 9437(2)(B) of this title.

Sec. 19. 18 V.S.A. § 9440 is amended to read:

§ 9440. PROCEDURES

(a) Notwithstanding 3 V.S.A. chapter 25 ~~of Title 3~~, a certificate of need application shall be in accordance with the procedures of this section.

(b)(1) The application shall be in such form and contain such information as the ~~commissioner~~ board establishes. In addition, the ~~commissioner~~ board may require of an applicant any or all of the following information that the ~~commissioner~~ board deems necessary:

(A) institutional utilization data, including an explanation of the unique character of services and a description of case mix;

(B) a population based description of the institution's service area;

(C) the applicant's financial statements;

(D) third party reimbursement data;

(E) copies of feasibility studies, surveys, designs, plans, working drawings, or specifications developed in relation to the proposed project;

(F) annual reports and four-year long range plans;

(G) leases, contracts, or agreements of any kind that might affect quality of care or the nature of services provided;

(H) the status of all certificates issued to the applicant under this subchapter during the three years preceding the date of the application. As a condition to deeming an application complete under this section, the ~~commissioner~~ board may require that an applicant meet with the ~~commissioner~~ board to discuss the resolution of the applicant's compliance with those prior certificates; and

(I) additional information as needed by the ~~commissioner~~ board, including information from affiliated corporations or other persons in the control of or controlled by the applicant.

(2) In addition to the information required for submission, an applicant may submit, and the ~~commissioner~~ board shall consider, any other information relevant to the application or the review criteria.

(c) The application process shall be as follows:

(1) Applications shall be accepted only at such times as the ~~commissioner~~ board shall establish by rule.

(2)(A) Prior to filing an application for a certificate of need, an applicant shall file an adequate letter of intent with the ~~commissioner~~ board no less than 30 days or, in the case of review cycle applications under section 9439 of this title, no less than 45 days prior to the date on which the application is to be

filed. The letter of intent shall form the basis for determining the applicability of this subchapter to the proposed expenditure or action. A letter of intent shall become invalid if an application is not filed within six months of the date that the letter of intent is received or, in the case of review cycle applications under section 9439 of this title, within such time limits as the ~~commissioner~~ board shall establish by rule. Except for requests for expedited review under subdivision (5) of this subsection, public notice of such letters of intent shall be provided in newspapers having general circulation in the region of the state affected by the letter of intent. The notice shall identify the applicant, the proposed new health care project, and the date by which a competing application or petition to intervene must be filed. In addition, a copy of the public notice shall be sent to the clerk of the municipality in which the health care facility is located. Upon receipt, the clerk shall post the notice in or near the clerk's office and in at least two other public places in the municipality.

(B) Applicants who agree that their proposals are subject to jurisdiction pursuant to section 9434 of this title shall not be required to file a letter of intent pursuant to subdivision (A) of this subdivision (2) and may file an application without further process. Public notice of the application shall be provided upon filing as provided for in subdivision (A) of this subdivision (2) for letters of intent.

(3) The ~~commissioner~~ board shall review each letter of intent and, if the letter contains the information required for letters of intent as established by the ~~commissioner~~ board by rule, within 30 days, determine whether the project described in the letter will require a certificate of need. If the ~~commissioner~~ board determines that a certificate of need is required for a proposed expenditure or action, an application for a certificate of need shall be filed before development of the project begins.

(4) Within 90 days of receipt of an application, the ~~commissioner~~ board shall notify the applicant that the application contains all necessary information required and is complete, or that the application review period is complete notwithstanding the absence of necessary information. The ~~commissioner~~ board may extend the 90-day application review period for an additional 60 days, or for a period of time in excess of 150 days with the consent of the applicant. The time during which the applicant is responding to the ~~commissioner's~~ board's notice that additional information is required shall not be included within the maximum review period permitted under this subsection. The ~~commissioner~~ board may determine that the certificate of need application shall be denied if the applicant has failed to provide all necessary information required to review the application.

(5) An applicant seeking expedited review of a certificate of need application may simultaneously file a letter of intent and an application with the ~~commissioner~~ board. Upon making a determination that the proposed project may be uncontested and does not substantially alter services, as defined by rule, or upon making a determination that the application relates to a health care facility affected by bankruptcy proceedings, the ~~commissioner~~ board shall issue public notice of the application and the request for expedited review and identify a date by which a competing application or petition for interested party status must be filed. If a competing application is not filed and no person opposing the application is granted interested party status, the ~~commissioner~~ board may formally declare the application uncontested and may issue a certificate of need without further process, or with such abbreviated process as the ~~commissioner~~ board deems appropriate. If a competing application is filed or a person opposing the application is granted interested party status, the applicant shall follow the certificate of need standards and procedures in this section, except that in the case of a health care facility affected by bankruptcy proceedings, the ~~commissioner~~ board after notice and an opportunity to be heard may issue a certificate of need with such abbreviated process as the ~~commissioner~~ board deems appropriate, notwithstanding the contested nature of the application.

(6) If an applicant fails to respond to an information request under subdivision (4) of this subsection within six months or, in the case of review cycle applications under section 9439 of this title, within such time limits as the ~~commissioner~~ board shall establish by rule, the application will be deemed inactive unless the applicant, within six months, requests in writing that the application be reactivated and the ~~commissioner~~ board grants the request. If an applicant fails to respond to an information request within 12 months or, in the case of review cycle applications under section 9439 of this title, within such time limits as the ~~commissioner~~ board shall establish by rule, the application will become invalid unless the applicant requests, and the ~~commissioner~~ board grants, an extension.

(7) For purposes of this section, “interested party” status shall be granted to persons or organizations representing the interests of persons who demonstrate that they will be substantially and directly affected by the new health care project under review. Persons able to render material assistance to the ~~commissioner~~ board by providing nonduplicative evidence relevant to the determination may be admitted in an amicus curiae capacity but shall not be considered parties. A petition seeking party or amicus curiae status must be filed within 20 days following public notice of the letter of intent, or within 20 days following public notice that the application is complete. The

~~commissioner~~ board shall grant or deny a petition to intervene under this subdivision within 15 days after the petition is filed. The ~~commissioner~~ board shall grant or deny the petition within an additional 30 days upon finding that good cause exists for the extension. Once interested party status is granted, the ~~commissioner~~ board shall provide the information necessary to enable the party to participate in the review process. ~~Such information includes,~~ including information about procedures, copies of all written correspondence, and copies of all entries in the application record.

(8) Once an application has been deemed to be complete, public notice of the application ~~will~~ shall be provided in newspapers having general circulation in the region of the state affected by the application. The notice shall identify the applicant, the proposed new health care project, and the date by which a competing application under section 9439 of this title or a petition to intervene must be filed.

(9) The health care ombudsman's office established under 8 V.S.A. chapter 107, subchapter ~~1A of chapter 107 of Title 8~~ or, in the case of nursing homes, the long-term care ombudsman's office established under 33 V.S.A. § 7502, is authorized but not required to participate in any administrative or judicial review of an application under this subchapter and shall be considered an interested party in such proceedings upon filing a notice of intervention with the ~~commissioner~~ board.

(d) The review process shall be as follows:

(1) The ~~commissioner~~ board shall review:

(A) The application materials provided by the applicant.

(B) Any information, evidence, or arguments raised by interested parties or amicus curiae, and any other public input.

(2) ~~The department~~ Except as otherwise provided in subdivision (c)(5) and subsection (e) of this section, the board shall hold a public hearing during the course of a review.

(3) The ~~commissioner~~ board shall make a final decision within 120 days after the date of notification under subdivision (c)(4) of this section. Whenever it is not practicable to complete a review within 120 days, the ~~commissioner~~ board may extend the review period up to an additional 30 days. Any review period may be extended with the written consent of the applicant and all other applicants in the case of a review cycle process.

(4) After reviewing each application, the ~~commissioner~~ board shall make a decision either to issue or to deny the application for a certificate of

need. The decision shall be in the form of an approval in whole or in part, or an approval subject to such conditions as the ~~commissioner~~ board may impose in furtherance of the purposes of this subchapter, or a denial. In granting a partial approval or a conditional approval the ~~commissioner~~ board shall not mandate a new health care project not proposed by the applicant or mandate the deletion of any existing service. Any partial approval or conditional approval must be directly within the scope of the project proposed by the applicant and the criteria used in reviewing the application.

(5) If the ~~commissioner~~ board proposes to render a final decision denying an application in whole or in part, or approving a contested application, the ~~commissioner~~ board shall serve the parties with notice of a proposed decision containing proposed findings of fact and conclusions of law, and shall provide the parties an opportunity to file exceptions and present briefs and oral argument to the ~~commissioner~~ board. The ~~commissioner~~ board may also permit the parties to present additional evidence.

(6) Notice of the final decision shall be sent to the applicant, competing applicants, and interested parties. The final decision shall include written findings and conclusions stating the basis of the decision.

(7) The ~~commissioner~~ board shall establish rules governing the compilation of the record used by the ~~commissioner~~ board in connection with decisions made on applications filed and certificates issued under this subchapter.

(e) The ~~commissioner~~ board shall adopt rules governing procedures for the expeditious processing of applications for replacement, repair, rebuilding, or reequipping of any part of a health care facility or health maintenance organization destroyed or damaged as the result of fire, storm, flood, act of God, or civil disturbance, or any other circumstances beyond the control of the applicant where the ~~commissioner~~ board finds that the circumstances require action in less time than normally required for review. If the nature of the emergency requires it, an application under this subsection may be reviewed by the ~~commissioner~~ board only, without notice and opportunity for public hearing or intervention by any party.

(f) Any applicant, competing applicant, or interested party aggrieved by a final decision of the ~~commissioner~~ board under this section may appeal ~~the decision to the supreme court~~ pursuant to the provisions of section 9381 of this title.

(g) If the ~~commissioner~~ board has reason to believe that the applicant has violated a provision of this subchapter, a rule adopted pursuant to this subchapter, or the terms or conditions of a prior certificate of need, the

~~commissioner board~~ may take into consideration such violation in determining whether to approve, deny, or approve the application subject to conditions. The applicant shall be provided an opportunity to contest whether such violation occurred, unless such an opportunity has already been provided. The ~~commissioner board~~ may impose as a condition of approval of the application that a violation be corrected or remediated before the certificate may take effect.

Sec. 20. 18 V.S.A. § 9440a is amended to read:

§ 9440a. APPLICATIONS, INFORMATION, AND TESTIMONY; OATH REQUIRED

(a) Each application filed under this subchapter, any written information required or permitted to be submitted in connection with an application or with the monitoring of an order, decision, or certificate issued by the ~~commissioner board~~, and any testimony taken before the ~~commissioner board~~ or a hearing officer appointed by the ~~commissioner board~~ shall be submitted or taken under oath. The form and manner of the submission shall be prescribed by the ~~commissioner board~~. The authority granted to the ~~commissioner board~~ under this section is in addition to any other authority granted to the ~~commissioner board~~ under law.

(b) Each application shall be filed by the applicant's chief executive officer under oath, as provided by subsection (a) of this section. The ~~commissioner board~~ may direct that information submitted with the application be submitted under oath by persons with personal knowledge of such information.

(c) A person who knowingly makes a false statement under oath or who knowingly submits false information under oath to the ~~commissioner board~~ or a hearing officer appointed by the ~~commissioner board~~ or who knowingly testifies falsely in any proceeding before the ~~commissioner board~~ or a hearing officer appointed by the ~~commissioner board~~ shall be guilty of perjury and punished as provided in 13 V.S.A. § 2901.

Sec. 20a. 18 V.S.A. § 9440b is amended to read:

§ 9440b. INFORMATION TECHNOLOGY; REVIEW PROCEDURES

Notwithstanding the procedures in section 9440 of this title, upon approval by the general assembly of the health information technology plan developed under section 9351 of this title, the ~~commissioner board~~ shall establish by rule standards and expedited procedures for reviewing applications for the purchase or lease of health care information technology that otherwise would be subject to review under this subchapter. Such applications may not be granted or approved unless they are consistent with the health information technology

plan and the health resource allocation plan. The ~~commissioner's~~ board's rules may include a provision requiring that applications be reviewed by the health information advisory group authorized under section 9352 of this title. The advisory group shall make written findings and a recommendation to the ~~commissioner~~ board in favor of or against each application.

Sec. 20b. 18 V.S.A. § 9441 is amended to read:

§ 9441. FEES

(a) The ~~commissioner~~ board shall charge a fee for the filing of certificate of need applications. The fee shall be calculated at the rate of 0.125 percent of project costs.

(b) The maximum fee shall not exceed \$20,000.00 and the minimum filing fee is \$250.00 regardless of project cost. No fee shall be charged on projects amended as part of the review process.

(c) The ~~commissioner~~ board may retain such additional professional or other staff as needed to assist in particular proceedings under this subchapter and may assess and collect the reasonable expenses for such additional staff from the applicant. The ~~commissioner~~ board, on petition by the applicant and opportunity for hearing, may reduce such assessment upon a proper showing by the applicant that such expenses were excessive or unnecessary. The authority granted to the ~~commissioner~~ board under this section is in addition to any other authority granted to the ~~commissioner~~ board under law.

Sec. 20c. 18 V.S.A. § 9442 is amended to read:

§ 9442. BONDS

In any circumstance in which bonds are to be or may be issued in connection with a new health care project subject to the provisions of this subchapter, the certificate of need shall include the requirement that all information required to be provided to the bonding agency shall be provided also to the ~~commissioner~~ board within a reasonable period of time. The ~~commissioner~~ board shall be authorized to obtain any information from the bonding agency deemed necessary to carry out the duties of monitoring and oversight of a certificate of need. The bonding agency shall consider the recommendations of the ~~commissioner~~ board in connection with any such proposed authorization.

Sec. 20d. 18 V.S.A. § 9443 is amended to read:

§ 9443. EXPIRATION OF CERTIFICATES OF NEED

(a) Unless otherwise specified in the certificate of need, a project shall be implemented within five years or the certificate shall be invalid.

(b) No later than 180 days before the expiration date of a certificate of need, an applicant that has not yet implemented the project approved in the certificate of need may petition the ~~commissioner~~ board for an extension of the implementation period. The ~~commissioner~~ board may grant an extension in ~~his or her~~ its discretion.

(c) Certificates of need shall expire on the date the ~~commissioner~~ board accepts the final implementation report filed in connection with the project implemented pursuant to the certificate.

* * *

Sec. 21. 18 V.S.A. § 9444 is amended to read:

§ 9444. REVOCATION OF CERTIFICATES; MATERIAL CHANGE

(a) The ~~commissioner~~ board may revoke a certificate of need for substantial noncompliance with the scope of the project as designated in the application, or for failure to comply with the conditions set forth in the certificate of need granted by the ~~commissioner~~ board.

(b)(1) In the event that after a project has been approved, its proponent wishes to materially change the approved project, all such changes are subject to review under this subchapter.

(2) Applicants shall notify the ~~commissioner~~ board of a nonmaterial change to the approved project. If the ~~commissioner~~ board decides to review a nonmaterial change, ~~he or she~~ the board may provide for any necessary process, including a public hearing, before approval. Where the ~~commissioner~~ board decides not to review a change, such change will be deemed to have been granted a certificate of need.

Sec. 21a. 18 V.S.A. § 9445 is amended to read:

§ 9445. ENFORCEMENT

(a) Any person who offers or develops any new health care project within the meaning of this subchapter without first obtaining a certificate of need as required herein, or who otherwise violates any of the provisions of this subchapter, may be subject to the following administrative sanctions by the ~~commissioner~~ board, after notice and an opportunity to be heard:

(1) The ~~commissioner~~ board may order that no license or certificate permitted to be issued by the department or any other state agency may be issued to any health care facility to operate, offer, or develop any new health

care project for a specified period of time, or that remedial conditions be attached to the issuance of such licenses or certificates.

(2) The ~~commissioner~~ board may order that payments or reimbursements to the entity for claims made under any health insurance policy, subscriber contract, or health benefit plan offered or administered by any public or private health insurer, including the Medicaid program and any other health benefit program administered by the state be denied, reduced, or limited, and in the case of a hospital that the hospital's annual budget approved under subchapter 7 of this chapter be adjusted, modified, or reduced.

(b) In addition to all other sanctions, if any person offers or develops any new health care project without first having been issued a certificate of need or certificate of exemption therefore, or violates any other provision of this subchapter or any lawful rule or regulation promulgated thereunder, the board, the commissioner, the state health care ombudsman, the state long-term care ombudsman, and health care providers ~~or~~ and consumers located in the state shall have standing to maintain a civil action in the superior court of the county wherein such alleged violation has occurred, or wherein such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the ~~commissioner~~ board, it shall be the duty of the attorney general of the state to furnish appropriate legal services and to prosecute an action for injunctive relief to an appropriate conclusion, which shall not be reimbursed under subdivision (2) of this subsection.

(c) After notice and an opportunity for hearing, the ~~commissioner~~ board may impose on a person who knowingly violates a provision of this subchapter, or a rule or order adopted pursuant to this subchapter or 8 V.S.A. § 15, a civil administrative penalty of no more than \$40,000.00, or in the case of a continuing violation, a civil administrative penalty of no more than \$100,000.00 or one-tenth of one percent of the gross annual revenues of the health care facility, whichever is greater, which shall not be reimbursed under subdivision (a)(2) of this section, and the ~~commissioner~~ board may order the entity to cease and desist from further violations, and to take such other actions necessary to remediate a violation. A person aggrieved by a decision of the ~~commissioner~~ board under this subdivision may appeal ~~the commissioner's decision to the supreme court~~ under section 9381 of this title.

(d) The ~~commissioner~~ board shall adopt by rule criteria for assessing the circumstances in which a violation of a provision of this subchapter, a rule adopted pursuant to this subchapter, or the terms or conditions of a certificate of need require that a penalty under this section shall be imposed, and criteria

for assessing the circumstances in which a penalty under this section may be imposed.

Sec. 22. 18 V.S.A. § 9446 is amended to read:

§ 9446. HOME HEALTH AGENCIES; GEOGRAPHIC SERVICE AREAS

The terms of a certificate of need relating to the boundaries of the geographic service area of a home health agency may be modified by the ~~commissioner~~ board, in consultation with the commissioner of aging and independent living, after notice and opportunity for hearing, or upon written application to the ~~commissioner~~ board by the affected home health agencies or consumers, demonstrating a substantial need therefor. Service area boundaries may be modified by the ~~commissioner~~ board to take account of natural or physical barriers that may make the provision of existing services uneconomical or impractical, to prevent or minimize unnecessary duplication of services or facilities, or otherwise to promote the public interest. The ~~commissioner~~ board shall issue an order granting such application only upon a finding that the granting of such application is consistent with the purposes of 33 V.S.A. chapter 63, subchapter 1A ~~of chapter 63 of Title 33~~ and the health resource allocation plan established under section 9405 of this title and after notice and an opportunity to participate on the record by all interested persons, including affected local governments, pursuant to rules adopted by the ~~commissioner~~ board.

* * * Hospital Budgets * * *

Sec. 23. 18 V.S.A. chapter 221, subchapter 7 is amended to read:

Subchapter 7. Hospital Budget Review

* * *

§ 9453. POWERS AND DUTIES

(a) The ~~commissioner~~ board shall:

* * *

(b) To effectuate the purposes of this subchapter the ~~commissioner~~ board may adopt rules under 3 V.S.A. chapter 25 ~~of Title 3~~.

§ 9454. HOSPITALS; DUTIES

(a) Hospitals shall file the following information at the time and place and in the manner established by the ~~commissioner~~ board:

* * *

(7) such other information as the ~~commissioner~~ board may require.

* * *

§ 9456. BUDGET REVIEW

(a) The ~~commissioner~~ board shall conduct reviews of each hospital's proposed budget based on the information provided pursuant to this subchapter, and in accordance with a schedule established by the ~~commissioner~~ board. The ~~commissioner~~ board shall require the submission of documentation certifying that the hospital is participating in the Blueprint for Health if required by section 708 of this title.

(b) In conjunction with budget reviews, the ~~commissioner~~ board shall:

* * *

(10) require each hospital to provide information on administrative costs, as defined by the ~~commissioner~~ board, including specific information on the amounts spent on marketing and advertising costs.

(c) Individual hospital budgets established under this section shall:

(1) be consistent with the health resource allocation plan;

(2) take into consideration national, regional, or instate peer group norms, according to indicators, ratios, and statistics established by the ~~commissioner~~ board;

* * *

(d)(1) Annually, the ~~commissioner~~ board shall establish a budget for each hospital by September 15, followed by a written decision by October 1. Each hospital shall operate within the budget established under this section.

(2)(A) It is the general assembly's intent that hospital cost containment conduct is afforded state action immunity under applicable federal and state antitrust laws, if:

(i) the ~~commissioner~~ board requires or authorizes the conduct in any hospital budget established by the ~~commissioner~~ board under this section;

(ii) the conduct is in accordance with standards and procedures prescribed by the ~~commissioner~~ board; and

(iii) the conduct is actively supervised by the ~~commissioner~~ board.

(B) A hospital's violation of the ~~commissioner's~~ board's standards and procedures shall be subject to enforcement pursuant to subsection (h) of this section.

(e) The ~~commissioner~~ board may establish, ~~by rule,~~ a process to define, on an annual basis, criteria for hospitals to meet, such as utilization and inflation benchmarks. The ~~commissioner~~ board may waive one or more of the review processes listed in subsection (b) of this section.

(f) The ~~commissioner~~ board may, upon application, adjust a budget established under this section upon a showing of need based upon exceptional or unforeseen circumstances in accordance with the criteria and processes established under section 9405 of this title.

(g) The ~~commissioner~~ board may request, and a hospital shall provide, information determined by the ~~commissioner~~ board to be necessary to determine whether the hospital is operating within a budget established under this section. For purposes of this subsection, subsection (h) of this section, and subdivision 9454(a)(7) of this title, the ~~commissioner's~~ board's authority shall extend to an affiliated corporation or other person in the control of or controlled by the hospital to the extent that such authority is necessary to carry out the purposes of this subsection, subsection (h) of this section, or subdivision 9454(a)(7) of this title. As used in this subsection, a rebuttable presumption of "control" is created if the entity, hospital, or other person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 20 percent or more of the voting securities or membership interest or other governing interest of the hospital or other controlled entity.

(h)(1) If a hospital violates a provision of this section, the ~~commissioner~~ board may maintain an action in the superior court of the county in which the hospital is located to enjoin, restrain or prevent such violation.

(2)(A) After notice and an opportunity for hearing, the ~~commissioner~~ board may impose on a person who knowingly violates a provision of this subchapter, or a rule adopted pursuant to this subchapter, a civil administrative penalty of no more than \$40,000.00, or in the case of a continuing violation, a civil administrative penalty of no more than \$100,000.00 or one-tenth of one percent of the gross annual revenues of the hospital, whichever is greater. This subdivision shall not apply to violations of subsection (d) of this section caused by exceptional or unforeseen circumstances.

(B)(i) The ~~commissioner~~ board may order a hospital to:

(I)(aa) cease material violations of this subchapter or of a regulation or order issued pursuant to this subchapter; or

(bb) cease operating contrary to the budget established for the hospital under this section, provided such a deviation from the budget is material; and

(II) take such corrective measures as are necessary to remediate the violation or deviation and to carry out the purposes of this subchapter.

(ii) Orders issued under this subdivision (2)(B) shall be issued after notice and an opportunity to be heard, except where the ~~commissioner~~ board finds that a hospital's financial or other emergency circumstances pose an immediate threat of harm to the public or to the financial condition of the hospital. Where there is an immediate threat, the ~~commissioner~~ board may issue orders under this subdivision (2)(B) without written or oral notice to the hospital. Where an order is issued without notice, the hospital shall be notified of the right to a hearing at the time the order is issued. The hearing shall be held within 30 days of receipt of the hospital's request for a hearing, and a decision shall be issued within 30 days after conclusion of the hearing. The ~~commissioner~~ board may increase the time to hold the hearing or to render the decision for good cause shown. Hospitals may appeal any decision in this subsection to superior court. Appeal shall be on the record as developed by the ~~commissioner~~ board in the administrative proceeding and the standard of review shall be as provided in 8 V.S.A. § 16.

(3)(A) The ~~commissioner~~ board shall require the officers and directors of a hospital to file under oath, on a form and in a manner prescribed by the commissioner, any information designated by the ~~commissioner~~ board and required pursuant to this subchapter. The authority granted to the ~~commissioner~~ board under this subsection is in addition to any other authority granted to the ~~commissioner~~ board under law.

(B) A person who knowingly makes a false statement under oath or who knowingly submits false information under oath to the ~~commissioner~~ board or to a hearing officer appointed by the ~~commissioner~~ board or who knowingly testifies falsely in any proceeding before the ~~commissioner~~ board or a hearing officer appointed by the ~~commissioner~~ board shall be guilty of perjury and punished as provided in 13 V.S.A. § 2901.

* * *

* * * Provider Bargaining Groups * * *

Sec. 24. 18 V.S.A. § 9409 is amended to read:

§ 9409. HEALTH CARE PROVIDER BARGAINING GROUPS

(a) The commissioner may approve the creation of one or more health care provider bargaining groups, consisting of health care providers who choose to participate. A bargaining group is authorized to negotiate, on behalf of all participating providers with the commissioner, the secretary of administration, the secretary of human services, the Green Mountain Care Board, or the

commissioner of labor with respect to any matter in this chapter; chapter 13, 219, 220, or 222 of this title; chapters 21 V.S.A. chapter 9 and 11 of Title 21; and chapter 33 V.S.A. chapters 18 and 19 of Title 33, in regard with respect to provider regulation, provider reimbursement, administrative simplification, information technology, workforce planning, or quality of health care.

* * *

(c) The rules relating to negotiations shall include a nonbinding arbitration process to assist in the resolution of disputes. Nothing in this section shall be construed to limit the authority of the commissioner, the commissioner of labor, the secretary of administration, the Green Mountain Care board, or the secretary of human services to reject the recommendation or decision of the arbiter.

* * * Medical Malpractice Reform * * *

Sec. 24a. 12 V.S.A. § 1051 is added to read:

§ 1051. CERTIFICATE OF MERIT

(a) No civil action shall be filed to recover damages resulting from personal injury or wrongful death occurring on or after February 1, 2013, in which it is alleged that such injury or death resulted from the negligence of a health care provider, unless the attorney or party filing the action files a certificate of merit simultaneously with the filing of the complaint. In the certificate of merit, the attorney or plaintiff shall certify that he or she has consulted with a health care provider qualified pursuant to the requirements of Rule 702 of the Vermont Rules of Evidence and any other applicable standard, and that, based on the information reasonably available at the time the opinion is rendered, the health care provider has:

(1) Described the applicable standard of care;

(2) Indicated that based on reasonably available evidence, there is a reasonable likelihood that the plaintiff will be able to show that the defendant failed to meet that standard of care; and

(3) Indicated that there is a reasonable likelihood that the plaintiff will be able to show that the defendant's failure to meet the standard of care caused the plaintiff's injury.

(b) A plaintiff may satisfy this requirement through multiple consultations that collectively meet the requirements of subsection (a) of this section.

(c) A plaintiff must certify to having consulted with a health care provider as set forth in subsection (a) of this section with respect to each defendant identified in the complaint.

(d) Upon petition to the clerk of the court where the civil action will be filed, an automatic 90-day extension of the statute of limitations shall be granted to allow the reasonable inquiry required by this section.

(e) The failure to file the certificate of merit as required by this section shall be grounds for dismissal of the action without prejudice, except in the rare instances in which a court determines that expert testimony is not required to establish a case for medical malpractice.

(f) The requirements set forth in this section shall not apply to claims where the sole allegation against the health care provider is failure to obtain informed consent.

Sec. 24b. [DELETED]

Sec. 24c. 12 V.S.A. chapter 215, subchapter 2 is added to read:

Subchapter 2. Mediation Prior to Filing a Complaint of Malpractice

§ 7011. PURPOSE

The purpose of mediation prior to filing a medical malpractice case is to identify and resolve meritorious claims and reduce areas of dispute prior to litigation, which will reduce the litigation costs, reduce the time necessary to resolve claims, provide fair compensation for meritorious claims, and reduce malpractice-related costs throughout the system.

§ 7012. PRE-SUIT MEDIATION; SERVICE

(a) A potential plaintiff may serve upon each known potential defendant a request to participate in pre-suit mediation prior to filing a civil action in tort or in contract alleging that an injury or death resulted from the negligence of a health care provider and to recover damages resulting from the personal injury or wrongful death.

(b) Service of the request required in subsection (a) of this section shall be in letter form and shall be served on all known potential defendants by certified mail. The date of mailing such request shall toll all applicable statutes of limitations.

(c) The request to participate in pre-suit mediation shall name all known potential defendants, contain a brief statement of the facts that the potential plaintiff believes are grounds for relief, and be accompanied by a certificate of

merit prepared pursuant to section 1051 of this title, and may include other documents or information supporting the potential plaintiff's claim.

(d) Nothing in this chapter precludes potential plaintiffs and defendants from pre-suit negotiation or other pre-suit dispute resolution to settle potential claims.

§ 7013. MEDIATION RESPONSE

(a) Within 60 days of service of the request to participate in pre-suit mediation, each potential defendant shall accept or reject the potential plaintiff's request for pre-suit mediation by mailing a certified letter to counsel or if the party is unrepresented to the potential plaintiff.

(b) If the potential defendant agrees to participate, within 60 days of the service of the request to participate in pre-suit mediation, each potential defendant shall serve a responsive certificate on the potential plaintiff by mailing a certified letter indicating that he or she, or his or her counsel, has consulted with a qualified expert within the meaning of section 1643 of this title and that expert is of the opinion that there are reasonable grounds to defend the potential plaintiff's claims of medical negligence. Notwithstanding the potential defendant's acceptance of the request to participate, if the potential defendant does not serve such a responsive certificate within the 60-day period, then the potential plaintiff need not participate in the pre-suit mediation under this title and may file suit. If the potential defendant is willing to participate, pre-suit mediation may take place without a responsive certificate of merit from the potential defendant at the plaintiff's election.

§ 7014. PROCESS; TIME FRAMES

(a) The mediation shall take place within 60 days of the service of all potential defendants' acceptance of the request to participate in pre-suit mediation. The parties may agree to an extension of time. If in good faith the mediation cannot be scheduled within the 60-day time period, the potential plaintiff need not participate and may proceed to file suit.

(b) If pre-suit mediation is not agreed to, the mediator certifies that mediation is not appropriate, or mediation is unsuccessful, the potential plaintiff may initiate a civil action as provided in the Vermont Rules of Civil Procedure. The action shall be filed:

(1) within 90 days of the potential plaintiff's receipt of the potential defendant's letter refusing mediation, the failure of the potential defendant to file a responsive certificate of merit within the specified time period, or the mediator's signed letter certifying that mediation was not appropriate or that the process was complete; or

(2) prior to the expiration of the applicable statute of limitations, whichever is later.

(c) If pre-suit mediation is attempted unsuccessfully, the parties shall not be required to participate in mandatory mediation under Rule 16.3 of the Vermont Rules of Civil Procedure.

§ 7015. CONFIDENTIALITY

All written and oral communications made in connection with or during the mediation process set forth in this chapter shall be confidential. The mediation process shall be treated as a settlement negotiation under Rule 408 of the Vermont Rules of Evidence.

Sec. 24d. SUNSET

12 V.S.A. chapter 215, subchapter 2 shall be repealed on February 1, 2015.

Sec. 24e. REPORT

On or before September 1, 2014, the secretary of administration or designee shall report to the senate committees on health and welfare and on judiciary and the house committees on health care and on judiciary on the impacts of Secs. 24a (certificate of merit) and 24c (pre-suit mediation) of this act. The report shall address the impacts that these reforms have had on:

(1) consumers, physicians, and the provision of health care services;

(2) the rights of consumers to due process of law and to access to the court system; and

(3) any other service, right, or benefit that was or may have been affected by the establishment of the medical malpractice reforms in Secs. 24a and 24c of this act.

Sec. 24f. 18 V.S.A. § 1919 is amended to read:

§ 1919. INCLUSION OF DATA IN HOSPITAL COMMUNITY REPORTS

The commissioner shall consult with the commissioner of banking, insurance, securities, and health care administration, and with patient safety experts, hospitals, health care professionals, and members of the public and shall make recommendations to the commissioner ~~of banking, insurance, securities, and health care administration~~ of financial regulation concerning which data should be included in the hospital community reports required by section 9405b of this title. Beginning in 2013, the community reports shall include at a minimum data from all Vermont hospitals of reportable adverse events aggregated in a manner that protects the privacy of the patients involved and does not identify the individual hospitals in which an event occurred

together with analysis and explanatory comments about the information contained in the report to facilitate the public's understanding of the data. The commissioner shall make such recommendations no more than 18 months after data collection is initiated.

* * * Insurance Rate Reviews * * *

Sec. 25. 8 V.S.A. § 4062 is amended to read:

§ 4062. FILING AND APPROVAL OF POLICY FORMS AND PREMIUMS

(a)(1) No policy of health insurance or certificate under a policy filed by an insurer offering health insurance as defined in subdivision 3301(a)(2) of this title, a nonprofit hospital or medical service corporation, health maintenance organization, or a managed care organization and not exempted by subdivision 3368(a)(4) of this title shall be delivered or issued for delivery in this state, nor shall any endorsement, rider, or application which becomes a part of any such policy be used, until:

(A) a copy of the form, premium rates, and rules for the classification of risks pertaining thereto have been filed with the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation; nor shall any such form, premium rate, or rule be so used until the expiration of 30 days after having been filed, or in the case of a request for a rate increase, until and

(B) a decision by the Green Mountain Care board has been applied by the commissioner as provided herein, unless the commissioner shall sooner give his or her written approval thereto in subdivision (2) of this subsection.

(2)(A) Prior to approving a rate increase pursuant to this subsection, the commissioner shall seek approval for such rate increase from the Green Mountain Care board established in 18 V.S.A. chapter 220, which. The commissioner shall make a recommendation to the Green Mountain Care board about whether to approve, modify, or disapprove the rate within 30 days of receipt of a completed application from an insurer. In the event that the commissioner does not make a recommendation to the board within the 30-day period, the commissioner shall be deemed to have recommended approval of the rate, and the Green Mountain Care board shall review the rate request pursuant to subdivision (B) of this subdivision (2).

(B) The Green Mountain Care board shall review rate requests forwarded by the commissioner pursuant to subdivision (A) of this subdivision (2) and shall approve, modify, or disapprove the a rate increase request within 10 business 30 days of receipt of the commissioner's recommendation or, in the absence of a recommendation from the commissioner, the expiration of the

30-day period following the department's receipt of the completed application. In the event that the board does not approve or disapprove a rate within 30 days, the board shall be deemed to have approved the rate request.

(C) The commissioner shall apply the decision of the Green Mountain Care board as to rates referred to the board within five business days of the board's decision.

(2)(3) The commissioner shall review policies and rates to determine whether a policy or rate is affordable, promotes quality care, promotes access to health care, and is not unjust, unfair, inequitable, misleading, or contrary to the laws of this state. The commissioner shall notify in writing the insurer which has filed any such form, premium rate, or rule if it contains any provision which does not meet the standards expressed in this section. In such notice, the commissioner shall state that a hearing will be granted within 20 days upon written request of the insurer.

~~(3) After the expiration of the review period provided herein or at any time after having given written approval, the~~

(b) The commissioner may, after a hearing of which at least 20 days' written notice has been given to the insurer using such form, premium rate, or rule, withdraw approval on any of the grounds stated in this section. For premium rates, such withdrawal may occur at any time after applying the decision of the Green Mountain Care board pursuant to subdivision (a)(2)(C) of this section. ~~Such disapproval~~ Disapproval pursuant to this subsection shall be effected by written order of the commissioner which shall state the ground for disapproval and the date, not less than 30 days after such hearing when the withdrawal of approval shall become effective.

~~(b)(c)~~ (c) In conjunction with a rate filing required by subsection (a) of this section, an insurer shall file a plain language summary of any requested rate increase of five percent or greater. If, during the plan year, the insurer files for rate increases that are cumulatively five percent or greater, the insurer shall file a summary applicable to the cumulative rate increase. All summaries shall include a brief justification of any rate increase requested, the information that the Secretary of the U.S. Department of Health and Human Services (HHS) requires for rate increases over 10 percent, and any other information required by the commissioner. The plain language summary shall be in the format required by the Secretary of HHS pursuant to the Patient Protection and Affordable Care Act of 2010, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and shall include notification of the public comment period established in subsection ~~(e)~~

(d) of this section. In addition, the insurer shall post the summaries on its website.

~~(e)~~(d)(1) The commissioner shall provide information to the public on the department's website about the public availability of the filings and summaries required under this section.

(2) Beginning no later than January 1, 2012, the commissioner shall post the rate filings pursuant to subsection (a) of this section and summaries pursuant to subsection ~~(b)~~(c) of this section on the department's website within five days of filing. The department shall provide an electronic mechanism for the public to comment on proposed rate increases over five percent. The public shall have 21 days from the posting of the summaries and filings to provide public comment. The department shall review and consider the public comments prior to ~~the expiration of the review period~~ submitting the policy or rate for the Green Mountain Care board's approval pursuant to subsection (a) of this section. The department shall provide the Green Mountain Care board with the public comments for their consideration in approving any ~~rate increases~~ rates.

~~(d)~~(e)(1) The following provisions of this section shall not apply to policies for specific disease, accident, injury, hospital indemnity, dental care, vision care, disability income, long-term care, or other limited benefit coverage, ~~but shall apply to long-term care policies~~:

(A) the requirement in ~~subdivision~~ subdivisions (a)(1) and (2) for the Green Mountain Care board's approval ~~for any on~~ rate increase requests;

(B) the review standards in subdivision ~~(a)(2)~~ (a)(3) of this section as to whether a policy or rate is affordable, promotes quality care, and promotes access to health care; and

(C) subsections ~~(b) and (c)~~ and (d) of this section.

(2) The exemptions from the provisions described in subdivisions (1)(A) through (C) of this subsection shall also apply to benefit plans that are paid directly to an individual insured or to his or her assigns and for which the amount of the benefit is not based on potential medical costs or actual costs incurred.

(3) Medicare supplemental insurance policies shall be exempt only from the requirement in subdivisions (a)(1) and (2) of this section for the Green Mountain Care board's approval on rate requests and shall be subject to the remaining provisions of this section.

Sec. 25a. 8 V.S.A. § 5104 is amended to read:

§ 5104. FILING AND APPROVAL OF RATES AND FORMS;
SUPPLEMENTAL ORDERS

(a)(1) A health maintenance organization which has received a certificate of authority under section 5102 of this title shall file and obtain approval of all policy forms and rates as provided in sections 4062 and 4062a of this title. This requirement shall include the filing of administrative retentions for any business in which the organization acts as a third party administrator or in any other administrative processing capacity. The commissioner may request and shall receive any information that ~~is needed to determine whether to approve the policy form or rate~~ the commissioner deems necessary to evaluate the filing. In addition to any other information requested, the commissioner shall require the filing of information on costs for providing services to the organization's Vermont members affected by the policy form or rate, including ~~but not limited to~~ Vermont claims experience, and administrative and overhead costs allocated to the service of Vermont members. Prior to approval, there shall be a public comment period pursuant to section 4062 of this title. A health maintenance organization shall file a summary of rate filings pursuant to section 4062 of this title.

(2) The commissioner shall refuse to approve, or to seek the Green Mountain Care board's approval of, the form of evidence of coverage, filing, or rate if it contains any provision which is unjust, unfair, inequitable, misleading, or contrary to the law of the state or plan of operation, or if the rates are excessive, inadequate or unfairly discriminatory, or fail to meet the standards of affordability, promotion of quality care, and promotion of access pursuant to section 4062 of this title. No evidence of coverage shall be offered to any potential member unless the person making the offer has first been licensed as an insurance agent in accordance with chapter 131 of this title.

(b) In connection with a rate decision, the commissioner may also, with the prior approval of the Green Mountain Care board established in 18 V.S.A. chapter 220, make reasonable supplemental orders and may attach reasonable conditions and limitations to such orders as the commissioner finds, on the basis of competent and substantial evidence, necessary to insure that benefits and services are provided at reasonable cost under efficient and economical management of the organization. The commissioner shall not set the rate of payment or reimbursement made by the organization to any physician, hospital or health care provider.

Sec. 26. 18 V.S.A. § 9381 is amended to read:

§ 9381. APPEALS

(a)(1) The Green Mountain Care board shall adopt procedures for administrative appeals of its actions, orders, or other determinations. Such procedures shall provide for the issuance of a final order and the creation of a record sufficient to serve as the basis for judicial review pursuant to subsection (b) of this section.

(2) Only decisions by the board shall be appealable under this subsection. Recommendations to the board by the commissioner of financial regulation pursuant to 8 V.S.A. § 4062(a) shall not be subject to appeal.

* * *

(c) If an appeal or other petition for judicial review of a final order is not filed in connection with an order of the Green Mountain Care board pursuant to subsection (b) of this section, the chair may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

Sec. 26a. CONSUMER PROTECTION REPORT

No later than January 15, 2013, the department of financial regulation, in collaboration with the state health care ombudsman and the agency of human services, shall report to the house committee on health care and the senate committees on health and welfare and on finance regarding:

(1) recommendations on how best to represent the public interest before the Green Mountain Care board and other regulatory agencies and estimates of resource needs;

(2) recommendations on how best to coordinate, consolidate, or both the consumer protection efforts of the ombudsman's office, the department, and the agency; and

(3) the ombudsman's current and projected funding and resource needs to meet existing statutory responsibilities and suggestions for funding mechanisms to meet those needs.

* * * Payment Reform Pilots * * *

Sec. 27. 18 V.S.A. § 9377 is amended to read:

§ 9377. PAYMENT REFORM; PILOTS

* * *

(b)(1) The board shall be responsible for payment and delivery system reform, including ~~setting the overall policy goals for the pilot projects established in chapter 13, subchapter 2 of this title~~ this section.

~~(2) The director of payment reform in the department of Vermont health access shall develop and implement the payment reform pilot projects in accordance with policies established by the board, and the board shall evaluate the effectiveness of such pilot projects in order to inform the payment and delivery system reform.~~

(3) Payment reform pilot projects shall be developed and implemented to manage the costs of the health care delivery system, improve health outcomes for Vermonters, provide a positive health care experience for patients and health care professionals, and further the following objectives:

* * *

~~(4)~~(3) In addition to the objectives identified in subdivision ~~(a)~~(3) (a)(2) of this section, the design and implementation of payment reform pilot projects may consider:

* * *

(e) The board or designee shall convene a broad-based group of stakeholders, including health care professionals who provide health services, health insurers, professional organizations, community and nonprofit groups, consumers, businesses, school districts, the state health care ombudsman, and state and local governments, to advise the board in developing and implementing the pilot projects and to advise the Green Mountain Care board in setting overall policy goals.

(f) The first pilot project shall become operational no later than July 1, 2012, and two or more additional pilot projects shall become operational no later than October 1, 2012.

(g)(1) Health insurers shall participate in the development of the payment reform strategic plan for the pilot projects and in the implementation of the pilot projects, including providing incentives, fees, or payment methods, as required in this section. This requirement may be enforced by the department of financial regulation to the same extent as the requirement to participate in the Blueprint for Health pursuant to 8 V.S.A. § 4088h.

(2) The board may establish procedures to exempt or limit the participation of health insurers offering a stand-alone dental plan or specific disease or other limited-benefit coverage or participation by insurers with a minimal number of covered lives as defined by the board, in consultation with the commissioner of banking, insurance, securities, and health care administration. Health insurers shall be exempt from participation if the insurer offers only benefit plans which are paid directly to the individual

insured or the insured's assigned beneficiaries and for which the amount of the benefit is not based upon potential medical costs or actual costs incurred.

(3) In the event that the secretary of human services is denied permission from the Centers for Medicare and Medicaid Services to include financial participation by Medicare in the pilot projects, health insurers shall not be required to cover the costs associated with individuals covered by Medicare.

(4) After implementation of the pilot projects described in this subchapter, health insurers shall have appeal rights pursuant to section 9381 of this title.

* * * Blueprint for Health * * *

Sec. 28. 18 V.S.A. § 702 is amended to read:

§ 702. BLUEPRINT FOR HEALTH; STRATEGIC PLAN

(a)(1) The department of Vermont health access shall be responsible for the Blueprint for Health.

(2) The director of the Blueprint, in collaboration with the ~~commissioner~~ commissioners of health, of mental health, and the commissioner of Vermont health access, and of disabilities, aging, and independent living, shall oversee the development and implementation of the Blueprint for Health, including a strategic plan describing the initiatives and implementation time lines and strategies. Whenever private health insurers are concerned, the director shall collaborate with the ~~commissioner of banking, insurance, securities, and health care administration~~ of financial regulation and the chair of the Green Mountain Care board.

(b)(1)(A) The commissioner of Vermont health access shall establish an executive committee to advise the director of the Blueprint on creating and implementing a strategic plan for the development of the statewide system of chronic care and prevention as described under this section. The executive committee shall include the commissioner of health; the commissioner of mental health; a representative from the ~~department of banking, insurance, securities, and health care administration~~ Green Mountain Care board; a representative from the department of Vermont health access; an individual appointed jointly by the president pro tempore of the senate and the speaker of the house of representatives; a representative from the Vermont medical society; a representative from the Vermont nurse practitioners association; a representative from a statewide quality assurance organization; a representative from the Vermont association of hospitals and health systems; two representatives of private health insurers; a consumer; a representative of the

complementary and alternative medicine professions; a primary care professional serving low income or uninsured Vermonters; a licensed mental health professional with clinical experience in Vermont; a representative of the Vermont council of developmental and mental health services; a representative of the Vermont assembly of home health agencies who has clinical experience; a representative from a self-insured employer who offers a health benefit plan to its employees; and a representative of the state employees' health plan, who shall be designated by the commissioner of human resources and who may be an employee of the third-party administrator contracting to provide services to the state employees' health plan.

* * *

Sec. 28a. BLUEPRINT PARTICIPATION; LEGISLATIVE INTENT

It is the intent of the general assembly that:

(1) Health insurer and Medicaid payments for a community health team and access by patients and medical practices to the team should begin at least six months prior to the scheduled date to score a medical practice for Blueprint recognition.

(2) The director of the Blueprint use the statutory discretion afforded by 18 V.S.A. § 706(c)(2) to increase payments to medical home practices in recognition of the efforts needed to satisfy the updated National Committee for Quality Assurance scoring requirements.

(3) To the extent permitted under federal law, all health insurance plans, including the multistate plans, will be active participants in the Blueprint for Health.

* * * HMO Reporting Requirement * * *

Sec. 29. 8 V.S.A. § 5106(a) is amended to read:

(a) Every organization subject to this chapter, annually, within ~~120~~ 90 days of the close of its fiscal year, shall file a report with the commissioner, said report verified by an appropriate official of the organization, showing its financial condition on the last day of the preceding fiscal year. The report shall be prepared in accordance with the National Association of Insurance Commissioners' Accounting Practices and Procedures Manual for health maintenance organizations and shall be in such general form and context, as approved by, and shall contain any other information required by the National Association of Insurance Commissioners together with any useful or necessary modifications or adaptations thereof required, approved or accepted by the

commissioner for the type of organization to be reported upon, and as supplemented by additional information required by the commissioner.

* * * Vermont Program for Quality in Health Care * * *

Sec. 30. 18 V.S.A. § 9416 is amended to read:

§ 9416. VERMONT PROGRAM FOR QUALITY IN HEALTH CARE

(a) The commissioner of health shall contract with the Vermont Program for Quality in Health Care, Inc. to implement and maintain a statewide quality assurance system to evaluate and improve the quality of health care services rendered by health care providers of health care facilities, including managed care organizations, to determine that health care services rendered were professionally indicated or were performed in compliance with the applicable standard of care, and that the cost of health care rendered was considered reasonable by the providers of professional health services in that area. The commissioner of health shall ensure that the information technology components of the quality assurance system ~~are incorporated into and~~ comply with, and the commissioner of Vermont health access shall ensure such components are incorporated into, the statewide health information technology plan developed under section 9351 of this title and any other information technology initiatives coordinated by the secretary of administration pursuant to 3 V.S.A. § 2222a.

(b) The Vermont Program for Quality in Health Care, Inc. shall file an annual report with the commissioner of health. The report shall include an assessment of progress in the areas designated by the commissioner of health, including comparative studies on the provision and outcomes of health care and professional accountability.

* * *

* * * Discretionary Clauses * * *

Sec. 31. 8 V.S.A. § 4062f is added to read:

§ 4062f. DISCRETIONARY CLAUSES PROHIBITED

(a) The purpose of this section is to ensure that health insurance benefits, disability income protection coverage, and life insurance benefits are contractually guaranteed and to avoid the conflict of interest that may occur when the carrier responsible for providing benefits has discretionary authority to decide what benefits are due. Nothing in this section shall be construed to impose any requirement or duty on any person other than a health insurer or an insurer offering disability income protection coverage or life insurance.

(b) As used in this section:

(1) "Disability income protection coverage" means a policy, contract, certificate, or agreement that provides for weekly, monthly, or other periodic payments for a specified period during the continuance of disability resulting from illness, injury, or a combination of illness and injury.

(2) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(3) "Health insurer" means an insurance company that provides health insurance as defined in subdivision 3301(a)(2) of this title, a nonprofit hospital or medical service corporation, a managed care organization, a health maintenance organization, and, to the extent permitted under federal law, any administrator of an insured, self-insured, or publicly funded health care benefit plan offered by a public or private entity; as well as entities offering policies for specific disease, accident, injury, hospital indemnity, dental care, disability income, long-term care, and other limited benefit coverage.

(4) "Life insurance" means a policy, contract, certificate, or agreement that provides life insurance as defined in subdivision 3301(a)(1) of this title.

(c) No policy, contract, certificate, or agreement offered or issued in this state by a health insurer to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services may contain a provision purporting to reserve discretion to the health insurer to interpret the terms of the contract or to provide standards of interpretation or review that are inconsistent with the laws of this state, and on and after July 1, 2012, any such provision on and after July 1, 2012, in a policy, contract, certificate, or agreement shall be null and void.

(d) No policy, contract, certificate, or agreement offered or issued in this state providing for disability income protection coverage may contain a provision purporting to reserve discretion to the insurer to interpret the terms of the contract or to provide standards of interpretation or review that are inconsistent with the laws of this state, and on and after July 1, 2012, any such provision in a policy, contract, certificate, or agreement shall be null and void.

(e) No policy, contract, certificate, or agreement of life insurance offered or issued in this state may contain a provision purporting to reserve discretion to the insurer to interpret the terms of the contract or to provide standards of interpretation or review that are inconsistent with the laws of this state, and any such provision in a policy, contract, certificate, or agreement shall be null and void.

* * * Prescription Drug Cost-Sharing * * *

Sec. 32. 8 V.S.A. § 4089i is amended to read:

§ 4089i. PRESCRIPTION DRUG COVERAGE

(a) A health insurance or other health benefit plan offered by a health insurer shall provide coverage for prescription drugs purchased in Canada, and used in Canada or reimported legally or purchased through the I-SaveRx program on the same benefit terms and conditions as prescription drugs purchased in this country. For drugs purchased by mail or through the internet, the plan may require accreditation by the Internet and Mailorder Pharmacy Accreditation Commission (IMPAC/tm) or similar organization.

(b) A health insurance or other health benefit plan offered by a health insurer or pharmacy benefit manager shall not include an annual dollar limit on prescription drug benefits.

(c) A health insurance or other health benefit plan offered by a health insurer or pharmacy benefit manager shall limit a beneficiary's out-of-pocket expenditures for prescription drugs, including specialty drugs, to no more for self-only and family coverage per year than the minimum dollar amounts in effect under Section 223(c)(2)(A)(i) of the Internal Revenue Code of 1986 for self-only and family coverage, respectively.

(d) For prescription drugs benefits offered in conjunction with a high-deductible health plan (HDHP), the plan may not provide prescription drug benefits until the expenditures applicable to the deductible under the HDHP have met the amount of the minimum annual deductibles in effect for self-only and family coverage under Section 223(c)(2)(A)(i) of the Internal Revenue Code of 1986 for self-only and family coverage, respectively. Once the foregoing expenditure amount has been met under the HDHP, coverage for prescription drug benefits shall begin, and the limit on out-of-pocket expenditures for prescription drug benefits shall be as specified in subsection (c) of this section.

(e) As used in this section:

(1) "Health insurer" shall have the same meaning as in 18 V.S.A. § 9402.

(2) "Out-of-pocket expenditure" means a co-payment, coinsurance, deductible, or other cost-sharing mechanism.

(3) "Pharmacy benefit manager" shall have the same meaning as in section 4089j of this title.

(f) The department of financial regulation shall enforce this section and may adopt rules as necessary to carry out the purposes of this section.

Sec. 32a. 18 V.S.A. § 4631a is amended to read:

§ 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a) As used in this section:

* * *

(12) “Prescribed product” means a drug or device as defined in section 201 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. § 321, a compound drug or drugs, ~~or~~ a biological product as defined in section 351 of the Public Health Service Act, 42 U.S.C. § 262, for human use, or a combination product as defined in 21 C.F.R. § 3.2(e), but shall not include prescription eyeglasses, prescription sunglasses, or other prescription eyewear.

* * *

(b)(1) It is unlawful for any manufacturer of a prescribed product or any wholesale distributor of medical devices, or any agent thereof, to offer or give any gift to a health care provider or to a member of the Green Mountain Care board established in chapter 220 of this title.

(2) The prohibition set forth in subdivision (1) of this subsection shall not apply to any of the following:

(A) Samples of a prescribed product or reasonable quantities of an over-the-counter drug, a nonprescription medical device, or an item of nonprescription durable medical equipment, an item of medical food as defined in the federal Orphan Drug Act, as amended, 21 U.S.C. § 360ee(b)(3), or infant formula as defined in Section 201(z) of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 321, provided to a health care provider for free distribution to patients.

* * *

(H) ~~The provision of free prescription drugs or over-the-counter drugs, medical devices, biological products, medical equipment or supplies, or financial donations to a free clinic~~ of financial donations or of free:

(i) prescription drugs;

(ii) over-the-counter drugs;

(iii) medical devices;

(iv) biological products;

(v) combination products;

- (vi) medical food;
- (vii) infant formula; or
- (viii) medical equipment or supplies.

* * *

(d) The attorney general may bring an action in ~~Washington superior court~~ the civil division of the Washington unit of the superior court for injunctive relief, costs, and attorney's fees and may impose on a manufacturer that violates this section a civil penalty of no more than \$10,000.00 per violation. Each unlawful gift shall constitute a separate violation. In any action brought pursuant to this section, the attorney general shall have the same authority to investigate and to obtain remedies as if the action were brought under the Consumer Fraud Act, 9 V.S.A. chapter 63.

Sec. 32b. 18 V.S.A. § 4632 is amended to read:

§ 4632. DISCLOSURE OF ALLOWABLE EXPENDITURES AND GIFTS
BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a)(1)(A) Annually on or before April 1 of each year, every manufacturer of prescribed products shall disclose to the office of the attorney general for the preceding calendar year the value, nature, purpose, and recipient information of any allowable expenditure or gift permitted under subdivision 4631a(b)(2) of this title to any health care provider or to a member of the Green Mountain Care board established in chapter 220 of this title, except:

* * *

(B) Annually on or before April 1 of each year, every manufacturer of prescribed products shall disclose to the office of the attorney general for the preceding calendar year if the manufacturer is reporting other allowable expenditures or permitted gifts pursuant to subdivision (a)(1)(A) of this section, the product, dosage, number of units, and recipient information of over-the-counter drugs, nonprescription medical devices, ~~and~~ items of nonprescription durable medical equipment, medical food, and infant formula provided to a health care provider for free distribution to patients pursuant to subdivision 4631a(b)(2)(A) of this title; provided that any public reporting of such information shall not include information that allows for the identification of individual recipients of ~~samples~~ such products or connects individual recipients with the monetary value of the ~~samples~~ products provided.

* * *

(D) Any public reporting of the provision of free prescription or over-the-counter drugs, medical devices, biological products, medical equipment, combination products, medical food, infant formula, or supplies to a free clinic shall not include information that allows for the identification of individual recipients of such products or that connects individual recipients with the monetary value of the products provided.

(2)(A)(i) Subject to the provisions of subdivision (B) of this subdivision (a)(2) and to the extent allowed under federal law, annually on or before April 1 of each year beginning in 2012, each manufacturer of prescribed products shall disclose to the office of the attorney general all samples ~~of prescribed products~~ provided to health care providers during the preceding calendar year, identifying for each sample the product, recipient, number of units, and dosage.

* * *

(5) The office of the attorney general shall report annually on the disclosures made under this section to the general assembly and the governor on or before October 1. The report shall include:

(A) Information on allowable expenditures and permitted gifts required to be disclosed under this section, which shall present information in aggregate form by selected types of health care providers or individual health care providers, as prioritized each year by the office; and showing the amounts expended on the Green Mountain Care board established in chapter 220 of this title. In accordance with subdivisions (1)(B), (1)(D), and (2)(A) of this subsection, information on samples and donations to free clinics of prescribed products and of over-the-counter drugs, nonprescription medical devices, ~~and~~ items of nonprescription durable medical equipment, medical food, and infant formula shall be presented in aggregate form.

* * *

(c) The attorney general may bring an action in ~~Washington superior court~~ the civil division of the Washington unit of the superior court for injunctive relief, costs, and attorney's fees, and to impose on a manufacturer of prescribed products that fails to disclose as required by subsection (a) of this section a civil penalty of no more than \$10,000.00 per violation. Each unlawful failure to disclose shall constitute a separate violation. In any action brought pursuant to this section, the attorney general shall have the same authority to investigate and to obtain remedies as if the action were brought under the Consumer Fraud Act, 9 V.S.A. chapter 63.

(d) The terms used in this section shall have the same meanings as they do in section 4631a of this title.

* * * Medicaid Waiver Approval * * *

Sec. 33. DUAL ELIGIBLE PROJECT PROPOSAL

(a) It is the intent of the general assembly to provide the agency of human services with the authority to enter into negotiations with the Centers for Medicare and Medicaid Services (CMS) to seek waivers as needed to operate an integrated system of coverage for individuals who are eligible for Medicare and Medicaid, and to provide the agency of human services with the authority to implement the program approved by CMS. Any waivers sought pursuant to this section shall promote the health care reform goals established in No. 48 of the Acts of 2011, including universal coverage; integration of health, mental health, and substance abuse treatment; administrative simplification; and payment reform.

(b)(1) The agency of human services may seek a waiver or waivers from CMS to enable the agency to better serve individuals who are eligible for both Medicare and Medicaid ("dual eligibles") through a consolidated program operated by the agency of human services or by a department of the agency of human services. The waiver or waivers sought pursuant to this section may be consolidated with or filed in conjunction with Vermont's Medicaid Section 1115 Global Commitment to Health waiver renewal, any Choices for Care waiver modifications, or a state children's health insurance program (SCHIP) waiver. Any modifications of the Choices for Care waiver shall be consistent with No. 56 of the Acts of 2005.

(2) The agency may seek permission to serve the dual eligibles population as a public managed care organization or through another administrative mechanism that enables the agency to integrate services for the dual eligibles, pursue administrative flexibility and simplification, or otherwise align health coverage programs. The agency shall seek permission to implement payment mechanisms that ensure the health coverage provided under the waiver or waivers is consistent with and supportive of the payment reform initiatives established by the Green Mountain Care board.

(3) The agency shall seek a waiver to create a consolidated program which:

(A) includes eligibility standards, methodologies, and procedures that are neither more restrictive than the standards, methodologies, and procedures in effect as of January 1, 2012 nor more restrictive than the standards,

methodologies, and procedures for dual eligible individuals who are not enrolled in this consolidated program.

(B) does not reduce the amount, duration, or scope of services covered by Medicaid and Medicare or impose limits on enrollment or access to services.

(C) ensures that an individual in the consolidated program receives a level of service that is equivalent to or greater than the individual would have received if he or she were not in the consolidated program.

(D) provides reasonable opportunity for an individual to disenroll from the consolidated program and transition to traditional Medicaid and Medicare coverage.

(E) as provided in the terms and conditions for the Choices for Care Section 1115 waiver, includes an independent advocacy system for all participants and applicants in the consolidated program which includes, at a minimum, access to area agency on aging advocacy, legal services, and the long-term care and health care ombudsmen.

(F) if the agency contracts with an integrated service provider (ISP) then, at a minimum, as required under 42 U.S.C. § 1395a(a), guarantees individuals a choice of health care providers who offer the same service or services within the individual's ISP and a choice of providers for services that are not offered through the individual's ISP.

(G) unless otherwise appropriated by the general assembly, invests at least 50 percent of the remaining funds at the end of the state fiscal year to enhance the consolidated program.

(H) maintains state provider payment rates in the consolidated program that:

(i) permit providers to deliver services, on a solvent basis, that are consistent with efficiency, economy, access, and quality of care; and

(ii) are at least comparable to the average weighted payment rates that eligible providers would have received from Medicaid and Medicare in the absence of the consolidated program, subject to modifications as a result of:

(I) changes to federal Medicare rates;

(II) provider rates set by the Green Mountain Care board pursuant to 18 V.S.A. § 9376; or

(III) rate negotiations between the providers in an ISP and the agency of human services.

(4) The agency of human services shall enter into a waiver only if it provides individuals enrolled in the consolidated program who become ineligible for Medicaid or Medicare or who choose to opt out of the program with a seamless transition process between coverage provided by the consolidated program and traditional Medicaid coverage, Medicare coverage, or both to ensure that the process does not result in a reduction or loss of services during the transition.

(5) If the agency of human services contracts with an ISP, the agency or designee shall include the following provisions in its ISP contracts:

(A) A broad range of services for individuals, to be provided by the ISP or through contracts between the ISP and other service providers, and coordination between the ISP and other service or health care providers who are not participants in the ISP, as appropriate. Examples of entities that are unlikely to be part of an ISP include the individual's medical home and the Blueprint for Health community health teams.

(B) An enforcement mechanism to ensure that the ISP and any subcontractors provide integrated services as required by the waiver and the contract provisions.

(C) Transparent quality assurance measures for evaluating the performance of the ISP and any subcontractors and a method for making the measures public.

(6) The agency of human services shall provide dual eligible individuals with meaningful information about their care options, including services through Medicaid, Medicare, and the consolidated program established in this section. The agency shall develop enrollee materials and notices that are accessible and understandable to those individuals who will be enrolled in the consolidated program, including individuals with disabilities, speech and vision limitations, or limited English proficiency.

(7) The agency of human services shall establish by rule a comprehensive and accessible appeals process, including an opportunity for an individual to request an independent clinical assessment of medical or functional limitations when appealing an eligibility determination, a denial in services, or a reduction in services.

(c)(1) The agency of human services shall implement the program approved by CMS by rule.

(2) Prior to filing proposed rules, the agency shall seek input on the proposed rules from a workgroup that includes providers, beneficiaries, and advocates for beneficiaries.

Sec. 34. GLOBAL COMMITMENT; CHOICES FOR CARE; SCHIP

(a) It is the intent of the general assembly to provide the agency of human services with the authority to renew and implement Vermont's Medicaid Section 1115 Global Commitment to Health ("Global Commitment") waiver or to request a new waiver from the Centers for Medicare and Medicaid Services (CMS) with similar terms and conditions as Global Commitment. It is also the intent of the general assembly to provide the agency with the authority to modify or renew the Choices for Care waiver consistent with the provisions of No. 56 of the Acts of 2005 and to seek a state children's health insurance program (SCHIP) waiver to allow for greater administrative flexibility and simplification, as well as to seek advantageous financial terms similar to those in the Global Commitment waiver. Any waivers sought pursuant to this section shall promote the health care reform goals established in No. 48 of the Acts of 2011, including universal coverage; administrative simplification; integration of health, mental health, and substance abuse; and payment reform.

(b) The secretary of human services or designee shall seek to renew the Global Commitment waiver, seek a new Medicaid or SCHIP waiver, modify the Choices for Care waiver, or a combination thereof, to enable the agency to:

(1) Maintain the public managed care entity structure, financial provisions, and flexibility provided in the Global Commitment terms and conditions and extend these provisions and flexibility to the Choices for Care and Dr. Dynasaur programs.

(2) Maintain the waiver terms for special demonstration populations, such as individuals with traumatic brain injury and others currently provided for in Global Commitment, as well as for any special demonstration populations covered and services provided to eligible individuals under Choices for Care.

(3) Eliminate terms and conditions which are outdated or for which state options are now available.

(4) Eliminate Catamount Health Assistance in order to comply with the insurance provisions in this act and in the federal Affordable Care Act.

(5) Obtain federal matching funds for any state financial assistance provided to individuals purchasing insurance through the Vermont health benefit exchange in order to promote seamless health coverage for eligible individuals and to achieve universal coverage, affordability, and administrative simplification. The secretary or designee shall analyze the impacts of offering state financial assistance to individuals with incomes below 350 percent of the federal poverty level.

(6) Ensure a streamlined transition between Medicaid and the Vermont health benefit exchange.

(7) Modify payment mechanisms to ensure that the health coverage provided under any waiver program is consistent with and supportive of the payment reform initiatives established by the Green Mountain Care board.

(8) Ensure affordable coverage for individuals who are eligible for Medicare but who are responsible for paying the full cost of Medicare coverage due to inadequate work history or for another reason. The agency shall align the upper income eligibility limitation with other populations, such as individuals receiving state assistance in the Vermont health benefit exchange or individuals receiving coverage as part of a Medicaid expansion population.

(c) Any waiver or waivers sought pursuant to this section may be consolidated or filed in conjunction with Vermont's Global Commitment to Health waiver renewal, Choices for Care waiver modifications, SCHIP waiver, or combination thereof. The secretary of human services or designee shall implement the program or programs approved by CMS by rule.

Sec. 34a. Sec. 17 of No. 128 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 17. FEDERAL HEALTH CARE REFORM; DEMONSTRATION PROGRAMS

(a)(1) Medicare waivers. Upon establishment by the secretary of the U.S. Department of Health and Human Services (HHS) of an advanced practice primary care medical home demonstration program or a community health team demonstration program pursuant to Sec. 3502 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, the secretary of human services may apply to the secretary of HHS to enable Vermont to include Medicare as a participant in the Blueprint for Health as described in 18 V.S.A. chapter 13 of Title 18.

(2) Upon establishment by the secretary of HHS of a shared savings program pursuant to Sec. 3022 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152 or other federal authority established to allow for payment and delivery system reform, the secretary of human services may apply to the secretary of HHS to enable Vermont the state's Medicaid and SCHIP programs, including any waiver programs under Global Commitment to Health or Choices for Care, to participate in the

~~program by establishing~~ engage in payment reform pilot projects as provided for by Sec. 14 of this act activities consistent with the payment reform initiatives established by the Green Mountain Care board pursuant to 18 V.S.A. chapter 220. The chair of the Green Mountain Care board or designee may apply to the secretary of HHS to enable Vermont to advance the payment reform goals established in No. 48 of the Acts of 2011 and consistent with the board's authority.

(b)(1) Medicaid waivers. The intent of this section is to provide the secretary of human services with the authority to pursue Medicaid and SCHIP participation in the Blueprint for Health and new payment reform initiatives established by the Green Mountain Care board through any existing or new waiver.

(2) Upon establishment by the secretary of HHS of a health home demonstration program pursuant to Sec. 3502 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152; Section 1115 or 2107 of the Social Security Act; or other federal authority, the secretary of human services may apply to the secretary of HHS to include Medicaid or SCHIP as a participant in the Blueprint for Health as described in 18 V.S.A. chapter 13 of Title 18 and other payment reform initiatives established by the Green Mountain Care board pursuant to 18 V.S.A. chapter 220. ~~In the alternative, under Section 1115 of the Social Security Act, the secretary of human services may apply for an amendment to an existing Section 1115 waiver or may include in the renegotiation of the Global Commitment for Health Section 1115 waiver a request to include Medicaid as a participant in the Blueprint for Health as described in chapter 13 of Title 18.~~

Sec. 35. WAIVER UPDATES AND INFORMATION

(a) The secretary of human services or designee shall present information and updates on the waiver proposal and transition planning to the house committees on appropriations, on human services, and on health care and the senate committees on appropriations and on health and welfare as requested, no later than January 30, 2013. When the general assembly is not in session, the secretary or designee shall present information and updates to the health access oversight committee upon request. The secretary or designee shall be available to the health access oversight committee on a monthly basis to provide an update in person or by telephone on the status of the waiver and transition planning, applications, and negotiations, including updates on the substantive provisions and issues provided for in Secs. 33–35a of this act. If the health access oversight committee elects not to meet in person or by

telephone during any one month, the secretary or designee shall provide a monthly update by telephone conference call to interested parties and stakeholders, including a time for questions from the public. In addition, the secretary or designee shall provide updates at each meeting of the Medicaid and exchange advisory board and to other advisory committees upon request.

(b) The secretary of human services or designee shall present a transition plan for individuals eligible for or enrolled in the Vermont health access plan, the employer-sponsored insurance premium assistance program, and Catamount Health to the house committees on appropriations, on human services, and on health care and the senate committees on appropriations and on health and welfare by January 15, 2013.

Sec. 35a. WAIVERS AND TRANSITION PLANNING; INTENT

(a) It is the intent of the general assembly to ensure continued legislative oversight after adjournment through the health access oversight committee and the committees of jurisdiction of the transition from Vermont's current Medicaid expansion programs to new coverage options, including the Vermont health benefit exchange, for individuals and families in 2014. Because of federal time lines and the need to negotiate a waiver with the Centers for Medicare and Medicaid Services, continued development of the transition plan by the administration is expected during the summer and fall of 2012. It is the intent of the general assembly that the secretary of human services or designee not implement a basic health program without the approval of the general assembly. It is also the intent of the general assembly to continue to oversee the development of the transition plan during the 2013 legislative session.

(b) It is the intent of the general assembly that the transition from Catamount Health and the Vermont health access plan to the Vermont health benefit exchange should be accomplished in such a way that it minimizes the financial exposure of low income Vermonters, including the amounts of their premiums and out-of-pocket costs; ensures that health care providers receive compensation that is sufficient to enlist enough providers to ensure that health services are available to all Vermonters and are distributed equitably; and recognizes the need to limit the financial exposure of the state of Vermont.

(c) The department of Vermont health access, in consultation with the Medicaid and exchange advisory committee established by 33 V.S.A. § 402, shall evaluate the options available under Section 1115 of the Social Security Act and under the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), for ensuring affordable coverage for individuals above 133 percent of the federal poverty level. The department shall consider

financial implications to Vermonters, health care providers, and the state; administrative simplification of health care; continuity of coverage and reduction of churn; consistency with and promotion of other state health care reform efforts; and the likelihood of receiving approval from the U.S. Department of Health and Human Services, where necessary.

Sec. 35b. 33 V.S.A. § 402(b) is amended to read:

(b)(1) The commissioner of Vermont health access shall appoint members of the advisory committee established by this section, who shall serve staggered three-year terms. The total membership of the advisory committee shall be at least 22 members. The commissioner may remove members of the committee who fail to attend three consecutive meetings and may appoint replacements. The commissioner may reappoint members to serve more than one term.

(2)(A) The commissioner of Vermont health access shall appoint one representative of health insurers licensed to do business in Vermont to serve on the advisory committee. The commissioner of health shall also serve on the advisory committee.

(B) Of the remaining members of the advisory committee, one-quarter of the members shall be from each of the following constituencies:

(i) beneficiaries of Medicaid or Medicaid-funded programs.

(ii) individuals, self-employed individuals, health insurance brokers and agents, and representatives of ~~small~~ businesses eligible for or enrolled in the Vermont health benefit exchange.

(iii) advocates for consumer organizations.

(iv) health care professionals and representatives from a broad range of health care professionals.

* * *

Sec. 35c. EXCHANGE IMPLEMENTATION AND TRANSITION PLANNING; UPDATES

(a) The house committee on health care and the senate committees on health and welfare and on finance shall meet while the legislature is not in session during 2012 to receive updates on issues related to health care reform, including waivers, transition planning, health information technology, the Vermont Information Technology Leaders, Inc., and implementation of the Vermont health benefit exchange. The committees may meet up to four times, at the call of the chairs of the committees, or more often with the approval of

the speaker of the house of representatives and the president pro tempore of the senate; provided, however, that the committees shall meet no less frequently than once every 90 days. To the extent practicable, such meetings shall coincide with scheduled meetings of the health access oversight committee.

(b) If the secretary of human services or designee receives the results of the federal government's review of Vermont's plan to implement its health benefit exchange while the general assembly is not in session, the members of the administration team responsible for exchange implementation shall present the results to the health access oversight committee and to a joint meeting of the standing committees pursuant to subsection (a) of this section. If the secretary or designee receives the results of the federal review when the general assembly is in session, the members of the administration team shall present the results to the house committees on health care and on appropriations and the senate committees on health and welfare, on finance, and on appropriations.

(c) No later than February 1, 2013, the administration team responsible for exchange implementation shall present to the house committees on health care and on appropriations and the senate committees on health and welfare, on finance, and on appropriations the exchange certification application the secretary of human services or designee submitted to the federal government.

* * * Health Access Eligibility Unit * * *

Sec. 36. 33 V.S.A. § 401 is amended to read:

§ 401. COMPOSITION OF DEPARTMENT

The department of Vermont health access, created under 3 V.S.A. § 3088, shall consist of the commissioner of Vermont health access, the medical director, ~~a health care eligibility unit~~; and all divisions within the department, including the divisions of managed care; health care reform; the Vermont health benefit exchange; and Medicaid policy, fiscal, and support services.

* * * Preconditions for Green Mountain Care * * *

Sec. 36a. 33 V.S.A. § 1822 is amended to read:

§ 1822. IMPLEMENTATION; WAIVER

(a) Green Mountain Care shall be implemented 90 days following the last to occur of:

* * *

(5) A determination by the Green Mountain Care ~~Board~~ board, as the result of a detailed and transparent analysis, that each of the following conditions will be met:

(A) Each Vermont resident covered by Green Mountain Care will receive benefits with an actuarial value of 80 percent or greater.

(B) When implemented, Green Mountain Care will not have a negative aggregate impact on Vermont's economy. This determination shall include an analysis of the impact of implementation on economic growth.

(C) The financing for Green Mountain Care is sustainable. In this analysis, the board shall consider at least a five-year revenue forecast using the consensus process established in 32 V.S.A. § 305a, projections of federal and other funds available to support Green Mountain Care, and estimated expenses for Green Mountain Care for an equivalent time period.

(D) Administrative expenses borne by health care providers, health insurers, and the state of Vermont will be reduced below 2011 levels, adjusted for inflation and other factors as necessary to reflect the present value of 2011 dollars at the time of the analysis.

(E) Cost-containment efforts will result in a reduction in the rate of growth in Vermont's per-capita health care spending without reducing access to necessary care or resulting in excessive wait times for services.

(F) Health care professionals will be reimbursed at levels sufficient to allow Vermont to recruit and retain high-quality health care professionals.

* * *

(c) The Green Mountain Care board's analysis prepared pursuant to subdivision (a)(5) of this section shall be made available to the general assembly and the public and shall include:

(1) a complete fiscal projection of revenues and expenses, as described in subdivision (a)(5) of this section, including reserves, if recommended, and other costs in addition to the cost of services, over at least a five-year period for a public-private universal health care system providing benefits with an actuarial value of 80 percent or greater;

(2) the financing plans provided to the general assembly in January 2013 pursuant to Sec. 9 of No. 48 of the Acts of 2011;

(3) an analysis of how implementing Green Mountain Care will further the principles of health care reform expressed in 18 V.S.A. § 9371 beyond the reforms established through the Blueprint for Health; and

(4) a comparison of best practices for reducing health care costs in self-funded plans, if available.

Sec. 36b. JOINT FISCAL OFFICE REVIEW

(a) Within 90 days following a determination by the Green Mountain Care board pursuant to 33 V.S.A. § 1822 that the preconditions for Green Mountain Care have been met, the joint fiscal committee shall direct the legislative joint fiscal office to prepare a review of the board's findings, including an evaluation of the assumptions that formed the basis for the board's analysis. The joint fiscal office shall present its review to the house committees on health care and on appropriations, the senate committees on health and welfare and on appropriations, the governor, and the Green Mountain Care board; provided, however, that if the general assembly is not in session at the time the office completes its review, the office shall present the review to the joint fiscal committee in lieu of the committees of jurisdiction.

(b) The joint fiscal office may hire consultants as necessary to carry out its duties under this section.

* * * Technical and Clarifying Changes * * *

Sec. 37. 18 V.S.A. § 701 is amended to read:

§ 701. DEFINITIONS

For the purposes of this chapter:

* * *

(8) "Health benefit plan" shall have the same meaning as health insurance plan in 8 V.S.A. § 4088h.

* * *

(11) "Hospital" shall have the same meaning as in section ~~9456~~ 9451 of this title.

* * *

Sec. 38. 18 V.S.A. § 9391 is amended to read:

§ 9391. NOMINATION AND APPOINTMENT PROCESS

* * *

(b) The committee shall submit to the governor the names of the persons it deems qualified to be appointed to fill the position or positions and the name of any incumbent who declares that he or she wishes to be a candidate to succeed himself or herself.

(c) The governor shall make an appointment to the Green Mountain Care board from the list of qualified candidates submitted pursuant to subsection (b) of this section. The appointment shall be subject to the consent of the senate. The names of candidates submitted and not selected shall remain confidential.

* * *

Sec. 39. Sec. 31(a) of No. 48 of the Acts of 2011 is amended to read:

(a) Notwithstanding the provisions of 18 V.S.A. § 9390(b)(2), no later than June 1, 2011, the governor, the speaker of the house of representatives, and the president pro tempore of the senate shall appoint the members of the Green Mountain Care board nominating committee. The members shall serve until their replacements are appointed pursuant to 18 V.S.A. § 9390 between January 1, 2013 and February 1, 2013, as provided in 3 V.S.A. § 259.

* * * Sports Injuries * * *

Sec. 39a. 16 V.S.A. § 1431(d) is amended to read:

(d) Participation in athletic activity.

(1) A coach shall not permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach has an objectively reasonable belief under the circumstances that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) A coach shall not permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team if the athlete has been removed or prohibited from participating in a training session or competition associated with the school athletic team due to symptoms of a concussion or other head injury until the athlete has been examined by and received written permission to participate in athletic activities from a health care provider licensed pursuant to Title 26 and trained in the evaluation and management of concussions and other head injuries.

* * * Rulemaking Authority * * *

Sec. 40. HOSPITAL BUDGET REVIEW RULES

For the purposes of hospital budget reviews pursuant to 18 V.S.A. chapter 221, subchapter 7, the Green Mountain Care board shall apply Rule 7.500 of the department of financial regulation, as that rule exists on the effective date of this section, until March 1, 2013 or the board's adoption of a permanent rule

on hospital budget reviews pursuant to Sec. 40a of this act, whichever is earlier.

Sec. 40a. RULEMAKING

No later than January 1, 2013, the Green Mountain Care board shall adopt rules pursuant to 3 V.S.A. chapter 25 implementing the amendments in this act to 8 V.S.A. § 4062 (insurance rate review) and to 18 V.S.A. chapter 221, subchapters 5 (certificate of need) and 7 (hospital budget review).

* * * Position Transfer * * *

Sec. 40b. TRANSFER OF POSITION

On or before January 1, 2013, one health care administrator position shall be transferred from the department of financial regulation to the Green Mountain Care board.

* * * Maximizing Federal Funds * * *

Sec. 40c. MAXIMIZING PREMIUM TAX CREDITS AND COST-SHARING SUBSIDIES

No later than January 15, 2013, the secretary of administration or designee shall recommend to the house committees on health care and on ways and means and the senate committees on health and welfare and on finance strategies for maximizing the number of Vermont residents who will be eligible to receive federal premium tax credits or cost-sharing subsidies, or both, in the Vermont health benefit exchange and for maximizing the amount of the federal credits and subsidies that eligible Vermonters will receive.

* * * Health Access Oversight Committee * * *

Sec. 40d. 2 V.S.A. chapter 24 is amended to read:

CHAPTER 24. HEALTH ~~ACCESS~~ CARE OVERSIGHT COMMITTEE

§ 851. CREATION OF COMMITTEE

(a) A legislative health ~~access~~ care oversight committee is created. The committee shall be appointed biennially and consist of ten members: five members of the house appointed by the speaker, not all from the same political party, and five members of the senate appointed by the senate committee on committees, not all from the same political party. The house appointees shall include ~~two members~~ one member from the house committee on human services, ~~two members~~ one member from the house committee on health care, ~~and one member from the house committee on appropriations, and two at-large members.~~ The senate appointees shall include ~~three members~~ one member from the senate committee on health and welfare, one member from the senate

committee on finance, ~~and~~ one member from the senate committee on appropriations, and two at-large members.

(b) The committee may adopt rules of procedure to carry out its duties.

§ 852. FUNCTIONS AND DUTIES

(a) The health ~~access~~ care oversight committee shall ~~carry on~~ monitor, oversee, and provide a continuing review of ~~the operation of the Medicaid program and all Medicaid waiver programs that may affect the administration and beneficiaries of these programs~~ health care and human services programs in Vermont when the general assembly is not in session, including programs and initiatives related to mental health, substance abuse treatment, and health care reform.

(b) In conducting its ~~review~~ oversight and in order to fulfill its duties, the committee ~~shall~~ may consult the following:

(1) Consumers and advocacy groups ~~regarding their satisfaction and complaints.~~

(2) Health care providers ~~regarding their satisfaction and complaints.~~

(3) The department of Vermont health access.

(4) The department of ~~banking, insurance, securities, and health care administration~~ financial regulation.

(5) The department of health.

(6) The department for children and families.

(7) The department of disabilities, aging, and independent living.

(8) The department of mental health.

(9) The agency of human services.

(10) The agency of administration.

(11) The Green Mountain Care board.

(12) The director of health care reform.

~~(6)~~(13) The attorney general.

~~(7)~~(14) The health care ombudsman.

(15) The long-term care ombudsman.

~~(8)~~(16) The Vermont program for quality in health care.

~~(9)~~(17) Any other person or entity as determined by the committee.

(c) The committee shall work with, assist, and advise other committees of the general assembly, members of the executive branch, and the public on matters relating to ~~the state Medicaid program and other state~~ health care and human services programs. Annually, no later than January 15, the committee shall report its recommendations to the governor and the general assembly.

§ 853. MEETINGS AND STAFF SUPPORT

(a) The committee may meet during a session of the general assembly at the call of the chair or by a majority of the members of the committee. The committee may meet during adjournment subject to the approval of the speaker of the house and the president pro tempore of the senate.

(b) For attendance at meetings which are held when the general assembly is not in session, the members of the committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses as those provided to members of standing committees under section 406 of this title.

(c) The staff of the legislative council and the joint fiscal office shall provide professional and administrative support to the committee. The department of ~~banking, insurance, securities, and health care administration~~ financial regulation, the agency of human services, and other agencies of the state shall provide information, assistance, and support upon request of the committee.

* * * Repeals * * *

Sec. 41. REPEALS

(a) 8 V.S.A. § 4089b(h) (insurance quality task force) is repealed July, 2012.

(b) 18 V.S.A. § 9409a (provider reimbursement survey) is repealed on passage.

(c) 8 V.S.A. § 4080c (safety net) is repealed January 1, 2014, except that plans issued or renewed in 2013 shall remain in effect until their anniversary date in calendar year 2014 to the extent consistent with the provisions of the Affordable Care Act and related guidance and regulations.

(d) Sec. 6 (health access eligibility unit transfer) of No. 48 of the Acts of 2011 is repealed on passage.

(e) 33 V.S.A. chapter 13, subchapter 2 (payment reform pilots) is repealed on passage.

(f) 18 V.S.A. § 4632(a)(7) (DVHA prescribed product report) is repealed on passage.

(g) No. 2 of the Acts of 2005 (I-SaveRx prescription drug program) is repealed on passage. Notwithstanding any provision of Sec. 2 of No. 2 of the Acts of 2005 to the contrary, repeal of such act shall constitute Vermont's withdrawal from the I-SaveRx agreement and terminate its related cooperative relationship with the state of Illinois.

(h) 33 V.S.A. chapter 19, subchapter 3 (Vermont Health Access Plan; employer-sponsored insurance assistance) is repealed January 1, 2014, except that current enrollees may continue to receive transitional coverage by the department of Vermont health access as authorized by the Centers on Medicare and Medicaid Services.

(i) 8 V.S.A. §§ 4080a (small group market) and 4080b (nongroup market) are repealed January 1, 2014, except that plans issued or renewed in 2013 shall remain in effect until their anniversary date in calendar year 2014 to the extent consistent with the provisions of the Affordable Care Act and related guidance and regulations.

(j) 8 V.S.A. §§ 4062d (market security trust), 4077 (industrial policies), and 4078 (franchise plan policies) are repealed on July 1, 2012.

(k) Sec. 141c of No. 122 of the Acts of the 2003 Adj. Sess. (2004), as amended (mental health oversight committee), is repealed.

Sec. 41a. TRANSITIONAL PROVISIONS; IMPLEMENTATION

(a)(1) Except as otherwise provided in subsection (c) of this section, small employers may enroll in health insurance plans offered through the Vermont health benefit exchange beginning at the earliest on October 1, 2013 and at the latest on the renewal date of any small group plan the employer purchased that took effect prior to January 1, 2014.

(2) Notwithstanding subdivision (1) of this subsection, the commissioner of financial regulation may, in his or her discretion, allow for the extension of a small group or association plan beyond the plan's renewal date in order to ensure a smooth and orderly transition from health plans offered in the small group and association markets in 2013 to health plans offered in the small group market through the Vermont health benefit exchange in 2014.

(b) Except as otherwise provided in subsections (c) and (d) of this section, individuals in the nongroup market may enroll in health insurance plans offered through the Vermont health benefit exchange beginning at the earliest on October 1, 2013 and at the latest on March 31, 2014, pursuant to federal law.

(c) Notwithstanding Sec. 41(i) of this act, repealing 8 V.S.A. §§ 4080a and 4080b, the department of financial regulation and the Green Mountain Care board may continue to approve rates and forms for nongroup and small group health insurance plans under the statutes and rules in effect prior to the date of repeal if the Vermont health benefit exchange is not operational by January 1, 2014 and the department of Vermont health access or a health insurer is unable to facilitate enrollment in health benefit plans through another mechanism, including paper enrollment. In the alternative, the department of financial regulation may allow individuals and small employers to extend coverage under an existing health insurance plan. The department of financial regulation and the Green Mountain Care board shall maintain their authority pursuant to this subsection until the exchange is able to enroll all qualified individuals and small employers who apply for coverage through the exchange.

(d) Notwithstanding Sec. 41(h) of this act, repealing the Vermont health access plan and employer-sponsored insurance assistance, the department of Vermont health access may continue to provide employer-sponsored insurance assistance and coverage through the Vermont health access plan to eligible individuals beyond the date of repeal if the Vermont health benefit exchange is not operational by January 1, 2014 and the department of Vermont health access or a health insurer is unable to facilitate enrollment in health benefit plans through another mechanism, including paper enrollment. The department of Vermont health access shall maintain its authority to administer these programs until the exchange is able to enroll all qualified applicants who apply for coverage through the exchange.

(e) Notwithstanding the provisions of 8 V.S.A. §§ 4080a(d)(1) and 4080b(d)(1), a health insurer shall not be required to guarantee acceptance of any individual, employee, or dependent on or after January 1, 2014 for a small group plan offered pursuant to 8 V.S.A. § 4080a or a nongroup plan offered pursuant to 8 V.S.A. § 4080b except as required by the department of financial regulation or the Green Mountain Care board, or both, pursuant to subsection (c) of this section.

(f) To the extent permitted under the Affordable Care Act, in implementing the Vermont health benefit exchange, it is the intent of the general assembly not to impair the health care coverage provided to Vermonters through collective bargaining agreements entered into prior to January 1, 2013 and in effect on January 1, 2014 until the date that any such collective bargaining agreement relating to such health care coverage terminates.

(2) Notwithstanding subdivision (1) of this subsection, the commissioner of financial regulation may, in his or her discretion, allow for

the extension of a small group or association plan beyond the plan's renewal date in order to ensure a smooth and orderly transition from health plans offered in the small group and association markets in 2013 to health plans offered in the small group market through the Vermont health benefit exchange in 2014.

41b. MEDICARE SUPPLEMENTAL INSURANCE; WEB PORTAL

Nothing in this act shall be construed to prohibit the department of Vermont health access from allowing Medicare supplemental insurance to be offered on the web portal for the Vermont health benefit exchange, nor to require that the cost of providing such offerings on the web portal be paid in whole or in part with federal funds. Prior to allowing Medicare supplemental insurance to be offered on the Vermont health benefit exchange web portal, the department shall seek the input of consumers, insurers, and other stakeholders.

Sec. 42. EFFECTIVE DATES

(a) Secs. 5 (Green Mountain Care board authority), 5a (bill-back report), 6–11 (unified health care budget), 11a (claims edit standards), 11c (parity for primary mental health care services), 12–14 (Green Mountain Care board duties, health care administration), 23 (hospital budgets), 24 (provider bargaining groups), 24g (pretrial screening feasibility analysis), 25–26 (insurance rate reviews), 26a (consumer protection report), 27 (payment reform pilot projects), 28 (Blueprint for Health), 28a (Blueprint intent), 29 (HMO reporting requirements), 33–35a (waivers), 35c (transition planning and exchange updates), 36 (health access eligibility unit), 36a (preconditions for Green Mountain Care), 36b (JFO review), 37–39 (technical/clarifying changes), 40b (transfer of position), 40c (maximizing federal funds), 41 (repeals), 41a (transitional provisions), and 41b (Medicare supplemental policies) of this act and this section shall take effect on passage.

(b) Secs. 40 (hospital budget rules) and 40a (rulemaking) of this act shall take effect on passage, provided that in order to comply with the deadlines contained in this act, the Green Mountain Care board may begin the rulemaking process prior to passage.

(c) Secs. 1 and 2 (50 employees or fewer), 2a (qualified health benefit plans), 2b (navigators), 2c (exchange options), 2d (brokers and agents), and 2e (exchange disclosure) shall take effect on July 1, 2012.

(d) Sec. 30 (VPQHC) shall take effect on July 1, 2013.

(e) Sec. 31 (prohibition on discretionary clauses) shall take effect on July 1, 2012 and shall apply to all policies, contracts, certificates, and

agreements renewed, offered, or issued in this state with effective dates on or after such date.

(f)(1) Secs. 32(a), (e), and (f) (prescription drug coverage); 32a and 32b (prescribed products); 35b (Medicaid and exchange advisory committee); 39a (sports injuries); and 40d (health care oversight committee) shall take effect on July 1, 2012.

(2) Sec. 32(b), (c), and (d) (prescription drug cost-sharing) shall take effect on October 1, 2012 and shall apply to all health insurance plans and health benefit plans on and after October 1, 2012 on such date as a health insurer issues, offers, or renews the plan, but in no event later than October 1, 2013.

(g) Secs. 3 (merged insurance market) and 4 (grandfathered plans) shall take effect on January 1, 2013, provided that:

(1) the department of financial regulation and the Green Mountain Care board may adopt rules as needed before that date to ensure that enrollment in the health insurance plans will be available no later than October 1, 2013; and

(2) January 1, 2014 shall be the earliest date that coverage may begin under a plan offered in the merged market.

(h) Secs. 14a–22 (certificates of need) shall take effect on January 1, 2013, and the Green Mountain Care board shall have sole jurisdiction over all applications for new certificates of need and over the administration of all existing certificates of need on and after that date, provided that for applications already in process on that date, the rules and procedures in place at the time the application was filed shall continue to apply until a final decision is made on the application.

(i) Secs. 11b (mental health and substance abuse quality assurance), 11e (rulemaking; mental health co-payment parity), 11f (mental health ombudsman), 11g (payment; definitions), and 11h (prior authorization) of this act shall take effect on July 1, 2012.

(j) Secs. 24a–24f (medical malpractice reform) shall take effect on February 1, 2013, except that Sec. 24b(f) (Sorry Works! rulemaking) shall take effect on passage.

(k) Sec. 11d (parity for mental health co-payments) of this act shall take effect on January 1, 2014, and shall apply to health insurance plans on and after January 1, 2014 on such date as a health insurer issues, offers, or renews the health insurance plan, but in no event later than January 1, 2015.

Pending the question, Will the House concur in the Senate proposal of amendmfent? **Rep. Fisher of Lincoln** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Fisher of Lincoln

Rep. Copeland-Hanzas of Bradford

Rep. Dakin of Chester

On motion of **Rep. Savage of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the twenty-fifth day of April, 2012, he approved and signed a bill originating in the House of the following title:

H. 613 An act relating to governance of the Community High School of Vermont

Adjournment

At five o'clock and forty minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, April 27, 2012

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Message from the Senate No. 54

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 781. An act relating to making appropriations for the support of government.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

Message from the Senate No. 55

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 412. An act relating to harassment and bullying in educational settings.

H. 467. An act relating to limited liability for a landowner who permits a person to enter the owner's land for recreational use.

H. 730. An act relating to miscellaneous consumer protection laws.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

House Resolution Placed on Calendar

H.R. 21

House resolution, entitled

House resolution urging the U.S. Department of Health and Human Services to reconsider its lifetime deferral on blood donation from men who have sex with other men

Offered by: Committee on Human Services

Whereas, the American Red Cross continually reminds Americans of the importance of giving blood and that it is the "gift of life," and

Whereas, the greater the donor base, the easier it will be to meet the nation's demand for blood, especially when there is a blood shortage, and

Whereas, one major group, men who have had sex with other men on even one occasion since 1977, is subject to a lifetime U.S. Food and Drug Administration (FDA) blood donation deferral (ban), and

Whereas, the FDA justifies this lifetime deferral based on its data showing that men who have sex with other men have a greater likelihood to be HIV positive—60 times higher than the general population, 800 times higher than first-time blood donors, and 8,000 times higher than repeat blood donors, and

Whereas, America’s Blood Centers (ABC) and the American Red Cross (ARC) are among the organizations responsible for administering the blood donation and supply system in the United States and are required to follow all FDA policies on blood donations, and

Whereas, in 2006, Advancing Transfusion and Cellular Therapies Worldwide (AABB), ABC, and ARC issued a joint position statement “that the current lifetime deferral for men who have had sex with other men is medically and scientifically unwarranted,” and

Whereas, the FDA has established a 12-month blood donation deferral period for an individual who has had sexual contact with a person infected with HIV or viral hepatitis, and

Whereas, the blood donation organizations have jointly recommended that the deferral period for men who have had sex with other men be limited to 12 months since the date of the last such sexual contact, and

Whereas, although the United Kingdom has modified its blood donation deferral period for men who have had sex with other men, the FDA’s lifetime deferral remains in place, and

Whereas, despite the policy change in the United Kingdom, on June 11, 2010, the U.S. Department of Health and Human Services Secretary’s Advisory Committee on Blood Safety and Availability made a nonbinding recommendation to keep the current lifetime deferral in place by a vote of 9–6, and

Whereas, only days after the committee’s vote, AABB, ABC, and the ARC issued a joint statement reaffirming their 2006 recommendation for a one-year deferral period, and

Whereas, the joint statement explained that the data do not justify a different deferral period for men who have sex with other men than for individuals with similar high-risk sexual behavior, and

Whereas, there is a constant need for blood, and Vermonters are known to be generous blood donors, as demonstrated by the Christmas season blood drive at the Paramount Theatre in Rutland, the College of St. Joseph, and the American Legion, and

Whereas, denying Vermonters the privilege of donating blood unnecessarily limits the nation's blood supply, and

Whereas, the FDA's Blood Products Advisory Committee is scheduled to meet on May 16, 2012 to hear an update on the deferral policy, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges the U.S. Department of Health and Human Services to reassess the lifetime deferral on blood donations for men who have had sex with other men since 1977, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to U.S. Secretary of Health and Human Services Kathleen Sebelius, to Food and Drug Administration Commissioner Margaret Hamburg, M.D., and to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Remarks Journalized

On motion of **Rep. Christie of Hartford**, the following remarks by **Reps. Toll of Danville and Strong of Albany** were ordered printed in the Journal:

Remarks by Rep. Toll of Danville.

"Mr. Speaker:

Thank you Mr. Speaker:

We just heard the resolution honoring the life and service of Corporal Ian Muller. Last March, the members of this chamber and the Senate, as well as many other State officials and employees lined State Street in front of the Capitol building to pay tribute to Corporal Ian Muller and his family as his body was escorted by the military back to his home in the Northeast Kingdom.

Corporal Mullen was only 22 years old when his life was tragically taken during combat in Afghanistan. In those short 22 years he lived a full and rich life, balancing a deep commitment to his family and home and actively involving himself in a broad array of life's activities.

When I think of Ian, I think of the selfless person he was – putting himself at risk to protect others. When conducting combat operations, Ian would volunteer to be the point person, the one in the lead. He volunteered to be point, because fellow marines were married with children back in the States.

Ian was not married and had no children – he took on this risk voluntarily because he truly understood and valued family.

On March 11, 2011 Ian volunteered to be the point person, putting himself at greater risk – ultimately sacrificing his own life. There is no greater human action than this.

Mr. Speaker, it is an honor, but with sadness, that I introduce to you and to the House the family of Corporal Ian Muller. Seated in the Senate seats are his parents Clif and Suzanne, and siblings Ryan, Ben, Reuben, Madeline and Quentin.

I now ask Mr. Speaker, to yield to the member from Albany.”

Remarks by Rep. Strong of Albany:

“Mr. Speaker:

Thank you Mr. Speaker. Today, as we have the privilege of remembering Marine Corporal Ian Muller and honoring his family who are here today, we humbly say thank you for Ian's selfless service for our country and for his sacrifice for our freedom. We grieve with you in the profound loss of such a fine young man, and Ian's sacrifice for freedom will not be forgotten. Our country has remained free because of the courage of young men like Cpl. Muller, and he is one of our true heroes.

When my son, Jesse, graduated from Marine Corps boot camp two weeks before Sept. 11, 2001, I became familiar with the Marine Corps motto of "Honor, Courage, and Commitment", and I understood for the first time that all Marines strive to exemplify those words, and to live out the quality, Semper Fideles, which means, "always faithful". My son, Jesse, and I am sure, Ian, took that motto seriously and sought to live it out everyday in their military service, and we owe them our deepest thanks and respect. These young men loved their family, were thankful for the opportunity of growing up in the beautiful state of Vermont, and wanted to serve their country by stepping up to do their part to defend and protect us.

Our love and prayers will go on with the Muller family as they continue the difficult journey of grief, and we will think of them often, especially on difficult days such as holidays, birthdays, and anniversaries, as they miss their son and brother. Thank you for the gift that you have given our state and our country in raising such a special young man. You deserve our deepest thanks. May God bless you, strengthen you, and comfort you day by day as you press on into the future together. Semper Fi.”

Joint Resolution Adopted
J.R.H. 37

Joint resolution, entitled

Joint resolution expressing the General Assembly's expectation that the full range of concerns and issues raised by the general public regarding the merger of Central Vermont Public Service Corporation and Green Mountain Power Corporation will be given full consideration, and that the final agreement must be in the best interests of the ratepayers and people of the State of Vermont;

Was taken up and pending the question, Shall the resolution be adopted? **Rep. Klein of East Montpelier** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the resolution be adopted? was decided in the affirmative. Yeas, 99. Nays, 43.

Those who voted in the affirmative are:

Acinapura of Brandon	Emmons of Springfield	Macaig of Williston
Ancel of Calais	Evans of Essex	Malcolm of Pawlet
Andrews of Rutland City	Fisher of Lincoln	Manwaring of Wilmington
Aswad of Burlington	Frank of Underhill	Marcotte of Coventry
Atkins of Winooski	French of Shrewsbury	Marek of Newfane *
Bartholomew of Hartland	French of Randolph	Martin of Springfield
Bissonnette of Winooski	Grad of Moretown	Martin of Wolcott
Bohi of Hartford	Head of South Burlington	Masland of Thetford
Botzow of Pownal	Heath of Westford	McCullough of Williston
Browning of Arlington	Hebert of Vernon	Miller of Shaftsbury
Burke of Brattleboro	Helm of Fair Haven	Mook of Bennington
Buxton of Tunbridge	Hooper of Montpelier	Moran of Wardsboro
Campion of Bennington	Howrigan of Fairfield	Mrowicki of Putney
Canfield of Fair Haven	Jerman of Essex	Munger of South Burlington
Cheney of Norwich	Jewett of Ripton	Nuovo of Middlebury
Christie of Hartford	Johnson of South Hero	O'Brien of Richmond
Clarkson of Woodstock	Keenan of St. Albans City	O'Sullivan of Burlington
Condon of Colchester	Kitzmiller of Montpelier	Partridge of Windham
Conquest of Newbury	Klein of East Montpelier	Peltz of Woodbury
Copeland-Hanzas of	Koch of Barre Town *	Ralston of Middlebury
Bradford	Krebs of South Hero	Ram of Burlington
Courcelle of Rutland City	Krowinski of Burlington	Russell of Rutland City
Dakin of Chester	Kupersmith of South	Shand of Weathersfield
Deen of Westminster	Burlington	South of St. Johnsbury
Degree of St. Albans City	Lanpher of Vergennes	Spengler of Colchester
Devereux of Mount Holly	Lenes of Shelburne	Stevens of Waterbury
Donovan of Burlington	Leriche of Hardwick	Stevens of Shoreham
Edwards of Brattleboro	Lippert of Hinesburg	Stuart of Brattleboro
Ellis of Waterbury	Lorber of Burlington	Sweaney of Windsor

Taylor of Barre City	Waite-Simpson of Essex	Wright of Burlington
Till of Jericho	Webb of Shelburne	Yantachka of Charlotte
Toll of Danville	Wilson of Manchester	Young of Glover
Townsend of Randolph	Wizowaty of Burlington	Zagar of Barnard
Trieber of Rockingham	Woodward of Johnson	

Those who voted in the negative are:

Batchelor of Derby	Haas of Rochester	Olsen of Jamaica
Bouchard of Colchester	Higley of Lowell	Pearce of Richford
Branagan of Georgia	Howard of Cambridge	Pearson of Burlington
Burditt of West Rutland	Hubert of Milton	Peaslee of Guildhall
Clark of Vergennes	Johnson of Canaan	Perley of Enosburgh
Consejo of Sheldon	Kilmartin of Newport City *	Poirier of Barre City
Crawford of Burke	Komline of Dorset *	Reis of St. Johnsbury
Davis of Washington	Larocque of Barnet	Savage of Swanton
Dickinson of St. Albans Town	Lawrence of Lyndon	Scheuermann of Stowe
Donaghy of Poultney	Lewis of Berlin	Shaw of Pittsford
Donahue of Northfield	Lewis of Derby	Smith of New Haven
Eckhardt of Chittenden *	McAllister of Highgate	Strong of Albany
Fagan of Rutland City *	McFaun of Barre Town *	Turner of Milton
Greshin of Warren	Morrissey of Bennington	Winters of Williamstown
	Myers of Essex	

Those members absent with leave of the House and not voting are:

Brennan of Colchester	McNeil of Rutland Town	Sharpe of Bristol
Corcoran of Bennington	Potter of Clarendon	
Gilbert of Fairfax	Pugh of South Burlington	

Rep. Eckhardt of Chittenden explained his vote as follows:

“Mr. Speaker:

This resolution states that there is disagreement among the general public as to the best mechanism for returning the \$21 million. Among my constituents the message is very clear. Return the money to the ratepayers in a check or bill credit.”

Rep. Fagan of Rutland City explained his vote as follows:

“Mr. Speaker:

This resolution does nothing to return to ratepayers the bailout funds they provided to CVPS. As such I vote ‘no’.

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

I vote 'no.' The proposed merger needs to be rejected because ownership and control by a foreign government can never be in the best interests of Vermont citizens, taxpayers and ratepayers. Would we, for a moment, sell our electrical and natural gas future to the states of California, New York, Massachusetts, Maine or New Hampshire? Why Quebec?"

Rep. Koch of Barre Town explained his vote as follows:

"Mr. Speaker:

I have voted YES on this resolution despite the fact that I have two major reservations.

First, notwithstanding the resolution's assertion that 'there is disagreement among the general public as to the best mechanism for returning the \$21 million,' I have found no such disagreement in the general public. I believe the only disagreement is under the golden dome and in other centers of government.

Second, this resolution says little, does nothing, does not have the force of law, and is not an adequate substitute for a binding act of the legislature. It is a mere political fig leaf."

Rep. Komline of Dorset explained her vote as follows:

"Mr. Speaker:

This resolution is meant as political cover but it accomplishes nothing and does not even deliver a message to the very board that is still considering this issue."

Rep. Marek of Newfane explained his vote as follows:

"Mr. Speaker:

By passing this resolution we have supported protecting the best interests of Vermonters through an open proceeding before the judicial body we created for that very purpose and with all views being fully represented before it. We also have wisely declined to intervene to try to pre-determine the result in a judicial proceeding, to which we are not even a party, simply because we think we know the right answer."

Rep. McFaun of Barre Town explained his vote as follows:

"Mr. Speaker:

I vote 'no' on this resolution because last time I checked, when I want someone to know how I feel about something I tell them directly. I don't send the message to someone else hoping they will pass the message on."

Recess

At eleven o'clock and twenty minutes in the forenoon, the Speaker declared a recess until twelve o'clock noon.

At twelve o'clock and thirty minutes in the afternoon the Speaker called the House to order.

**Bill Amended, Action Postponed Until After Consideration
of H. 782, the Miscellaneous Tax Bill**

H. 718

House bill, entitled

An act relating to the department of public service and the public service board

Was taken up and pending third reading of the bill, **Reps. Browning of Arlington Acinapura of Brandon, Andrews of Rutland City, Aswad of Burlington, Batchelor of Derby, Bohi of Hartford, Bouchard of Colchester, Branagan of Georgia, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Canfield of Fair Haven, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Corcoran of Bennington, Dakin of Chester, Davis of Washington, Degree of St. Albans City, Devereux of Mount Holly, Donahue of Northfield, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Greshin of Warren, Helm of Fair Haven, Higley of Lowell, Howard of Cambridge, Howrigan of Fairfield, Hubert of Milton, Johnson of Canaan, Kilmartin of Newport City, Koch of Barre Town, Komline of Dorset, Larocque of Barnet, Lewis of Berlin, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, Myers of Essex, Pearce of Richford, Pearson of Burlington, Peaslee of Guildhall, Perley of Enosburgh, Poirier of Barre City, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Smith of New Haven, South of St. Johnsbury, Strong of Albany, Stuart of Brattleboro, Taylor of Barre City, Till of Jericho, Townsend of Randolph, Turner of Milton, Winters of Williamstown, Woodward of Johnson, Wright of Burlington and Zagar of Barnard**, moved to amend the bill as follows:

By adding Sec. 17a to read as follows:

Sec. 17a. WINDFALL-SHARING MECHANISM; PAYBACK

(a) The public service board may not approve the acquisition of one electric company by another or the merger of electric companies unless, as a condition of such acquisition or merger, any applicable windfall-sharing mechanism previously established by the board results in direct cash repayment of the full amount of funds subject to the windfall-sharing mechanism to current ratepayers, based on their rate class.

(b) Notwithstanding 1 V.S.A. §§ 213 and 214, subsection (a) of this section shall apply to all petitions filed with the public service board on or after September 1, 2011.

Pending the question, Shall the bill be amended as recommended by Reps. Browning of Arlington, et al? **Reps. Browning of Arlington, Komline of Dorset, Pearson of Burlington and Poirier of Barre City** moved to amend the recommendation of amendment offered by Reps. Browning of Arlington, et al as follows:

In section (a) after the period by inserting the following: Such repayment shall not be recoverable in rates.

Pending the question, Shall the the proposal of amendment offered by Reps. Browning of Arlington, et al, be further amended as recommended by Reps. Browning of Arlington, et al? **Rep. Browning of Arlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the the proposal of amendment offered by Reps. Browning of Arlington, et al be further amended as recommended by Reps. Browning of Arlington, et al? was decided in the affirmative. Yeas, 71. Nays, 68.

Those who voted in the affirmative are:

Acinapura of Brandon	Davis of Washington	Kilmartin of Newport City
Andrews of Rutland City	Degree of St. Albans City	Koch of Barre Town
Batchelor of Derby	Devereux of Mount Holly	Komline of Dorset
Bouchard of Colchester	Dickinson of St. Albans	Krebs of South Hero
Branagan of Georgia	Town	Larocque of Barnet
Browning of Arlington	Donaghy of Poultney	Lawrence of Lyndon
Burditt of West Rutland	Donahue of Northfield	Lewis of Berlin
Burke of Brattleboro	Eckhardt of Chittenden	Lewis of Derby
Buxton of Tunbridge	Fagan of Rutland City	Lorber of Burlington
Canfield of Fair Haven	French of Shrewsbury	Marcotte of Coventry
Christie of Hartford	Greshin of Warren	McAllister of Highgate
Clark of Vergennes	Helm of Fair Haven	McFaun of Barre Town
Clarkson of Woodstock	Higley of Lowell	Moran of Wardsboro
Conquest of Newbury	Howrigan of Fairfield	Morrissey of Bennington
Consejo of Sheldon	Hubert of Milton	Myers of Essex
Dakin of Chester	Johnson of Canaan	Pearce of Richford

Pearson of Burlington
 Peaslee of Guildhall
 Perley of Enosburgh
 Poirier of Barre City
 Ralston of Middlebury
 Reis of St. Johnsbury
 Russell of Rutland City
 Savage of Swanton

Scheuermann of Stowe
 Sharpe of Bristol
 Shaw of Pittsford
 Smith of New Haven
 South of St. Johnsbury
 Stevens of Shoreham
 Strong of Albany
 Toll of Danville

Townsend of Randolph
 Trieber of Rockingham
 Turner of Milton
 Wilson of Manchester
 Winters of Williamstown
 Wright of Burlington
 Young of Glover
 Zagar of Barnard

Those who voted in the negative are:

Ancel of Calais
 Aswad of Burlington
 Atkins of Winooski
 Bartholomew of Hartland
 Bissonnette of Winooski
 Bohi of Hartford
 Botzow of Pownal
 Campion of Bennington
 Cheney of Norwich
 Condon of Colchester
 Courcelle of Rutland City
 Crawford of Burke
 Deen of Westminster
 Donovan of Burlington
 Edwards of Brattleboro
 Ellis of Waterbury
 Emmons of Springfield
 Evans of Essex
 Frank of Underhill
 French of Randolph
 Grad of Moretown
 Haas of Rochester
 Head of South Burlington

Heath of Westford
 Hebert of Vernon
 Hooper of Montpelier
 Howard of Cambridge
 Jerman of Essex
 Jewett of Ripton
 Johnson of South Hero
 Keenan of St. Albans City
 Kitzmiller of Montpelier
 Klein of East Montpelier
 Krowinski of Burlington
 Kupersmith of South
 Burlington
 Lanpher of Vergennes
 Lenes of Shelburne
 Leriche of Hardwick
 Lippert of Hinesburg
 Macaig of Williston
 Malcolm of Pawlet
 Manwaring of Wilmington
 Marek of Newfane
 Martin of Springfield
 Martin of Wolcott

Masland of Thetford
 McCullough of Williston
 Miller of Shaftsbury
 Mook of Bennington
 Mrowicki of Putney
 Munger of South Burlington
 Nuovo of Middlebury
 O'Brien of Richmond
 Olsen of Jamaica
 O'Sullivan of Burlington
 Partridge of Windham
 Peltz of Woodbury
 Potter of Clarendon
 Pugh of South Burlington
 Ram of Burlington
 Shand of Weathersfield
 Stevens of Waterbury
 Stuart of Brattleboro
 Sweaney of Windsor
 Waite-Simpson of Essex
 Webb of Shelburne
 Wizowaty of Burlington
 Yantachka of Charlotte

Those members absent with leave of the House and not voting are:

Brennan of Colchester
 Copeland-Hanzas of
 Bradford
 Corcoran of Bennington

Fisher of Lincoln
 Gilbert of Fairfax
 McNeil of Rutland Town
 Spengler of Colchester

Taylor of Barre City
 Till of Jericho
 Woodward of Johnson

Pending the question, Shall the bill be amended as recommended by Rep. Browning of Arlington? **Rep. Hebert of Vernon** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. Browning of Arlington? was decided in the negative. Yeas, 54. Nays, 87.

Those who voted in the affirmative are:

Acinapura of Brandon	Greshin of Warren	Pearce of Richford
Andrews of Rutland City	Haas of Rochester	Pearson of Burlington
Batchelor of Derby	Helm of Fair Haven	Peaslee of Guildhall
Bouchard of Colchester	Higley of Lowell	Perley of Enosburgh
Branagan of Georgia	Howrigan of Fairfield	Poirier of Barre City *
Browning of Arlington *	Hubert of Milton *	Reis of St. Johnsbury
Burditt of West Rutland	Johnson of Canaan	Savage of Swanton
Canfield of Fair Haven	Kilmartin of Newport City	Scheuermann of Stowe
Clark of Vergennes	Koch of Barre Town	Shaw of Pittsford *
Consejo of Sheldon	Komline of Dorset *	Smith of New Haven
Davis of Washington *	Larocque of Barnet	South of St. Johnsbury
Devereux of Mount Holly	Lawrence of Lyndon	Stevens of Shoreham
Dickinson of St. Albans Town	Lewis of Berlin	Strong of Albany
Donaghy of Poultney	Lewis of Derby	Townsend of Randolph
Donahue of Northfield	McAllister of Highgate	Turner of Milton
Eckhardt of Chittenden	McFaun of Barre Town	Winters of Williamstown
Fagan of Rutland City	Moran of Wardsboro	Wright of Burlington *
French of Shrewsbury	Morrissey of Bennington	
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Evans of Essex	Malcolm of Pawlet
Aswad of Burlington	Fisher of Lincoln	Manwaring of Wilmington
Atkins of Winooski	Frank of Underhill	Marcotte of Coventry
Bartholomew of Hartland	French of Randolph	Marek of Newfane
Bissonnette of Winooski	Grad of Moretown	Martin of Springfield
Bohi of Hartford	Head of South Burlington	Martin of Wolcott
Botzow of Pownal	Heath of Westford	Masland of Thetford
Burke of Brattleboro *	Hebert of Vernon *	McCullough of Williston
Buxton of Tunbridge	Hooper of Montpelier	Miller of Shaftsbury *
Campion of Bennington	Howard of Cambridge	Mook of Bennington
Cheney of Norwich	Jerman of Essex	Mrowicki of Putney
Christie of Hartford	Jewett of Ripton	Munger of South Burlington
Clarkson of Woodstock	Johnson of South Hero	Nuovo of Middlebury
Condon of Colchester	Keenan of St. Albans City	O'Brien of Richmond
Conquest of Newbury	Kitzmiller of Montpelier	Olsen of Jamaica
Copeland-Hanzas of Bradford	Klein of East Montpelier	O'Sullivan of Burlington
Courcelle of Rutland City	Krebs of South Hero	Partridge of Windham
Crawford of Burke	Krowinski of Burlington	Peltz of Woodbury
Dakin of Chester	Kupersmith of South Burlington	Potter of Clarendon
Deen of Westminster	Lanpher of Vergennes	Pugh of South Burlington
Degree of St. Albans City	Lenes of Shelburne	Ralston of Middlebury
Donovan of Burlington	Leriche of Hardwick	Ram of Burlington
Edwards of Brattleboro	Lippert of Hinesburg	Russell of Rutland City *
Ellis of Waterbury	Lorber of Burlington	Shand of Weathersfield
Emmons of Springfield	Macaig of Williston	Sharpe of Bristol
		Stevens of Waterbury

Stuart of Brattleboro
Sweaney of Windsor
Taylor of Barre City
Trieber of Rockingham

Waite-Simpson of Essex
Webb of Shelburne
Wilson of Manchester
Wizowaty of Burlington

Yantachka of Charlotte
Young of Glover *
Zagar of Barnard

Those members absent with leave of the House and not voting are:

Brennan of Colchester
Corcoran of Bennington
Gilbert of Fairfax

McNeil of Rutland Town
Spengler of Colchester
Till of Jericho

Toll of Danville
Woodward of Johnson

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I vote for this amendment to do everything I can to ensure that CVPS ratepayers get their money back and that the interests of Vermonters are protected.”

Rep. Burke of Brattleboro explained her vote as follows:

“Mr. Speaker:

I signed on to this amendment earlier this session because of my serious misgivings about the terms of the merger. My concerns have not yet diminished. However, I vote ‘no’ in order to allow the regulatory process, set up by the legislature, to proceed without intervention.”

Rep. Clarkson of Woodstock explained her vote as follows:

“Mr. Speaker:

I am grateful to the members of this body whose persistence has brought us to this point. As a result of their work this issue has been fully vetted, shining a bright light on a deal most of us have major problems with.”

Rep. Davis of Washington explained her vote as follows:

“Mr. Speaker:

The best way to return the value to the ratepayers is a direct payback.”

Rep. Herbert of Vernon explained his vote as follows:

“Mr. Speaker:

I do believe that the ratepayers should receive any monies owed them. However, I voted ‘no’ because I can not support the legislature interfering in any open docket, regardless of the popularity or worth of the underlying issues.”

Rep. Hubert of Milton explained his vote as follows:

“Mr. Speaker:

I vote ‘yes.’ It is time to give back to the ratepayers the money they are owed.”

Rep. Komline of Dorset explained her vote as follows:

“Mr. Speaker:

72 sponsors all, until yesterday, were voting for their constituents’ interests. Those who withstood political pressure can go home this evening feeling proud that they stood by their principles. Your constituents are well-served.”

Rep. Miller of Shaftsbury explained her vote as follows:

“Mr. Speaker:

As the details were revealed today on this difficult and complex subject, I decided that support of the amendment is not a good idea.”

Rep. Poirier of Barre City explained his vote as follows:

“Mr. Speaker:

I voted ‘yes’ because the people who have the least contact with the utility regulators have become the victims of the powerful and the money. How many lobbyists have you seen in this building over the last month fighting for the little guys?”

Rep. Russell of Rutland City explained his vote as follows:

“Mr. Speaker:

I originally signed this amendment, in the interest of overall concern for fairness to my constituents. However, as a member of the House Commerce Committee I have had an opportunity to thoroughly review and weigh the situation at hand and have come to the conclusion that the process is best served through the continued actions of our Public Service Board and not through direct intervention, at this time, by the legislature. My vote will be for jobs, economic development and overall future savings to Vermonters, as well as to the citizens and businesses of Rutland City as I vote NO!”

Rep. Shaw of Pittsford explained his vote as follows:

“Mr. Speaker:

My ‘yes’ vote represents the wishes of the ratepayers in my district. I proudly represent these folks and they insist a deal is a deal!”

Rep. Taylor of Barre City explained her vote as follows:

“Mr. Speaker:

Initially, I signed on to this amendment for all the reasons that others did and for what I think this body believes in, which is to protect our constituents. In the end, I have to believe in the process created by this legislature through the Public Service Board for this and for future issues. I do sincerely hope that I will not be disappointed.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

The dilemma for me has been a BAD DEAL for many taxpayers in the MoU, vs intervening in an open docket case. The proposed merger is unlike any we have seen before in Vermont, with a Canadian-based company poised to control the majority of the energy industry in our state. Is this mega-deal the right time to step in and protect ratepayers? It is a difficult vote, but I vote ‘yes’ and 27 senators yesterday ensured that this issue is not going away. I only wish the Governor had helped us avoid all this, by working to re-open the MoU on behalf of ratepayers, weeks ago.”

Rep. Young of Glover explained his vote as follows:

“Mr. Speaker:

While my gut says ‘yes’ I voted ‘no’ because I had the benefit of a week and a half of testimony. Now it’s up to the Public Service Board to make the right decision and everyone is watching.”

Pending third reading of the bill, **Rep. Davis of Washington** moved to amend the bill as follows:

By inserting three new sections, to be numbered Secs. 15a, 15b, and 15c and to read:

Sec. 15a. 30 V.S.A. § 248(b)(4) is amended to read:

(4) will result in an economic benefit to the state and its residents. For electric generation facilities greater than 2.2 megawatts that do not qualify for treatment under subsection (j) of this section (limited size and scope), the board shall consider the full costs and benefits of the purchase, investment, or construction, including any multiplier effects. This consideration shall include the costs of labor and durable goods associated with the project, including the proximity of sources of labor and durable goods to the site of the proposed construction.

Sec. 15b. 21 V.S.A. § 348 is added to read:

§ 348. PAYMENT OF PREVAILING WAGE

(a) This section applies to all electric generation plants approved under 30 V.S.A. § 248 that have a plant capacity greater than 2.2 megawatts. For the purposes of this section, “plant” and “plant capacity” are as defined in 30 V.S.A. § 8002, except that “plant” shall not be limited to renewable energy.

(b) The holder of a certificate issued for a plant identified in subsection (a) of this section shall require that all wages paid to contractors or subcontractors for construction of the plant shall be no less than the rates established by the U.S. Department of Labor under the federal Davis-Bacon Act, 40 U.S.C. § 3141 et seq., for projects in Vermont.

(c) The purpose of this section is to ensure that fair and adequate compensation is paid to individuals engaged in the construction of electric generation plants located in the state.

Sec. 15c. IMPLEMENTATION

The provisions of 21 V.S.A. § 348 (payment of prevailing wages) shall apply to wages paid on and after passage of this act.

Thereupon, **Rep. Davis of Washington** asked and was granted leave of the House to withdraw her amendment.

Pending third reading of the bill, **Rep. Pearson of Burlington** moved to amend the bill as follows:

By adding Sec. 17b to read as follows:

Sec. 17b. TRANSMISSION SYSTEM; STATE INVESTMENT INVESTIGATION

(a) Findings. The general assembly finds that:

(1) Pursuant to the trend toward deregulation of the electric industry, many states restructured their vertically integrated electric utilities by prohibiting them from jointly owning generation and transmission services and by substituting market forces for regulated generation rates.

(2) A basic premise underlying restructuring is that no owner of generation facilities be able to exert significant market power influence on the pricing or availability of electricity through control of bottleneck services such as transmission services. This prevents a firm from giving preference to itself or to its affiliates over competitive firms.

(3) Vermont is the only state in New England that has not restructured its electric industry and adopted deregulated retail competition. In part, this is because thus far, Vermont utilities have owned few of their own generation resources.

(4) Vermont utilities continue to function as regulated monopolies, with their retail rates and policies subject to review by the Vermont department of public service and to approval by the public service board and their wholesale rates and policies largely subject to review and approval by the United States Federal Energy Regulatory Commission.

(5) Recent changes at the federal level have removed certain operational and ownership limitations on utilities. For example, with the repeal in 2005 of the Public Utilities Holding Company Act of 1935, P.L. 74-333, national energy conglomerates now may expand their operations beyond limited geographic regions and may accept capital from new classes of nonutility investors such as foreign utilities, financial institutions, and private equity groups.

(6) Vermont's electric system is undergoing a significant transformation in part due to the changes in federal law, and there exists the potential for large, highly complex vertically integrated entities to have control or influence over many of the generation and transmission services presently relied upon by Vermonters.

(7) It is essential for the state to take proactive measures to alleviate factors which, if left unchecked or not sufficiently regulated, could result in undue market power influences emerging in Vermont to the detriment of all Vermonters, our economy, and our landscape.

(b) Investigation. In order to address potential undue market power influences and to maximize rate savings for Vermonters, the public service board shall commence an investigation of the costs, benefits, and risks of the state's investment in Vermont's high-voltage bulk electric transmission system.

(c) The scope of the investigation shall include analysis of:

(1) the state's acquisition of an ownership interest in Vermont's transmission system through the purchase of membership units of Vermont Transco, LLC (Transco), including any allowed return on equity;

(2) the state's purchase of long-term debt issued by Transco for financing transmission projects and related debt costs.

(3) opportunities for savings through the state's investment in transmission equity or debt which then could be passed on to Vermont ratepayers;

(4) state ownership models within the electric industry implemented in other jurisdictions — state, federal, or foreign;

(5) the general impact on Vermont's electric generation and distribution sectors;

(6) opportunities for efficiencies in planning and management if the state were also to assume a role in the management of the transmission system through the Vermont Electric Power Co., Inc. (VELCO) proportionate to either a majority or minority ownership interest; and

(7) any other matters deemed relevant by the board.

(d) Report. The public service board shall submit a report of its findings and recommendations relating to the investigation authorized under this section to the house committees on commerce and economic development and on natural resources and energy and the senate committees on economic development, housing, and general affairs, on natural resources and energy, and on finance not later than January 1, 2013.

Pending the question, Shall the bill be amended as offered by Rep. Pearson of Burlington? **Rep. Leriche of Hardwick** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Pearson of Burlington? was decided in the negative. Yeas, 41. Nays, 95.

Those who voted in the affirmative are:

Batchelor of Derby
Browning of Arlington
Burditt of West Rutland
Burke of Brattleboro
Clark of Vergennes
Conquest of Newbury
Dakin of Chester
Davis of Washington
Devereux of Mount Holly
Donahue of Northfield
Edwards of Brattleboro
Fagan of Rutland City
French of Shrewsbury
Haas of Rochester

Hubert of Milton
Kilmartin of Newport City
Koch of Barre Town
Komline of Dorset
Krowinski of Burlington
Larocque of Barnet
Lewis of Berlin
Lorber of Burlington
McFaun of Barre Town
Moran of Wardsboro
Morrissey of Bennington
Munger of South Burlington
Myers of Essex
O'Sullivan of Burlington

Pearson of Burlington
Peaslee of Guildhall
Perley of Enosburgh
Poirier of Barre City
Ram of Burlington
Reis of St. Johnsbury
Scheuermann of Stowe
Strong of Albany
Toll of Danville
Turner of Milton
Winters of Williamstown
Wright of Burlington
Zagar of Barnard

Those who voted in the negative are:

Acinapura of Brandon	Greshin of Warren	McCullough of Williston
Ancel of Calais	Head of South Burlington	Miller of Shaftsbury
Andrews of Rutland City	Heath of Westford	Mook of Bennington
Aswad of Burlington	Hebert of Vernon	Mrowicki of Putney
Atkins of Winooski	Helm of Fair Haven	Nuovo of Middlebury
Bartholomew of Hartland	Higley of Lowell	Olsen of Jamaica
Bissonnette of Winooski	Howard of Cambridge	Partridge of Windham
Bohi of Hartford	Howrigan of Fairfield	Pearce of Richford
Botzow of Pownal	Jerman of Essex	Peltz of Woodbury
Bouchard of Colchester	Jewett of Ripton	Potter of Clarendon
Branagan of Georgia	Johnson of South Hero	Pugh of South Burlington
Buxton of Tunbridge *	Johnson of Canaan	Ralston of Middlebury
Campion of Bennington	Keenan of St. Albans City	Russell of Rutland City
Canfield of Fair Haven	Kitzmiller of Montpelier	Savage of Swanton
Cheney of Norwich	Klein of East Montpelier	Shand of Weathersfield
Christie of Hartford	Krebs of South Hero	Sharpe of Bristol
Clarkson of Woodstock	Kupersmith of South	Shaw of Pittsford
Condon of Colchester	Burlington	Smith of New Haven
Consejo of Sheldon	Lanpher of Vergennes	South of St. Johnsbury
Courcelle of Rutland City	Lawrence of Lyndon	Stevens of Waterbury
Crawford of Burke	Lenes of Shelburne	Stuart of Brattleboro
Deen of Westminster	Leriche of Hardwick	Sweaney of Windsor
Dickinson of St. Albans	Lewis of Derby	Taylor of Barre City
Town	Lippert of Hinesburg	Townsend of Randolph
Donaghy of Poultney	Macaig of Williston	Trieber of Rockingham
Donovan of Burlington	Malcolm of Pawlet	Waite-Simpson of Essex
Ellis of Waterbury	Manwaring of Wilmington	Webb of Shelburne
Emmons of Springfield	Marcotte of Coventry	Wilson of Manchester
Evans of Essex	Marek of Newfane	Wizowaty of Burlington *
Fisher of Lincoln	Martin of Springfield	Yantachka of Charlotte
Frank of Underhill	Martin of Wolcott	Young of Glover
French of Randolph	Masland of Thetford	
Grad of Moretown	McAllister of Highgate	

Those members absent with leave of the House and not voting are:

Brennan of Colchester	Eckhardt of Chittenden	Spengler of Colchester
Copeland-Hanzas of	Gilbert of Fairfax	Stevens of Shoreham
Bradford	Hooper of Montpelier	Till of Jericho
Corcoran of Bennington	McNeil of Rutland Town	Woodward of Johnson
Degree of St. Albans City	O'Brien of Richmond	

Rep. Buxton of Tunbridge explained her vote as follows:

“Mr. Speaker:

I agree with the general intent of this amendment and look forward to exploring the answers it begs next year . . .with the expert help of Vermont Law School's Energy Institute."

Rep. Wizowaty of Burlington explained her vote as follows:

"Mr. Speaker:

As a Burlington resident, I ardently support public ownership of utilities and I would like to see public ownership expanded. But I support even more the deliberative process that takes place in committees. I urge the Commerce Committee to take this up next year and address the question seriously."

Pending third reading of the bill, **Rep. Ralston of Middlebury** moved to amend the bill as follows:

By adding Sec. 17a to read as follows:

Sec. 17a. ADVOCACY IN REGULATORY PROCEEDINGS BEFORE THE
PUBLIC SERVICE BOARD; WORK GROUP

(a) Findings and purpose. Many Vermonters believe there is a need for additional independent voices in regulatory proceedings before the public service board representing residential ratepayers, businesses, and municipalities, many of whom do not have the financial resources or expertise to fully participate in and advance their interests in such proceedings.

(b) Work group. There is created a work group to be convened by the Vermont attorney general. The purpose of the work group shall be to develop one or more proposals for a mechanism that will support advocacy by and for residential ratepayers, businesses, and municipalities, in matters before the public service board. The work group shall consider and make findings and recommendations regarding:

(1) The effectiveness of consumer advocacy models implemented in other jurisdictions.

(2) The current consumer advocacy role, processes, and resources of the department of public service, including the department's public advocate and its division of consumer affairs and public information, as well as the mediation provisions in the department's 2011 comprehensive energy plan.

(3) Eligibility criteria and resource allocation for parties seeking independent representation.

(4) Access to records in regulatory proceedings.

(5) The distribution of the costs of independent representation among the department, the utility or utilities which initiated the proceeding, and other sources.

(6) Any other matters deemed relevant by the work group.

(c) Membership. The work group shall include the attorney general or designee, the commissioner of public service or designee, two members selected by the public service board, and three members selected by the attorney general. In selecting members, the attorney general and public service board shall consider selecting representatives of regulated utilities, consumer advocacy organizations, and other stakeholders and interested parties so that a diverse range of interests and opinions is represented. The members of the work group shall elect a chair.

(d) Report. The work group shall prepare a report detailing its findings and recommendations, including alternative approaches and the rationale for each, and any draft legislation or rules. The report and any draft legislation or rules shall be submitted to the house committees on commerce and economic development and on natural resources and energy, and to the senate committees on finance and on natural resources and energy not later than January 15, 2013.

(e) Meetings. The work group shall meet at least four times or at the call of the chair and shall cease to exist upon the completion of its duties under this section. The meetings of the work group shall be publicly announced and open to the public, and reasonable opportunity shall be given to the public to express its opinion on the matters being considered by the work group. Administrative and staff support shall be provided by the office of the attorney general.

Pending the question, Shall the bill be amended as recommended by Reps. Ralston of Middlebury and Young of Glover? **Rep. Russell of Rutland City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Reps. Ralston of Middlebury and Young of Glover? was decided in the affirmative. Yeas, 106. Nays, 33.

Those who voted in the affirmative are:

Andrews of Rutland City
Aswad of Burlington
Bartholomew of Hartland
Bissonnette of Winooski
Bohi of Hartford

Botzow of Pownal
Browning of Arlington
Burke of Brattleboro
Buxton of Tunbridge
Campion of Bennington

Canfield of Fair Haven
Christie of Hartford
Clark of Vergennes
Clarkson of Woodstock
Condon of Colchester

Conquest of Newbury
 Consejo of Sheldon
 Copeland-Hanzas of
 Bradford
 Courcelle of Rutland City
 Crawford of Burke
 Dakin of Chester
 Degree of St. Albans City
 Devereux of Mount Holly
 Dickinson of St. Albans
 Town
 Donaghy of Poultney
 Donahue of Northfield
 Emmons of Springfield
 Evans of Essex
 Fagan of Rutland City
 Fisher of Lincoln
 Frank of Underhill
 French of Shrewsbury
 French of Randolph
 Grad of Moretown
 Greshin of Warren
 Haas of Rochester
 Heath of Westford
 Hooper of Montpelier
 Howrigan of Fairfield
 Jewett of Ripton
 Johnson of South Hero
 Johnson of Canaan
 Kilmartin of Newport City
 Kitzmiller of Montpelier
 Koch of Barre Town

Komline of Dorset
 Krowinski of Burlington
 Kupersmith of South
 Burlington
 Lanpher of Vergennes
 Larocque of Barnet
 Lawrence of Lyndon
 Lenes of Shelburne
 Lewis of Berlin
 Lippert of Hinesburg
 Lorber of Burlington
 Macaig of Williston
 Manwaring of Wilmington
 Marcotte of Coventry
 Martin of Springfield
 Martin of Wolcott
 Masland of Thetford
 McAllister of Highgate
 McFaun of Barre Town
 Mook of Bennington
 Moran of Wardsboro
 Mrowicki of Putney
 Munger of South Burlington
 Myers of Essex
 Nuovo of Middlebury
 Olsen of Jamaica
 O'Sullivan of Burlington
 Partridge of Windham
 Pearce of Richford
 Pearson of Burlington
 Peaslee of Guildhall
 Poirier of Barre City

Potter of Clarendon
 Pugh of South Burlington
 Ralston of Middlebury
 Ram of Burlington
 Reis of St. Johnsbury
 Russell of Rutland City
 Savage of Swanton
 Scheuermann of Stowe
 Shand of Weathersfield
 Sharpe of Bristol
 Shaw of Pittsford
 Smith of New Haven
 South of St. Johnsbury
 Spengler of Colchester
 Stevens of Waterbury
 Stevens of Shoreham
 Strong of Albany
 Stuart of Brattleboro
 Sweaney of Windsor
 Taylor of Barre City
 Toll of Danville
 Townsend of Randolph
 Trieber of Rockingham
 Waite-Simpson of Essex
 Wilson of Manchester
 Winters of Williamstown
 Wizowaty of Burlington
 Wright of Burlington
 Young of Glover
 Zagar of Barnard

Those who voted in the negative are:

Acinapura of Brandon
 Ancel of Calais
 Atkins of Winooski
 Batchelor of Derby
 Bouchard of Colchester
 Branagan of Georgia
 Cheney of Norwich
 Davis of Washington
 Deen of Westminster
 Donovan of Burlington
 Eckhardt of Chittenden

Edwards of Brattleboro
 Ellis of Waterbury
 Head of South Burlington
 Hebert of Vernon
 Helm of Fair Haven
 Higley of Lowell
 Howard of Cambridge
 Hubert of Milton
 Jerman of Essex
 Keenan of St. Albans City
 Klein of East Montpelier

Krebs of South Hero
 Lewis of Derby
 Malcolm of Pawlet
 Marek of Newfane
 McCullough of Williston
 Miller of Shaftsbury
 Peltz of Woodbury
 Perley of Enosburgh
 Turner of Milton
 Webb of Shelburne
 Yantachka of Charlotte

Those members absent with leave of the House and not voting are:

Brennan of Colchester
 Burditt of West Rutland

Corcoran of Bennington
 Gilbert of Fairfax

McNeil of Rutland Town
 Morrissey of Bennington

O'Brien of Richmond
Smith of Morristown

Till of Jericho
Woodward of Johnson

Pending third reading of the bill, **Rep. Olsen of Jamaica** moved to amend the bill as follows:

After Sec. 13, by inserting three new sections to be numbered Secs. 13a, 13b, and 13c to read as follows:

* * * Rate Recovery; Utility Energy Efficiency Investments * * *

Sec. 13a. 30 V.S.A. § 218 is amended to read:

§ 218. JURISDICTION OVER RATES AND CHARGES

* * *

(h) Notwithstanding any other provision of law, no electric distribution company subject to jurisdiction under section 203 of this title may recover in rates any investment or expenditure related to energy efficiency including weatherization, or a rate of return thereon, if the costs of the investment or expenditure exceed its benefits to the electric system. However, if the costs of the investment or expenditure do exceed its benefits to the electric system, an electric distribution company may recover an amount of those costs that is not greater than the amount of the benefits to the electric system from the investment or expenditure.

(1) For the purpose of this subsection, "benefits to the electric system" means benefits related to the generation, purchase, transmission, distribution, or consumption of electricity.

(2) This subsection shall apply to a company regardless of whether the company is under traditional or alternative regulation.

(3) This subsection does not apply to the costs of an electric energy efficiency program or measure implemented pursuant to subsections 209(d) and (e) of this title by an entity appointed under subdivision 209(d)(2) (energy efficiency utilities) of this title, if funded by a charge established under section 209(d)(3) (energy efficiency charge) of this title.

Sec. 13b. APPLICATION; PROSPECTIVE REPEAL

(a) 30 V.S.A. § 218(h) shall apply to investments and expenditures by an electric distribution company made on and after the effective date of this act.

(b) 30 V.S.A. § 218(h) shall be repealed on July 1, 2013.

Sec. 13c. WORKING GROUP; REPORT

Within 30 days of this section's effective date, the public service board shall convene an informal working group to research and make recommendations on policy issues regarding the funding of thermal energy efficiency by electric distribution companies, including what relationship, if any, such measures should have to the consumption of electricity. The department of public service shall participate in the working group. By January 15, 2013, the public service board, in consultation with the department of public service, shall submit to the general assembly its report and recommendations on the funding of thermal energy efficiency by electric distribution companies.

Which was agreed to.

Thereupon, **Rep. Marcotte of Coventry** moved to postpone action on the bill until after consideration of H. 782, the miscellaneous tax bill, which was agreed to.

Message from the Senate No. 56

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 782. An act relating to miscellaneous tax changes for 2012.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

Rules Suspended; Senate Proposal of Amendment Not Concurred in; Committee of Conference Requested and Appointed; Rules Suspended and the Bill was Ordered Messaged to the Senate Forthwith

H. 781

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to making appropriations for the support of government

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2013 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of state government during fiscal year 2013. It is the express intent of the general assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2012. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2013 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the general assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the general assembly that this act serve as the primary source and reference for appropriations for fiscal year 2013.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the commissioner of finance and management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending June 30, 2013.

Sec. A.103 DEFINITIONS

(a) For the purposes of this act:

(1) “Encumbrances” means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The commissioner of finance and management shall make final decisions on the appropriateness of encumbrances.

(2) “Grants” means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the state for services or supplies and means cash or other direct assistance, including pension contributions.

(3) "Operating expenses" means property management, repair and maintenance, rental expenses, insurance, postage, travel, energy and utilities, office and other supplies, equipment, including motor vehicles, highway materials, and construction, expenditures for the purchase of land, and construction of new buildings and permanent improvements, and similar items.

(4) "Personal services" means wages and salaries, fringe benefits, per diems, and contracted third party services, and similar items.

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the state appropriations shall control, notwithstanding receipts being greater or less than anticipated.

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2013, the governor, with the approval of the legislature or the joint fiscal committee if the legislature is not in session, may accept federal funds available to the state of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The governor, with the approval of the legislature or the joint fiscal committee if the legislature is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2013, federal funds available to the state of Vermont and designated as federal in this and other acts of the 2012 session of the Vermont general assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The governor may spend such funds for such purposes for no more than 45 days prior to legislative or joint fiscal committee approval. Notice shall be given to the joint fiscal committee without delay if the governor intends to use the authority granted by this section, and the joint fiscal committee shall meet in an expedited manner to review the governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized state positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2013 except for new positions authorized by the 2012 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriation of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations and/or government functions. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation actions</u>

(b) The C sections contain any amendments to the current fiscal year and the D sections contain fund transfers and reserve allocations for the upcoming budget year.

Sec. B.100 Secretary of administration - secretary's office

Personal services	781,049
Operating expenses	<u>98,019</u>
Total	879,068
Source of funds	
General fund	<u>879,068</u>

Total	879,068
Sec. B.101 Information and innovation - communications and information technology	
Personal services	7,277,590
Operating expenses	6,142,373
Grants	<u>900,000</u>
Total	14,319,963
Source of funds	
Internal service funds	14,090,577
Interdepartmental transfers	<u>229,386</u>
Total	14,319,963
Sec. B.102 Finance and management - budget and management	
Personal services	1,051,469
Operating expenses	<u>237,448</u>
Total	1,288,917
Source of funds	
General fund	1,055,204
Interdepartmental transfers	<u>233,713</u>
Total	1,288,917
Sec. B.103 Finance and management - financial operations	
Personal services	2,530,508
Operating expenses	<u>291,793</u>
Total	2,822,301
Source of funds	
Internal service funds	<u>2,822,301</u>
Total	2,822,301
Sec. B.104 Human resources - operations	
Personal services	5,544,850
Operating expenses	<u>635,826</u>
Total	6,180,676
Source of funds	
General fund	1,520,545
Special funds	213,814
Internal service funds	3,443,391
Interdepartmental transfers	<u>1,002,926</u>
Total	6,180,676
Sec. B.105 Human resources - employee benefits & wellness	

Personal services	1,038,445
Operating expenses	<u>720,645</u>
Total	1,759,090
Source of funds	
Internal service funds	1,745,417
Interdepartmental transfers	<u>13,673</u>
Total	1,759,090
Sec. B.106 Libraries	
Personal services	1,887,486
Operating expenses	1,479,724
Grants	<u>69,118</u>
Total	3,436,328
Source of funds	
General fund	2,391,244
Special funds	126,425
Federal funds	815,264
Interdepartmental transfers	<u>103,395</u>
Total	3,436,328
Sec. B.107 Tax - administration/collection	
Personal services	12,420,214
Operating expenses	<u>3,056,262</u>
Total	15,476,476
Source of funds	
General fund	13,973,154
Special funds	1,390,600
Interdepartmental transfers	<u>112,722</u>
Total	15,476,476
Sec. B.108 Buildings and general services - administration	
Personal services	1,647,902
Operating expenses	<u>208,339</u>
Total	1,856,241
Source of funds	
Interdepartmental transfers	<u>1,856,241</u>
Total	1,856,241
Sec. B.109 Buildings and general services - engineering	
Personal services	2,089,763
Operating expenses	<u>343,727</u>

Total	2,433,490
Source of funds	
Interdepartmental transfers	<u>2,433,490</u>
Total	2,433,490
Sec. B.110 Buildings and general services - information centers	
Personal services	3,057,602
Operating expenses	1,164,759
Grants	<u>33,000</u>
Total	4,255,361
Source of funds	
General fund	592,251
Transportation fund	3,638,110
Special funds	<u>25,000</u>
Total	4,255,361
Sec. B.111 Buildings and general services - purchasing	
Personal services	761,351
Operating expenses	<u>134,005</u>
Total	895,356
Source of funds	
General fund	<u>895,356</u>
Total	895,356
Sec. B.112 Buildings and general services - postal services	
Personal services	619,080
Operating expenses	<u>121,154</u>
Total	740,234
Source of funds	
General fund	35,716
Internal service funds	<u>704,518</u>
Total	740,234
Sec. B.113 Buildings and general services - copy center	
Personal services	634,249
Operating expenses	<u>128,012</u>
Total	762,261
Source of funds	
Internal service funds	<u>762,261</u>
Total	762,261
Sec. B.114 Buildings and general services - fleet management services	

Personal services	542,830
Operating expenses	<u>126,436</u>
Total	669,266
Source of funds	
Internal service funds	<u>669,266</u>
Total	669,266
Sec. B.115 Buildings and general services - federal surplus property	
Personal services	72,596
Operating expenses	<u>19,196</u>
Total	91,792
Source of funds	
Enterprise funds	<u>91,792</u>
Total	91,792
Sec. B.116 Buildings and general services - state surplus property	
Personal services	71,437
Operating expenses	<u>96,094</u>
Total	167,531
Source of funds	
Internal service funds	<u>167,531</u>
Total	167,531
Sec. B.117 Buildings and general services - property management	
Personal services	1,240,875
Operating expenses	<u>1,099,421</u>
Total	2,340,296
Source of funds	
Internal service funds	<u>2,340,296</u>
Total	2,340,296
Sec. B.118 Buildings and general services - workers' compensation insurance	
Personal services	1,226,115
Operating expenses	<u>306,347</u>
Total	1,532,462
Source of funds	
Internal service funds	<u>1,532,462</u>
Total	1,532,462
Sec. B.119 Buildings and general services - general liability insurance	
Personal services	275,346

Operating expenses	<u>59,879</u>
Total	335,225
Source of funds	
Internal service funds	<u>335,225</u>
Total	335,225
Sec. B.120 Buildings and general services - all other insurance	
Personal services	24,132
Operating expenses	<u>20,823</u>
Total	44,955
Source of funds	
Internal service funds	<u>44,955</u>
Total	44,955
Sec. B.121 Buildings and general services - fee for space	
Personal services	11,852,272
Operating expenses	<u>13,747,132</u>
Total	25,599,404
Source of funds	
Internal service funds	<u>25,599,404</u>
Total	25,599,404
Sec. B.122 Geographic information system	
Grants	<u>378,700</u>
Total	378,700
Source of funds	
Special funds	<u>378,700</u>
Total	378,700
Sec. B.123 Executive office - governor's office	
Personal services	1,204,827
Operating expenses	<u>404,987</u>
Total	1,609,814
Source of funds	
General fund	1,416,314
Interdepartmental transfers	<u>193,500</u>
Total	1,609,814
Sec. B.124 Legislative council	
Personal services	2,061,578
Operating expenses	<u>214,458</u>

Total	2,276,036
Source of funds	
General fund	<u>2,276,036</u>
Total	2,276,036
Sec. B.125 Legislature	
Personal services	3,585,526
Operating expenses	<u>3,289,626</u>
Total	6,875,152
Source of funds	
General fund	<u>6,875,152</u>
Total	6,875,152
Sec. B.126 Legislative information technology	
Personal services	394,911
Operating expenses	<u>550,361</u>
Total	945,272
Source of funds	
General fund	<u>945,272</u>
Total	945,272
Sec. B.127 Joint fiscal committee	
Personal services	1,277,145
Operating expenses	<u>131,624</u>
Total	1,408,769
Source of funds	
General fund	<u>1,408,769</u>
Total	1,408,769
Sec. B.128 Sergeant at arms	
Personal services	469,253
Operating expenses	<u>68,280</u>
Total	537,533
Source of funds	
General fund	<u>537,533</u>
Total	537,533
Sec. B.129 Lieutenant governor	
Personal services	141,223
Operating expenses	<u>31,849</u>
Total	173,072

Source of funds	
General fund	<u>173,072</u>
Total	173,072
Sec. B.130 Auditor of accounts	
Personal services	3,435,521
Operating expenses	<u>142,405</u>
Total	3,577,926
Source of funds	
General fund	379,580
Special funds	53,099
Internal service funds	<u>3,145,247</u>
Total	3,577,926
Sec. B.131 State treasurer	
Personal services	2,588,617
Operating expenses	347,133
Grants	<u>16,484</u>
Total	2,952,234
Source of funds	
General fund	988,481
Special funds	1,874,673
Interdepartmental transfers	<u>89,080</u>
Total	2,952,234
Sec. B.132 State treasurer - unclaimed property	
Personal services	793,619
Operating expenses	<u>238,102</u>
Total	1,031,721
Source of funds	
Private purpose trust funds	<u>1,031,721</u>
Total	1,031,721
Sec. B.133 Vermont state retirement system	
Personal services	7,053,372
Operating expenses	<u>30,257,342</u>
Total	37,310,714
Source of funds	
Pension trust funds	<u>37,310,714</u>
Total	37,310,714
Sec. B.134 Municipal employees' retirement system	

Personal services	2,271,444
Operating expenses	<u>526,796</u>
Total	2,798,240
Source of funds	
Pension trust funds	<u>2,798,240</u>
Total	2,798,240
Sec. B.135 State labor relations board	
Personal services	171,850
Operating expenses	<u>42,114</u>
Total	213,964
Source of funds	
General fund	198,620
Special funds	2,788
Interdepartmental transfers	<u>12,556</u>
Total	213,964
Sec. B.136 VOSHA review board	
Personal services	25,760
Operating expenses	<u>20,770</u>
Total	46,530
Source of funds	
General fund	23,265
Interdepartmental transfers	<u>23,265</u>
Total	46,530
Sec. B.137 Homeowner rebate	
Grants	<u>14,545,808</u>
Total	14,545,808
Source of funds	
General fund	<u>14,545,808</u>
Total	14,545,808
Sec. B.138 Renter rebate	
Grants	<u>9,623,000</u>
Total	9,623,000
Source of funds	
General fund	2,886,900
Education fund	<u>6,736,100</u>
Total	9,623,000
Sec. B.139 Tax department - reappraisal and listing payments	

Grants	<u>3,243,196</u>
Total	3,243,196
Source of funds	
Education fund	<u>3,243,196</u>
Total	3,243,196
Sec. B.140 Municipal current use	
Grants	<u>12,640,000</u>
Total	12,640,000
Source of funds	
General fund	<u>12,640,000</u>
Total	12,640,000
Sec. B.141 Lottery commission	
Personal services	1,649,942
Operating expenses	<u>1,387,667</u>
Total	3,037,609
Source of funds	
Enterprise funds	<u>3,037,609</u>
Total	3,037,609
Sec. B.142 Payments in lieu of taxes	
Grants	<u>5,800,000</u>
Total	5,800,000
Source of funds	
Special funds	<u>5,800,000</u>
Total	5,800,000
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	<u>184,000</u>
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000

Sec. B.145 Total general government

Source of funds	
General fund	66,637,340
Transportation fund	3,638,110
Special funds	10,089,099
Education fund	9,979,296
Federal funds	815,264
Internal service funds	57,402,851
Interdepartmental transfers	6,303,947
Enterprise funds	3,129,401
Pension trust funds	40,108,954
Private purpose trust funds	<u>1,031,721</u>
Total	199,135,983

Sec. B.200 Attorney general

Personal services	7,518,981
Operating expenses	<u>977,285</u>
Total	8,496,266
Source of funds	
General fund	3,801,997
Special funds	1,278,455
Tobacco fund	459,000
Federal funds	745,364
Interdepartmental transfers	<u>2,211,450</u>
Total	8,496,266

Sec. B.201 Vermont court diversion

Grants	<u>1,830,866</u>
Total	1,830,866
Source of funds	
General fund	1,310,869
Special funds	<u>519,997</u>
Total	1,830,866

Sec. B.202 Defender general - public defense

Personal services	8,335,000
Operating expenses	<u>892,734</u>
Total	9,227,734
Source of funds	
General fund	8,714,446
Special funds	<u>513,288</u>

Total	9,227,734
Sec. B.203 Defender general - assigned counsel	
Personal services	3,663,580
Operating expenses	<u>48,909</u>
Total	3,712,489
Source of funds	
General fund	3,587,225
Special funds	<u>125,264</u>
Total	3,712,489
Sec. B.204 Judiciary	
Personal services	28,807,441
Operating expenses	8,192,875
Grants	<u>70,000</u>
Total	37,070,316
Source of funds	
General fund	31,030,271
Special funds	2,967,507
Tobacco fund	39,871
Federal funds	888,205
Interdepartmental transfers	<u>2,144,462</u>
Total	37,070,316
Sec. B.205 State's attorneys	
Personal services	9,365,417
Operating expenses	<u>1,413,992</u>
Total	10,779,409
Source of funds	
General fund	8,382,669
Special funds	16,884
Federal funds	31,000
Interdepartmental transfers	<u>2,348,856</u>
Total	10,779,409
Sec. B.206 Special investigative unit	
Grants	<u>1,252,650</u>
Total	1,252,650
Source of funds	
General fund	1,152,650
Federal funds	<u>100,000</u>

Total	1,252,650
Sec. B.207 Sheriffs	
Personal services	3,339,862
Operating expenses	<u>274,773</u>
Total	3,614,635
Source of funds	
General fund	<u>3,614,635</u>
Total	3,614,635
Sec. B.208 Public safety - administration	
Personal services	1,788,617
Operating expenses	<u>469,509</u>
Total	2,258,126
Source of funds	
General fund	1,706,775
Federal funds	<u>551,351</u>
Total	2,258,126
Sec. B.209 Public safety - state police	
Personal services	43,959,260
Operating expenses	7,043,093
Grants	<u>6,860,000</u>
Total	57,862,353
Source of funds	
General fund	19,937,245
Transportation fund	25,238,498
Special funds	2,585,518
Federal funds	9,011,627
Interdepartmental transfers	<u>1,089,465</u>
Total	57,862,353
Sec. B.210 Public safety - criminal justice services	
Personal services	7,234,576
Operating expenses	2,496,734
Grants	<u>33,600</u>
Total	9,764,910
Source of funds	
General fund	6,948,145
Special funds	1,685,406
Federal funds	<u>1,131,359</u>

Total	9,764,910
Sec. B.211 Public safety - emergency management	
Personal services	1,324,091
Operating expenses	693,266
Grants	<u>1,515,892</u>
Total	3,533,249
Source of funds	
Federal funds	<u>3,533,249</u>
Total	3,533,249
Sec. B.212 Public safety - fire safety	
Personal services	4,927,464
Operating expenses	1,435,551
Grants	<u>206,000</u>
Total	6,569,015
Source of funds	
General fund	600,735
Special funds	5,591,200
Federal funds	332,080
Interdepartmental transfers	<u>45,000</u>
Total	6,569,015
Sec. B.213 Public safety - homeland security	
Personal services	9,514,027
Operating expenses	222,337
Grants	<u>3,000,000</u>
Total	12,736,364
Source of funds	
General fund	427,007
Federal funds	<u>12,309,357</u>
Total	12,736,364
Sec. B.214 Radiological emergency response plan	
Personal services	662,736
Operating expenses	374,180
Grants	<u>1,284,594</u>
Total	2,321,510
Source of funds	
Special funds	<u>2,321,510</u>
Total	2,321,510

Sec. B.215 Military - administration

Personal services	472,318
Operating expenses	405,416
Grants	<u>100,000</u>
Total	977,734
Source of funds	
General fund	<u>977,734</u>
Total	977,734

Sec. B.216 Military - air service contract

Personal services	5,206,919
Operating expenses	<u>1,214,629</u>
Total	6,421,548
Source of funds	
General fund	471,703
Federal funds	<u>5,949,845</u>
Total	6,421,548

Sec. B.217 Military - army service contract

Personal services	3,762,000
Operating expenses	<u>9,185,720</u>
Total	12,947,720
Source of funds	
General fund	125,876
Federal funds	<u>12,821,844</u>
Total	12,947,720

Sec. B.218 Military - building maintenance

Personal services	938,770
Operating expenses	<u>437,499</u>
Total	1,376,269
Source of funds	
General fund	<u>1,376,269</u>
Total	1,376,269

Sec. B.219 Military - veterans' affairs

Personal services	501,009
Operating expenses	125,246
Grants	<u>205,000</u>
Total	831,255
Source of funds	

General fund	677,808
Special funds	71,041
Federal funds	<u>82,406</u>
Total	831,255
Sec. B.220 Center for crime victims' services	
Personal services	1,590,567
Operating expenses	321,278
Grants	<u>9,289,817</u>
Total	11,201,662
Source of funds	
General fund	1,164,892
Special funds	5,996,342
Federal funds	<u>4,040,428</u>
Total	11,201,662
Sec. B.221 Criminal justice training council	
Personal services	1,277,366
Operating expenses	<u>1,195,505</u>
Total	2,472,871
Source of funds	
General fund	2,221,393
Interdepartmental transfers	<u>251,478</u>
Total	2,472,871
Sec. B.222 Agriculture, food and markets - administration	
Personal services	876,873
Operating expenses	378,386
Grants	<u>388,910</u>
Total	1,644,169
Source of funds	
General fund	1,130,085
Special funds	254,851
Federal funds	160,961
Global Commitment fund	56,272
Interdepartmental transfers	<u>42,000</u>
Total	1,644,169
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	2,733,957

Operating expenses	567,250
Grants	<u>2,400,000</u>
Total	5,701,207
Source of funds	
General fund	2,173,755
Special funds	2,912,594
Federal funds	573,852
Global Commitment fund	34,006
Interdepartmental transfers	<u>7,000</u>
Total	5,701,207
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	1,090,891
Operating expenses	534,548
Grants	<u>1,361,000</u>
Total	2,986,439
Source of funds	
General fund	756,937
Special funds	1,438,908
Federal funds	745,143
Interdepartmental transfers	<u>45,451</u>
Total	2,986,439
Sec. B.225 Agriculture, food and markets - laboratories, agricultural resource management and environmental stewardship	
Personal services	3,114,267
Operating expenses	751,280
Grants	<u>933,674</u>
Total	4,799,221
Source of funds	
General fund	1,844,046
Special funds	1,947,242
Federal funds	754,469
Interdepartmental transfers	<u>253,464</u>
Total	4,799,221
Sec. B.226 Banking, insurance, securities, and health care administration - administration	
Personal services	1,700,967
Operating expenses	<u>192,064</u>
Total	1,893,031

Source of funds	
Special funds	<u>1,893,031</u>
Total	1,893,031
Sec. B.227 Banking, insurance, securities, and health care administration - banking	
Personal services	1,344,820
Operating expenses	<u>252,764</u>
Total	1,597,584
Source of funds	
Special funds	<u>1,597,584</u>
Total	1,597,584
Sec. B.228 Banking, insurance, securities, and health care administration - insurance	
Personal services	5,663,896
Operating expenses	<u>446,457</u>
Total	6,110,353
Source of funds	
Special funds	4,101,506
Federal funds	1,268,147
Global Commitment fund	615,700
Interdepartmental transfers	<u>125,000</u>
Total	6,110,353
Sec. B.229 Banking, insurance, securities, and health care administration - captive	
Personal services	3,600,947
Operating expenses	<u>429,555</u>
Total	4,030,502
Source of funds	
Special funds	<u>4,030,502</u>
Total	4,030,502
Sec. B.230 Banking, insurance, securities, and health care administration - securities	
Personal services	529,156
Operating expenses	<u>153,631</u>
Total	682,787
Source of funds	
Special funds	<u>682,787</u>

Total	682,787
Sec. B.231 Banking, insurance, securities, and health care administration - health care administration	
Personal services	2,695,600
Operating expenses	<u>102,964</u>
Total	2,798,564
Source of funds	
Special funds	2,029,462
Federal funds	236,136
Global Commitment fund	432,966
Interdepartmental transfers	<u>100,000</u>
Total	2,798,564
Sec. B.232 Secretary of state	
Personal services	6,029,934
Operating expenses	1,857,787
Grants	<u>945,114</u>
Total	8,832,835
Source of funds	
General fund	1,518,552
Special funds	5,239,283
Federal funds	2,000,000
Interdepartmental transfers	<u>75,000</u>
Total	8,832,835
Sec. B.233 Public service - regulation and energy	
Personal services	9,693,417
Operating expenses	2,041,069
Grants	<u>4,428,959</u>
Total	16,163,445
Source of funds	
Special funds	10,345,714
Federal funds	843,755
ARRA funds	4,909,080
Interdepartmental transfers	27,200
Enterprise funds	<u>37,696</u>
Total	16,163,445
Sec. B.234 Public service board	
Personal services	2,682,650

Operating expenses	<u>392,931</u>
Total	3,075,581
Source of funds	
Special funds	2,823,980
ARRA funds	<u>251,601</u>
Total	3,075,581
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	3,668,108
Operating expenses	509,310
Grants	<u>810,000</u>
Total	4,987,418
Source of funds	
Special funds	<u>4,987,418</u>
Total	4,987,418
Sec. B.236 Human rights commission	
Personal services	408,510
Operating expenses	<u>63,794</u>
Total	472,304
Source of funds	
General fund	391,093
Federal funds	<u>81,211</u>
Total	472,304
Sec. B.237 Liquor control - administration	
Personal services	2,606,023
Operating expenses	<u>519,774</u>
Total	3,125,797
Source of funds	
Tobacco fund	6,661
Enterprise funds	<u>3,119,136</u>
Total	3,125,797
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	1,968,858
Operating expenses	<u>408,275</u>
Total	2,377,133
Source of funds	
Tobacco fund	285,284
Enterprise funds	<u>2,091,849</u>

Total	2,377,133
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	804,429
Operating expenses	<u>362,234</u>
Total	1,166,663
Source of funds	
Enterprise funds	<u>1,166,663</u>
Total	1,166,663
Sec. B.240 Total protection to persons and property	
Source of funds	
General fund	106,044,812
Transportation fund	25,238,498
Special funds	67,957,274
Tobacco fund	790,816
Federal funds	58,191,789
ARRA funds	5,160,681
Global Commitment fund	1,138,944
Interdepartmental transfers	8,765,826
Enterprise funds	<u>6,415,344</u>
Total	279,703,984
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	8,968,380
Operating expenses	3,216,136
Grants	<u>5,235,805</u>
Total	17,420,321
Source of funds	
General fund	5,048,148
Special funds	7,517
Tobacco fund	291,330
Federal funds	9,307,818
Global Commitment fund	415,000
Interdepartmental transfers	<u>2,350,508</u>
Total	17,420,321
Sec. B.301 Secretary's office - global commitment	
Grants	<u>1,170,854,293</u>
Total	1,170,854,293
Source of funds	

General fund	176,444,449
Special funds	19,403,040
Tobacco fund	31,343,693
State health care resources fund	266,423,947
Federal funds	676,551,029
Interdepartmental transfers	<u>688,135</u>
Total	1,170,854,293
Sec. B.302 Rate setting	
Personal services	819,376
Operating expenses	<u>82,162</u>
Total	901,538
Source of funds	
Global Commitment fund	<u>901,538</u>
Total	901,538
Sec. B.303 Developmental disabilities council	
Personal services	235,696
Operating expenses	58,633
Grants	<u>248,388</u>
Total	542,717
Source of funds	
Federal funds	<u>542,717</u>
Total	542,717
Sec. B.304 Human services board	
Personal services	301,131
Operating expenses	<u>47,907</u>
Total	349,038
Source of funds	
General fund	113,997
Federal funds	149,715
Interdepartmental transfers	<u>85,326</u>
Total	349,038
Sec. B.305 AHS - administrative fund	
Personal services	350,000
Operating expenses	<u>4,650,000</u>
Total	5,000,000
Source of funds	
Interdepartmental transfers	<u>5,000,000</u>

Total	5,000,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	104,339,779
Operating expenses	3,063,851
Grants	<u>24,260,263</u>
Total	131,663,893
Source of funds	
General fund	941,059
Special funds	1,552,963
Federal funds	79,787,828
ARRA funds	76,790
Global Commitment fund	45,228,136
Interdepartmental transfers	<u>4,077,117</u>
Total	131,663,893
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Grants	<u>672,639,153</u>
Total	672,639,153
Source of funds	
Global Commitment fund	<u>672,639,153</u>
Total	672,639,153
Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver	
Grants	<u>201,240,298</u>
Total	201,240,298
Source of funds	
General fund	87,683,279
Federal funds	<u>113,557,019</u>
Total	201,240,298
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	<u>29,191,562</u>
Total	29,191,562
Source of funds	
General fund	27,776,633
Global Commitment fund	<u>1,414,929</u>
Total	29,191,562

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>44,440,781</u>
Total	44,440,781
Source of funds	
General fund	18,573,485
Federal funds	<u>25,867,296</u>
Total	44,440,781

Sec. B.311 Health - administration and support

Personal services	5,668,858
Operating expenses	1,946,031
Grants	<u>3,370,200</u>
Total	10,985,089
Source of funds	
General fund	1,039,062
Special funds	579,063
Federal funds	5,642,395
ARRA funds	35,000
Global Commitment fund	<u>3,689,569</u>
Total	10,985,089

Sec. B.312 Health - public health

Personal services	31,255,732
Operating expenses	5,670,400
Grants	<u>33,940,880</u>
Total	70,867,012
Source of funds	
General fund	6,851,240
Special funds	10,345,713
Tobacco fund	1,594,000
Federal funds	34,079,848
ARRA funds	110,000
Global Commitment fund	16,771,971
Interdepartmental transfers	1,104,240
Permanent trust funds	<u>10,000</u>
Total	70,867,012

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	2,791,666
Operating expenses	327,258

Grants	<u>27,904,134</u>
Total	31,023,058
Source of funds	
General fund	3,446,756
Special funds	363,884
Tobacco fund	1,386,234
Federal funds	5,858,397
Global Commitment fund	19,617,787
Interdepartmental transfers	<u>350,000</u>
Total	31,023,058
Sec. B.314 Mental health - mental health	
Personal services	7,560,273
Operating expenses	1,028,785
Grants	<u>165,312,253</u>
Total	173,901,311
Source of funds	
General fund	1,477,732
Special funds	6,836
Federal funds	6,713,296
Global Commitment fund	165,683,447
Interdepartmental transfers	<u>20,000</u>
Total	173,901,311
Sec. B.316 Department for children and families - administration & support services	
Personal services	37,308,143
Operating expenses	6,637,625
Grants	<u>1,506,996</u>
Total	45,452,764
Source of funds	
General fund	15,331,675
Special funds	250,000
Federal funds	14,167,492
Global Commitment fund	15,442,598
Interdepartmental transfers	<u>260,999</u>
Total	45,452,764
Sec. B.317 Department for children and families - family services	
Personal services	23,343,490
Operating expenses	3,251,569

Grants	<u>60,455,303</u>
Total	87,050,362
Source of funds	
General fund	21,297,433
Special funds	1,691,637
Federal funds	26,652,367
Global Commitment fund	37,244,871
Interdepartmental transfers	<u>164,054</u>
Total	87,050,362
Sec. B.318 Department for children and families - child development	
Personal services	3,292,420
Operating expenses	367,946
Grants	<u>61,380,763</u>
Total	65,041,129
Source of funds	
General fund	26,506,976
Special funds	1,820,000
Federal funds	27,902,282
Global Commitment fund	8,805,419
Interdepartmental transfers	<u>6,452</u>
Total	65,041,129
Sec. B.319 Department for children and families - office of child support	
Personal services	8,769,222
Operating expenses	<u>3,990,861</u>
Total	12,760,083
Source of funds	
General fund	2,992,459
Special funds	455,718
Federal funds	8,924,306
Interdepartmental transfers	<u>387,600</u>
Total	12,760,083
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	1,827,113
Grants	<u>11,382,054</u>
Total	13,209,167
Source of funds	
General fund	9,459,167

Global Commitment fund	<u>3,750,000</u>
Total	13,209,167
Sec. B.321 Department for children and families - general assistance	
Grants	<u>6,649,371</u>
Total	6,649,371
Source of funds	
General fund	4,845,580
Federal funds	1,111,320
Global Commitment fund	<u>692,471</u>
Total	6,649,371
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>24,860,290</u>
Total	24,860,290
Source of funds	
Federal funds	<u>24,860,290</u>
Total	24,860,290
Sec. B.323 Department for children and families - reach up	
Grants	<u>47,930,572</u>
Total	47,930,572
Source of funds	
General fund	18,256,509
Special funds	19,916,856
Federal funds	7,882,807
Global Commitment fund	<u>1,874,400</u>
Total	47,930,572
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Personal services	20,000
Operating expenses	90,000
Grants	<u>11,547,664</u>
Total	11,657,664
Source of funds	
Federal funds	<u>11,657,664</u>
Total	11,657,664
Sec. B.325 Department for children and families - office of economic opportunity	

Personal services	268,987
Operating expenses	66,265
Grants	<u>4,976,859</u>
Total	5,312,111
Source of funds	
General fund	1,304,908
Special funds	57,990
Federal funds	3,746,725
Global Commitment fund	<u>202,488</u>
Total	5,312,111
Sec. B.326 Department for children and families - OEO - weatherization assistance	
Personal services	160,534
Operating expenses	130,839
Grants	<u>7,682,112</u>
Total	7,973,485
Source of funds	
Special funds	6,992,573
Federal funds	<u>980,912</u>
Total	7,973,485
Sec. B.327 Department for children and families - Woodside rehabilitation center	
Personal services	3,695,668
Operating expenses	<u>575,294</u>
Total	4,270,962
Source of funds	
General fund	791,852
Global Commitment fund	3,424,218
Interdepartmental transfers	<u>54,892</u>
Total	4,270,962
Sec. B.328 Department for children and families - disability determination services	
Personal services	4,506,460
Operating expenses	<u>1,138,408</u>
Total	5,644,868
Source of funds	
Federal funds	5,398,351
Global Commitment fund	<u>246,517</u>

Total	5,644,868
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	24,854,382
Operating expenses	<u>3,344,406</u>
Total	28,198,788
Source of funds	
General fund	6,808,267
Special funds	1,281,646
Federal funds	11,735,745
Global Commitment fund	5,887,278
Interdepartmental transfers	<u>2,485,852</u>
Total	28,198,788
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>21,051,422</u>
Total	21,051,422
Source of funds	
General fund	8,361,703
Federal funds	7,640,264
Global Commitment fund	4,411,955
Interdepartmental transfers	<u>637,500</u>
Total	21,051,422
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,481,457</u>
Total	1,481,457
Source of funds	
General fund	364,064
Special funds	223,450
Federal funds	648,943
Global Commitment fund	<u>245,000</u>
Total	1,481,457
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>8,795,971</u>
Total	8,795,971

Source of funds	
General fund	1,535,695
Special funds	70,000
Federal funds	4,062,389
Global Commitment fund	7,500
Interdepartmental transfers	<u>3,120,387</u>
Total	8,795,971
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>157,203,376</u>
Total	157,203,376
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	<u>156,672,931</u>
Total	157,203,376
Sec. B.334 Disabilities, aging, and independent living -TBI home and community based waiver	
Grants	<u>4,772,899</u>
Total	4,772,899
Source of funds	
Global Commitment fund	<u>4,772,899</u>
Total	4,772,899
Sec. B.335 Corrections - administration	
Personal services	1,992,190
Operating expenses	<u>226,070</u>
Total	2,218,260
Source of funds	
General fund	<u>2,218,260</u>
Total	2,218,260
Sec. B.336 Corrections - parole board	
Personal services	251,226
Operating expenses	<u>70,819</u>
Total	322,045
Source of funds	
General fund	<u>322,045</u>
Total	322,045

Sec. B.337 Corrections - correctional education

Personal services	4,072,336
Operating expenses	<u>640,774</u>
Total	4,713,110
Source of funds	
Education fund	4,337,051
Interdepartmental transfers	<u>376,059</u>
Total	4,713,110

Sec. B.338 Corrections - correctional services

Personal services	98,971,228
Operating expenses	17,406,483
Grants	<u>7,445,709</u>
Total	123,823,420
Source of funds	
General fund	118,338,441
Special funds	483,963
Federal funds	470,962
Global Commitment fund	4,133,739
Interdepartmental transfers	<u>396,315</u>
Total	123,823,420

Sec. B.339 Corrections - Correctional services-out of state beds

Personal services	<u>10,149,922</u>
Total	10,149,922
Source of funds	
General fund	<u>10,149,922</u>
Total	10,149,922

Sec. B.340 Corrections - correctional facilities - recreation

Personal services	447,238
Operating expenses	<u>345,501</u>
Total	792,739
Source of funds	
Special funds	<u>792,739</u>
Total	792,739

Sec. B.341 Corrections - Vermont offender work program

Personal services	912,386
Operating expenses	<u>548,231</u>
Total	1,460,617

Source of funds	
Internal service funds	<u>1,460,617</u>
Total	1,460,617
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	15,077,958
Operating expenses	<u>4,024,056</u>
Total	19,102,014
Source of funds	
Special funds	10,606,072
Federal funds	7,084,986
Global Commitment fund	<u>1,410,956</u>
Total	19,102,014
Sec. B.343 Commission on women	
Personal services	253,203
Operating expenses	<u>63,368</u>
Total	316,571
Source of funds	
General fund	311,571
Special funds	<u>5,000</u>
Total	316,571
Sec. B.344 Retired senior volunteer program	
Grants	<u>131,096</u>
Total	131,096
Source of funds	
General fund	<u>131,096</u>
Total	131,096
Sec. B.345 Green Mountain Care Board	
Personal services	2,199,217
Operating expenses	<u>276,798</u>
Total	2,476,015
Source of funds	
General fund	467,038
Special funds	392,351
Global Commitment fund	1,477,740
Interdepartmental transfers	<u>138,886</u>
Total	2,476,015
Sec. B.346 Total human services	

Source of funds	
General fund	579,345,626
Special funds	77,314,474
Tobacco fund	34,615,257
State health care resources fund	266,423,947
Education fund	4,337,051
Federal funds	1,123,345,020
ARRA funds	221,790
Global Commitment fund	1,177,064,510
Internal service funds	1,460,617
Interdepartmental transfers	21,704,322
Permanent trust funds	<u>10,000</u>
Total	3,285,842,614
Sec. B.401 Labor - programs	
Personal services	24,050,596
Operating expenses	5,544,657
Grants	<u>1,873,000</u>
Total	31,468,253
Source of funds	
General fund	2,894,425
Special funds	3,363,869
Federal funds	23,751,533
Interdepartmental transfers	<u>1,458,426</u>
Total	31,468,253
Sec. B.402 Total labor	
Source of funds	
General fund	2,894,425
Special funds	3,363,869
Federal funds	23,751,533
Interdepartmental transfers	<u>1,458,426</u>
Total	31,468,253
Sec. B.500 Education - finance and administration	
Personal services	5,276,764
Operating expenses	1,864,917
Grants	<u>12,333,500</u>
Total	19,475,181
Source of funds	
General fund	2,905,528

Special funds	13,204,648
Education fund	795,372
Federal funds	1,732,359
Global Commitment fund	829,274
Interdepartmental transfers	<u>8,000</u>
Total	19,475,181
Sec. B.501 Education - education services	
Personal services	12,258,423
Operating expenses	1,596,567
Grants	<u>124,528,547</u>
Total	138,383,537
Source of funds	
General fund	5,715,014
Special funds	2,532,427
Federal funds	<u>130,136,096</u>
Total	138,383,537
Sec. B.502 Education - special education: formula grants	
Grants	<u>157,889,563</u>
Total	157,889,563
Source of funds	
Education fund	157,659,563
Global Commitment fund	<u>230,000</u>
Total	157,889,563
Sec. B.503 Education - state-placed students	
Grants	<u>15,500,000</u>
Total	15,500,000
Source of funds	
Education fund	<u>15,500,000</u>
Total	15,500,000
Sec. B.504 Education - adult education and literacy	
Grants	<u>7,463,656</u>
Total	7,463,656
Source of funds	
General fund	787,995
Education fund	5,800,000
Federal funds	<u>875,661</u>
Total	7,463,656

Sec. B.505 Education - adjusted education payment

Grants	<u>1,160,482,149</u>
Total	1,160,482,149
Source of funds	
Education fund	<u>1,160,482,149</u>
Total	1,160,482,149

Sec. B.506 Education - transportation

Grants	<u>16,366,435</u>
Total	16,366,435
Source of funds	
Education fund	<u>16,366,435</u>
Total	16,366,435

Sec. B.507 Education - small school grants

Grants	<u>7,585,338</u>
Total	7,585,338
Source of funds	
Education fund	<u>7,585,338</u>
Total	7,585,338

Sec. B.508 Education - capital debt service aid

Grants	<u>84,801</u>
Total	84,801
Source of funds	
Education fund	<u>84,801</u>
Total	84,801

Sec. B.509 Education - tobacco litigation

Personal services	140,405
Operating expenses	47,015
Grants	<u>804,511</u>
Total	991,931
Source of funds	
Tobacco fund	<u>991,931</u>
Total	991,931

Sec. B.510 Education - essential early education grant

Grants	<u>5,966,869</u>
Total	5,966,869
Source of funds	

Education fund	<u>5,966,869</u>
Total	5,966,869
Sec. B.511 Education - technical education	
Grants	<u>13,018,754</u>
Total	13,018,754
Source of funds	
Education fund	<u>13,018,754</u>
Total	13,018,754
Sec. B.512 Education - Act 117 cost containment	
Personal services	1,093,827
Operating expenses	130,269
Grants	<u>91,000</u>
Total	1,315,096
Source of funds	
Special funds	<u>1,315,096</u>
Total	1,315,096
Sec. B.513 Appropriation and transfer to education fund	
Grants	<u>282,317,280</u>
Total	282,317,280
Source of funds	
General fund	<u>282,317,280</u>
Total	282,317,280
Sec. B.514 State teachers' retirement system	
Personal services	7,974,488
Operating expenses	25,138,141
Grants	<u>63,613,130</u>
Total	96,725,759
Source of funds	
General fund	63,613,130
Pension trust funds	<u>33,112,629</u>
Total	96,725,759
Sec. B.515 Total general education	
Source of funds	
General fund	355,338,947
Special funds	17,052,171
Tobacco fund	991,931

Education fund	1,383,259,281
Federal funds	132,744,116
Global Commitment fund	1,059,274
Interdepartmental transfers	8,000
Pension trust funds	<u>33,112,629</u>
Total	1,923,566,349
Sec. B.600 University of Vermont	
Grants	<u>40,746,633</u>
Total	40,746,633
Source of funds	
General fund	36,740,477
Global Commitment fund	<u>4,006,156</u>
Total	40,746,633
Sec. B.601 Vermont Public Television	
Grants	<u>557,683</u>
Total	557,683
Source of funds	
General fund	<u>557,683</u>
Total	557,683
Sec. B.602 Vermont state colleges	
Grants	<u>23,107,247</u>
Total	23,107,247
Source of funds	
General fund	<u>23,107,247</u>
Total	23,107,247
Sec. B.603 Vermont state colleges - allied health	
Grants	<u>1,116,503</u>
Total	1,116,503
Source of funds	
General fund	711,096
Global Commitment fund	<u>405,407</u>
Total	1,116,503
Sec. B.604 Vermont interactive technology	
Grants	<u>785,679</u>
Total	785,679
Source of funds	

General fund	<u>785,679</u>
Total	785,679
Sec. B.605 Vermont student assistance corporation	
Grants	<u>18,363,607</u>
Total	18,363,607
Source of funds	
General fund	<u>18,363,607</u>
Total	18,363,607
Sec. B.606 New England higher education compact	
Grants	<u>84,000</u>
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000
Sec. B.607 University of Vermont - Morgan Horse Farm	
Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1
Sec. B.608 Total higher education	
Source of funds	
General fund	80,349,790
Global Commitment fund	<u>4,411,563</u>
Total	84,761,353
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	2,750,386
Operating expenses	834,016
Grants	<u>45,510</u>
Total	3,629,912
Source of funds	
General fund	3,423,982
Special funds	54,484
Federal funds	25,000
Interdepartmental transfers	<u>126,446</u>
Total	3,629,912

 Sec. B.701 Natural resources - state land local property tax assessment

Operating expenses	<u>2,128,733</u>
Total	2,128,733
Source of funds	
General fund	1,707,233
Interdepartmental transfers	<u>421,500</u>
Total	2,128,733

Sec. B.702 Fish and wildlife - support and field services

Personal services	13,553,595
Operating expenses	5,095,830
Grants	<u>731,517</u>
Total	19,380,942
Source of funds	
General fund	2,301,129
Special funds	20,000
Fish and wildlife fund	16,877,322
Interdepartmental transfers	<u>182,491</u>
Total	19,380,942

Sec. B.703 Forests, parks and recreation - administration

Personal services	975,288
Operating expenses	593,461
Grants	<u>1,815,492</u>
Total	3,384,241
Source of funds	
General fund	1,113,363
Special funds	1,307,878
Federal funds	<u>963,000</u>
Total	3,384,241

Sec. B.704 Forests, parks and recreation - forestry

Personal services	4,550,319
Operating expenses	562,277
Grants	<u>501,000</u>
Total	5,613,596
Source of funds	
General fund	3,096,073
Special funds	975,069
Federal funds	1,412,454
Interdepartmental transfers	<u>130,000</u>

Total	5,613,596
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	5,781,254
Operating expenses	<u>2,165,473</u>
Total	7,946,727
Source of funds	
General fund	333,431
Special funds	<u>7,613,296</u>
Total	7,946,727
Sec. B.706 Forests, parks and recreation - lands administration	
Personal services	450,740
Operating expenses	<u>1,208,771</u>
Total	1,659,511
Source of funds	
General fund	385,306
Special funds	179,205
Federal funds	1,050,000
Interdepartmental transfers	<u>45,000</u>
Total	1,659,511
Sec. B.707 Forests, parks and recreation - youth conservation corps	
Grants	<u>574,702</u>
Total	574,702
Source of funds	
General fund	42,320
Special funds	188,382
Federal funds	94,000
Interdepartmental transfers	<u>250,000</u>
Total	574,702
Sec. B.708 Forests, parks and recreation - forest highway maintenance	
Personal services	20,000
Operating expenses	<u>134,925</u>
Total	154,925
Source of funds	
General fund	<u>154,925</u>
Total	154,925
Sec. B.709 Environmental conservation - management and support services	

Personal services	4,083,151
Operating expenses	884,656
Grants	<u>137,426</u>
Total	5,105,233
Source of funds	
General fund	1,024,692
Special funds	1,960,991
Federal funds	1,633,669
Interdepartmental transfers	<u>485,881</u>
Total	5,105,233
Sec. B.710 Environmental conservation - air and waste management	
Personal services	9,671,663
Operating expenses	6,666,655
Grants	<u>2,419,500</u>
Total	18,757,818
Source of funds	
General fund	646,287
Special funds	14,493,478
Federal funds	3,313,053
Interdepartmental transfers	<u>305,000</u>
Total	18,757,818
Sec. B.711 Environmental conservation - office of water programs	
Personal services	13,686,115
Operating expenses	1,786,364
Grants	<u>2,637,546</u>
Total	18,110,025
Source of funds	
General fund	5,361,698
Special funds	5,565,217
Federal funds	6,518,985
Interdepartmental transfers	<u>664,125</u>
Total	18,110,025
Sec. B.712 Environmental conservation - tax-loss-Connecticut river flood control	
Operating expenses	<u>34,700</u>
Total	34,700
Source of funds	
General fund	3,470

Special funds	<u>31,230</u>
Total	34,700
Sec. B.713 Natural resources board	
Personal services	2,365,799
Operating expenses	<u>351,832</u>
Total	2,717,631
Source of funds	
General fund	751,745
Special funds	<u>1,965,886</u>
Total	2,717,631
Sec. B.714 Total natural resources	
Source of funds	
General fund	20,345,654
Special funds	34,355,116
Fish and wildlife fund	16,877,322
Federal funds	15,010,161
Interdepartmental transfers	<u>2,610,443</u>
Total	89,198,696
Sec. B.800 Commerce and community development - agency of commerce and community development - administration	
Personal services	1,864,080
Operating expenses	602,833
Grants	<u>1,711,570</u>
Total	4,178,483
Source of funds	
General fund	3,053,483
Federal funds	1,100,000
Interdepartmental transfers	<u>25,000</u>
Total	4,178,483
Sec. B.801 Economic, housing, and community development	
Personal services	7,994,679
Operating expenses	1,480,643
Grants	<u>6,687,833</u>
Total	16,163,155
Source of funds	
General fund	5,739,558
Special funds	3,971,206

Federal funds	6,422,391
Interdepartmental transfers	<u>30,000</u>
Total	16,163,155
Sec. B.802 Historic sites - special improvements	
Operating expenses	<u>13,000</u>
Total	13,000
Source of funds	
Special funds	<u>13,000</u>
Total	13,000
Sec. B.803 Community development block grants	
Grants	<u>11,210,494</u>
Total	11,210,494
Source of funds	
Federal funds	<u>11,210,494</u>
Total	11,210,494
Sec. B.804 Downtown transportation and capital improvement fund	
Personal services	79,041
Grants	<u>304,925</u>
Total	383,966
Source of funds	
Special funds	<u>383,966</u>
Total	383,966
Sec. B.805 Tourism and marketing	
Personal services	1,282,608
Operating expenses	1,657,545
Grants	<u>143,500</u>
Total	3,083,653
Source of funds	
General fund	<u>3,083,653</u>
Total	3,083,653
Sec. B.806 Vermont life	
Personal services	720,000
Operating expenses	<u>53,053</u>
Total	773,053
Source of funds	
Enterprise funds	<u>773,053</u>

Total	773,053
Sec. B.807 Vermont council on the arts	
Grants	<u>507,607</u>
Total	507,607
Source of funds	
General fund	<u>507,607</u>
Total	507,607
Sec. B.808 Vermont symphony orchestra	
Grants	<u>113,821</u>
Total	113,821
Source of funds	
General fund	<u>113,821</u>
Total	113,821
Sec. B.809 Vermont historical society	
Grants	<u>807,694</u>
Total	807,694
Source of funds	
General fund	<u>807,694</u>
Total	807,694
Sec. B.810 Vermont housing and conservation board	
Grants	<u>28,407,233</u>
Total	28,407,233
Source of funds	
Special funds	13,993,588
Federal funds	<u>14,413,645</u>
Total	28,407,233
Sec. B.811 Vermont humanities council	
Grants	<u>172,670</u>
Total	172,670
Source of funds	
General fund	<u>172,670</u>
Total	172,670
Sec. B.812 Total commerce and community development	
Source of funds	
General fund	13,478,486
Special funds	18,361,760

Federal funds	33,146,530
Interdepartmental transfers	55,000
Enterprise funds	<u>773,053</u>
Total	65,814,829
Sec. B.900 Transportation - finance and administration	
Personal services	9,524,960
Operating expenses	1,931,538
Grants	<u>310,000</u>
Total	11,766,498
Source of funds	
Transportation fund	10,882,996
Federal funds	<u>883,502</u>
Total	11,766,498
Sec. B.901 Transportation - aviation	
Personal services	1,724,402
Operating expenses	4,079,395
Grants	<u>376,500</u>
Total	6,180,297
Source of funds	
Transportation fund	2,983,547
Federal funds	<u>3,196,750</u>
Total	6,180,297
Sec. B.902 Transportation - buildings	
Operating expenses	<u>2,661,000</u>
Total	2,661,000
Source of funds	
Transportation fund	1,556,000
TIB fund	<u>1,105,000</u>
Total	2,661,000
Sec. B.903 Transportation - program development	
Personal services	36,309,069
Operating expenses	247,244,191
Grants	<u>37,369,326</u>
Total	320,922,586
Source of funds	
Transportation fund	32,466,313
TIB fund	16,673,911

Federal funds	257,640,181
Interdepartmental transfers	3,770,000
Local match	1,372,181
TIB proceeds fund	<u>9,000,000</u>
Total	320,922,586
Sec. B.904 Transportation - rest areas construction	
Personal services	170,000
Operating expenses	<u>5,973,000</u>
Total	6,143,000
Source of funds	
Transportation fund	116,628
TIB fund	1,041,168
Federal funds	<u>4,985,204</u>
Total	6,143,000
Sec. B.905 Transportation - maintenance state system	
Personal services	34,893,490
Operating expenses	34,458,501
Grants	<u>50,000</u>
Total	69,401,991
Source of funds	
Transportation fund	68,615,000
Federal funds	686,991
Interdepartmental transfers	<u>100,000</u>
Total	69,401,991
Sec. B.906 Transportation - planning, outreach and community affairs	
Personal services	3,823,747
Operating expenses	1,289,488
Grants	<u>4,985,709</u>
Total	10,098,944
Source of funds	
Transportation fund	1,878,444
Federal funds	7,773,303
Interdepartmental transfers	<u>447,197</u>
Total	10,098,944
Sec. B.907 Transportation - rail	
Personal services	3,695,897
Operating expenses	<u>23,648,091</u>

Total	27,343,988
Source of funds	
Transportation fund	9,508,058
TIB fund	1,509,000
Federal funds	10,024,977
ARRA funds	<u>6,301,953</u>
Total	27,343,988
Sec. B.908 Transportation - public transit	
Personal services	724,629
Operating expenses	168,280
Grants	<u>24,745,887</u>
Total	25,638,796
Source of funds	
Transportation fund	7,482,900
Federal funds	<u>18,155,896</u>
Total	25,638,796
Sec. B.909 Transportation - central garage	
Personal services	3,729,034
Operating expenses	<u>14,924,210</u>
Total	18,653,244
Source of funds	
Internal service funds	<u>18,653,244</u>
Total	18,653,244
Sec. B.910 Department of motor vehicles	
Personal services	16,717,817
Operating expenses	8,960,544
Grants	<u>50,000</u>
Total	25,728,361
Source of funds	
Transportation fund	22,630,649
Federal funds	<u>3,097,712</u>
Total	25,728,361
Sec. B.911 Transportation - town highway structures	
Grants	<u>6,333,500</u>
Total	6,333,500
Source of funds	
Transportation fund	<u>6,333,500</u>

Total	6,333,500
Sec. B.912 Transportation - town highway Vermont local roads	
Grants	<u>400,000</u>
Total	400,000
Source of funds	
Transportation fund	235,000
Federal funds	<u>165,000</u>
Total	400,000
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>7,248,750</u>
Total	7,248,750
Source of funds	
Transportation fund	<u>7,248,750</u>
Total	7,248,750
Sec. B.914 Transportation - town highway bridges	
Personal services	4,200,000
Operating expenses	<u>16,646,405</u>
Total	20,846,405
Source of funds	
Transportation fund	624,804
TIB fund	962,303
Federal funds	16,712,123
Local match	1,547,175
TIB proceeds fund	<u>1,000,000</u>
Total	20,846,405
Sec. B.915 Transportation - town highway aid program	
Grants	<u>25,982,744</u>
Total	25,982,744
Source of funds	
Transportation fund	<u>25,982,744</u>
Total	25,982,744
Sec. B.916 Transportation - town highway class 1 supplemental grants	
Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>

Total	128,750
Sec. B.917 Transportation - town highway: state aid for nonfederal disasters	
Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000
Sec. B.917.1 Transportation - town highway: state aid for federal disasters	
Grants	<u>3,600,000</u>
Total	3,600,000
Source of funds	
Transportation fund	400,000
Federal funds	<u>3,200,000</u>
Total	3,600,000
Sec. B.918 Transportation - municipal mitigation grant program	
Grants	<u>1,262,998</u>
Total	1,262,998
Source of funds	
Transportation fund	247,998
Federal funds	<u>1,015,000</u>
Total	1,262,998
Sec. B.919 Transportation - public assistance grant program	
Grants	<u>66,500,000</u>
Total	66,500,000
Source of funds	
Special funds	3,500,000
Federal funds	<u>63,000,000</u>
Total	66,500,000
Sec. B.920 Transportation board	
Personal services	70,496
Operating expenses	<u>12,504</u>
Total	83,000
Source of funds	
Transportation fund	<u>83,000</u>
Total	83,000
Sec. B.921 Total transportation	658,074,852

Source of funds	
Transportation fund	200,555,081
TIB fund	21,291,382
Special funds	3,500,000
Federal funds	390,536,639
ARRA funds	6,301,953
Internal service funds	18,653,244
Interdepartmental transfers	4,317,197
Local match	2,919,356
TIB proceeds fund	<u>10,000,000</u>
Total	658,074,852

Sec. B.1000 Debt service

Operating expenses	<u>72,111,263</u>
Total	72,111,263
Source of funds	
General fund	63,667,340
General obligation bonds debt service fund	2,321,565
Transportation fund	2,482,442
TIB debt service fund	1,758,486
Special funds	628,150
ARRA funds	<u>1,253,280</u>
Total	72,111,263

Sec. B.1001 Total debt service

Source of funds	
General fund	63,667,340
General obligation bonds debt service fund	2,321,565
Transportation fund	2,482,442
TIB debt service fund	1,758,486
Special funds	628,150
ARRA funds	<u>1,253,280</u>
Total	72,111,263

Sec. B. 1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2013, \$4,793,000 is appropriated or transferred from the next generation initiative fund created in 16 V.S.A. § 2887 as prescribed below:

(1) Workforce development. The amount of \$1,863,400 as follows:

(A) Workforce Education and Training Fund (WETF). The amount of \$1,303,400 is transferred to the Vermont workforce education and training fund created in 10 V.S.A. § 543 and subsequently appropriated to the department of labor for workforce development. Up to seven percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for the Vermont career internship program pursuant to 10 V.S.A. § 544.

(B) Adult Technical Education Programs. The amount of \$360,000 is appropriated to the department of labor working with the workforce development council. This appropriation is for the purpose of awarding grants to regional technical centers and comprehensive high schools to provide adult technical education, as that term is defined in 16 V.S.A. § 1522, to unemployed and underemployed Vermont adults.

(C) The amount of \$200,000 is appropriated to the agency of commerce and community development to issue performance grants to the University of Vermont and the Vermont center for emerging technologies for patent development and commercialization of technology and to enhance the development of high technology businesses and next generation employment opportunities throughout Vermont.

(2) Loan repayment. The amount of \$330,000 as follows:

(A) Health care loan repayment. The amount of \$300,000 is appropriated to the agency of human services Global Commitment for the department of health to use for health care loan repayment. The department shall use these funds for a grant to the area health education centers (AHEC) for repayment of commercial or governmental loans for postsecondary health care-related education or training owed by persons living and working in Vermont in the health care field.

(B) Large animal veterinarians' loan forgiveness. The amount of \$30,000 is appropriated to the agency of agriculture, food and markets for a loan forgiveness program for large animal veterinarians pursuant to 6 V.S.A. § 20.

(3) Scholarships and grants. The amount of \$2,544,500 as follows:

(A) Nondegree VSAC grants. The amount of \$494,500 is appropriated to the Vermont Student Assistance Corporation. These funds shall be for the purpose of providing nondegree grants to Vermonters to improve job skills and increase overall employability, enabling them to enroll in a postsecondary education or training program, including adult technical education that is not part of a degree or accredited certificate program. A

portion of these funds shall be used for grants for indirect educational expenses to students enrolled in training programs. The grants shall not exceed \$3,000 per student. None of these funds shall be used for administrative overhead.

(B) National Guard Educational Assistance. The amount of \$150,000 is appropriated to Military – administration to be transferred to the Vermont Student Assistance Corporation for the national guard educational assistance program established in 16 V.S.A. § 2856.

(C) Scholarships. The amount of \$1,500,000 is appropriated to the University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation for need-based scholarships to Vermont residents. These funds shall be divided equally among the University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall reserve these funds for students attending institutions other than the University of Vermont or the Vermont State Colleges. None of these funds shall be used for administrative overhead. Each entity will target these funds in a manner that brings to bear the maximum benefits of its unique missions and constituencies to further the workforce and economic development objectives of the state, participation in postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. By July 1, 2012, each entity will present a plan to the workforce development council (WDC) for deploying the scholarships along with proposed measurable short- and long-term outcomes. This will form the basis for a recommendation for funding in fiscal year 2014.

(D) Dual enrollment programs. The amount of \$400,000 is appropriated to the Vermont State Colleges for dual enrollment programs. The state colleges shall develop a voucher program that will allow Vermont students to attend programs at a postsecondary institution other than the state college system when programs at the other institutions are better academically or geographically suited to student need.

(4) Science Technology Engineering and Math (STEM) Incentive. The amount of \$55,100 is appropriated to the agency of commerce and community development for an incentive payment pursuant to Sec. 6 of No. 52 of the Acts of 2011.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR FISCAL YEAR 2014 NEXT GENERATION FUND DISTRIBUTION

(a) The department of labor, in coordination with the agency of commerce and community development, the agency of human services, and the department of education, and in consultation with the workforce development

council, shall recommend to the governor no later than November 1, 2012 how \$4,793,000 from the next generation fund should be allocated or appropriated in fiscal year 2014 to provide maximum benefit to workforce development, participation in postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The department of labor shall actively and publically promote the availability of these funds to eligible entities that have not previously been funded.

Sec. B.1101 ONE-TIME ELECTIONS EXPENSE APPROPRIATION

(a) In fiscal year 2013, there is appropriated to the secretary of state for 2012 primary and general elections:

<u>General fund</u>	<u>\$135,000</u>
<u>Special fund</u>	<u>\$375,000</u>

Sec. B.1102 ONE-TIME UNEMPLOYMENT INSURANCE INTEREST

(a) The amount of \$1,888,385 in general funds is appropriated in fiscal year 2013 to the department of labor for unemployment insurance interest payments to the federal government.

Sec. B.1103 ONE-TIME SERGEANT AT ARMS SECURITY APPROPRIATION

(a) The amount of \$20,000 in general funds is appropriated in fiscal year 2013 to the sergeant at arms for use in the event that unforeseen security is needed in the state house. Any unused portion shall carry forward for use in subsequent years until expended.

Sec. B.1104 ONE-TIME LEGAL AID HOMEOWNER ASSISTANCE APPROPRIATION

(a) The amount of \$300,000 in general funds is appropriated in fiscal year 2013 to the department of banking, insurance, securities, and health care administration – banking to be used to provide a grant to Vermont legal aid to fund legal services for homeowners facing foreclosure.

Sec. B.1105 [DELETED]

Sec. B.1106 ONE-TIME WORKING LANDSCAPE APPROPRIATION

(a) The amount of \$500,000 in general funds is appropriated in fiscal year 2013 to the agency of agriculture, food and markets for direct grants and investments in food and forest systems infrastructure pursuant to 6 V.S.A. § 2966(a)(3), including grants that enable farmers' markets to accept electronic benefit transfer funds and to fund one working landscape staff position in the agency.

Sec. B.1107 ONE-TIME MOBILE HOME AFFORDABILITY AND TECHNICAL ASSISTANCE

(a) The amount of \$650,000 in general funds is appropriated in fiscal year 2013 to the department of economic, housing and community development for purposes described in Sec. 12 of S.99 of the 2012 legislative session.

Sec. B.1200 FISCAL YEAR 2013 PAY ACT APPROPRIATIONS

(a) Executive Branch. The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the defender general, nonmanagement, supervisory, and corrections bargaining units for the period of July 1, 2012 through June 30, 2014; the collective bargaining agreement with the Vermont Troopers' Association for the period of July 1, 2012 through June 30, 2013; and salary increases for employees in the executive branch not covered by the bargaining agreement shall be funded in fiscal year 2013 as follows:

(1) Fiscal Year 2013.

(A) General Fund. The amount of \$11,729,056 is appropriated from the general fund to the secretary of administration for distribution to departments to fund the collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$3,400,000 is appropriated from the transportation fund to the secretary of administration for distribution to the agency of transportation, the transportation board, and the department of public safety to fund collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund collective bargaining agreements and the requirements of this act. The estimated amounts are \$16,236,181 from special fund, federal, and other sources.

(D) With due regard to the possible availability of other funds, for fiscal year 2013, the secretary of administration may transfer from the various appropriations and various funds and from the receipts of the liquor control board such sums as the secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by state funds.

(E) The appropriations authorized by this subsection shall include sufficient funding to ensure the administration of exempt pay plans authorized under 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The chief justice of the Vermont supreme court may extend the provisions of the judiciary's collective bargaining agreement to judiciary employees who are not covered by the bargaining agreement.

(2) The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2012 through June 30, 2014 and salary increases for employees not covered by the bargaining agreement shall be funded in fiscal year 2013 as follows:

(A) Fiscal Year 2013: General Fund. The amount of \$1,720,000 is appropriated from the general fund to the judiciary to fund the collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2012 through June 30, 2013, the legislature shall be funded as follows:

(1) Fiscal Year 2013: The amount of \$285,000 is appropriated from the general fund to the legislature.

Sec. BB.1200 FISCAL YEAR 2014 PAY ACT APPROPRIATIONS

(a) Executive Branch. The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the defender general, nonmanagement, supervisory, and corrections bargaining units for the period of July 1, 2012 through June 30, 2014; and salary increases for employees in the executive branch not covered by the bargaining agreement shall be funded in fiscal year 2014 as follows:

(1) Fiscal Year 2014.

(A) General Fund. The amount of \$7,171,193 is appropriated from the general fund to the secretary of administration for distribution to departments to fund the collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$2,200,000 is appropriated from the transportation fund to the secretary of administration for distribution to the agency of transportation, the transportation board, and the department of public safety to fund the collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the collective bargaining agreements and the requirements of

this act. The estimated amounts are \$11,591,844 from special fund, federal, and other sources.

(D) With due regard to the possible availability of other funds, for fiscal year 2014, the secretary of administration may transfer from the various appropriations and various funds and from the receipts of the liquor control board such sums as the secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by state funds.

(E) The appropriations authorized by this subsection shall include sufficient funding to ensure the administration of exempt pay plans authorized under 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The chief justice of the Vermont supreme court may extend the provisions of the judiciary's collective bargaining agreement to judiciary employees who are not covered by the bargaining agreement.

(2) The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2012 through June 30, 2014 and salary increases for employees not covered by the bargaining agreement shall be funded in fiscal year 2014 as follows:

(A) Fiscal Year 2014: General Fund. The amount of \$893,972 is appropriated from the general fund to the judiciary to fund the collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2013 through June 30, 2014, the legislature shall be funded as follows:

(1) Fiscal Year 2014. The amount of \$180,000 is appropriated from the general fund to the legislature.

Sec. C. 100 Sec. B.306 of No. 63 of the Acts of 2011, as amended by Sec. 16 of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	86,056,056	81,496,056
Operating expenses	(1,759,604)	2,800,396
Grants	7,604,073	7,604,073
Total	91,900,525	91,900,525
Source of funds		
General fund	489,014	489,014
Special funds	1,579,123	1,579,123

Federal funds	39,064,279	39,064,279
ARRA funds	2,505,044	2,505,044
Global Commitment fund	44,185,948	44,185,948
Interdepartmental transfers	<u>4,077,117</u>	<u>4,077,117</u>
Total	91,900,525	91,900,525

Sec. C.101 Sec. B.307 of No. 63 of the Acts of 2011, as amended by Sec. 17 of No. 75 of the Acts of the 2011 Adj. Sess. (2012) is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Grants	~~638,970,335~~	<u>631,851,208</u>
Total	~~638,970,335~~	<u>631,851,208</u>
Source of funds		
Global Commitment fund	~~638,970,335~~	<u>631,851,208</u>
Total	~~638,970,335~~	<u>631,851,208</u>

Sec. C.103. 30 V.S.A. § 218 is amended to read:

§ 218. JURISDICTION OVER CHARGES AND RATES

(a) When, after opportunity for hearing, the rates, tolls, charges, or schedules are found unjust, unreasonable, insufficient, or unjustly discriminatory, or are found to be preferential or otherwise in violation of a provision of this chapter, the board may order and substitute therefor such rates, tolls, charges, or schedules, and make such changes in any regulations, measurements, practices, or acts of such company relating to its service, and may make such order as will compel the furnishing of such adequate service as shall at such hearing be found by it to be just and reasonable. This section shall not be construed to require the same rates, tolls or charges from any company subject to supervision under this chapter for like service in different parts of the state, but the board in determining these questions shall investigate local conditions and its final findings and judgment shall take cognizance thereof. This section does not prohibit a telecommunications company from filing tariffs that condition the availability of an intrastate service upon subscription to an interstate or unregulated service from the same or an affiliated company; provided that an incumbent local exchange carrier shall provide a plan to allocate reasonably revenue between the regulated intrastate service and other services. The board shall retain the authority to review the tariff filing to determine whether it is just and reasonable.

* * *

(h) When the public service board has authorized an increase in rates expressly to prevent the bankruptcy or financial instability of a utility, any excess rates incurred above what ordinarily would have been incurred under a traditional cost-of-service methodology shall be returned to ratepayers in the form of a credit or refund, in a manner to be determined by the board, and shall not be recoverable in future rates charged to ratepayers.

Sec. C.200 18 V.S.A. § 1130(b)(1) is amended to read:

(b)(1) The department of health shall establish an immunization pilot program with the ultimate goal of ensuring universal access to vaccines for all Vermonters at no charge to the individual and to reduce the cost at which the state may purchase vaccines. The pilot program shall be in effect from January 1, 2010, through December 31, ~~2012~~ 2014. During the term of the pilot program, the department shall purchase, provide for the distribution of, and monitor the use of vaccines as provided for in this subsection and subsection (c) of this section. The cost of the vaccines and an administrative surcharge shall be reimbursed by health insurers as provided for in subsections (e) and (f) of this section.

Sec. C.201 POTENTIAL PROPERTY VALUATION LOSS; CURRENT HOMEOWNERS

(a) Due to the extreme emergency circumstances created by Tropical Storm Irene and the emergency need for additional hospital beds, the department of mental health is developing a temporary hospital in Morrisville. Any current homeowner whose property abuts the temporary Morrisville facility, identified by the commissioner of mental health and licensed by the department of health to provide acute inpatient services, who sells at a loss his or her principal residence, as defined in 32 V.S.A. § 10002a(a), as a result of the temporary facility's operations shall be compensated for that loss. The valuation of the loss shall be determined by an independent assessor paid for by the department and cannot exceed 25 percent of the appraised value. Any compensation under this section shall be paid for from the budget of the department of mental health. The department of mental health shall inform the general assembly of any costs incurred and shall present any offsetting budgetary need as part of the budget adjustment process. The department shall explore utilization of Federal Emergency Management Agency (FEMA) funds, Global Commitment, or other matching resources in making these payments.

Sec. C.202 ONE-TIME APPROPRIATION FOR FEDERAL FUNDS REDUCTION

(a) The amount of \$5,100,000 general fund is appropriated in fiscal year 2012 to the secretary of administration, to be reserved pending emergency board action to allocate these funds to offset reduced federal funding. Pursuant to 32 V.S.A. § 706, the emergency board is authorized to allocate and transfer, to the extent necessary, this appropriation to offset the loss of federal funds.

Sec. C.203 Sec. D.101(b) of No. 63 of the Acts of 2011 as amended by Sec. 72a of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

(b) The amount of ~~\$37,983,264~~ \$43,083,264 is unreserved and made available for expenditure in fiscal year 2012 from the human services caseload reserve created by 32 V.S.A. § 308b.

Sec. C.204 GRANTS FROM FISCAL YEAR 2012 WORKFORCE EDUCATION AND TRAINING FUNDS

(a) Of the amounts remaining in the workforce education and training fund allocated to the Vermont department of labor in fiscal year 2012, the commissioner is authorized to allocate:

(1) The amount of \$100,000 in grant funding in coordination with the agency of human services to support professional development opportunities for Vermont workers in early childhood education and afterschool programs that are designed to improve the workers' knowledge, skills, and career opportunities, including innovative programs of competency-based education, training, apprenticeship, and mentoring.

(2) The amount of \$148,000 for statewide emergency medical services training by a grant to the University of Vermont rural emergency medical services program for the purpose of offering 50-percent tuition assistance to students enrolled in the paramedic level training program.

(3) Of any remaining unobligated funds, an amount up to \$75,000 shall be used for projects in southeastern Vermont that will provide economic incentives for skill development and training opportunity, to employees in communities that suffered adverse economic impact from Tropical Storm Irene.

Sec. C.205 Sec. 73 of No. 75 of the Acts of the 2011 Adj. Sess. (2012) is amended to read:

Sec. 73. FISCAL YEAR 2012 GENERAL FUND REVENUE ESTIMATE AND GENERAL FUND BALANCE

~~(a) Any increase in the January 2012 emergency board fiscal year 2012 general fund revenue estimate above the July 21, 2011 estimate shall be reserved in the human services caseload reserve, and any decrease in the estimate shall be unreserved from the human services caseload reserve established in 32 V.S.A. § 308b.~~

~~(b) At the end of fiscal year 2012, notwithstanding subsection (a) of this section and notwithstanding 32 V.S.A. §§ 308c and 308d, after the general fund budget stabilization reserve attains its statutory maximum, up to \$15,000,000 of any additional unreserved and undesignated general fund balance shall be appropriated to the secretary of administration to be reserved for transfer upon approval of the emergency board to the department of buildings and general services for pending state building projects that are a direct result of the impact of damage to state properties from Tropical Storm Irene or to the emergency relief and assistance fund for state and local match for Federal Emergency Management Agency (FEMA) funds. The secretary shall provide a quarterly report to the house and senate committees on appropriations and to the house committee on corrections and institutions and the senate committee on institutions on any funds that are available under this provision and on funds obligated and expended from the available funds. Any remaining balance shall be deposited into the human services caseload reserve established in 32 V.S.A. § 308b to be used for caseload costs, offsets to federal funding changes, or related human service expenditures in fiscal year 2013.~~

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$582,000 is appropriated from the property valuation and review administration special fund to the department of taxes for administration of the use tax reimbursement program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$582,000 from the property transfer tax that are deposited into the property valuation and review administration special fund shall be transferred into the general fund.

(2) The sum of \$13,688,640 is appropriated from the Vermont housing and conservation trust fund to the Vermont housing and conservation trust board. Notwithstanding 10 V.S.A. § 312, amounts above \$13,688,640 from the property transfer tax that are deposited into the Vermont housing and conservation trust fund shall be transferred into the general fund.

(3) The sum of \$3,295,476 is appropriated from the municipal and regional planning fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,295,476 from the property transfer tax that are deposited into the municipal and regional planning fund shall be transferred into the general fund. The \$3,295,476 shall be allocated as follows:

(A) \$2,508,076 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$408,700 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) \$378,700 to the Vermont center for geographic information.

Sec. D.101 FUND TRANSFERS AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) from the general fund to the:

(A) communications and information technology internal service fund established by 22 V.S.A. § 902a: \$900,000.

(B) next generation initiative fund established by 16 V.S.A. § 2887: \$4,793,000.

(C) facilities operations fund established in 29 V.S.A. § 160a: \$3,024,189.

(2) from the transportation fund to the downtown transportation and related capital improvement fund established by 24 V.S.A. § 2796 to be used by the Vermont downtown development board for the purposes of the fund: \$383,966.

(3) from the transportation infrastructure bond fund established by 19 V.S.A. § 11f to the transportation infrastructure bonds debt service fund for the purpose of funding fiscal year 2014 transportation infrastructure bonds debt service: \$1,764,213.

Sec. D.102 32 V.S.A. § 308c is amended to read:

§ 308c. GENERAL FUND AND TRANSPORTATION FUND SURPLUS BALANCE RESERVES

(a) There is hereby created within the general fund a general fund surplus balance reserve, also known as the “rainy day reserve.” After satisfying the requirements of section 308 of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year

general fund surplus ~~not to exceed one percent of the appropriations from the general fund for the prior fiscal year~~ shall be reserved in the general fund ~~surplus~~ balance reserve. The general fund balance reserve shall not exceed five percent of the appropriations from the general fund for the prior fiscal year without legislative authorization. Monies from this reserve shall be available for appropriation by the general assembly.

(1) The emergency board shall, at the end of fiscal year 2013 and at the end of any following fiscal year, determine at its July meeting the amount of available general funds that is greater than the amount of forecast available general funds most recently adopted by the board for fiscal year 2013 or in any subsequent fiscal year.

(2) Of the amount added to the general fund balance reserve each year, to the extent available, one-half of the amount identified in subdivision (1) is hereby appropriated in the fiscal year just concluded for deposit in the supplemental property tax relief fund established by 32 V.S.A. § 6075. If the amount added to the general fund balance reserve is insufficient to support both the appropriation in this subdivision and the appropriation in subdivision (3), the appropriation in this subdivision shall take precedence.

(3) Of the amount added to the general fund balance reserve each year, to the extent available, one-quarter of the amount identified in subdivision (1) is hereby appropriated in the fiscal year just concluded to the secretary of administration to be used only upon emergency board action to transfer these funds to appropriations to offset reduced federal funding.

(b) There is hereby created within the transportation fund a transportation fund ~~surplus~~ balance reserve. After satisfying the requirements of section 308a of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year transportation fund surplus shall be reserved in the transportation fund ~~surplus~~ balance reserve. Monies from this reserve shall be available for appropriation by the general assembly.

(c) In any fiscal year, if the general assembly determines there are insufficient revenues to fund expenditures for the operation of state government at a level the general assembly finds prudent and required, it may specifically appropriate the use of the general fund and transportation fund balance reserves to compensate for a reduction of revenues or fund such unforeseen or emergency needs as the general assembly may determine.

(d) Determination of the amounts of the general fund and transportation fund balance reserves shall be made by the commissioner of finance and management and reported, along with the amounts appropriated pursuant to

subsection (a) of this section, to the legislative joint fiscal committee at its first meeting following September 1 of each year.

Sec. D.103 32 V.S.A. § 6075 is added to read:

§ 6075. SUPPLEMENTAL PROPERTY TAX RELIEF FUND

(a) There is created a special fund to be called the “supplemental property tax relief fund.” The purpose of the fund is to provide education property tax relief to homestead taxpayers who file homestead declarations under section 5410 of this title. The fund shall be administered by the commissioner of taxes. The fund shall consist of receipts from subdivision 308c(a)(2) of this title.

(b) Annually, on or by October 1, the commissioner shall determine the balance in the fund and the total number of homestead owners who have filed a homestead declaration under section 5410 of this title. The commissioner shall divide the balance in the fund by the total number of homestead owners who have filed a homestead declaration under section 5410 of this title. If the amount determined by the commissioner in the preceding sentence is greater than \$30.00, the commissioner shall send that amount to each homestead owner who has filed a homestead declaration under section 5410 of this title. Except as provided in this subsection, the commissioner shall not disburse any moneys from the fund.

Sec. D.103.1 REPEAL

(a) 32 V.S.A. § 308c(a)(2) (appropriation and deposit in the supplemental property tax relief fund) is repealed January 1, 2018.

(b) 32 V.S.A. § 6075 (supplemental property tax relief fund) is repealed January 1, 2018.

(c) 32 V.S.A. § 308d (revenue shortfall reserve; creation and purpose) is repealed.

Sec. D.103.2 TRANSITIONAL PROVISIONS

(a) Upon repeal of 32 V.S.A. § 308d, the balance in the revenue shortfall reserve shall be transferred to the general fund balance (“rainy day”) reserve created in 32 V.S.A. § 308c(a).

(b) The additions to the general fund balance reserve in fiscal year 2013 due to Sec.D.109(b) of this act and subsection (a) of this section shall not be considered as part of “the amount added to the general fund balance reserve” for purposes of 32 V.S.A. § 308c(a).

Sec. D.104 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

(a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2012 in the tobacco litigation settlement fund shall remain for appropriation in fiscal year 2013.

Sec. D.105 TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the tobacco trust fund at the end of fiscal year 2013 and any additional amount necessary to ensure the balance in the tobacco litigation settlement fund at the close of fiscal year 2013 is not negative shall be transferred from the tobacco trust fund to the tobacco litigation settlement fund in fiscal year 2013.

Sec. D.106 [DELETED]**Sec. D.107 TRANSFER OF NATIONAL MORTGAGE FORECLOSURE SETTLEMENT FUNDS**

(a) Any funds received in fiscal year 2012 or 2013 from the national mortgage foreclosure settlement that are deposited into the fees and reimbursement special fund (#21638) in the office of the attorney general shall be transferred to the general fund except for any amount the settlement may require to be directed to the department of banking, insurance, securities, and health care administration.

Sec. D.108 FOURTH QUARTER FISCAL YEAR 2013 TRANSFERS AND APPROPRIATIONS

(a) The following general fund transfers and appropriations are authorized effective May 1, 2013. Prior to these transfers and appropriations, the secretary of administration and the commissioner of finance and management shall make findings that the transfers do not create a projected negative balance in the general fund and reduce the reserve position anticipated for the close of fiscal year 2013.

(1) Transferred and appropriated to the education fund: \$2,100,000.

(2) Transferred to the clean energy development fund: \$3,000,000.

(3) Appropriated to the Vermont State Colleges, subject to the approval of the secretary of administration to provide funding for a Brattleboro community college facility. To the extent this appropriation is made the bond proceeds dedicated for this purpose in H.785 will be reduced: \$1,475,000.

(b) This section is contingent on passage of amendments to 32 V.S.A. § 5402a or 32 V.S.A. § 8661 as part of H.782 of the 2012 legislative session.

Sec D.108.1 FISCAL YEAR 2014 TRANSFERS AND REVERSIONS

(a) It is the intent that in fiscal year 2014 and in future years, the general assembly will make transfers as identified in Sec. D.108(a)(1) and (2) of this act in amounts equal to or greater than in fiscal year 2013 and in fiscal year 2014 \$3,000,000 is reserved for possible transfer to the state insurance liability fund.

Sec. D.109 FISCAL YEAR 2013 CASELOAD RESERVE UTILIZATION

(a) The amount of \$16,160,000 is unreserved and made available for expenditure in fiscal year 2013 from the human services caseload reserve created by 32 V.S.A. § 308b.

(b) In fiscal year 2013, any remaining balance in the human service caseload reserve shall be transferred to the general fund balance ("rainy day") reserve established in 32 V.S.A. § 308c(a).

* * * GENERAL GOVERNMENT * * *

Sec. E.100 FEDERAL EMERGENCY MANAGEMENT AGENCY REPORTING AND OVERSIGHT

(a) The secretary of administration shall report to the joint fiscal committee at each of its scheduled meetings in fiscal year 2013 on funding received from the Federal Emergency Management Agency (FEMA) Public Assistance Program and associated emergency relief and assistance funds match for the damages due to Tropical Storm Irene. The report shall include:

(1) a projection of the total funding needs for the FEMA Public Assistance Program and to the extent possible, detail about the projected funding by state agency or municipality;

(2) spending authority (appropriated and excess receipts) granted to date for the FEMA Public Assistance Program and the associated emergency relief and assistance funds match; and

(3) actual expenditures to date made from the spending authority granted and to the extent possible, detail about the expended funds by state agency or municipality.

(b) Reports shall be posted on the legislative and administration websites after submission.

Sec. E.100.1 32 V.S.A. § 306a is added to read:

§ 306a. PURPOSE OF THE STATE BUDGET

(a) Purpose of the State Budget. The state budget, consistent with Article 7 of Vermont's constitution, should "be instituted for the common benefit, protection, and security of the people, nation, or community..." The state budget should be designed to address the needs of the people of Vermont in a way that advances human dignity and equity.

(b) Spending and revenue policies will seek to promote economic well being among the people of Vermont, and foster a vibrant economy. Integral to achieving the purpose of the state budget is continuous evaluation of the raising and spending of public funds by systems of outcome measurement based on indicators that measure success in accomplishing the purposes of the state budget.

(c) Spending and revenue policies will reflect the public policy goals established in state law and recognize every person's need for health, housing, dignified work, education, food, social security, and a healthy environment.

(d) As consistent with state law and in conjunction with the federal government, the budget will reflect support for economic development, public safety, transportation and other infrastructure needs.

(e) Revenue measures shall also be based on the principles of sustainability and stability. The Administration shall develop budget and revenue proposals as part of a transparent and accountable process with direct and meaningful participation from Vermont residents.

Sec. E.100.2 PURPOSE OF THE STATE BUDGET

(a) Public participation. The administration will develop a process for public participation in the development of budget goals, as well as general prioritization and evaluation of spending and revenue initiatives. This process shall begin by October 1, 2012.

(b) Current services. The administration shall develop and publish annually for public review as part of the budget submission process a current services budget, providing the public with an estimate of what the current level of services is projected to cost in the next fiscal year. The initial current services budget shall be submitted with the administration's fiscal year 2014 budget proposal.

Sec. E.101 Information and innovation – communications and information technology

(a) Of this appropriation, \$700,000 is for a grant to the Vermont telecommunications authority established in 30 V.S.A. § 8061, and \$200,000 is for a grant from the department of information and innovation to the secretary of administration's office to support the telecommunications infrastructure.

(b) The commissioner shall work with relevant departments of state government on the server consolidation project, as described in the January 9, 2010 "State of Vermont IT Assessment Recommendations" report by TPI, Inc. Although no appreciable savings were realized in fiscal year 2012, the pursuit of server consolidation should continue with the objective of reducing the cost of providing information technology services.

Sec. E.101.1 3 V.S.A. § 2222 is amended to read:

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

(a) In addition to the duties expressly set forth elsewhere by law the secretary shall:

* * *

(9) Submit to the general assembly concurrent with the governor's annual budget request required under 32 V.S.A. § 306, a strategic plan for information technology which outlines the significant deviations from the previous year's information technology plan, and which details the plans for information technology activities of state government for the following fiscal year as well as the administration's financing recommendations for these activities. All such plans shall be reviewed and approved by the ~~commissioner of information and innovation~~ state chief information officer prior to being included in the governor's annual budget request. The plan shall identify the proposed sources of funds for each project identified. The plan shall also contain a review of the state's information technology and an identification of priority projects by agency. The plan shall include, for any proposed information technology activity with a cost in excess of \$100,000.00:

* * *

(B) the cost savings ~~and/or~~ and any service delivery improvements which will accrue to the public or to state government;

* * *

(10) The secretary shall annually submit to the general assembly a five-year information technology plan which indicates the anticipated

information technology activities of the legislative, executive, and judicial branches of state government. For purposes of this section, "information technology activities" shall mean:

* * *

(B) the design, construction, purchase, installation, maintenance, or operation of systems, including ~~both~~ hardware ~~and~~, software, and services which perform or are contracted under Administrative Bulletin 3.5 to perform these activities.

* * *

(g)(1) The secretary of administration shall obtain independent expert review of any recommendation for any information technology activity initiated after July 1, 1996, as information technology activity is defined by subdivision (a)(10) of this section, when its total cost is \$500,000.00 or greater or when required by the state chief information officer. Documentation of ~~such~~ this independent review shall be included when plans are submitted for review pursuant to subdivisions (a)(9) and (10) of this section. The independent review shall include:

- (A) an acquisition cost assessment;
- (B) a technology architecture review;
- (C) an implementation plan assessment;
- (D) a cost analysis and a model for benefit analysis; and
- (E) a procurement negotiation advisory services contract.

(2) The secretary of administration may assess the costs of ~~such reviews~~ any review to the ~~departments~~ entity making the information technology recommendations.

* * *

Sec. E.101.2 22 V.S.A. § 901 is amended to read:

§ 901. DEPARTMENT OF INFORMATION AND INNOVATION

The department of information and innovation, created in 3 V.S.A. § 2283b, shall have all the responsibilities assigned to it by law, including the following:

* * *

(2) to manage ~~GOVnet~~ wide-area network connectivity within state government;

* * *

(4)(A) to review and approve information technology activities ~~in all departments within state government~~ with a cost in excess of \$100,000.00, and annually submit to the general assembly a strategic plan and a budget for information technology as required of the secretary of administration by 3 V.S.A. § 2222(a)(9). For purposes of this section, “information technology activities” is defined in 3 V.S.A. § 2222(a)(10);

(B) to provide oversight, monitoring, and control of information technology activities within state government with a cost in excess of \$100,000.00. The cost of the oversight, monitoring, and control shall be assessed to the entity requesting the activity;

(C) to review and approve in accordance with agency of administration policies the assignment of appropriate project managers for information technology activities within state government with a cost in excess of \$100,000.00; and

(D) to provide standards for the management, organization, and tracking of information technology activities within state government with a cost in excess of \$100,000.00;

* * *

(11) to provide technical support and services to the departments of human resources and of finance and management for the statewide central accounting and encumbrance system, the statewide budget development system, the statewide human resources management system, and other agency of administration systems as may be assigned by the secretary;

(12) to review and approve in accordance with agency of administration policies all new information technology position requests and new information technology classifications within state government.

Sec. E.102 32 V.S.A. § 6(b) is amended to read:

(b) Requests for federal funds shall include a specific request for reimbursement of indirect costs. Awards of statewide indirect costs will be deposited into the general fund except statewide indirect costs will be deposited into the transportation fund for costs recovered by the agency of transportation. The commissioner of finance and management may authorize departments to retain recovered indirect cost receipts.

Sec. E.109 Buildings and general services – engineering

(a) The \$2,433,490 interdepartmental transfer in this appropriation shall be from the general bond fund appropriation in the Capital Appropriations Act of the 2012 session.

Sec. E.110 REPEAL

(a) 19 V.S.A. § 41 (funding for rest areas, information centers, and welcome centers from the general fund) is repealed.

Sec. E.124 Legislative council

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the legislative council and carried forward into fiscal year 2013, the amount of \$55,000 shall revert to the general fund.

Sec. E.125 Legislature

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the legislature and carried forward into fiscal year 2013, the amount of \$503,000 shall revert to the general fund.

Sec. E.125.1 4 V.S.A. § 601(c) is amended to read:

(c) ~~The members of the judicial nominating board shall be entitled to compensation of \$30.00 a day for the time spent in the performance of their duties, and reimbursement for their actual and necessary expenses incurred in the performance of their duties~~ Legislative members of the board shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 406. Members of the board who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses in the same manner as board members are compensated under 32 V.S.A. § 1010. All compensation and reimbursement shall be paid from the legislative appropriation.

Sec. E.125.2 REPEAL

(a) 4 V.S.A. § 606 (expenses of board; payment) is repealed.

Sec. E.126 Legislative information technology

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated for legislative information technology and carried forward into fiscal year 2013, the amount of \$5,000 shall revert to the general fund.

Sec. E.127 Joint fiscal committee

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the joint fiscal committee and carried forward into fiscal year 2013, the amount of \$10,000 shall revert to the general fund.

Sec. E.128 Sergeant at arms

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the sergeant at arms and carried forward into fiscal year 2013, the amount of \$95,000 shall revert to the general fund.

Sec. E.132 27 V.S.A. § 1253(a) is amended to read:

(a) All funds received under this chapter, including the proceeds from the sale of unclaimed property under section 1252 of this title, shall forthwith be received by the treasurer, except that the treasurer shall retain in a separate fund an amount not exceeding \$100,000.00 or ~~50~~ 55 percent of the funds received during the previous year, whichever is greater, from which he or she shall make prompt payment of claims duly allowed by him or her as provided in this section. The treasurer shall record the name and last known address of each owner appearing on the holder's reports and the names and last known address of each insured person or annuitant and beneficiary, and with respect to each policy or annuity listed in the report of an insurance company its number, the name of the company, and the amount due. The record shall be available for public inspection at all reasonable hours.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2013, investment fees shall be paid from the corpus of the fund.

Sec. E.134 MUNICIPAL EMPLOYEES RETIREMENT

(a) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period July 1, 2012 through June 30, 2013, contributions shall be made by group A members at the rate of 2.5 percent of earnable compensation, by group B members at the rate of 4.5 percent of earnable compensation, and by group C members at the rate of 9.25 percent of earnable compensation.

Sec. E.141 Lottery commission

(a) Of this appropriation, the lottery commission shall transfer \$150,000 to the department of health, office of alcohol and drug abuse programs, to support the gambling addiction program.

(b) The Vermont state lottery shall provide assistance and work with the Vermont council on problem gambling on systems and program development.

(c) The lottery commission shall study the option of allowing the sale of lottery tickets online. The study shall examine how the online system would be administered, the fiscal impact of allowing lottery tickets to be sold online, and any other relevant issues. The commission shall report its findings and

any recommendations to the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs by January 15, 2013.

Sec. E.142 Payments in lieu of taxes

(a) This appropriation is for state payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act.

Sec. E.142.1 32 V.S.A. § 4967 is amended to read:

§ 4967. TRANSMISSION OF TAXES TO DIRECTOR AND CREDIT TO SPECIAL FUND

(a) All moneys received by supervisors in the collection of taxes or otherwise in the performance of their official duties, except fees, shall be paid by them to the director quarterly, on the first Tuesday in February, May, August, and November. Such director shall keep separate accounts of the moneys so received by him or her from the respective supervisors department of finance and management to be credited to special fund accounts, which are hereby established.

(b) Revenues collected pursuant to this section shall be disbursed based on warrants authorized by the commissioner of finance and management under the authority granted by section 461 of this title, and shall be expended consistent with the budgets adopted pursuant to subsections 4961(b) and (c) of this title.

Sec. E.143 Payments in lieu of taxes – Montpelier

(a) Payments in lieu of taxes under this section shall be paid from the PILOT special fund under 32 V.S.A. § 3709.

Sec. E.144 Payments in lieu of taxes – correctional facilities

(a) Payments in lieu of taxes under this section shall be paid from the PILOT special fund under 32 V.S.A. § 3709.

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

(a) Notwithstanding any other provisions of law, the office of the attorney general, Medicaid fraud and residential abuse unit, is authorized to retain, subject to appropriation, one-half of the state share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the state share of

restitution to the Medicaid program. All such designated additional recoveries retained shall be used to finance Medicaid fraud and residential abuse unit activities.

(b) Of the revenue available to the attorney general under 9 V.S.A. § 2458(b)(4), \$725,000 is appropriated in Sec. B.200 of this act.

Sec. E.202 Defender general – public defense

(a) The establishment of one (1) new exempt position – Staff Attorney I – is authorized in fiscal year 2013.

Sec. E.205 State’s attorneys

(a) Notwithstanding any provision of law to the contrary, within the appropriations to the state’s attorneys contained in this act, the executive director of the department of state’s attorneys shall allocate funds so that by August 1, 2012, deputy state’s attorneys are at the correct step for length of service.

Sec. E.208 Public safety – administration

(a) Of the funds appropriated to the department of public safety, \$25,000 shall be used to make a grant to the Essex County sheriff’s department for a performance-based contract to provide law enforcement service activities agreed upon by both the commissioner of public safety and the sheriff.

Sec. E.209 Public safety – state police

(a) Of this appropriation, \$35,000 in special funds shall be available for snowmobile law enforcement activities and \$35,000 in general funds shall be available to the southern Vermont wilderness search and rescue team, which comprises state police, the department of fish and wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of the \$255,000 allocated for grants funded in this section, \$190,000 shall be used by the Vermont drug task force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any additional available funds shall remain as a “pool” available to local and county law enforcement to fund overtime costs associated with drug investigations. Any unexpended funds from prior fiscal years’ allocations under this section shall be carried forward. These funds are in addition to funds provided in Sec. 9 of S.226 of the 2012 legislative session for the mobile enforcement team created in Sec. 6 of S.226

of the 2012 legislative session and shall be used in coordination with the mobile enforcement team.

Sec. E.210 Public safety – criminal justice services

(a) Of this appropriation, \$126,000 is to support the costs of two (2) civilian computer forensics analyst positions.

Sec. E.212 Public safety – fire safety

(a) Of this general fund appropriation, \$55,000 shall be granted to the Vermont rural fire protection task force for the purpose of designing dry hydrants.

Sec. E.214 Public safety – emergency management – radiological emergency response plan

(a) Of this special fund appropriation, up to \$30,000 shall be available to contract with any radio station serving the emergency planning zone for the emergency alert system.

Sec. E.215 Military – administration

(a) The amount of \$250,000 shall be disbursed to the Vermont Student Assistance Corporation for the national guard educational assistance program established in 16 V.S.A. § 2856. Of this amount, \$100,000 shall be general funds from this appropriation, and \$150,000 shall be Next Generation special funds, as appropriated in Sec. B.1100(a)(3)(B) of this act.

Sec. E.219 Military – veterans' affairs

(a) Of this appropriation, \$5,000 shall be used for continuation of the Vermont medal program, \$4,800 shall be used for the expenses of the governor's veterans' advisory council, \$7,500 shall be used for the Veterans' Day parade, \$5,000 shall be granted to the Vermont state council of the Vietnam Veterans of America to fund the service officer program, and \$5,000 shall be used for the military, family, and community network.

Sec. E.220 Center for crime victims' services

(a) Of this appropriation, the amount of \$806,195 from the domestic and sexual violence special fund created by 13 V.S.A. § 5360 is appropriated for the Vermont network against domestic and sexual violence. Expenditures from the domestic and sexual violence special fund shall not exceed revenues.

(b) The unexpended amounts derived from the \$10 and \$20 increases as specified in Sec. E.220(a) of No. 63 of the Acts of 2011 shall be transferred to the domestic and sexual violence special fund created by 13 V.S.A. § 5360.

Sec. E.220.1 13 V.S.A. § 5360 is added to read:

§ 5360. DOMESTIC AND SEXUAL VIOLENCE SPECIAL FUND

A domestic and sexual violence special fund is established, to be managed in accordance with 32 V.S.A. chapter 7, subchapter 5 and administered by the center for crime victims services created in section 5361 of this title. The revenues of the fund shall consist of that portion of the additional surcharge on penalties and fines imposed by section 7282 of this title deposited in the domestic and sexual violence special fund and that portion of the town clerks' fee for issuing and recording civil marriage or civil union licenses in 32 V.S.A. § 1712(1) deposited in the domestic and sexual violence special fund. The fund may be expended by the center for crime victims services for budgeted grants to the Vermont network against domestic and sexual violence and for the criminal justice training council position dedicated to domestic violence training, pursuant to 20 V.S.A. § 2365(c).

Sec. E.220.2 13 V.S.A. § 7282(a) is amended to read:

(a) In addition to any penalty or fine imposed by the court or judicial bureau for a criminal offense or any civil penalty imposed for a traffic violation, including any violation of a fish and wildlife statute or regulation, violation of a motor vehicle statute, or violation of any local ordinance relating to the operation of a motor vehicle, except violations relating to seat belts and child restraints and ordinances relating to parking violations, the clerk of the court or judicial bureau shall levy an additional surcharge of:

* * *

(8)(A) For any offense or violation committed after June 30, 2006, but before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the victims' compensation special fund.

(B) For any offense or violation committed after June 30, 2008, \$36.00, of which \$28.75 shall be deposited in the victims' compensation special fund.

(C) For any offense or violation committed after June 30, 2009, \$41.00, of which ~~\$33.75~~ \$23.75 shall be deposited in the victims' compensation special fund created by section 5359 of this title, and of which \$10.00 shall be deposited in the domestic and sexual violence special fund created by section 5360 of this title.

Sec. E.220.3 32 V.S.A. § 1712 is amended to read:

§ 1712. TOWN CLERKS

Town clerks shall receive the following fees in the matter of vital registration:

(1) For issuing and recording a civil marriage or civil union license, \$45.00 to be paid by the applicant, \$10.00 of which sum shall be retained by the town clerk as a fee, \$20.00 of which shall be deposited in the ~~victims' compensation~~ domestic and sexual violence special fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the state treasurer in a return filed quarterly upon forms furnished by the state treasurer and specifying all fees received by him or her during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.

* * *

Sec. E.220.4 20 V.S.A. § 2365(c) is amended to read:

(c) The Vermont police academy shall employ a domestic violence trainer for the sole purpose of training Vermont law enforcement and related practitioners on issues related to domestic violence. Funding for this position shall be transferred by the center for crime victims services from the ~~victims' compensation~~ domestic and sexual violence special fund created by 13 V.S.A. § 5359 5360.

Sec. E.222 Agriculture, food and markets – administration

(a) The establishment of two (2) new classified positions – one (1) Program Services Clerk and one (1) Systems Developer I – is authorized in fiscal year 2013.

(b) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the agency of agriculture, food and markets for the Two Plus Two Program and carried forward into fiscal year 2013, the amount of \$25,000 shall revert to the general fund.

Sec. E.223 Agriculture, food and markets – food safety and consumer protection

(a) The establishment of one (1) classified position – Dairy Product Specialist II – is authorized in fiscal year 2013.

Sec. E.224 Agriculture, food and markets – agricultural development

(a) The establishment of one (1) limited service classified position – Senior Agricultural Development Specialist – is authorized in fiscal year 2013.

Sec. E.231 Banking, insurance, securities, and health care administration – health care administration

(a) The department of banking, insurance, securities, and health care administration (BISHCA) shall use the Global Commitment funds appropriated in this section for the health care administration division and the insurance division for the purpose of funding certain health-care-related BISHCA programs, projects, and activities to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.232 Secretary of state

(a) Of this special fund appropriation, \$492,991 represents the corporation division of the secretary of state's office, and these funds shall be from the securities regulation and supervision fund in accordance with 9 V.S.A. § 5613(b).

Sec. E.233 30 V.S.A. § 211(c) is added to read:

(c) An enterprise fund is established in the department of public service to consist of revenues from the resale of power and to support the activities authorized in sections 211, 212, and 212a of this title. Balances shall remain in the fund at the end of each fiscal year, and the fund shall be appropriated and expended in accordance with 32 V.S.A. § 462(b). These monies shall not be available to meet the general obligations of the state.

* * * HUMAN SERVICES * * *

Sec. E.300 Agency of human services – secretary's office

(a) The establishment of seven (7) new classified positions – two (2) Systems Developer II, one (1) Senior Systems Developer, one (1) Enterprise Business Analyst, two (2) Systems Manager – is authorized in fiscal year Developer III, and one (1) Project 2013.

Sec. E 300.1 REIMBURSEMENT RATES FOR SERVICE PROVIDERS

(a) The agency shall provide an inventory of the payment rates for various community service providers in the area of child welfare, including PNMI, child development, substance abuse, and long-term care services. The inventory shall list the types of programs, including residential programs and methods of reimbursement, including those subject to rate setting by provider type, as well as the most recent base year utilized for market or cost-based reimbursement methodologies. A list of rates paid to out-of-state residential providers and the methodology used to determine the rates shall also be included. This inventory shall be reported to the house and senate committees

on appropriations by January 1, 2013 and shall include any recommendations to change reimbursement rates, methods, or basis.

Sec. E.301 Secretary's office – Global Commitment

(a) The agency of human services shall use the funds appropriated in this section for payment of the actuarially certified premium required under the intergovernmental agreement between the agency of human services and the managed care organization in the department of Vermont health access as provided for in the Global Commitment for Health Waiver ("Global Commitment") approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the state funds appropriated in this section, a total estimated sum of \$28,308,986 is anticipated to be certified as state matching funds under the Global Commitment as follows:

(1) \$17,645,850 certified state match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$22,854,150 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$40,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment fund to the Medicaid reimbursement special fund created in 16 V.S.A. § 2959a.

(2) \$3,902,237 certified state match available from local education agencies for direct school-based health services, including school nurse services, that increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

(3) \$2,180,067 certified state match available from local education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for school-aged children.

(4) \$2,393,532 certified state match available via the University of Vermont's child health improvement program for quality improvement initiatives for the Medicaid program.

(5) \$2,187,300 certified state match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.301.1 CONTIGUOUS BODY PARTS ULTRASOUND

(a) Beginning July 1, 2012 and thereafter, the department of Vermont health access shall reduce spending on ultrasound services by implementing a payment reduction on contiguous body parts.

Sec. E.301.2 [DELETED]

Sec. E.302 PAYMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS PROVIDING RESIDENTIAL CHILD CARE SERVICES

(a) Notwithstanding any other provision of law, for state fiscal year 2013, the division of rate setting shall calculate payment rates for private nonmedical institutions (PNMI) providing residential child care services as follows:

(1) General rule. The division of rate setting shall calculate PNMI per diem rates for state fiscal year 2013 as 100 percent of each program's final per diem rate in effect on June 30, 2012. These rates shall be issued as final.

(2) Reporting requirements.

(A) Providers are required to submit annual audited financial statements to the division within 30 days of receipt from their certified public accountant, but no later than four months following the end of each provider's fiscal year.

(B) Providers are not required to submit funding applications pursuant to section 3 of the PNMI rate setting rules for state fiscal year 2013.

(3) Exception to the general rule. For programs categorized by the placement authorizing departments (PADs) as crisis/stabilization programs with typical lengths of stay from 0 to 10 days, final rates for state fiscal year 2013 are set retroactively as follows:

(A) The allowable budget is 100 percent of the final approved budget for the rate year which includes June 30, 2012. The monthly allowable budget is the allowable budget divided by 12.

(B) Within five days of the end of each month in state fiscal year 2013, the program shall submit the prior month's census to the division of rate setting. The per diem rate shall be set for the prior month by dividing the monthly allowable budget amount by the total number of resident days for the month just ended.

(4) Adjustments to rates. Rate adjustment applications may not be used as a tool to circumvent the rate setting process for state fiscal year 2013 in order to submit a new budget for the entire program or for the sole reason that actual costs incurred by the facility exceed the rate of payment.

(A) The following provisions amend section 8 of the PNMI rules regarding adjustments to rates for state fiscal year 2013:

(i) The three-month waiting period of section 8.1(b) for the submission of a rate adjustment application is waived.

(ii) In rate adjustment applications, the division shall only consider budget information specific to the program change and limited to direct program costs. Providers may not apply for increases to costs that are part of the current program and rate structure before the program change.

(iii) In its findings and order, the division may elect to use financial information from prior approved budget submissions to determine allowable costs related to the program change.

(iv) The materiality test in section 8.1(c) is waived.

(B) Adjustments to rates based on changes in licensed capacity. Programs that increase or decrease licensed capacity in state fiscal year 2013 shall provide prior written notification to the division of the change in licensed capacity.

(i) Decreased licensed capacity. In the case of programs that decrease licensed capacity in state fiscal year 2013, programs must have prior written approval from the PADs before applying to the division for an adjustment to the state fiscal year 2013 per diem rate.

(I) The allowable budget amount for state fiscal year 2013 may be no more than the final approved budget for the rate year which includes June 30, 2012.

(II) In its application for a rate adjustment, a program shall provide to the division financial and staffing information directly related to the decrease in licensed capacity.

(III) In its findings and order, the division shall reduce the allowable budget amount by any decreased costs directly related to the change in licensed capacity.

(IV) The division shall divide the final allowable budget amount by the estimated occupancy level at the new licensed capacity to calculate the per diem rate.

(ii) Increased licensed capacity. In the case of programs that increase licensed capacity in state fiscal year 2013, the division shall automatically adjust the program's rate as follows:

(I) The initial allowable budget is 100 percent of the final approved budget amount for the rate year that includes June 30, 2012.

(II) With prior written approval from the PADs, programs may apply to the division for an adjustment to the allowable budget for costs directly related to the program change.

(III) The division shall divide the final allowable budget amount by the estimated occupancy level at the new licensed capacity to calculate the per diem rate.

Sec. E.306 Department of Vermont health access – administration

(a) The establishment of three (3) new classified positions – Nurse Case Manager – is authorized in fiscal year 2013.

Sec. E.306.1 8 V.S.A. § 4089k is amended to read:

§ 4089k. HEALTH CARE INFORMATION TECHNOLOGY REINVESTMENT FEE

~~(a)(1) Beginning October 1, 2009 and annually thereafter, each~~ Each health insurer shall pay a fee into the health IT fund established in 32 V.S.A. § 10301 in the amount of 0.199 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid in ~~installments~~ one installment—due by ~~November 1, January 1, April 1, and June 1.~~

* * *

~~(d)(2) If any health insurer fails to pay the fee established in subsection (a) of this section within 45 days after notice from the secretary of administration of the amount due~~ the installment due date, the secretary of administration, or his or her designee, shall notify the commissioner of banking, insurance, securities, and health care administration of the failure to pay. In addition to any other remedy or sanction provided for by law, if the commissioner finds, after notice and an opportunity to be heard, that the health insurer has violated this section or any rule or order adopted or issued pursuant to this section, the commissioner may take any one or more of the following actions:

* * *

Sec. E.306.2 8 V.S.A. § 4089l is amended to read:

§ 4089l. HEALTH CARE CLAIMS ASSESSMENT

~~(a)(1) Beginning October 1, 2011 and annually thereafter, each~~ Each health insurer shall pay an assessment into the state health care resources fund

established in 33 V.S.A. § 1901d in the amount of 0.80 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid in ~~installments on November 1,~~ one installment due by January 1, ~~April 1, and June 1.~~

* * *

(d) If any health insurer fails to pay the fee established in subsection (a) of this section within 45 days after ~~notice from the secretary of administration of the amount due~~ the installment due date, the secretary of administration or his or her designee shall notify the commissioner of banking, insurance, securities, and health care administration of the failure to pay. In addition to any other remedy or sanction provided for by law, if the commissioner finds, after notice and an opportunity to be heard, that the health insurer has violated this section or any rule or order adopted or issued pursuant to this section, the commissioner may take any one or more of the following actions:

* * *

Sec. E.307 33 V.S.A. § 2073 is amended to read:

§ 2073. VPHARM ASSISTANCE PROGRAM

* * *

(d)(1) An individual shall contribute a co-payment of \$1.00 for prescriptions where the cost-sharing amount required by Medicare Part D is ~~\$29.99 or less~~ than \$30.00, and a co-payment of \$2.00 for prescriptions where the cost-sharing amount required by Medicare Part D is \$30.00 or more. A pharmacy may not refuse to dispense a prescription to an individual who does not provide the co-payment.

* * *

Sec. E.307.1 33 V.S.A. § 2074(c) is amended to read:

(c) Benefits under VermontRx shall be subject to payment of a premium and co-payment amounts by the recipient in accordance with the provisions of this section.

* * *

(4) A recipient shall contribute a co-payment of \$1.00 for prescriptions costing ~~\$29.99 or less~~ than \$30.00, and a co-payment of \$2.00 for prescriptions costing \$30.00 or more. A pharmacy may not refuse to dispense a prescription to an individual who does not provide the co-payment.

Sec. E.307.2 VHAP AND MEDICAID CO-PAYS

(a) The following co-payments for individuals enrolled in the VHAP and Medicaid programs are hereby authorized and set by the general assembly, pursuant to 33 V.S.A. § 1901(b), and may be promulgated in rules by the secretary of human services or designee, in accordance with 33 V.S.A. § 1901(a)(1):

(1) co-payments that apply to prescriptions and durable medical equipment/supplies: enrolled individuals shall contribute a co-payment of not more than \$1.00 for prescriptions or durable medical equipment/supplies costing less than \$30.00, a co-payment of \$2.00 for prescriptions or durable medical equipment/supplies costing \$30.00 or more but less than \$50.00, and a co-payment of \$3.00 for prescriptions or durable medical equipment/supplies costing \$50.00 or more;

(2) co-payments that apply to hospital outpatient services: not more than \$3.00 per hospital visit;

(3) co-payments that apply to hospital emergency room services: for individuals enrolled in VHAP, \$25.00 per hospital visit;

(4) co-payments that apply to hospital inpatient stays: for individuals enrolled in Medicaid, the \$75.00 co-payment for inpatient hospital stays is eliminated.

Sec. E.307.3 33 V.S.A. § 1910 is amended to read:

§ 1910. LIABILITY OF THIRD PARTIES; LIENS

* * *

(b) The agency shall have a lien against the insurer, to the extent of the amount paid by the agency for past medical expenses, on any recovery from the insurer, whenever:

(1) the agency pays medical expenses or renders medical services on behalf of a recipient who has been injured or has suffered an injury, illness, or disease; and

(2) the recipient asserts a claim against an insurer as a result of the injury, illness, or disease. The recipient's insurer or alleged liable party's insurer, if any, shall take reasonable steps to discover the existence of the agency's medical assistance. Payment to the recipient instead of the agency does not discharge the insurer from payment of the agency's claim.

* * *

Sec. E.307.4 DENTAL COVERAGE FOR PREGNANT AND POST-PARTUM WOMEN

(a) The secretary of human services shall apply to the Centers for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 42 C.F.R. Section 430.12 to eliminate the adult dental benefit maximum as applied to pregnant women receiving benefits under the Dr. Dynasaur/Medicaid program and to enable pregnant women to receive the same dental benefits that are available for children on Dr. Dynasaur/Medicaid for the duration of the pregnancy and through the end of the calendar month during which the 60th day following the end of pregnancy occurs.

(b) Upon approval of the state plan amendment pursuant to subsection (a) of this section, the secretary of human services shall adopt rules pursuant to 3 V.S.A. chapter 25 to implement the expansion of dental coverage for pregnant women.

Sec. E.307.5 PRIMARY CARE CASE MANAGEMENT REIMBURSEMENT METHODOLOGY

(a) The department of Vermont health access shall conduct an analysis of the impact of revising the primary care case management reimbursement methodology. The analysis shall include the methodologies considered, impact on providers, and delivery system implications. The department shall provide its analysis to the health access oversight committee at its December 2012 meeting.

Sec. E.307.6 33 V.S.A. § 1901 is amended to read:

§ 1901. ADMINISTRATION OF PROGRAM

* * *

(a)(4) A manufacturer of pharmaceuticals purchased by individuals receiving state pharmaceutical assistance in programs administered under this chapter shall pay to the department of Vermont health access, as the secretary's designee, a rebate on all ~~pharmaceuticals~~ pharmaceutical claims for which state-only funds are expended in an amount ~~at least as favorable as the rebates provided under 42 U.S.C. section 1396r-8 paid to the department in connection with Medicaid and programs funded under the Global Commitment to Health Medicaid Section 1115 waiver~~ that is in proportion to the state share of the total cost of the claim, as calculated annually on an aggregate basis, and based on the full Medicaid rebate amount as provided for in Section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. Section 1396r-8.

* * *

Sec. E.307.7 33 V.S.A. § 2073 is amended to read:

§ 2073. VPHARM ASSISTANCE PROGRAM

* * *

(f) A manufacturer of pharmaceuticals purchased by individuals receiving assistance from VPharm established under this section shall pay to DVHA, as required by section 1901 of this title, a rebate on all ~~pharmaceuticals~~ pharmaceutical claims for which state-only funds are expended in an amount ~~at least as favorable as the rebate paid to DVHA in connection with the Medicaid program~~ that is in proportion to the state share of the total cost of the claim, as calculated annually on an aggregate basis, and based on the full Medicaid rebate amount as provided for in Section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. Section 1396r-8.

* * *

Sec. E.307.8 33 V.S.A. § 2074 is amended to read:

§ 2074. VERMONTRX PROGRAM

* * *

~~(d) Any manufacturer of pharmaceuticals purchased by individuals receiving assistance from VermontRx established under this section shall pay to DVHA, as required by section 1901 of this title, a rebate on all pharmaceuticals for which state-only funds are expended in an amount at least as favorable as the rebate paid to DVHA in connection with the Medicaid program. [REPEALED]~~

Sec. E. 307.9 VPHARM REVIEW

(a) The commissioner of Vermont health access shall review the VPHARM program beneficiary premium and co-payment structure as well as the current and anticipated pharmaceutical manufacturing rebate compliance and payments levels. The commissioner shall make recommendations to the house and senate committees on appropriations, the house committee on health care, and the senate committee on health and welfare by January 15, 2013 regarding changes to the VPHARM program premium or co-payment structure.

Sec. E.307.10 EXPEDITED RULES

(a) Notwithstanding any contrary provision in 3 V.S.A. chapter 25, and in order to implement Sec. E.307.2(a) (VHAP and Medicaid co-pays) of this act no later than July 1, 2012, the agency of human services may adopt expedited

rules in accordance with this section. Expedited rules under this section shall have the full force and effect of rules adopted under 3 V.S.A. chapter 25.

(b) Notwithstanding 3 V.S.A. chapter 25 and Sec. F4 of No. 146 of the Acts of the 2009 Adj. Sess. (2010), the agency shall:

(1) Adopt the expedited rule without prefiling or filing in proposed or final proposed form, and adopt the expedited rule after whatever notice and hearing that the agency finds to be practicable under the circumstances. The agency shall make reasonable efforts to ensure that expedited rules are known to persons who may be affected by them. These efforts may occur prior to passage of this act and also shall occur on adoption of the rules by the agency.

(2) File expedited rules adopted under this section with the secretary of state and with the legislative committee on administrative rules. The legislative committee on administrative rules shall distribute copies of expedited rules to the appropriate standing committees.

(3) Ensure that expedited rules adopted under this section shall include as much of the information required for the filing of a proposed rule as is practicable under the circumstances.

(c) On a majority vote of the entire committee, the committee may object under this subsection if an expedited rule is:

(1) beyond the authority of the agency;

(2) contrary to the intent of the legislature; or

(3) arbitrary.

(d) When objection is made under subsection (c) of this section, on majority vote of the entire committee, the committee may file the objection in certified form with the secretary of state. The objection shall contain a concise statement of the committee's reasons for its action. The secretary shall affix to each objection a certification of its filing and as soon as practicable transmit a copy to the agency. After a committee objection is filed with the secretary under this subsection, to the extent that the objection covers a rule or portion of a rule, the burden of proof thereafter shall be on the agency in any action for judicial review or for enforcement of the rule to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, and is not arbitrary. If the agency fails to meet its burden of proof, the court shall declare the whole or portion of the rule objected to invalid. The failure of the committee to object to a rule is not an implied legislative authorization of its substantive or procedural lawfulness.

Sec. E.307.11 ELIGIBILITY RESTORATION

(a) To the extent allowable under federal law and provided the commissioner determines that an operational approach can be developed, notwithstanding any other provision of law, the commissioner may adjust income disregard amounts applicable to Medicare Savings Plans in order to restore eligibility for those individuals who have lost their eligibility for coverage due to COLA increases in their Social Security benefits effective January 1, 2012. Such restoration should be limited to cases where the commissioner determines a substantial hardship for an individual has been created and potential additional costs would otherwise be incurred by the state.

Sec. E.308 FISCAL YEAR 2013 NURSING HOME RATE SETTING

(a) Beginning July 1, 2012, notwithstanding any other provisions of law, the division of rate setting shall maintain the decrease by one-half in the case-mix weights for the following Vermont RUG-III resource utilization groups: Impaired Cognition A (IA1), Challenging Behavior A (BA1), Reduced Physical Functioning A 2 (PA2), and Reduced Physical Functioning A 1 (PA1). The decrease by one-half in these case-mix weights shall be maintained in each facility's average case-mix score for Medicaid residents from picture dates in the January 2010, April 2010, and July 2010 quarters, which were used to set the July 2010, October 2010, and January 2011 rates.

Sec. E.308.1 DVHA – MEDICAID LONG TERM CARE

(a) The funding for the Choices for Care program in fiscal year 2013 includes the appropriations in this section and anticipates at least \$4,400,000 of fiscal year 2012 unexpended appropriations. The administration anticipates making new investments of at least \$1,100,000. Prior to the implementation of these or alternate investments, the secretary of human services and the commissioner of disabilities, aging, and independent living shall work with providers and stakeholders to assure that the impact of changes in funding and proposed methods of delivery by the providers are clear and practical and ensure that the expected outcomes for clients are achieved and shall present their suggested investments for review and comment by the health access oversight committee.

(b) The agency of human services and department of disabilities, aging, and independent living shall report to the joint fiscal committee any submission made to CMS to change the Choices for Care waiver rate reimbursement structure. Before implementation of any CMS approved changes to the Choices for Care waiver rate reimbursement structure, notification shall be made to the house and senate committees on

appropriations or to the joint fiscal committee if the general assembly is not in session.

Sec. E.308.2 LONG-TERM CARE CONTINUUM OF RESIDENTIAL SERVICES

(a) The agency of human services and department of disabilities, aging, and independent living shall prepare a report in consultation with consumer and provider groups on the continuum of residential options for long-term care services that are currently available to moderate and low income seniors. The report shall identify the appropriate range of residential options that will be needed to meet the needs of moderate and low income seniors over the next 10, 15, and 20 years. The report shall also include the reimbursement rates across the continuum of residential options identified and the potential sources of funding for such options.

Sec. E.309 HEALTH CARE COVERAGE; LEGAL IMMIGRANT CHILDREN AND PREGNANT WOMEN

(a) Beginning July 1, 2012 and thereafter, in accordance with the provisions of the federal Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111-3, Section 214, the agency of human services shall provide coverage under Medicaid and CHIP to legal immigrant children and pregnant women who are residing lawfully in Vermont and who have not met the five-year waiting period required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Sec. E.309.1. Sec. E.309.2 (a) of No. 63 of the Acts of 2011, as amended by Sec. 99 of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

(a) Beginning July 1, 2012, the commissioner of Vermont health access shall implement interim measures comparable to the family planning option of section 2303 of the Affordable Care Act of 2010 until such time as the state is able to modify necessary rules and procedures related to eligibility and services to implement the family planning option of section 2303 of the Affordable Care Act of 2010, Public Law 111-148.

Sec. E.311 33 V.S.A. § 2004(b) is amended to read:

(b) Fees collected under this section shall fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633, analysis of prescription drug data needed by the attorney general's office for enforcement activities, the Vermont prescription monitoring system established in 18 V.S.A. chapter 84A, and the evidence-based education

program established in 18 V.S.A. chapter 91, subchapter 2 of chapter 91 of Title 18. The fees shall be collected in the evidence-based education and advertising fund established in section 2004a of this title.

Sec. E.311.1 33 V.S.A. § 2004a(a) is amended to read:

(a) The evidence-based education and advertising fund is established in the treasury as a special fund to be a source of financing for activities relating to fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633, analysis of prescription drug data needed by the attorney general's office for enforcement activities, the Vermont prescription monitoring system established in 18 V.S.A. chapter 84A, and for the evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2 of Title 18. Monies deposited into the fund shall be used for the purposes described in this section.

Sec. E.311.2 Health – administration and support (FQHC Look-Alike Clinics)

(a) Of these Global Commitment funds, up to \$310,200 shall be used to support the costs of developing three federally qualified health center (FQHC) Look-Alike clinics. The Gifford Medical Center in Randolph shall receive up to \$100,000, the Five Town Health Alliance in Bristol shall receive up to \$110,000, and the Battenkill Valley Health Center in Arlington shall receive up to \$100,200 for the purpose of meeting all of the FQHC Program requirements enabling each clinic to submit an application certifying its program to the Health Resources and Services Administration (HRSA) and, if approved, to the Centers for Medicare and Medicaid Services (CMS).

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2013 and as provided in this section, the department of health shall provide grants in the amount of \$475,000, of which \$135,000 is state general funds and \$340,000 is AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. It is the intent of the general assembly that if the AIDS Medication Rebates special funds appropriated in this subsection are unavailable, the funding for Vermont AIDS service and peer-support organizations for client-based support services shall be maintained through the general fund or other state-funding sources. The department of health AIDS program shall meet at least quarterly with the community advisory group (CAG) with current information and data relating to service initiatives. The funds shall be allocated as follows:

(A) AIDS Project of Southern Vermont, \$120,768;

(B) HIV/HCV Resource Center, \$36,689;

(C) VT CARES, \$220,133;

(D) Twin States Network, \$45,160;

(E) People with AIDS Coalition, \$52,250.

(2) Ryan White Title II funds for AIDS services and the AIDS Medication Assistance Program (AMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by state general funds.

(3)(A) The secretary of human services shall immediately notify the joint fiscal committee if at any time there are insufficient funds in AMAP to assist all eligible individuals. The secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to AMAP medications until such time as the general assembly can take action.

(B) As provided in this section, the secretary of human services shall work in collaboration with the AMAP advisory committee, which shall be composed of no less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2013, the department of health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; anti-stigma campaigns; and promotion of needle exchange programs. No more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the department of health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(b) Funding for the tobacco programs in fiscal year 2013 shall consist of the \$1,594,000 in tobacco funds and \$302,507 in Global Commitment funds appropriated in Sec. B.312 of this act. The tobacco evaluation and review

board shall determine how these funds are allocated to tobacco cessation, community-based, media, public education, surveillance, and evaluation activities. This allocation shall include funding for tobacco cessation programs that serve pregnant women.

Sec. E.312.1 [DELETED]

Sec. E.312.2 [DELETED]

Sec. E.313 Health – alcohol and drug abuse programs

(a) For the purpose of meeting the need for outpatient substance abuse services when the preferred provider system has a waiting list of five days or more or there is a lack of qualified clinicians to provide services in a region of the state, a state-qualified alcohol and drug abuse counselor may apply to the department of health, division of alcohol and drug abuse programs, for time-limited authorization to participate as a Medicaid provider to deliver clinical and case coordination services, as authorized.

(b)(1) In accordance with federal law, the division of alcohol and drug abuse programs may use the following criteria to determine whether to enroll a state-supported Medicaid and uninsured population substance abuse program in the division's network of designated providers, as described in the state plan:

(A) The program is able to provide the quality, quantity, and levels of care required under the division's standards, licensure standards, and accreditation standards established by the commission of accreditation of rehabilitation facilities, the joint commission on accreditation of health care organizations, or the commission on accreditation for family services.

(B) Any program that is currently being funded in the existing network shall continue to be a designated program until further standards are developed, provided the standards identified in this subdivision (b)(1) are satisfied.

(C) All programs shall continue to fulfill grant or contract agreements.

(2) The provisions of subdivision (1) of this subsection shall not preclude the division's "request for bids" process.

(c) The recovery center network in collaboration with their coordinator shall develop standards for services provided, data collection, outcome measurement, and evaluation for recovery centers to receive grant funding from the state by September 15, 2012. The standards shall be submitted for

approval to the department of health – alcohol and drug abuse programs and the department of mental health.

(d) Of the funds appropriated within the agency of human services for inclusion in the “hub and spoke” medical home model for substance abuse, and if approved by CMS, the commissioners of health, Vermont health access, and mental health shall allocate \$100,000 to funding recovery centers that meet the standards approved by the departments of health and of mental health.

Sec. E.318 Department for children and families – child development

(a) The commissioner of the department for children and families shall reserve up to one-half of one percent of the child care family assistance program funds to assist child care facilities that may be closing due to financial hardship. The commissioner shall develop guidelines for providing assistance and shall prioritize relief to child care programs in areas of the state with high poverty and low access to high quality child care. If the commissioner determines that the operations of a child care program are not fiscally sustainable he or she may provide assistance to transition children served by the child care operator in an orderly fashion to help secure other child care opportunities for children served by the program in an effort to minimize a disruption of services. The commissioner has the authority to request tax returns and other financial documents to verify the financial hardship and ability to sustain operations. The commissioner shall report to the joint fiscal committee at its November 2012 meeting on the distribution of reserved funds.

Sec. E.318.1 ACCESS TO HIGH-QUALITY EARLY EDUCATION

(a) In consultation with appropriate state agencies, community partners, and stakeholder groups, the building bright futures state council shall develop recommendations to increase access to high quality early care and education for Vermont children as follows:

(1) Pursuant to 16 V.S.A. § 2905, in order to increase access to high quality early care and education for three- and four-year-old children, the council shall develop recommendations designed to:

(A) Promote equitable opportunities throughout the state, including the availability of publicly supported programs to similarly situated families in different communities;

(B) Determine the best way to use community-based child care and education programs and review the interaction between developing publicly funded school-based pre-kindergarten and kindergarten programs and the infrastructure and financial health of existing child care programs in the private

and nonprofit sector and how that interaction affects programs serving infants through age two;

(C) The council shall present its recommendations concerning subdivision (1) of this section to the house and senate committees on education on or before January 15, 2013.

(2) The council shall develop recommendations for a long-term financial sustainability plan for funding a comprehensive system of early childhood services that shall include early care and education, prevention and early intervention, nutrition, mental health and physical health and include but be not limited to new ways to leverage federal funds.

(A) The council shall present an initial report concerning subdivision (2) of this section to the house committee on human services, the senate committee on health and welfare, and the house and senate committees on appropriations on or before January 15, 2013.

Sec. E.318.2 CHILD CARE IMPROVEMENT WORKING GROUP

(a)(1) By July 1, 2012, the commissioner of the department of children and families shall convene a working group to study the following issues and to report to the general assembly regarding:

(A) How to increase state subsidies for child care services.

(B) How to increase participation by child care providers in the STARS program.

(C) How to improve participation by child care providers in the development of state child care regulations.

(D) An analysis of the number of child care providers receiving state subsidies.

(E) The projected fiscal impact of allowing child care providers to bargain collectively with the state, including the impact of such bargaining on subsidy rates, an analysis of what other states have done regarding child care provider collective bargaining and the fiscal impact of collective bargaining in those states, and an analysis of any legal implications of allowing child care providers to bargain collectively with the state.

(2) The working group may utilize the services of other state agencies and departments, the joint fiscal office, and the office of legislative council in preparing its report and recommendations.

(b) In addition to any other members appointed to the working group by the commissioner, the commissioner shall appoint the following:

- (1) Two registered family day care home providers.
- (2) Two licensed family child care home providers.
- (3) Two legally exempt child care providers.
- (4) Two employees of licensed child care centers.
- (5) Two employees of nonprofit child care centers.
- (6) One representative from the Vermont Business Roundtable.

(c) The working group shall submit its findings and recommendations to the house committees on appropriations, on commerce and economic development, on general, housing and military affairs, and on human services and the senate committees on appropriations, on economic development, housing and general affairs, and on health and welfare by January 15, 2013.

(d) On July 1, 2013, registered family day care home providers, licensed family child care home providers, and legally exempt child care providers shall have the right to organize, form, join, or assist a union and, once an exclusive representative is selected, to negotiate a legally binding agreement with the state related to child care subsidy reimbursement rates and rules, professional development and training, grievance procedures, and a mechanism for dues collection. On July 1, 2013, program directors and staff of licensed child care centers shall have the right to participate in a group that shall select a representative for the purpose of negotiating with the state an agreement to improve the delivery and quality of early education.

Sec. E.321 GENERAL ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM

(a) Commencing with state fiscal year 2007, the agency of human services may establish a housing assistance program within the general assistance program to create flexibility to provide these general assistance benefits. The purpose of the program is to mitigate poverty and serve applicants more effectively than they are currently served with the same amount of general assistance funds. The program shall operate in a consistent manner within existing statutes and rules except that it may grant exceptions to this program's eligibility rules and may create programs and services as alternatives to these rules. Eligible activities shall include, among others, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, and related services that assure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The program may operate in up to 12 districts designated by the secretary of human services. This program will be budget neutral. For each district in which the agency operates the program, it shall establish procedures for evaluating the pilot and its effects. The agency shall report annually to the general assembly on its findings from the programs, its recommendations for changes in the general assistance program, and a plan for further implementation of the program.

(c) The agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of the general assistance flexibility program.

(d) In fiscal year 2013, the agency of human service shall make its annual report to the general assembly by December, 15, 2012. The report shall specifically:

(1) Provide data on the number of persons and families served in fiscal years 2010, 2011, and 2012 by the general assistance housing assistance program and any other state-funded housing assistance programs.

(2) Provide data on the causes and circumstances that result in individuals or families requiring housing assistance.

(3) Identify the primary drivers of the need for such services and the primary barriers individuals and families have in maintaining safe and stable housing.

(4) Include an inventory of existing programs and program funding available for emergency, low income, and transitional housing.

(5) Include the outcome measures currently used to evaluate the effectiveness and accountability of emergency, low income, and transitional housing and make recommendations for any additional or alternative outcome measures.

(6) Make recommendations regarding reallocation of current funding for these programs if such reallocation would result in better outcomes, particularly regarding eviction prevention and accessing and maintaining safe stable housing for the populations in need or at risk of needing housing assistance and the option of providing direct vendor payments of benefits for habitually homeless individuals.

(7) Identify the outcome-based priority for any additional investment in housing assistance programs.

Sec. E.323 [DELETED]

Sec. E.324 HOME HEATING FUEL ASSISTANCE/LIHEAP

(a) For the purpose of a crisis set-aside, for seasonal home heating fuel assistance through December 31, 2012, and for program administration, the commissioner of finance and management shall transfer \$2,550,000 from the home weatherization assistance trust fund to the home heating fuel assistance fund to the extent that federal LIHEAP or similar federal funds are not available. An equivalent amount shall be returned to the home weatherization trust fund from the home heating fuel assistance fund to the extent that federal LIHEAP or similar federal funds are received. Should a transfer of funds from the home weatherization assistance trust fund be necessary for the 2012–2013 crisis set-aside and for seasonal home heating fuel assistance through December 31, 2012 and if LIHEAP funds awarded as of December 31, 2012 for fiscal year 2013 do not exceed \$2,550,000, subsequent payments under the home heating fuel assistance program shall not be made prior to January 30, 2013. Notwithstanding any other provision of law, payments authorized by the office of home heating fuel assistance shall not exceed funds available, except that for fuel assistance payments made through December 31, 2012, the commissioner of finance and management may anticipate receipts into the home weatherization assistance trust fund.

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the general fund appropriation in this section, \$792,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal McKinney emergency shelter funds. Grant decisions shall be made with assistance from the coalition of homeless Vermonters.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the special fund appropriation in this section, \$750,000 is for the replacement and repair of home heating equipment.

(b) Appropriations from the weatherization trust fund may be limited based on the revenue forecast for the fund from the gross receipts tax as adopted pursuant to 32 V.S.A. § 305a.

Sec. E.329 VERMONT VETERANS' HOME; REGIONAL BED CAPACITY

(a) The agency of human services shall not include the bed count at the Vermont veterans' home when recommending and implementing policies that are based on or intended to impact regional nursing home bed capacity in the state.

Sec. E.329.1 REPORT ON ADULT PROTECTIVE SERVICES

(a) On or before December 1, 2012, the attorney general and the department of disabilities, aging, and independent living shall jointly provide a report on the status of investigations concerning the abuse, neglect, and exploitation of vulnerable adults and statistics regarding investigation backlog to the senate and house committees on judiciary, the senate committee on health and welfare, and the house committee on human services.

Sec. E.338 Corrections – correctional services

(a) The establishment of seventeen (17) new classified positions – sixteen (16) Correctional Officer I and one (1) Corrections Housing Program Coordinator – is authorized in fiscal year 2013. The Correctional Officer I positions will accommodate the conversion of temporary Correctional Officer I positions to full-time classified status.

Sec. E.342 Vermont veterans' home – care and support services

(a) If Global Commitment fund monies are unavailable, the total funding for the Vermont veterans' home shall be maintained through the general fund or other state funding sources.

(b) The Vermont veterans' home will use the Global Commitment funds appropriated in this section for the purpose of increasing the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

* * * LABOR * * *

Sec. E.401 REPEAL

(a) 16 V.S.A. § 2887(c) (allocations of next generation initiative funds to regional technical centers) is repealed.

(b) A three-year continuation is authorized beginning in fiscal year 2013 for three (3) existing limited service workers' compensation investigator positions.

(c) One (1) classified adjudicator position (position # 820176) is authorized to be converted to one (1) permanent workers' compensation investigator position in fiscal year 2013.

Sec. E.401.1 FEDERAL UNEMPLOYMENT INSURANCE TRUST FUND
LOAN REPAYMENT

(a) Notwithstanding any provision to the contrary, for the period from July 1, 2012 through June 30, 2015, the state treasurer, with the approval of the governor, is authorized to utilize interfund loans from the general fund for payment into the unemployment compensation fund, which monies shall be identified exclusively for the purposes of the payment of unemployment compensation benefits, whether to repay advances from the federal government or to pay benefits directly. The availability of funds for such loans shall be determined exclusively by the state treasurer, and the amount of funds outstanding under this section on June 30 of any year may not exceed the amount of cash or cash equivalents at fiscal year-end in the general fund less the balance in reserves. The commissioner of labor shall include an accounting of these transactions in the report on the operations of the fund made pursuant to 21 V.S.A. § 1309. Any funds borrowed through an interfund loan pursuant to this section shall be repaid from funds on deposit in the unemployment trust fund or from other funds legally available for such purpose, without interest, and deposited to the credit of the general fund.

(b) For the period from July 1, 2012 through June 30, 2015, the state treasurer, with the approval of the governor, may borrow money for the purpose of raising funds for payment into the unemployment compensation fund, which monies shall be identified exclusively for the purposes of the payment of unemployment compensation benefits, whether to repay advances from the federal government or to pay benefits directly.

(c) The state treasurer in consultation with the commissioner of labor shall ensure that rights and benefits of claimants are not compromised by subsections (a) and (b) of this section. In addition language changes to maximize federal coverage for short term unemployment compensation shall be addressed.

* * * K – 12 EDUCATION * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in this section for school health services, including school nurses, shall be used for the purpose of funding certain health-care-related projects. It is the goal of these projects to reduce the rate of uninsured or underinsured persons or both in Vermont and to

increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.502 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,400,654 shall be used by the department of education in fiscal year 2013 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the commissioner shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d). In addition to funding for 16 V.S.A. § 2967(b)(2)–(6), up to \$172,611 may be used by the department of education for its participation in the higher education partnership plan.

Sec. E.503 Education – state-placed students

(a) The independence place program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

Sec. E.504 Education – adult education and literacy

(a) Of this appropriation, \$4,000,000 from the education fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 1049a(c).

Sec. E.505 Education – adjusted education payment

(a) Notwithstanding any other provision of law, up to \$50,000 of the education funds appropriated in this section may be used to reimburse districts for excess homestead tax amounts collected in previous fiscal years that the department has verified were the result of error in data or calculation. Any sums reimbursed shall be used solely as an additional revenue source to the receiving district for the current or next fiscal year.

Sec. E.512 Education – Act 117 cost containment

(a) Notwithstanding any other provision of law, expenditures made from this section shall be counted under 16 V.S.A. § 2967(b) as part of the state's 60 percent of the statewide total special education expenditures of funds which are not derived from federal sources.

Sec E.513 [DELETED]

Sec. E.514 State teachers' retirement system

(a) The annual contribution to the Vermont state teachers' retirement system shall be \$64,932,755, of which \$60,182,755 shall be contributed in

accordance with 16 V.S.A. § 1944(g)(2) and an additional \$4,750,000 in general funds.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$10,303,147 is the “normal contribution,” and \$49,879,608 is the “accrued liability contribution.”

(c) A combination of \$63,613,130 in general funds and an estimated \$1,319,625 of Medicare Part D reimbursement funds is utilized to achieve funding at \$4,750,000 above the actuarially recommended level of \$60,182,755.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont

(a) The commissioner of finance and management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds or both.

(c) If Global Commitment fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the general fund or other state funding sources.

(d) The University of Vermont will use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this program, currently representing a significant number of physicians practicing in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to the uninsured or underinsured persons or both in Vermont and across the nation.

Sec. E.602 Vermont state colleges

(a) The commissioner of finance and management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont manufacturing extension center for the purpose of complying with state

matching fund requirements necessary for the receipt of available federal or private funds or both.

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the general fund or other state funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 250 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries and uninsured or underinsured persons or both.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the general fund to the Vermont Student Assistance Corporation to be deposited into the trust fund established in 16 V.S.A. § 2845.

(b) Except as provided in subsection (a) of this section, not less than 93 percent of grants shall be used for direct student aid.

(c) Funds available to the Vermont Student Assistance Corporation pursuant to Sec. E.215(a) of this act shall be used for the purposes of 16 V.S.A. § 2856. Any unexpended funds from this allocation shall carry forward for this purpose.

* * * NATURAL RESOURCES * * *

Sec. E.700 3 V.S.A. § 2805 is amended to read:

§ 2805. ENVIRONMENTAL PERMIT FUND

(a) There is hereby established a special fund to be known as the environmental permit fund for the purpose of implementing the programs specified under the provisions of subsections 2822(i) and (j) of this title. Revenues to the fund shall be those. Within that fund, there shall be two accounts: the environmental permit account and the air pollution control account. Unless otherwise specified, fees collected in accordance with subsections 2822(i) and (j) of this title, and 10 V.S.A. § 2625 and gifts and appropriations shall be deposited in the environmental permit account. Fees collected in accordance with subsections (j)(1), (k), (l), and (m) shall be deposited in the air pollution control account. The environmental permit fund shall be used to implement the programs specified under section 2822 of this title. The secretary of natural resources shall be responsible for the fund and

shall account for the revenues and expenditures of the agency of natural resources. The environmental permit fund shall be subject to the provisions of 32 V.S.A. chapter 7, subchapter 5. The environmental permit fund shall be used to cover a portion of the costs of administering the environmental division established under 4 V.S.A. chapter 27. The amount of \$143,000.00 per fiscal year shall be disbursed for this purpose.

(b) Any fee required to be collected under subdivision 2822(j)(1) of this title shall be utilized solely to cover all reasonable (direct or indirect) costs required to support the operating permit program authorized under 10 V.S.A. chapter 23 ~~of Title 10~~. Any fee required to be collected under ~~subsections subsection~~ 2822(k), (l), or (m) of this title for air pollution control permits or registrations or motor vehicle registrations shall be utilized solely to cover all reasonable (direct or indirect) costs required to support the programs authorized under 10 V.S.A. chapter 23 ~~of Title 10~~. Fees collected pursuant to subsections 2822(k), (l), and (m) of this title shall be used by the secretary to fund activities related to the secretary's hazardous or toxic contaminant monitoring programs and motor vehicle-related programs. ~~The environmental permit fund shall be subject to the provisions of subchapter 5 of chapter 7 of Title 32, except that any unencumbered environmental permit fund balance in excess of those fees collected under subdivision 2822(j)(1) and subsections (k), (l), and (m) of this title, and in excess of \$350,000.00 from those fees collected from environmental permit fund sources other than subdivision 2822(j)(1) and subsections (k), (l), and (m) at the close of a fiscal year shall revert to the general fund. The environmental permit fund shall be used to cover a portion of the costs of administering the environmental division established under chapter 27 of Title 4. The amount of \$143,000.00 per fiscal year shall be disbursed for this purpose.~~

Sec. E.704 Forests, parks and recreation - forestry

(a) This special fund appropriation shall be authorized, notwithstanding the provisions of 3 V.S.A. § 2807(c)(2).

Sec. E.709 10 V.S.A. § 1174 is amended to read:

§ 1174. APPROPRIATION EXPENDITURE FOR SUPPORT OF THE CONNECTICUT COMMISSION

~~The sum of \$1,500.00 annually, or so much thereof as may be necessary, is hereby appropriated out of any fund not otherwise appropriated, The department of environmental conservation shall make an expenditure for the purpose of carrying out the provisions of Article VII of the compact, section 1158 of this title, relating to payment by the state to the Connecticut~~

commission of the proportionate share of the state in the expenses of said commission. This ~~appropriation~~ expenditure is conditioned upon payment by the other compacting states of their proportionate amounts.

Sec. E.709.1 10 V.S.A. § 1175(c) is added to read:

(c) Funds received pursuant to subsection (a) of this section shall be credited to a special fund, established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, from which payments shall be made in accordance with section 1176 of this title.

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec. E.800 Agency of commerce and community development – administration

(a) The establishment of one (1) new classified position – Economic Research Analyst – is authorized in fiscal year 2013 to perform economic analysis including VEGI modeling within the agency of commerce and community development.

Sec. E. 800.1 WINDHAM COUNTY; TROPICAL STORM IRENE RELIEF INITIATIVE

(a) The secretary of administration and the secretary of commerce and community development shall:

(1) Work to include Windham County in the area targeted by the U.S. Department of Housing and Urban Development for 80 percent of the pending community development block grant disaster recovery allocation to Vermont;

(2) Hold at least one public hearing in Windham County regarding unmet housing, economic recovery, and infrastructure needs in the County for inclusion in the agency's disaster action plan for the use of community development block grant disaster recovery funding. Groups and organizations that have not been directly involved with the southeastern Vermont economic development strategy shall be included and allocated adequate presentation time;

(3) Ensure agency participation at a senior level with the southeastern Vermont economic development strategy board;

(4) Provide a single point of contact and serve as a resource for affected communities on tax credits and other funding to assist with recovery;

(5) Coordinate Federal Emergency Management Agency (FEMA) and state assistance to address housing needs, including but not limited to those

related to the damage and loss of affordable units at Melrose Terrace and Tripark Mobile Home Park; and work with the Mt. Snow chamber and the Route 30 corridor in tourism and marketing promotion and the Sustainable Valley Group in Bellows Falls.

(b) The secretary of administration and the secretary of commerce and community development shall find \$100,000 within funds appropriated to the agency of commerce and community development and its programs or other funds that come available for this purpose to provide grants for Windham County communities and/or regional organizations involved in Tropical Storm Irene recovery. These funds may also be used as matching funds for Windham County match for grants received from the U.S. Economic Development Administration for Tropical Storm Irene recovery activities.

Sec. E.800.2 STUDY; AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT AND INTEGRATED ECONOMIC DEVELOPMENT ASSISTANCE

(a) On or before January 15, 2013, the agency of commerce and community development shall conduct a study and deliver a report of its findings and recommendations to the house and senate committees on appropriations, the house committee on commerce and economic development, and the senate committee on economic development, housing and general affairs, addressing the following:

(1) whether a separate department of economic development should be created within the agency;

(2) how the agency can most effectively build stronger connections and integrated service delivery at the regional level with and through the regional development corporations;

(3) the most effective model for a single portal, through which businesses and entrepreneurs can access all state, regional, and local economic development assistance.

(4) assess the ability of the regional development corporations to be a true partner in meeting the economic development needs of the state and assess the appropriate structure, state funding, and outcome measurement of these organizations.

(b) In conducting the study, the secretary of commerce and community development shall consult with individuals who have private sector marketing and business experience and may contract with a third party with government, economic development, and management expertise. The study shall

specifically consider and update the policy and legislative recommendations adopted by the commission on the future of economic development.

Sec. E.800.3 REPEAL

(a) 10 V.S.A. § 2 (unified economic development budget) is repealed.

Sec. E.800.4 STUDY; EXPANSION OF PROPERTY-ASSESSED CLEAN ENERGY PROGRAM TO INCLUDE COMMERCIAL REAL ESTATE

(a) On or before January 15, 2013, the commissioner of public service, in collaboration with the department of financial regulation, the office of the treasurer, Housing Vermont, the Vermont housing and conservation board, the department of economic, housing and community development, the Vermont bankers' association, and other interested private sector stakeholders, shall conduct a study on the feasibility, benefits, and costs of expanding Vermont's property-assessed clean energy program to include commercial real estate, and shall submit its findings and recommendations to the house committee on commerce and economic development, the senate committee on economic development, housing and general affairs, and the house and senate committees on natural resources and energy. The study shall specifically consider appropriate measures to ensure sufficient funding and adequate reserves are available to incorporate commercial real estate into the program.

Sec. E.800.5 10 V.S.A. § 531(d) is amended to read:

(d) In order to avoid duplication of programs or services and to provide the greatest return on investment from training provided under this section, ~~the secretary of commerce and community development shall:~~

(1) the secretary of commerce and community development shall first consult with the commissioner of labor regarding whether ~~the a~~ grantee has accessed, or is eligible to access, other workforce development and training resources offered by public or private workforce development partners;

(2) ~~disburse grant funds only for training hours that have been successfully completed by employees; provided that a grant for on-the-job training shall either provide not more than 50 percent of wages for each employee in training, or not more than 50 percent of trainer expense, but not both, and further provided that training shall be performed in accordance with a training plan that defines the subject of the training, the number of training hours, and how the effectiveness of the training will be evaluated; and~~

(3) ~~use~~ funds under this section shall be used only to supplement training efforts of employers and not to replace or supplant training efforts of employers; and

(3) the secretary shall generate a record of each contact with the commissioner of labor documenting compliance with this subsection.

Sec. E.800.6 WORKFORCE DEVELOPMENT AND TRAINING

(a) Of the amounts appropriated to the agency of commerce and community development, the secretary shall be authorized to use up to \$307,000 in his or her discretion to fund workforce development and training performance grants to small businesses that do not otherwise qualify for funding from the Vermont training program.

Sec. E.801 REPEAL

(a) Sec. 10a(b) of No. 52 of the Acts of 2011 (Vermont training program, grant eligibility repeal) is repealed.

Sec. E.803 Community development block grants

(a) Community development block grants shall carry forward until expended.

Sec. E.805 [DELETED]

Sec. E.806 3 V.S.A. § 2473a is amended to read:

§ 2473a. VERMONT LIFE MAGAZINE

* * *

(c) ~~A revolving~~ An enterprise fund for the operation of Vermont Life magazine is created, which shall consist of all revenues derived from the sale of Vermont Life magazine, advertising in Vermont life magazine, the sale of other products under the Vermont life label, digital and other emerging media, advisory services, sponsorships, grants, events, promotions, competitions, partnerships, licensing, fund-raisers, markups on retail sales of other parties' products, other commercial activities that are consistent with Vermont Life values and supportive of the Vermont brand and approved by the secretary with the consultation of the Vermont Life Advisory Board established in Executive Order #22-2, any interest earned by Vermont Life magazine, and all sums which are from time to time appropriated for the support of Vermont Life magazine and its operations.

(d) All expenses incurred in the production, publication, and sale of Vermont Life magazine, advertising, and other products under the Vermont Life label shall be paid from the ~~revolving~~ enterprise fund.

(e) The receipt and expenditure of moneys from the ~~revolving~~ enterprise fund shall be under the supervision of the business manager and at the

direction of the publisher, subject to the provisions of this section. Vermont Life magazine shall maintain accurate and complete records of all receipts and expenditures by and from the fund, and shall make an annual report on the condition of the fund to the secretary of the agency, who shall in turn provide the report to the secretary of administration.

* * * TRANSPORTATION * * *

Sec. E.909 Transportation – central garage

(a) Of this appropriation, \$5,888,573 is appropriated from the transportation equipment replacement account within the central garage fund for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

Sec. E.915 Transportation – town highway aid program

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(a).

Sec. E.922 19 V.S.A. § 11a is amended to read:

§ 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE DEPARTMENT OF PUBLIC SAFETY

No transportation funds shall be appropriated for the support of government other than for the agency of transportation, the transportation board, transportation pay act funds, construction of transportation capital facilities used by the agency of transportation, transportation debt service, the department of buildings and general services information centers, and the department of public safety. The amount of transportation funds appropriated to the department of public safety shall:

- (1) ~~in fiscal year 2010 not exceed \$30,850,000.00;~~
- (2) ~~in fiscal year 2011 not exceed \$28,350,000.00; and~~
- (3) ~~in fiscal year 2012 not exceed \$25,250,000.00.~~

Sec. E.1100 [DELETED]

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. C.100 (fiscal year 2012 budget adjustment, DVHA-administration), C.101 (fiscal year 2012 budget adjustment, DVHA-Medicaid program-Global Commitment), C.200 (immunization pilot extension), C.201 (potential property valuation loss; current homeowners), C.202 (one-time appropriation for federal funds reduction), C.203 (fiscal year 2012 budget adjustment, human services caseload reserve expenditures), C.204 (allocation of workforce and education training grants), C.205 (fiscal year

2012 budget adjustment, general fund revenue estimate and balance), D.104 (tobacco litigation settlement fund balance), D.107 (transfer of national mortgage foreclosure settlement funds), E.307.10 (expedited rules for VHAP/Medicaid co-pays), E.311 and E.311.1 (Vermont prescription monitoring system), and E.801 (Vermont training program, grant eligibility repeal of repeal) of this act shall take effect upon passage.

(b) Sec. C.103 (repayment to ratepayers) is effective on passage and shall apply to any board orders pertaining to windfall-sharing mechanisms the specific terms of which have not yet been finalized by the board.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Heath of Westford** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Heath of Westford
Rep. Johnson of South Hero
Rep. Crawford of Burke

Thereupon, **Rep. Poirier of Barre City** moved that the House members of the Committee of Conference be instructed to concur with Sec. C 103 of the Senate proposal of amendment.

Thereupon, **Rep. Poirier of Barre City** asked and was granted leave of the House to withdraw his motion.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 148

Senate bill, entitled

An act relating to expediting development of small and micro hydroelectric projects

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Proposal of Amendment Agreed to; Bill Read Third Time and Passed in
Concurrence With Proposal of Amendment**

S. 183

Senate bill, entitled

An act relating to the testing of potable water supplies

Was taken up and pending third reading of the bill, **Rep. Fagan of Rutland City** moved to substitute the proposal of amendment of Rep. Koch of Barre Town to the bill, as follows:

In Sec. 4, 27 V.S.A. § 616, by adding subsection (c) to read:

(c) Penalty; liability. Liability for failure to provide the informational materials required by this section shall be limited to a civil penalty, imposed by the department of health under 18 V.S.A., Chapter 3, of no less than \$25.00 and no more than \$250.00 for each violation.

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Bill Amended, Read Third Time and Passed

S. 202

Senatem bill, entitled

An act relating to regulation of flood hazard areas, river corridors, and stream alteration

Was taken up and pending third reading of the bill, **Rep. Munger of South Burlington** moved that the House propose to the Senate that the bill be amended in Sec. 1, 10 V.S.A. § 754, in subsection (e), after “representatives of the agricultural community;” and before “the regional planning commissions” by inserting “representatives of the forest products industry;”

Which was agreed to.

Pending third reading of the bill, **Rep. Olsen of Jamaica** moved that the House propose to the Senate to amend the the bill as follows:

First: In Sec. 3, 10 V.S.A. § 1021, in subsection (b), by striking the first sentence and inserting in lieu thereof the following:

~~“This subchapter~~ The requirements of subsection (a) of this section shall not apply to emergency protective measures necessary to preserve life or to prevent severe imminent damage to public or private property, or both.

and by striking subdivision 1021(b)(4) in its entirety and inserting in lieu thereof the following:

(4) be implemented in a manner consistent with the general permit adopted under section 1027 of this title regarding stream alteration during

emergencies.

Second: In Sec. 5, 10 V.S.A. § 1027, in subdivision (b)(1)(B), by striking “including the construction of temporary berms as emergency protective measures” where it appears and inserting in lieu thereof the following

“including emergency protective measures under subdivision 1021(b) of this title”

Which was agreed to.

Pending third reading of the bill, **Rep. Deen of Westminster** moved that the House propose to the Senate to amend the bill as follows:

In Sec. 1, 10 V.S.A. § 754, by striking subsection (c) in its entirety and inserting in lieu thereof the following:

(c) Discretionary rulemaking. The rules may establish requirements that exceed the requirements of the National Flood Insurance Program for uses exempt from municipal regulation, provided that any rules adopted under this subsection that exceed the minimum requirements of the National Flood Insurance Program shall be designed to prevent or limit a risk of harm to life, property, or infrastructure from flooding.

Which was agreed to and the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Burditt of West Rutland** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 122. Nays, 9.

Those who voted in the affirmative are:

Acinapura of Brandon	Christie of Hartford	Edwards of Brattleboro
Ancel of Calais	Clark of Vergennes	Ellis of Waterbury
Andrews of Rutland City	Clarkson of Woodstock	Emmons of Springfield
Atkins of Winooski	Conquest of Newbury	Evans of Essex
Bartholomew of Hartland	Courcelle of Rutland City	Fagan of Rutland City
Bissonnette of Winooski	Crawford of Burke	Fisher of Lincoln
Bohi of Hartford	Davis of Washington	Frank of Underhill
Botzow of Pownal	Deen of Westminster	French of Shrewsbury
Browning of Arlington	Devereux of Mount Holly	French of Randolph
Burke of Brattleboro	Dickinson of St. Albans	Grad of Moretown
Buxton of Tunbridge	Town	Greshin of Warren
Campion of Bennington	Donaghy of Poultney	Haas of Rochester
Canfield of Fair Haven	Donahue of Northfield	Head of South Burlington
Cheney of Norwich	Donovan of Burlington	Heath of Westford

Helm of Fair Haven	Manwaring of Wilmington	Russell of Rutland City
Hooper of Montpelier	Marcotte of Coventry	Savage of Swanton
Howard of Cambridge	Marek of Newfane	Scheuermann of Stowe
Howrigan of Fairfield	Martin of Springfield	Shand of Weathersfield
Hubert of Milton	Martin of Wolcott	Sharpe of Bristol
Jerman of Essex	McAllister of Highgate	Shaw of Pittsford
Jewett of Ripton	McCullough of Williston	Smith of New Haven
Johnson of South Hero	McFaun of Barre Town	South of St. Johnsbury
Johnson of Canaan	Miller of Shaftsbury	Spengler of Colchester
Keenan of St. Albans City	Mook of Bennington	Stevens of Waterbury
Kitzmiller of Montpelier	Moran of Wardsboro	Stevens of Shoreham
Klein of East Montpelier	Mrowicki of Putney	Stuart of Brattleboro
Koch of Barre Town	Munger of South Burlington	Sweaney of Windsor
Komline of Dorset	Myers of Essex	Taylor of Barre City
Krebs of South Hero	Nuovo of Middlebury	Toll of Danville
Krowinski of Burlington	Olsen of Jamaica	Townsend of Randolph
Kupersmith of South Burlington	O'Sullivan of Burlington	Trieber of Rockingham
Lanpher of Vergennes	Partridge of Windham	Turner of Milton
Larocque of Barnet	Pearce of Richford	Waite-Simpson of Essex
Lawrence of Lyndon	Pearson of Burlington	Webb of Shelburne
Lenes of Shelburne	Peltz of Woodbury	Wilson of Manchester
Leriche of Hardwick	Perley of Enosburgh	Wizowaty of Burlington
Lewis of Berlin	Poirier of Barre City	Wright of Burlington
Lippert of Hinesburg	Potter of Clarendon	Yantachka of Charlotte
Lorber of Burlington	Pugh of South Burlington	Young of Glover
Macaig of Williston	Ralston of Middlebury	Zagar of Barnard
Malcolm of Pawlet	Ram of Burlington	
	Reis of St. Johnsbury	

Those who voted in the negative are:

Bouchard of Colchester	Degree of St. Albans City	Lewis of Derby
Burditt of West Rutland	Higley of Lowell	Strong of Albany
Consejo of Sheldon	Kilmartin of Newport City	Winters of Williamstown

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Corcoran of Bennington	Morrissey of Bennington
Batchelor of Derby	Dakin of Chester	O'Brien of Richmond
Branagan of Georgia	Eckhardt of Chittenden	Peaslee of Guildhall
Brennan of Colchester	Gilbert of Fairfax	Till of Jericho
Condon of Colchester	Hebert of Vernon	Woodward of Johnson
Copeland-Hanzas of Bradford	Masland of Thetford	
	McNeil of Rutland Town	

Instruction to Conferees Refused

H. 781

House bill, entitled

An act relating to making appropriations for the support of government

Reps. Poirier of Barre City, Browning of Arlington, Komline of Dorset and Pearson of Burlington moved that the House instruct the House members of the Committee of Conference for H. 781 to accede to the Senate proposal of amendment adding Sec. C.103, amending 30 V.S.A. § 218 (JURISDICTION OVER CHARGES AND RATES) and amending Sec. F.100 (EFFECTIVE DATES).

Pending the question, Shall the House members of the Committee of Conference be instructed to concur in Sec. C. 103 of the Senate Proposal of Amendment as moved by Rep. Poirier of Barre City, et al? **Rep. Poirier of Barre City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House members of the Committee of Conference be instructed to concur in Sec. C. 103 of the Senate Proposal of Amendment as moved by Rep. Poirier of Barre City, et al? was decided in the negative. Yeas, 24. Nays, 105.

Those who voted in the affirmative are:

Bouchard of Colchester	Higley of Lowell	Reis of St. Johnsbury
Browning of Arlington	Hubert of Milton	Savage of Swanton
Burditt of West Rutland	Komline of Dorset	Scheuermann of Stowe
Clark of Vergennes	Larocque of Barnet	Shaw of Pittsford
Davis of Washington	Lewis of Derby	South of St. Johnsbury
Dickinson of St. Albans Town	McFaun of Barre Town	Strong of Albany
Donahue of Northfield	Pearson of Burlington	Winters of Williamstown
Fagan of Rutland City	Peaslee of Guildhall	
	Poirier of Barre City	

Those who voted in the negative are:

Acinapura of Brandon	Copeland-Hanzas of Bradford	Greshin of Warren
Ancel of Calais	Courcelle of Rutland City	Haas of Rochester
Andrews of Rutland City	Crawford of Burke	Head of South Burlington
Atkins of Winooski	Dakin of Chester	Heath of Westford
Bartholomew of Hartland	Deen of Westminster	Helm of Fair Haven
Bissonnette of Winooski	Degree of St. Albans City	Hooper of Montpelier
Bohi of Hartford	Devereux of Mount Holly	Howard of Cambridge
Botzow of Pownal	Donovan of Burlington	Howrigan of Fairfield
Burke of Brattleboro	Edwards of Brattleboro	Jerman of Essex
Buxton of Tunbridge	Ellis of Waterbury	Jewett of Ripton
Campion of Bennington	Emmons of Springfield	Johnson of South Hero
Canfield of Fair Haven	Evans of Essex	Johnson of Canaan
Cheney of Norwich	Fisher of Lincoln	Keenan of St. Albans City
Christie of Hartford	Frank of Underhill	Kilmartin of Newport City
Clarkson of Woodstock	French of Shrewsbury	Kitzmiller of Montpelier
Condon of Colchester	French of Randolph	Klein of East Montpelier
Conquest of Newbury	Grad of Moretown	Krebs of South Hero
Consejo of Sheldon		Krowinski of Burlington

Kupersmith of South Burlington	Mook of Bennington	Smith of New Haven
Lanpher of Vergennes	Moran of Wardsboro	Stevens of Waterbury
Lawrence of Lyndon	Mrowicki of Putney	Stevens of Shoreham
Lenes of Shelburne	Munger of South Burlington	Stuart of Brattleboro
Leriche of Hardwick	Myers of Essex	Sweaney of Windsor
Lippert of Hinesburg	Nuovo of Middlebury	Taylor of Barre City
Lorber of Burlington	O'Sullivan of Burlington	Toll of Danville
Macaig of Williston	Partridge of Windham	Townsend of Randolph
Malcolm of Pawlet	Pearce of Richford	Trieber of Rockingham
Manwaring of Wilmington	Peltz of Woodbury	Waite-Simpson of Essex
Marcotte of Coventry	Perley of Enosburgh	Webb of Shelburne
Marek of Newfane	Potter of Clarendon	Wilson of Manchester
Martin of Springfield	Pugh of South Burlington	Wizowaty of Burlington
Martin of Wolcott	Ralston of Middlebury	Wright of Burlington
McAllister of Highgate	Ram of Burlington	Yantachka of Charlotte
McCullough of Williston	Russell of Rutland City	Young of Glover
Miller of Shaftsbury	Shand of Weathersfield	Zagar of Barnard
	Sharpe of Bristol	

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Gilbert of Fairfax	O'Brien of Richmond
Batchelor of Derby	Hebert of Vernon	Olsen of Jamaica
Branagan of Georgia	Koch of Barre Town	Spengler of Colchester
Brennan of Colchester	Lewis of Berlin	Till of Jericho
Corcoran of Bennington	Masland of Thetford	Turner of Milton
Donaghy of Poultney	McNeil of Rutland Town	Woodward of Johnson
Eckhardt of Chittenden	Morrissey of Bennington	

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed; Rules Suspended
and Bill was Ordered Messaged to the Senate Forthwith**

H. 782

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to miscellaneous tax changes for 2012

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Administrative Provisions * * *

Sec. 1. 10 V.S.A. § 1942(b) is amended to read:

(b) There is assessed against every seller receiving more than \$10,000.00 annually for the bulk retail sale of heating oil, kerosene, or other dyed diesel fuel sold in this state and ~~not used to propel a motor vehicle~~, a licensing fee of one cent per gallon of such heating oil, kerosene, or other dyed diesel fuel. This fee shall be subject to the collection, administration, and enforcement provisions of 32 V.S.A. chapter 233 of Title 32, and the fees collected under this subsection by the commissioner of taxes shall be deposited into the petroleum cleanup fund established pursuant to subsection 1941(a) of this title. The secretary, in consultation with the petroleum cleanup fund advisory committee established pursuant to subsection 1941(e) of this title, shall annually report to the legislature on the balance of the heating fuel account of the fund and shall make recommendations, if any, for changes to the program. The secretary shall also determine the unencumbered balance of the heating fuel account of the fund as of May 15 of each year, and if the balance is equal to or greater than \$3,000,000.00, then the licensing fee shall not be assessed in the upcoming fiscal year. The secretary shall promptly notify all sellers assessing this fee of the status of the fee for the upcoming fiscal year. This fee provision shall terminate April 1, 2016.

Sec. 2. PETROLEUM CLEANUP FUND OUTREACH

The secretary of agriculture, food and markets shall publish or broadcast in media designed to reach a farming audience information advising Vermont farmers of the existence of the petroleum cleanup fund under 10 V.S.A. chapter 59 and the terms of available assistance to farmers from that fund. The secretary shall publish or broadcast this information no fewer than four times each year that the fund is in existence.

Sec. 3. 14 V.S.A. § 3502(f) is added to read:

(f) Notwithstanding any other provision of law, a power of attorney appointing a representative to represent a person before the Vermont department of taxes that conforms to the requirements of the United States Internal Revenue Service for a valid power of attorney and declaration of representative pursuant to 25 C.F.R. § 601.503 shall be deemed to be legally executed and shall be of the same force and effect for purposes of representation before the department of taxes as if executed in the manner prescribed in this chapter.

Sec. 4. 32 V.S.A. § 3102(e) is amended to read:

(e) The commissioner may, in his or her discretion and subject to such conditions and requirements as he or she may provide, including any

confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

* * *

(14) to the office of the state treasurer, only in the form of mailing labels, with only the last address known to the department of taxes of any person identified to the department by the treasurer by name and Social Security number, for the treasurer's use in notifying owners of unclaimed property; and

(15) to the department of liquor control provided that the information is limited to information concerning the sales and use tax and meals and rooms tax filing history with respect to the most recent five years of a person seeking a liquor license or a renewal of a liquor license.

Sec. 5. 32 V.S.A. § 3102(j) and (k) are added to read:

(j) Tax bills prepared by a municipality under subdivision 5402(b)(1) of this title showing only the amount of total tax due shall not be considered confidential return information under this section. For the purposes of calculating adjustments under chapter 154 of this title, information provided by the commissioner to a municipality under subsection 6066a(a) of this title and information provided by the municipality to a taxpayer under subsection 6066a(f) shall be considered confidential return information under this section.

(k) Notwithstanding subsection (j) of this section, the commissioner or a municipal official acting as his or her agent may provide the information in subsection 6066a(f) of this title to the following people without incurring liability under this section:

(1) an escrow agent, the owner of the property to which the adjustment applies, a town auditor, or a person hired by the town to serve as an auditor;

(2) a lawyer, including a paralegal or assistant of the lawyer, an employee or agent of a financial institution as that term is defined in 8 V.S.A. § 11101, a realtor, or a certified public accountant as that term is defined in 26 V.S.A. § 13(12) who represents that he or she has a need for the information as it pertains to a real estate transaction or to a client or customer relationship; and

(3) any other person as long as the taxpayer has filed a written consent to such disclosure with the municipality.

Sec. 6. 32 V.S.A. § 3206 is added to read:

§ 3206. RECOMMENDATION FOR EXTRAORDINARY RELIEF

(a) The taxpayer advocate may make a written recommendation for extraordinary relief to the commissioner under the provisions of this section. A recommendation for extraordinary relief may be made only in response to a request from a taxpayer and after a thorough investigation of the taxpayer's circumstances by the taxpayer advocate which results in findings by the taxpayer advocate that:

(1) Vermont tax laws apply to the taxpayer's circumstances in a way that is unfair and unforeseen or that results in significant hardship; and

(2) the taxpayer has no available appeal rights or administrative remedies to correct the issue that led to such unfair result or hardship.

(b) For purposes of this section, "extraordinary relief" means a remedy that is within the power of the commissioner to grant under this title, a remedy that compensates for the result of inaccurate classification of property as homestead or nonresidential pursuant to section 5410 of this title through no fault of the taxpayer, or a remedy that makes changes to a taxpayer's property tax adjustment or renter rebate claim necessary to remedy the problem identified by the taxpayer advocate.

(c) Notwithstanding any other provision of law, if in response to the taxpayer advocate's recommendation, the commissioner determines that the taxpayer should receive a refund or other monetary adjustment, the commissioner shall certify that amount to the commissioner of finance and management who shall issue his or her warrant in favor of the taxpayer for payment by the treasurer from the appropriate fund.

(d) A recommendation for extraordinary relief shall be in writing, shall be addressed to the commissioner, and shall include a description of the problem sought to be remedied along with specific recommendations to the commissioner. The taxpayer advocate's decision to make or not make a recommendation for extraordinary relief shall be final and not subject to review.

(e) The commissioner may choose to act on the recommendation of the taxpayer advocate, not act on the recommendation, or act on part of the taxpayer advocate's recommendation, and the commissioner's decision shall be final and not subject to any further review. Nothing in this section shall be construed to limit any other power or authority granted to the commissioner in this title.

Sec. 7. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect for taxable year ~~2010~~ 2011, but without regard to federal income tax rates under Section 1 of the Internal Revenue Code, are hereby adopted for the purpose of computing the tax liability under this chapter.

Sec. 8. 32 V.S.A. § 6061(5) is amended to read:

(5) “Modified adjusted gross income” means “federal adjusted gross income”:

(A) before the deduction of any trade or business loss, loss from a partnership, loss from a small business or “subchapter S” corporation, loss from a rental property, or capital loss, except that in the case of a business which sells a business property with respect to which it is required, under the Internal Revenue Code, to report a capital gain, a business loss incurred in the same tax year with respect to the same business may be netted against such capital gain, and except that a business loss incurred in the same tax year with respect to a different business may be netted against any business gain;

Sec. 9. 32 V.S.A. § 6066a(f) is amended to read:

(f) Property tax bills.

(1) For individuals and amounts stated in the notice to towns on July 1, municipalities shall ~~include on the~~ create and send to taxpayers a homestead property tax bill ~~notice to the taxpayer of,~~ separate from the bill required under subdivision 5402(b)(1) of this title, providing the total amount allocated to payment of homestead education property tax liabilities and notice of the balance due. Municipalities shall apply the amount allocated under this chapter to current-year property taxes in equal amounts to each of the taxpayers’ property tax installments that include education taxes.

* * *

Sec. 10. 32 V.S.A. § 7475 is amended to read:

§ 7475. ADOPTION OF FEDERAL ESTATE AND GIFT TAX LAWS

The laws of the United States, relating to federal estate and gift taxes as in effect on ~~January 1, 2009~~ December 31, 2011, are hereby adopted for the purpose of computing the tax liability under this chapter, except:

(1) the credit for state death taxes shall remain as provided for under Sections 2011 and 2604 of the Internal Revenue Code as in effect on January 1, 2001;

(2) the applicable credit amount shall remain as provided for under Section 2010 of the Internal Revenue Code as in effect on January 1, 2008; and

(3) the deduction for state death taxes under Section 2058 of the Internal Revenue Code shall not apply.

Sec. 11. Sec. 1(c) of No. 71 of the Acts of the 2011 Adj. Sess. (2012) is amended to read:

(c) Use. ~~Residents of the state of Vermont may display an approved commemorative plate on a motor vehicle registered as a pleasure car and on motor trucks registered~~ An approved Vermont Strong commemorative plate may be displayed on a motor vehicle registered in Vermont as a pleasure car or on a motor truck registered in Vermont for less than 26,001 pounds (but excluding vehicles registered under the International Registration Plan) by covering the front registration plate with the commemorative plate any time from the effective date of this act until June 30, 2014. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.

* * * Compliance Provisions * * *

Sec. 12. 7 V.S.A. § 421(c) is amended to read:

(c) For the purpose of ascertaining the amount of tax, on or before the tenth day of each calendar month, each bottler and wholesaler shall transmit to the commissioner of taxes, upon a form prepared and furnished by the commissioner, a statement or return under oath or affirmation showing the quantity of malt and vinous beverages sold by the bottler or wholesaler during the preceding calendar month, and report any other information requested by the commissioner accompanied by payment of the tax required by this section. The amount of tax computed under subsection (a) of this section shall be rounded to the nearest whole cent. At the same time this form is due, each bottler and wholesaler also shall transmit to the commissioner in electronic format a separate report showing the description, quantity, and price of malt and vinous beverages sold by the bottler or wholesaler to each retail dealer as defined in 7 V.S.A. § 2(18); provided, however, for direct sales to retail dealers by manufacturers or rectifiers of vinous beverages the report required by this subsection may be submitted in a nonelectronic format.

Sec. 13. 32 V.S.A. § 3108 is amended to read:

§ 3108. ESTABLISHMENT OF INTEREST RATE

(a) Not later than December 15 of each year, the commissioner shall establish a rate of interest applicable to ~~unpaid tax liabilities and~~ tax overpayments which shall be equal to the average prime rate charged by banks during the immediately preceding 12 months commencing on October 1 of the

prior year, rounded upwards to the nearest ~~whole~~ quarter percent. ~~The~~ An annual rate thus established ~~may~~ shall be converted to a monthly rate which shall be rounded upwards to the nearest tenth of a percent. Not later than December 15 of each year, the commissioner shall establish annual and monthly rates of interest applicable to unpaid tax liabilities, which in each instance shall be equal to the annual and monthly rates established for tax overpayments plus 200 basis points. The ~~rate~~ rates established hereunder shall be effective on January 1 of the immediately following year. For purposes of this section, the term "prime rate charged by banks" shall mean the average predominate prime rate quoted by commercial banks to large businesses as determined by the board of governors of the Federal Reserve ~~System~~ Board.

(b) Whenever the commissioner is authorized or directed to pay interest on an overpayment of any taxes, nevertheless no interest shall be paid on such overpayment:

(1) where the commissioner finds that such overpayment was made with the intention or expectation of receiving a payment of interest thereon and for no other reason;

(2) for any period of time prior to: 45 days after the date the return other than a corporate income tax return was due, including any extensions of time thereto; or 45 days after the return was filed, whichever is the later date, and with respect to corporate income tax returns, for any period of time prior to 90 days after the date the return was due or 90 days after the return was filed, whichever is the later date;

* * *

* * * Income Tax Provisions * * *

Sec. 14. 32 V.S.A. § 5832(2) is amended to read:

(2)(A) \$75.00 for small farm corporations. "Small farm corporation" means any corporation organized for the purpose of farming, which during the taxable year is owned solely by active participants in that farm business and receives less than \$100,000.00 gross receipts from that farm operation, exclusive of any income from forest crops; or

(B) An amount determined in accordance with section 5832a of this title for a corporation which qualifies as and has elected to be taxed as a digital business entity for the taxable year; or

(C) ~~\$250.00 for all other corporations~~ For C corporations with gross receipts from \$0-\$2,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$250.00; or

(D) For C corporations with gross receipts from \$2,000,001.00–\$5,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$500.00; or

(E) For C corporations with gross receipts greater than \$5,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$750.00.

Sec. 15. 32 V.S.A. § 5920(g) is added to read:

(g)(1) Subsection (c) of this section shall not apply to a partnership or limited liability company engaged solely in the business of operating one or more federal new market tax credit projects in this state, provided such partnership or limited liability company shall:

(A) notify its nonresident partners or nonresident members of their obligation under subchapter 6 of this chapter to file Vermont personal income tax returns and under subchapter 2 of this chapter to pay a tax on income earned from such investment;

(B) instruct each nonresident partner or nonresident member to pay such tax; and

(C) in addition to filing copies of all schedules K-1 with its partnership or limited liability company return, file with the commissioner segregated duplicate copies of all nonresident schedules K-1.

(2) For purposes of this subsection, “federal new market tax credit project” means a business that is intended primarily to benefit low income Vermont residents throughout the period of investment and that is subject to the following:

(A) has been determined by the United States Department of the Treasury to be a community development entity;

(B) has been awarded an allocation of federal new market tax credits under 26 U.S.C. § 45D; and

(C) is a partnership or limited liability corporation which is a pass-through of the federal new market tax credit to the nonresident investor.

Sec. 16. 32 V.S.A. § 5930b(c)(9) is amended to read:

(9) Incentive claims must be filed annually no later than the last day of April of each year of the utilization period. For a claim to be considered a timely filing and eligible for an incentive payment, all forms and workbooks must be complete and all underlying documentation, such as that required pursuant to subsection 5842(b) of this title, must be filed with the department

of taxes. Incomplete claims may be considered to have been timely filed if a complete claim is filed within the time prescribed by the department of taxes. If a claim is not filed each year of the utilization period, any incentive installment previously paid shall be recaptured in accordance with subsection (d) of this section. The incentive return shall be subject to all provisions of this chapter governing the filing of tax returns. No interest shall be paid by the department of taxes for any reason with respect to incentives allowed under this section.

Sec. 17. 32 V.S.A. § 5930b(e) is amended to read:

(e) Reporting. By ~~May 1, 2008 and by May 1~~ September 1 each year ~~thereafter~~, the council and the department of taxes shall file a joint report on the employment growth incentives authorized by this section with the chairs of the house committee on ways and means, the house committee on commerce and economic development, the senate committee on finance, the senate committee on economic development, housing and general affairs, the house and senate committees on appropriations, and the joint fiscal committee of the general assembly and provide notice of the report to the members of those committees. The joint report shall contain the total ~~authorized award~~ amount of incentives ~~granted~~ authorized during the preceding year, ~~amounts actually earned and paid from inception of the program to the date of the report, including the date and amount of the award, the expected calendar year or years in which the award will be exercised, whether the award is currently available, the date the award will expire, and the amount and date of all incentives exercised~~ and, with respect to each recipient, the date and amount of authorization, the calendar year or years in which the authorization is expected to be exercised, whether the authorization is active, and the date the authorization will expire. The joint report shall also include ~~information on recipient performance in the year in which the incentives were applied, including the number of applications for the incentive, the number of approved applicants who complied with all their requirements for the incentive, the~~ following aggregate information: total number of claims and total incentive payments made in the current and prior claim years, the balance of credits not yet allocated, the aggregate number of qualifying new jobs created, the aggregate and qualifying payroll of those jobs and the identity of businesses whose applications were approved, and qualifying new capital investments. The council and department shall use measures to protect proprietary financial information, such as reporting information in an aggregate form. Data and information in the joint report ~~made available to the public~~ shall be presented in a searchable format.

Sec. 18. Sec. 3(c) of No. 184 of the Acts of the 2005 Adj. Sess. (2006), as amended by Sec. 2 of No. 52 of the Acts of 2011, is amended to read:

(c) Beginning April 1, 2009, the economic incentive review board is authorized to grant payroll-based growth incentives pursuant to the Vermont employment growth incentive program established by Sec. 9 of this act. Unless extended by act of the General Assembly, as of July 1, ~~2012~~ 2017, no new Vermont employment growth incentive (VEGI) awards under 32 V.S.A. § 5930b may be made. Any VEGI awards granted prior to July 1, ~~2012~~ 2017 may remain in effect until used.

Sec. 19. 32 V.S.A. § 5930u(g) is amended to read:

(g) In any fiscal year, the allocating agency may award up to \$400,000.00 in total first-year credit allocations to all applicants for rental housing projects; and may award up to ~~\$100,000.00~~ \$300,000.00 per year for owner-occupied unit applicants. In any fiscal year, total first-year allocations plus succeeding-year deemed allocations shall not exceed ~~\$2,500,000.00~~ \$3,500,000.00.

Sec. 20. 32 V.S.A. § 5930bb(d) is added to read:

(d) Notwithstanding any other provision of this subchapter, qualified applicants may apply to the state board at any time prior to June 30, 2013 to obtain a tax credit not otherwise available under subsections 5930cc(a)–(c) of this title of 10 percent of qualified expenditures resulting from damage caused by a federally declared disaster in Vermont in 2011. The credit shall only be claimed against the taxpayer's state individual income tax under section 5822 of this title. To the extent that any allocated tax credit exceeds the taxpayer's tax liability for the first tax year in which the qualified project is completed, the taxpayer shall receive a refund equal to the unused portion of the tax credit. If within two years after the date of the credit allocation no claim for a tax credit or refund has been filed, the tax credit allocation shall be rescinded and recaptured pursuant to subdivision 5930ee(6) of this title. The total amount of tax credits available under this subsection shall not be less than \$500,000.00 and not more than \$700,000.00 and shall not be subject to the limitations contained in section 5930ee(2) of this subchapter.

Sec. 21. CREDIT LIMIT FOR FISCAL YEAR 2013

Notwithstanding any other provision of law, for fiscal year 2013 only, the limitation provided in 32 V.S.A. § 5930ee(1) shall be \$2,200,000.00 instead of \$1,700,000.00.

Sec. 21a. 32 V.S.A. § 9603(23) is amended to read:

(23) Transfers of leasehold or fee interests made to low income individuals by organizations qualifying under Section 501(c)(3) of the Internal Revenue Code of 1986 or from a wholly-owned subsidiary of such an organization when such a transfer is made concurrently with the transfer of an improvement located on the leasehold or fee property, or is a renewal of such a lease where the purpose of the lease is to provide affordable housing, or to ensure the continued affordability of such housing, or both.

* * * Property Tax Adjustment and Renter Rebate Provisions * * *

Sec. 22. 32 V.S.A. § 5410(b) is amended to read:

(b)(1) Annually on or before the due date for filing the Vermont income tax return, without extension, each homestead owner shall, on a form prescribed by the commissioner, which shall be verified under the pains and penalties of perjury, declare his or her homestead, if any, as of, or expected to be as of, April 1 of the year in which the declaration is made ~~for property that was acquired by the declarant or was made the declarant's homestead after April 1 of the previous year. The declaration of homestead shall remain in effect until the earlier of:~~

~~(A) the transfer of title of all or any portion of the homestead; or~~

~~(B) that time that the property or any portion of the property ceases to qualify as a homestead.~~

(2) Within 30 days of the transfer of title of all or any portion of the homestead, or upon any portion of the property ceasing to be a homestead, the declarant shall provide notice to the commissioner on a form to be prescribed by the commissioner.

Sec. 23. 32 V.S.A. § 6061(5)(D) is amended to read:

(D) without the inclusion of adjustments to total income except certain business expenses of reservists, one-half of self-employment tax paid, alimony paid, deductions for tuition and fees, ~~and~~ health insurance costs of self-employed individuals, and health savings account deductions; and

Sec. 24. 32 V.S.A. § 6066a is amended to read:

§ 6066a. DETERMINATION OF PROPERTY TAX ADJUSTMENTS

(a) Annually, the commissioner shall determine the property tax adjustment amount under section 6066 of this title, related to a homestead owned by the claimant. The commissioner shall notify the municipality in which the housesite is located of the amount of the property tax adjustment for the claimant for homestead property tax liabilities, on July 1 for ~~timely filed~~

timely filed claims and on ~~September 15~~ November 1 for late claims filed by ~~September 1~~ October 15. The tax adjustment of a claimant who was assessed property tax by a town which revised the dates of its fiscal year, however, is the excess of the property tax which was assessed in the last 12 months of the revised fiscal year, over the adjusted property tax of the claimant for the revised fiscal year as determined under section 6066 of this title, related to a homestead owned by the claimant.

* * *

(c) The commissioner shall notify the municipality of any claim and refund amounts unresolved by ~~September 15~~ November 1 at the time of final resolution, including adjudication if any; provided, however, that towns will not be notified of any additional adjustment amounts after ~~September 15~~ November 1 of the claim year, and such amounts shall be paid to the claimant by the commissioner.

* * *

(f) Property tax bills.

* * *

(2) For property tax adjustment amounts for which municipalities receive notice on or after ~~September 15~~ November 1, municipalities shall issue a new homestead property tax bill with notice to the taxpayer of the total amount allocated to payment of homestead property tax liabilities and notice of the balance due.

* * *

(g) Annually, on August 1 and on ~~September 15~~ November 1, the commissioner of taxes shall pay to each municipality the amount of property tax adjustment of which the municipality was notified on July 1 for the August 1 transfer, or ~~September 15~~ November 1 for the ~~September 15~~ November 1 transfer, related to municipal property tax on homesteads within that municipality, as determined by the commissioner of taxes.

Sec. 25. 32 V.S.A. § 6074 is amended to read:

§ 6074. AMENDMENT OF CERTAIN CLAIMS

At any time within three years after the date for filing claims under subsection 6068(a) of this chapter, a claimant who filed a claim by ~~September 1~~ October 15 may file to amend that claim to correct the amount of household income reported on that claim.

Sec. 26. 32 V.S.A. § 6068 is amended to read:

(a) A tax adjustment claim or request for allocation of an income tax refund to homestead property tax payment shall be filed with the commissioner on or before the due date for filing the Vermont income tax return, without extension, and shall describe the school district in which the homestead property is located and shall particularly describe the homestead property for which the adjustment or allocation is sought, including the school parcel account number prescribed in subsection 5404(b) of this title. A renter rebate claim shall be filed with the commissioner on or before the due date for filing the Vermont income tax return, without extension.

(b) Late-filing penalties. If the claimant fails to file a timely claim, the amount of the property tax adjustment under this chapter shall be reduced by \$15.00, but not below \$0.00, which shall be paid to the municipality for the cost of issuing an adjusted homestead property tax bill. No benefit shall be allowed in the calendar year unless the claim is filed with the commissioner on or before ~~September 1~~ October 15.

(c) No request for allocation of an income tax refund or for a renter rebate claim may be made after ~~September 1~~ October 15.

Sec. 27. 32 V.S.A. § 6067 is amended to read:

§ 6067. CREDIT LIMITATIONS

Only one individual per household per taxable year shall be entitled to a benefit under this chapter. An individual who received a homestead exemption or adjustment with respect to property taxes assessed by another state for the taxable year shall not be entitled to receive an adjustment under this chapter. No taxpayer shall receive an adjustment under subsection 6066(b) of this title in excess of \$3,000.00. No taxpayer shall receive total adjustments under this chapter in excess of \$8,000.00 related to any one property tax year.

Sec. 28. RENTER REBATE CLAIM

The office of legislative council is authorized to change references to “renter credit claim” in 32 V.S.A. chapter 154 to read “renter rebate claim.”

Sec. 29. Sec. 51(b) of No. 160 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) ~~The following sections of Title 32 relating to homestead education property tax income sensitivity adjustments are repealed for claims filed on and after January 1, 2013:~~

~~(1) 32 V.S.A. § 6061(5)(E) (requiring adjustment for interest and dividend income for purposes of calculating modified adjusted gross income).~~

~~(2) The amendments in this act to 32 V.S.A. § 6066(a) regarding the equalized value of a housesite in excess of \$500,000.00~~ The amendments in this act related to 32 V.S.A. § 6066(a), regarding the equalized value of a housesite in excess of \$500,000.00, are repealed on January 1, 2013.

Sec. 30. LANDLORD CERTIFICATES

The commissioner of taxes shall report to the senate committee on finance and the house committee on ways and means no later than January 15, 2013 on how to develop an electronic system for the reporting and issuance of the landlord certificate under 32 V.S.A. § 6069. The commissioner's report shall include recommendations for legislative changes to implement such a system.

* * * Property Tax Provisions * * *

Sec. 31. 27A V.S.A. § 1-105 is amended to read:

§ 1-105. SEPARATE TITLES AND TAXATION

(a) In a condominium or planned community:

(1) if there is any unit owner other than a declarant, each unit that has been created, together with its interest in the common elements, constitutes for all purposes a separate parcel of real estate;

(2) if there is any unit owner other than a declarant, each unit shall be separately taxed and assessed, and no separate tax or assessment may be rendered against any common elements for which a declarant has reserved no development rights; provided, however, that if a portion of the common elements is located in a town other than the town in which the unit is located, the town in which the common elements are located may designate that portion of the common elements within its boundaries as a parcel for property tax assessment purposes and may tax each unit owner at an appraisal value pursuant to 32 V.S.A. § 3481.

* * *

Sec. 32. 32 V.S.A. § 3409 is amended to read:

§ 3409. PREPARATION OF PROPERTY MAPS

Consistent with available resources and pursuant to a memorandum of understanding entered into between the commissioner and the Vermont center for geographic information, the center shall provide regional planning commissions, state agencies, and the general public with orthophotographic

maps of the state at a scale appropriate for the production and revision of town property maps. Periodically, such ~~maps~~ digital imagery shall be revised ~~and updated to reflect~~ updated to capture land use changes, new settlement patterns and such additional information as may have become available to the director or the center.

(1) The center shall supply to ~~the clerk and to the listers or assessors of~~ each town such ~~maps~~ orthophotographic imagery as ~~have~~ has been prepared by it of the total area of that town. Any map shall be available, without charge, for public inspection in the office of the town clerk to whom the map was supplied.

(2) ~~The state of Vermont shall retain the copyright of any map prepared by the Vermont mapping program, and the center and the Vermont mapping program shall jointly own the copyright to any map prepared on or after the effective date of this act.~~

(3) ~~A person who, without the written authorization of the director and the center, copies, reprints, duplicates, sells, or attempts to sell any map prepared under this chapter shall be fined an amount not to exceed \$1,000.00.~~

(4) At a reasonable charge to be established by the center and the director, the center shall supply to any person or agency other than a town clerk or lister a copy of any ~~map~~ digital format orthophotographic imagery ~~prepared~~ created under this section.

(3) Hardcopy or nondigital format orthophotographic imagery created under this section shall be available for public review at the state archives.

Sec. 33. 32 V.S.A. § 4301 is amended to read:

§ 4301. BASIS FOR COUNTY TAXES

(a) The equalized municipal property tax grand lists for each town, unorganized town and gore, and the unified towns and gores of Essex County shall be the basis of taxation for county purposes.

(b) Annually, on or before January 1, the director shall provide to each county treasurer the equalized municipal property tax grand list for each town, unorganized town, and gore, and the unified towns and gores of Essex County within the county. "Equalized municipal property tax grand list" in this section shall mean the equalized education property tax grand list as defined in chapter 135 of this title plus inventory, machinery and equipment subject to municipal tax in that municipality at its grand list value.

Sec. 34. 32 V.S.A. chapter 133, subchapter 5 is amended to read:

Subchapter 5. Assessment and Collection in
~~Unified~~ Unorganized Towns and Gores

* * *

Sec. 35. 32 V.S.A. § 5401(13) is amended to read:

(13) “District spending adjustment” means the greater of: one or a fraction in which the numerator is the district’s education spending plus excess spending, per equalized pupil, for the school year; and the denominator is the base education amount for the school year, as defined in 16 V.S.A. § 4001. For a district that pays tuition to a public school or an approved independent school, or both, for all of its resident students in any year, and which has decided by a majority vote of its school board to opt into this provision, the district spending adjustment shall be the average of the district spending adjustment calculated under this subdivision for the previous year and for the current year. Any district opting for a two-year average under this subdivision may not opt out of such treatment, and the averaging shall continue until the district no longer qualifies for such treatment.

Sec. 36. FISCAL YEAR 2013 EDUCATION PROPERTY TAX RATE

(a) For fiscal year 2013 only, the education property tax imposed under 32 V.S.A. § 5402(a) shall be reduced from the rates of \$1.59 and \$1.10 and shall instead be at the following rates:

(1) the tax rate for nonresidential property shall be \$1.38 per \$100.00; and

(2) the tax rate for homestead property shall be \$0.89 multiplied by the district spending adjustment for the municipality per \$100.00 of equalized property value as most recently determined under 32 V.S.A. § 5405.

(b) For claims filed in 2013 only, “applicable percentage” in 32 V.S.A. § 6066(a)(2) shall be reduced from 2.0 percent and instead shall be 1.80 percent multiplied by the fiscal year 2013 district spending adjustment for the municipality in which the homestead residence is located; but in no event shall the applicable percentage be less than 1.80 percent.

Sec. 37. FISCAL YEAR 2013 BASE EDUCATION AMOUNT

Notwithstanding 16 V.S.A. § 4011(b) or any other provision of law, the base education amount for fiscal year 2013 shall be \$8,723.00.

Sec. 38. SUPPLEMENTAL PROPERTY TAX RELIEF

Notwithstanding any other provision of law, on October 1, 2012, the commissioner shall determine the balance in the supplemental property tax relief fund and determine by how much the “applicable percentage” in 32 V.S.A. § 6066(a)(2) could be reduced if the entire balance of the fund was transferred to the education fund for that purpose, while maintaining the existing balance in the education fund. If the “applicable percentage” could be reduced by 0.1 of one percent or more for the upcoming fiscal year, the commissioner shall disregard 32 V.S.A. § 6075(b), and recommend in 32 V.S.A. § 5402(b) that the balance of the property tax relief fund be transferred to the education fund and the applicable percentage be lowered by the amount determined under that subsection, even if that recommendation would take the applicable percentage below 1.8 percent.

Sec. 39. 32 V.S.A. § 5402b(b) is amended to read:

(b) If the commissioner makes a recommendation to the general assembly to adjust the education tax rates under section 5402 of this title, the commissioner shall also recommend a proportional adjustment to the applicable percentage base for homestead income based adjustments under section 6066 of this title, but the applicable percentage base shall not be adjusted below ~~1.8~~ 1.7 percent.

* * * Current Use Provisions * * *

Sec. 40. 32 V.S.A. § 3752(5) is amended to read:

(5) “Development” means, for the purposes of determining whether a land use change tax is to be assessed under section 3757 of this chapter, the construction of any building, road or other structure, or any mining, excavation or landfill activity. “Development” also means the subdivision of a parcel of land into two or more parcels, regardless of whether a change in use actually occurs, where one or more of the resulting parcels contains less than 25 acres each; but if subdivision is solely the result of a transfer to one or more of a spouse, parent, grandparent, child, grandchild, niece, nephew, or sibling of the transferor, or to the surviving spouse of any of the foregoing, then “development” shall not apply to any portion of the ~~newly created~~ newly created parcel or parcels which qualifies for enrollment and for which, within 30 days following the transfer, each transferee or transferor applies for reenrollment in the use value appraisal program. “Development” also means the cutting of timber on property appraised under this chapter at use value in a manner contrary to a forest or conservation management plan as provided for in subsection 3755(b) of this title during the remaining term of the plan, or contrary to the minimum acceptable standards for forest management if the plan has expired; or a change in the parcel or use of the parcel in violation of

the conservation management standards established by the commissioner of forests, parks and recreation. The term "development" shall not include the construction, reconstruction, structural alteration, relocation, or enlargement of any building, road, or other structure for farming, logging, forestry, or conservation purposes, but shall include the subsequent commencement of a use of that building, road, or structure for other than farming, logging, or forestry purposes.

Sec. 41. 32 V.S.A. § 3753(b) is amended to read:

(b) The membership of the board shall consist of:

(1) The following persons or their designees:

* * *

~~(E) Dean of the college of natural resources, agriculture and life sciences of the University of Vermont. [Deleted.]~~

* * *

Sec. 42. 32 V.S.A. § 3755(b) is amended to read:

(b) Managed ~~forest land~~ forestland shall be eligible for use value appraisal under this subchapter only if:

(1) the land is subject to a forest management plan, or subject to a conservation management plan in the case of lands certified under 10 V.S.A. § 6306(b), which:

(A) is signed by the owner of a tract the parcel;

(B) which complies with subdivision 3752(9) of this title;

(C) is filed with and approved by the department of forests, parks and recreation; and

(D) by October 1, which provides for continued conservation management or forest crop production on the tract parcel for at least ten years. During a period of use value appraisal under this subchapter, a conservation or forest management plan for at least ten years, including the 12 month period beginning April 1 of the year for which use value appraisal is sought, signed by the owner, shall be on file with the department in such a manner and in such form as is prescribed by the department. Upon the An initial forest management plan or conservation management plan must be filed with the department of forests, parks and recreation no later than October 1 and shall be effective for a ten-year period beginning the following April 1. Prior to expiration of a ten-year ten-year plan and no later than April 1 of the year in

which the plan expires, the owner shall file a new conservation or forest management plan for ~~at least~~ the next succeeding ten years to remain in the program.

* * *

* * * Wastewater permit provisions * * *

Sec. 43. 32 V.S.A. § 3752(5) is amended to read:

(5) “Development” means, for the purposes of determining whether a land use change tax is to be assessed under section 3757 of this chapter, the construction of any building, road or other structure, or any mining, excavation or landfill activity. “Development” also means the subdivision of a parcel of land into two or more parcels, regardless of whether a change in use actually occurs, where one or more of the resulting parcels contains less than 25 acres each; but if subdivision is solely the result of a transfer to one or more of a spouse, parent, grandparent, child, grandchild, niece, nephew, or sibling of the transferor, or to the surviving spouse of any of the foregoing, then “development” shall not apply to any portion of the newly created parcel or parcels which qualifies for enrollment and for which, within 30 days following the transfer, each transferee or transferor applies for reenrollment in the use value appraisal program. “Development” also means the cutting of timber on property appraised under this chapter at use value in a manner contrary to a forest or conservation management plan as provided for in subsection 3755(b) of this title during the remaining term of the plan, or contrary to the minimum acceptable standards for forest management if the plan has expired; or a change in the parcel or use of the parcel in violation of the conservation management standards established by the commissioner of forests, parks and recreation. Enrolled land is also considered “developed” under this section if a wastewater system permit has been issued for the land pursuant to 10 V.S.A § 1973 and the commissioner of the department of forest, parks, and recreation has certified to the director that (1) the permit is contrary to a forest or conservation management plan or the minimum acceptable standards for forest management; (2) use of the parcel would violate the conservation management standards; or (3) after consulting with the secretary of agriculture, the permit is not part of a farm operation. The commissioner of forests, parks and recreation may develop standards regarding circumstances under which land with wastewater system and potable water permits will not be certified to the director. The term “development” shall not include the construction, reconstruction, structural alteration, relocation, issuance of a wastewater system permit under 10 V.S.A § 1973 or enlargement of any building, road, or other structure for farming, logging, forestry, or conservation purposes, but

shall include the subsequent commencement of a use of that building, road, ~~or~~ structure or wastewater system permit for other than farming, logging, or forestry purposes.

Sec. 44. 32 V.S.A. § 3757 is amended to read:

§ 3757. LAND USE CHANGE TAX

(a) Land which has been classified as agricultural land or managed forest land pursuant to this chapter shall be subject to a land use change tax ~~on the earliest of either~~ upon the development of that land, as defined in section 3752 of this chapter, ~~or two years after the issuance of all permits legally required by a municipality for any action constituting development, or two years after the issuance of a wastewater system and potable water supply permit under 10 V.S.A. § 1973.~~ Said tax shall be at the rate of 20 percent of the full fair market value of the changed land determined without regard to the use value appraisal; or the tax shall be at the rate of 10 percent if the owner demonstrates to the satisfaction of the director that the parcel has been enrolled continuously more than 10 years. If changed land is a portion of a parcel, the fair market value of the changed land shall be the fair market value of the changed land prorated on the basis of acreage, divided by the common level of appraisal. Such fair market value shall be determined as of the date the land is no longer eligible for use value appraisal. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require payment of a land use change tax merely because previously eligible land becomes ineligible, provided no development of the land has occurred.

* * *

(d) The land use change tax shall be due and payable by the owner 30 days after the tax notice is mailed to the taxpayer unless, in the case of land use change tax due with respect to development occurring as a result of the issuance of a wastewater system permit, the landowner enters into a payment agreement with the commissioner of taxes. The tax shall be paid to the commissioner for deposit into the general fund. The commissioner shall issue a form to the assessing officials which shall provide for a description of the land developed, the amount of tax payable, and the fair market value of the land at the time of development or withdrawal from use value appraisal. The owner shall fill out the form and shall sign it under the penalty of perjury. After receipt of payment, the commissioner shall furnish the owner with one copy, shall retain one copy and shall forward one copy to the local assessing officials and one to the register of deeds of the municipality in which the land

is located. Thereafter, the land which has been developed shall be appraised and listed at its full fair market value in accordance with the provisions of chapter 121 of this title.

* * *

Sec. 45. 32 V.S.A. § 3758(d) is amended to read:

(d) Any owner who is aggrieved by a decision of the department of forests, parks and recreation concerning the filing of an adverse inspection report or denial of approval of a management plan or certification to the director with respect to land for which a wastewater permit is issued may appeal to the commissioner of the department of forests, parks and recreation. An appeal of this decision of the commissioner may be taken to the superior court in the same manner and under the same procedures as an appeal from a decision of a board of civil authority, as set forth in chapter 131, subchapter 2 ~~of chapter 131~~ of this title.

Sec. 46. REPEAL

Sec. 13h of No. 45 of the Acts of 2011 (tracking wastewater permits) is repealed.

* * * Sales and Use Tax Provisions * * *

Sec. 47. 24 V.S.A. § 138(g) is added to read:

(g) If the legislative body of a municipality by a majority vote recommends, or by petition of ten percent of the voters of a municipality recommends, the voters of a municipality may, at an annual or special meeting warned for that purpose, by a majority vote of those present and voting, rescind any or all of the local option taxes assessed under subsection (b) of this section.

Sec. 48. 32 V.S.A. § 9741(48) is amended to read:

(48) Sales of tangible personal property sold by an auctioneer licensed under 26 V.S.A. chapter 89 ~~of Title 26~~, including any buyer's premium charged by the auctioneer, that are conducted on the premises of the owner of the property, provided that no other person's property is sold on the auction premises and provided that the property was obtained by the owner, through purchase or otherwise, for his or her own use.

Sec. 49. 32 V.S.A. § 9771 is amended to read:

§ 9771. IMPOSITION OF SALES TAX

Except as otherwise provided in this chapter, there is imposed a tax on retail sales in the state. The tax shall be paid at the rate of six percent of the sales

price charged for but in no case shall any one transaction be taxed under more than one of the following:

* * *

(8) Specified digital products transferred electronically to an end user regardless of whether for permanent use or less than permanent use and regardless of whether or not conditioned upon continued payment from the purchaser.

Sec. 50. 32 V.S.A. § 9817(a) is amended to read:

(a) Any aggrieved taxpayer may, within 30 days after any decision, order, finding, assessment or action of the commissioner made under this chapter, appeal to the Washington superior court or the superior court of the county in which the taxpayer resides or has a place of business. The appellant shall give security, approved by the commissioner, conditioned to pay the tax levied, if it remains unpaid, with interest and costs, as set forth in subsection (c) of this section.

Sec. 51. SALES TAX ON PREWRITTEN SOFTWARE DOES NOT APPLY TO REMOTELY ACCESSED SOFTWARE

The general assembly finds that assessments for the sale of remotely accessed software were based on a technical bulletin, No. TB-54 (originally issued 9/13/10), issued by the department of taxes. The imposition of sales and use tax on prewritten computer software by 32 V.S.A. chapter 233 shall not be construed to apply to charges for remotely accessed software made after December 31, 2006. Taxes paid on such charges shall be refunded upon request if within the statute of limitations and documented to the satisfaction of the commissioner. "Charges for remotely accessed software" means charges for the right to access and use prewritten software run on underlying infrastructure that is not managed or controlled by the consumer. Enforcement of the sales and use tax imposed on the purchase of specified digital products pursuant to 32 V.S.A. § 9771(8) is not affected by this section.

Sec. 52. STUDY COMMITTEE ON CLOUD COMPUTING

(a) Creation of committee. There is created a cloud computing study committee to examine issues related to the taxation of software as a service.

(b) Membership. The committee shall be composed of seven members. Four members of the committee shall be members of the general assembly. The committee on committees of the senate shall appoint two members of the senate and the speaker of the house shall appoint two members of the house. The committee on committees shall appoint a chair of the study committee

who shall be a committee member who is also a member of the general assembly. Three members of the committee shall be as follows:

(1) the governor shall appoint a member representing consumers of software and software services;

(2) the secretary of administration or his or her designee;

(3) the commissioner of taxes or his or her designee;

(c) Powers and duties.

(1) The committee established by this section shall study the taxation of software as a service, including the character of sales transactions involving software accessed remotely, the sourcing of such sales, and experience of other jurisdictions in taxing software as a service.

(2) For purposes of its study of these issues, the committee shall have the assistance of the office of legislative council, the joint fiscal office, and the department of taxes.

(d) Report. By January 15, 2013, the committee shall report to the senate committee on finance and the house committee on ways and means on its findings and any recommendations for legislative action.

(e) Reimbursement. For attendance at meetings during adjournment of the general assembly, legislative members of the committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406; and other members of the committee who are not employees of the state of Vermont shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

Sec. 53. SECONDARY PACKAGING

The commissioner of taxes shall study the taxation and exemption of secondary packaging machinery and no later than January 15, 2013 shall report to the senate committee on finance and the house committee on ways and means on its findings. The commissioner shall specifically examine and report on the various types of secondary machinery typically used in manufacturing, the use of secondary packaging machinery in Vermont, the different options for exempting secondary packaging machinery that are administratively feasible, and how other states tax or exempt secondary packaging machinery.

Sec. 54. SALES AND USE TAX REBATES FOR MOBILE HOMES

(a) Notwithstanding the provisions of 32 V.S.A. chapters 231 and 233 and 24 V.S.A. § 138, sales and use tax, local option sales tax, or property transfer tax shall not apply to sales to individuals of mobile homes purchased after April 1, 2011 but before July 1, 2012 to replace a mobile home that was

damaged or destroyed as a result of flooding and storm damage that occurred as a result of a federally declared disaster in Vermont in 2011.

(b) Any resident of Vermont who purchased a mobile home that meets the criteria under subsection (a) of this section shall be entitled to a reimbursement in the amount of any sales and use tax, local option sales tax, or property transfer tax paid.

(c) The department of taxes may establish standards and procedures necessary to implement this section. The department of taxes shall reimburse taxpayers that qualify under subsection (a) of this section.

Sec. 54a. 32 V.S.A. § 9741(2) is amended to read:

(2) Drugs intended for human use, durable medical equipment, mobility enhancing equipment, and prosthetic devices and supplies, including blood, blood plasma, insulin, and medical oxygen, used in treatment intended to alleviate human suffering or to correct, in whole or in part, human physical disabilities; provided however, that toothbrushes, floss, and similar items of nominal value given by dentists and hygienists to patients during treatment are supplies used in treatment to alleviate human suffering or to correct, in whole or part, human physical disabilities and are exempt under this subdivision.

* * * Electrical energy generating tax provisions * * *

Sec. 55. REPEAL

32 V.S.A. § 5402a (electric generating plant education property tax) is repealed.

Sec. 56. 32 V.S.A § 8661 is amended to read:

§ 8661. TAX LEVY

(a) There is hereby assessed ~~each year~~ upon electric generating plants constructed in the state subsequent to July 1, 1965, and having a name plate generating capacity of 200,000 kilowatts, or more, a state tax ~~in accordance with the following table:~~ at the rate of \$0.0025 per kWh of electrical energy produced.

~~If megawatt hour production is:~~	~~tax is:~~
~~Less than 2,300,000 megawatt hours~~	~~\$2.0 million~~
~~2,300,000 to 3,800,000 megawatt hours~~	~~\$2.0 million plus \$0.40 per megawatt hour over 2,300,000~~

3,800,001 to 4,200,000 megawatt hours	\$2.6 million
Over 4,200,000 megawatt hours	\$2.6 million plus \$0.40 per megawatt hour over 4,200,000

~~For purposes of this section, "megawatt hour production" means the average of net production for sale in the three most recent preceding calendar years. The tax imposed by this section shall be paid to the commissioner in equal quarterly installments on the electrical energy generated in the prior quarter on or before the 25th day of the calendar month succeeding the quarter ending on the last day of March, June, September, and December by the person or corporation then owning or operating such electric generating plant.~~

~~(b) If an entity subject to this tax generates no electricity during the tax year due to termination or expiration of a necessary license, or due to permanent cessation of operations, no tax shall be due for that year.~~

~~(c) A person or corporation failing to make returns or pay the tax imposed by this section within the time required shall be subject to and governed by the provisions of sections 3202, 3203, 5868, and 5873 3203 of this title.~~

Sec. 57. TRANSITION

An electric generating plant shall receive a credit against the tax under 32 V.S.A. § 8661 for any sums it has irrevocably paid to the state after March 21, 2012 under agreements for operation under a certificate of public good or pending a public service board proceeding for the issuance of a certificate of public good. Any credit under this section shall be applied to any current liability of the taxpayer, and if the amount of the credit exceeds the amount of the current liability, the credit may be carried forward to the next return period.

* * * Meals and rooms tax provisions * * *

Sec. 58. 32 V.S.A. § 9202(3) is amended to read:

(3) "Hotel" means an establishment which holds itself out to the public by offering sleeping accommodations for a consideration, whether or not the major portion of its operating receipts is derived therefrom and whether or not the sleeping accommodations are offered to the public by the owner or proprietor or lessee, sublessee, mortgagee, licensee, or any other person or the agent of any of the foregoing. The term includes but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished-room houses, boarding houses, and private clubs, as

well as any building or structure or part thereof to the extent to which any such building or structure or part thereof in fact is held out to the public by offering sleeping accommodations for a consideration. The term shall not include the following:

(A) a hospital, licensed under 18 V.S.A. chapter 43 of Title 18, or a ~~sanatorium, convalescent home, nursing home, or a home for the aged~~ residential care home, assisted living residence, home for the terminally ill, therapeutic community residence as defined pursuant to 33 V.S.A. chapter 71, or independent living facility;

* * *

Sec. 59. 32 V.S.A. § 9202(10)(D)(ii)(IV) is amended to read:

(IV) ~~prepared and served by the employees thereof and served in, volunteers, or contractors of any hospital licensed under 18 V.S.A. chapter 43 of Title 18, or sanatorium, convalescent home, nursing home or home for the aged, residential care home, assisted living residence, home for the terminally ill, therapeutic community residence as defined pursuant to 33 V.S.A. chapter 71, or independent living facility; provided, however, that "contractor" under this subsection excludes:~~

(aa) persons or entities that lease space from one of these organizations, and

(bb) means provided by a restaurant as defined by subdivision (15) of this section when furnished to residents of a nursing home, residential care home, assisted living residence, home for the terminally ill, therapeutic community residence as defined pursuant to 33 V.S.A. chapter 71, or independent living facility, when not otherwise available generally to residents of the facility;

Sec. 60. 32 V.S.A. § 9202(18) is added to read:

(18) "Independent living facility" means a congregate living environment, however named, for profit or otherwise, that meets the definitions of housing complexes for older persons as enumerated in 9 V.S.A. § 4503(b) and (c), or housing programs designed to meet the needs of individuals with a handicap or disability as defined in 9 V.S.A. § 4501(2) and (3).

Sec. 60a. 32 V.S.A. § 8557(a) is amended to read:

(a) Sums for the expenses of the operation of training facilities and curriculum of the Vermont fire service training council not to exceed

~~\$800,000.00~~ \$950,000.00 per year shall be paid to the fire safety special fund created by 20 V.S.A. § 3157 by insurance companies, including surplus lines companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the state of Vermont within 30 days after notice from the commissioner of banking, insurance, securities, and health care administration of such estimated expenses. Captive companies shall be excluded from the effect of this section. The commissioner shall annually, on or before July 1, apportion such charges among all such companies and shall assess them for the same on a fair and reasonable basis as a percentage of their gross direct written premiums on such insurance written during the second prior calendar year on property situated in the state. An amount not less than \$100,000.00 shall be specifically allocated to the provision of what are now or formerly referred to as Level I, units I, II, and III (basic) courses for entry level firefighters. An amount not less than \$150,000.00 shall be specifically allocated to the emergency medical services special fund established under 18 V.S.A. § 908 for the provision of training programs for emergency medical technicians, advanced emergency medical technicians, and paramedics. An entity seeking funds allocated to the emergency medical services fund shall present a plan to the joint fiscal committee which shall review the plan prior to release of any funds.

Sec. 61. EFFECTIVE DATES

This act shall take effect upon passage, except:

(1) Secs. 1 (conforming petroleum cleanup fee base to fuel gross receipts tax base), 2 (petroleum cleanup fund outreach), 6 (extraordinary relief), 8 (Irene checkoff), 12 (reporting requirements), 20 (downtown tax credit for disaster expenses), 21 (limitation on downtown tax credits for fiscal year 2013), 21a (low income property transfer tax exemption), and 54a (dental equipment) of this act shall take effect on July 1, 2012.

(2) Secs. 7 (link to Internal Revenue Code) of this act shall apply to taxable years beginning on and after January 1, 2011, and Sec. 10 (estate tax link to Internal Revenue Code) shall apply to decedents on or after January 1, 2011.

(3) Sec. 14 (increasing minimum tax on certain C corporations) of this act shall apply to taxable years beginning on and after January 1, 2012.

(4) Secs. 23 (health savings accounts) 24, 25, and 26 (moving final date for filing renter rebate or property tax adjustment claims), and 27 (renter rebate

cap) of this act shall take effect on January 1, 2013 and apply to property tax adjustments and renter rebate claims for 2013 and after.

(5) Secs. 36 (education base rates) and 37 (education base amount) shall take effect on passage and apply to education property tax rates and the base education amount for fiscal year 2013.

(6) Secs. 43 through 46 (wastewater permits) shall take effect retroactively on July 1, 2011.

(7) Sec. 48 (auction sale exemption) of this act is effective retroactively to May 24, 2011.

(8) Secs. 55 (repeal), 56 (electrical generation tax), and 57 (transition) shall take effect on July 1, 2012 and apply to power generated after that date.

(9) Secs. 58 (rooms tax definitions), 59 (meals tax definitions), and 60 (definition of independent living facility) shall take effect on passage and apply retroactively to July 1, 2012.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Ancel of Calais** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Ancel of Calais

Rep. Branagan of Georgia

Rep. Condon of Colchester

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Consideration Resumed; Bill Read the Third Time and Passed

H. 718

Consideration resumed on House bill, entitled

An act relating to An act relating to the department of public service and the public service board

Pending third reading of the bill, **Reps. Browning of Arlington, Burditt of West Rutland, Davis of Washington and Kilmartin of Newport City** moved to amend the bill as follows:

By adding Sec. 17b to read as follows:

Sec. 17b. 30 V.S.A. § 107a is added to read:

§ 107a. MERGERS; ACQUISITIONS; LEGISLATIVE APPROVAL

(a) If a consolidation or merger of companies, or the acquisition of control of one utility company by another company, would result in one company having direct or indirect control of 50 percent or more of Vermont's generation, distribution, or transmission market, the board may commence proceedings under section 311 or 107 of this title, as applicable, and may issue a final order; however, such order, if it approves of the proposed consolidation, merger, or acquisition, shall not take effect unless the general assembly finds that the merger, consolidation, or acquisition will promote the general good of the state and approves the merger, consolidation, or acquisition by legislative enactment, which may include additional terms and conditions.

(b) Notwithstanding 1 V.S.A. §§ 213 and 214(b), subsection (a) of this section shall apply to all petitions filed with the public service board on or after September 1, 2011.

Thereupon, **Rep. Deen of Westminster** raised a Point of Order that the amendment was in violation of Sec. 111(3) of Mason's Manual of Legislative Proceedings.

Thereupon, **Rep. Deen of Westminster** asked and was granted leave of the House to withdraw his Point of Order.

Thereupon, the recommendation of proposal of amendment offered by Reps. Browning of Arlington, et al, was disagreed to and the bill was read the third time and passed.

Recess

At six o'clock and fifteen minutes in the evening, the Speaker declared a recess until seven o'clock in the evening.

At seven o'clock in the evening, the Speaker called the House to order.

Message from the Senate No. 57

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 485. An act relating to establishing universal recycling of solid waste.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 785. An act relating to capital construction and state bonding budget adjustment.

And has concurred therein.

Pursuant to the request of the House for Committees of Conference on the disagreeing votes of the two Houses on the following House bills the President announced the appointment as members of such Committees on the part of the Senate:

H. 464. An act relating to a moratorium on hydraulic fracturing wells for natural gas and oil production.

Senator Lyons
Senator Benning
Senator MacDonald

H. 496. An act relating to preserving Vermont's working landscape.

Senator Illuzzi
Senator Lyons
Senator Giard

H. 559. An act relating to health care reform implementation.

Senator Ayer
Senator Mullin
Senator Carris.

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the twenty-seventh day of April, 2012, he approved and signed bills originating in the House of the following titles:

H. 550 An act relating to the Vermont administrative procedure act

H. 459 An act relating to approval of amendments to the charter of the town of Brattleboro

H. 768 An act relating to ignition interlock restricted driver's licenses and civil suspensions

Proposal of Amendment Agreed to; Third Reading Ordered

S. 230

Rep. Marcotte of Coventry, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to property and casualty insurers and electronic notices

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 3666 is added to read:

§ 3666. DELIVERY OF NOTICES BY ELECTRONIC MEANS

(a) As used in this section:

(1) "Delivered by electronic means" includes:

(A) delivery to an electronic mail address at which a party has consented to receive notice; and

(B) posting on an electronic network, together with separate notice to a party sent to the electronic mail address at which the party has consented to receive notice of the posting.

(2) "Party" means an applicant, an insured, or a policyholder.

(b) Subject to subsection (d) of this section, any notice to a party required under section 3880, 3881, 4224, 4225, 4712, or 4713 of this title may be, but is not required to be delivered by electronic means provided the process used to obtain consent of the party to have notice delivered by electronic means meets the requirements of 9 V.S.A. chapter 20, the Uniform Electronic Transactions Act.

(c) Delivery of a notice pursuant to subsection (b) of this section shall be considered equivalent to any delivery method required under section 3883, 4226, or 4714 of this title, including delivery by first-class mail, certified mail, or certificate of mailing.

(d) A notice may be delivered by electronic means by an insurer to a party under this section if:

(1) The party has affirmatively consented to such method of delivery and not subsequently withdrawn consent.

(2) The party, before giving consent, is provided with a clear and conspicuous statement informing the party of:

(A) the right of the party to have the notice provided or made available in paper or another nonelectronic form at no additional cost;

(B) the right of the party to withdraw consent to have notice delivered by electronic means;

(C) whether the party's consent applies:

(i) only to the particular transaction as to which the notice must be given; or

(ii) to identified categories of notices that may be delivered by electronic means during the course of the party's relationship with the insurer;

(D) how, after consent is given, the party may obtain a paper copy of a notice delivered by electronic means at no additional cost; and

(E) the procedures the party must use to withdraw consent to have notice delivered by electronic means and to update information needed to contact the party electronically.

(3) The party:

(A) before giving consent, is provided with a statement of the hardware and software requirements for access to and retention of a notice delivered by electronic means; and

(B) consents electronically and confirms consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices delivered by electronic means as to which the party has given consent.

(4) After consent of the party is given, the insurer, in the event a change in the hardware or software requirements needed to access or retain a notice delivered by electronic means creates a material risk that the party will not be able to access or retain a subsequent notice to which the consent applies:

(A) provides the party with a statement of:

(i) the revised hardware and software requirements for access to and retention of a notice delivered by electronic means; and

(ii) a revised statement required by subdivision (2) of this subsection; and

(B) the party affirmatively consents to continued delivery of notices by electronic means.

(e) Every notice delivered pursuant to subsection (b) of this section shall include the statement required by subdivision (d)(2) of this section. This section does not otherwise affect the content or timing of any notice required under chapter 105, 113, or 128 of this title.

(f) If a provision of chapter 105, 113, or 128 of this title requiring notice to be provided to a party expressly requires verification or acknowledgment of receipt of the notice, the notice may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt. Absent verification or acknowledgement of receipt of the initial notice on the part of the party, the insurer shall send two subsequent notices at intervals of five business days.

(g) The legal effectiveness, validity, or enforceability of any contract or policy of insurance may not be made contingent upon obtaining electronic consent or confirmation of consent of a party in accordance with subdivision (d)(3)(B) of this section.

(h)(1) A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a notice delivered by electronic means to the party before the withdrawal of consent is effective.

(2) A withdrawal of consent by a party is effective within 30 days after receipt of the withdrawal by the insurer.

(3) Failure to comply with subdivision (d)(4) of this section shall be treated as a withdrawal of consent for purposes of this section.

(i) A party who does not consent to delivery of notices by electronic means under subsection (b) of this section, or who withdraws his or her consent, shall not be subjected to any additional fees or costs for having notices provided or made available in paper or another nonelectronic form.

(j) This section shall not be construed to modify, limit, or supersede the provisions of the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. chapter 96, relating to the use of an electronic

record to provide or make available information that is required to be provided or made available in writing to a party.

Sec. 2. INTERPRETATION

The delivery of notice in accordance with Sec. 1 of this act is intended and shall be construed to meet the requirements of state insurance regulation 78-01, section 1, as revised.

Sec. 3. STATEMENT OF CONSUMER RIGHTS; ELECTRONIC NOTICES

The commissioner of financial regulation shall issue a bulletin regarding the statement to be provided to a party under 8 V.S.A. § 3666(d)(2). The bulletin shall require insurance companies to clearly and conspicuously inform the party of the types of notices (cancellation and nonrenewal) permitted to be delivered by electronic means; the risks associated with electronic notifications and the party's assumption of those risks if he or she consents to receive electronic notifications; the party's right to receive notices by mail at no additional cost; and any other provisions the commissioner deems necessary to protect the interests of Vermonters and otherwise carry out the purposes of this act. In addition, the bulletin shall provide guidance to insurers on the appropriate form of the electronic notices and their provisions as well as on the specific withdrawal of consent procedures required under 8 V.S.A. § 3666(d)(2)(D).

Sec. 4. 21 V.S.A. § 618 is amended to read:

§ 618. COMPENSATION FOR PERSONAL INJURY

* * *

(f) If an injured worker voluntarily consents in writing, the worker may be paid compensation benefits by means of direct deposit or an electronic payroll card account in accord with the requirements of section 342 of this title, and any rules adopted by the commissioner to implement this section. An electronic payroll card account may be used only for weekly payment of benefits and not for the payment of a lump sum award.

Sec. 5. EFFECTIVE DATES

This section and Sec. 4 of this act shall be effective on July 1, 2012 and Secs. 1, 2, and 3 of this act shall take effect on January 1, 2013 and apply to all policies and certificates delivered, issued for delivery, or renewed in this state on or after that date.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Message from the Senate No. 58

A message was received from the Senate by Mr. Marshall, its Assitant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 789. An act relating to reapportioning the final representative districts of the House of Representatives.

And has accepted and adopted the same on its part.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 781. An act relating to making appropriations for the support of government.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Kitchel
Senator Sears
Senator Snelling.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 138

Rep. Lippert of Hinesburg, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to calculation of criminal sentences and record keeping for search warrants

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 61 is amended to read:

§ 61. RESTRICTIONS; EXCEPTIONS

A person, partnership, association, or corporation shall not furnish or sell, or expose or keep with intent to sell, any malt or vinous beverage, or spirits, or manufacture, sell, barter, transport, import, export, deliver, prescribe, furnish, or possess any alcohol, except as authorized by this title. However, this chapter shall not apply to the furnishing of such beverages or spirits by a person in his or her private dwelling, ~~unless to an habitual drunkard, or~~ unless such dwelling becomes a place of public resort, nor to the sale of fermented cider by the barrel or cask of not less than 32 liquid gallons capacity, provided the same is delivered and removed from the vendor's premises in such barrel or cask at the time of such sale, nor to the use of sacramental wine, nor to the furnishing, purchase, sale, barter, transportation, importation, exportation, delivery, prescription, or possession of alcohol for manufacturing, mechanical, medicinal, and scientific purposes, provided the same is done under and in accordance with rules and regulations made and permits issued by the liquor control board as hereinafter provided, nor to the furnishing of such beverages or spirits by the Vermont criminal justice training council to drinking subjects during DUI enforcement courses of instruction at the Vermont police academy.

Sec. 2. 13 V.S.A. § 7031 is amended to read:

§ 7031. FORM OF SENTENCES; MAXIMUM AND MINIMUM TERMS

(a) When a respondent is sentenced to any term of imprisonment, other than for life, the court imposing the sentence shall not fix the term of imprisonment, unless such term is definitely fixed by statute, but shall establish a maximum and may establish a minimum term for which such respondent may be held in imprisonment. The maximum term shall not be more than the longest term fixed by law for the offense of which the respondent is convicted and the minimum term shall be not less than the shortest term fixed by law for such offense. If the court suspends a portion of said sentence, the unsuspended portion of such sentence shall be the minimum term of sentence solely for the purpose of any reductions of term for good behavior as provided for in 28 V.S.A. § 811. A sentence shall not be considered fixed as long as the maximum and minimum terms are not identical.

(b) The sentence of imprisonment of any person convicted of an offense shall commence to run from the date on which the person is received at the correctional facility for service of the sentence. The court shall give the person

credit toward service of his or her sentence for any days spent in custody ~~in connection with the offense for which sentence was imposed~~ as follows:

(1) The period of credit for concurrent and consecutive sentences shall include all days served from the date of arraignment or the date of the earliest detention for the offense, whichever occurs first, and end on the date of the sentencing. Only a single credit shall be awarded in cases of consecutive sentences, and no credit for one period of time shall be applied to a later period.

(2) In sentencing a violation of probation, the court shall give the person credit for any days spent in custody from the time the violation is filed or the person is detained on the violation, whichever occurs first, until the violation is sentenced. In a case in which probation is revoked and the person is ordered to serve the underlying sentence, the person shall receive credit for all time previously served in connection with the offense.

(c) If any such person is committed to a jail or other place of detention to await transportation to the place at which his or her sentence is to be served, his or her sentence shall commence to run from the date on which he or she is received at such jail or such place of detention.

(d) A person who receives a zero minimum sentence for a conviction of a nonviolent misdemeanor or nonviolent felony as defined in 28 V.S.A. § 301 shall report to probation and parole as directed by the court and begin to serve the sentence in the community immediately, unless the person is serving a prior sentence at such time.

Sec. 3. 13 V.S.A. § 7032(c) is amended to read:

(c) In all cases where multiple or additional sentences have been or are imposed, the term or terms of imprisonment under those sentences shall be determined in accordance with the following definitions.

(1) When terms run concurrently, the shorter minimum terms merge in and are satisfied by serving the longest minimum and the shorter maximum terms merge in and are satisfied by discharge of the longest maximum term.

(2) When terms run consecutively, the minimum terms are added to arrive at an aggregate minimum to be served equal to the sum of all minimum terms and the maximum terms are added to arrive at an aggregate maximum equal to the sum of all maximum terms. No person shall serve more time on consecutive minimum sentences than the sum of the minimum terms, regardless of whether the sentences are imposed on the same or different dates. If a person has served a minimum term and subsequently incurs another

criminal charge, the time the person spends in custody awaiting disposition of the new charge shall count toward the minimum term of the new sentence, if one is imposed. This subdivision shall not require the department of corrections to release a person from incarceration to community supervision at the person's minimum term.

Sec. 4. 18 V.S.A. § 4216 is amended to read:

§ 4216. AUTHORIZED POSSESSION BY INDIVIDUALS

(a) A person to whom or for whose use any regulated drug has been prescribed, sold or dispensed, and the owner of any animal for which any such drug has been prescribed, sold or dispensed, may lawfully possess the same on the condition that such drug was prescribed, sold or dispensed by a physician, dentist, pharmacist, or veterinarian licensed under this chapter or under the laws of another state or country wherein such person has his or her practice; ~~and further that all,~~

~~(b)(1) Except as otherwise provided in subdivision (2) of this subsection, all amounts of the drug are shall be retained in the lawful container in which it was delivered to him the patient by the person selling or dispensing the same; provided however, that for the purposes of this section an amount of regulated drugs of not more than two days' individual prescribed dosage may be possessed by a patient for his personal use.~~

(2) A patient may possess an amount of regulated drugs of not more than seven days' individual prescribed dosage, for personal use, which shall not be required to be retained in its lawful container. A patient may possess an amount of regulated drugs of more than seven days' individual prescribed dosage, for personal use, which shall not be required to be retained in its lawful container, provided the patient personally possesses proof of a lawful, written prescription.

Sec. 5. 28 V.S.A. § 808a(a) is amended to read:

(a) ~~When recommended by the department and ordered by the court,~~ an offender may be sentenced to serve a term of imprisonment, but placed by a court on treatment furlough to participate in such programs administered by the department in the community that reduce the offender's risk to reoffend or that provide reparation to the community in the form of supervised work activities.

Sec. 6. FEASIBILITY STUDY FOR A STATEWIDE ONLINE SENTENCING TOOL

(a) The general assembly established the Nonviolent Misdemeanor Sentence Review Committee (committee) in No. 41 of the Acts of 2011, an act

relating to effective strategies to reduce criminal recidivism, to propose alternatives to incarceration for nonviolent, low-risk misdemeanor offenses. In its report, the committee expressed concern regarding “the varying degrees of justice meted out by the different counties in Vermont” and concluded that “any efforts to reduce recidivism and increase alternatives to incarceration must foster statewide equity in treatment of those charged or convicted with a criminal offense.”

(b) The committee believes that judicial discretion is the cornerstone of sentencing in Vermont courts and that sentencing is at its best when the decision-makers have accurate and timely information about the offender, the offenses, and the options available for sentencing.

(c) Evidence-based practice research suggests that sentencing of criminal defendants should be based on the seriousness of the offense, risk, and probability of recidivism. Criminal sentencing that is based on these three principles is more likely to protect the public, reduce recidivism, and reduce costs than sentencing practices that are based on anecdotal experience.

(d) The committee took testimony on a new sentencing tool developed by the Missouri Sentencing Advisory Commission which employs these principles and which is available electronically to judges, attorneys, and other people involved in Missouri’s criminal justice system. According to the commission, the “goal of the system is to ensure sentencing that is fair, protects the public, uses corrections resources wisely, and reduces sentence disparity.”

(e) There is created a sentencing task force for the purpose of conducting a feasibility study to determine whether a set of sentencing data based on the seriousness of the offense, risk, and probability of recidivism can be developed and implemented in Vermont. The task force shall comprise the following members:

(1) A member of the senate committee on judiciary appointed by the committee on committees.

(2) A member of the house committee on judiciary appointed by the speaker of the house.

(3) A judge appointed by the chief justice of the Vermont supreme court.

(4) The commissioner of corrections.

(5) A state’s attorney appointed by the executive committee of the department of state’s attorneys.

(6) The defender general.

(f) The Vermont Center for Justice Research, the state's criminal justice statistical analysis center, has been involved with the analysis of criminal sentencing data in Vermont for the past 20 years. At the direction of the task force, the center shall undertake the statistical analysis necessary to develop the policy decisions required for the sentencing matrices which are the foundation of the project. The pilot analysis shall focus on five to ten felony or misdemeanor crimes prosecuted in Vermont during a two-year period. The center shall evaluate the availability and quality of data which would be required to generate sentencing information similar to those used in the Missouri model.

(g) The task force shall report the sentencing information for the crimes selected for the feasibility study along with a report with recommendations regarding the feasibility of a Vermont online sentencing tool to the senate and house committees on judiciary by March 15, 2013.

(h) The secretary of administration shall seek sources of grants and funding in fiscal year 2013 for the purpose of aiding the sentencing task force with a feasibility study to determine whether a set of sentencing data based on the seriousness of the offense, risk, and probability of recidivism can be developed and implemented in Vermont. The cost is currently estimated to be \$33,600.00.

Sec. 7. Sec. 4 of No. 41 of the Acts of 2011 is amended to read:

Sec. 4. NONVIOLENT MISDEMEANOR SENTENCE REVIEW COMMITTEE

(a) Creation of committee. There is created a nonviolent misdemeanor sentence review committee to propose alternatives to incarceration for nonviolent, low-risk misdemeanor offenses and to study whether records produced by public agencies in the course of the detection and investigation of crime should be open to public inspection or confidential.

(b) Membership. The committee shall be composed of the following members:

(1) a former member of either the house committee on judiciary or the senate committee on judiciary appointed jointly by the speaker of the house and the senate ~~committee on committees~~ president pro tempore;

(2) the chair of the senate committee on judiciary;

(3) the chair of the house committee on judiciary;

(4) a member of the senate appointed by the senate committee on committees;

(5) a member of the house appointed by the speaker of the house;

(6) the governor's special assistant on corrections; and

(7) the administrative judge.

(c) Powers and duties.

* * *

(2) The committee shall study whether records produced by public agencies in the course of the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by law enforcement, should be open to public inspection or confidential. The committee's study shall include:

(A) A determination of which records dealing with the detection and investigation of a crime should be public records and which records should be confidential.

(B) Consideration of the need to balance public safety and privacy when determining which criminal investigation records should be public and which records should be confidential.

(C) Legislation to implement the policy recommended by the committee.

(2)(3) The committee shall consult with stakeholders while engaging in its mission, including the following:

(A) The secretary of human services or designee.

(B) The secretary of state or designee.

(C) The executive director of the American Civil Liberties Union of Vermont or designee.

(D) A representative of the Vermont Press Association.

(E) The defender general or designee.

(F) The attorney general or designee.

(G) The executive director of the Vermont association of chiefs of police or designee.

(H) The executive director of the Vermont Bar Association or designee.

(I) A representative from the department of public safety.

(J) The executive director of the state's attorneys and sheriffs' association or designee.

(K) A member of the supreme court public access to court records advisory rules committee appointed by the chief justice.

(L) The executive director of the Vermont Center for Crime Victims Services or designee.

~~(3)~~(4) For purposes of its study of these issues, the committee shall have the legal and administrative assistance of the office of legislative council and the department of corrections.

(d) Report. ~~By December 1, 2011, the~~ The committee shall report annually to the general assembly on its findings and any recommendations for legislative action.

(e) Number of meetings; term of committee; reimbursement. The committee may meet no more than ~~five~~ seven times annually and shall cease to exist on January 1, ~~2012~~ 2014.

* * *

and that after passage the title of the bill be amended to read: "An act relating to calculation of criminal sentences and expansion of the Misdemeanor Sentence Review Committee"

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the bill ought to pass in concurrence when amended as recommended by the committee on Judiciary.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committees on Judiciary and Appropriations agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 214

Rep. Cheney of Norwich, for the committee on Natural Resources and Energy, to which had been referred Senate bill, entitled

An act relating to customer rights regarding smart meters

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

* * * Renewable Energy Goals, Definitions * * *

Sec. 1. 30 V.S.A. § 8001 is amended to read:

§ 8001. RENEWABLE ENERGY GOALS

(a) The general assembly finds it in the interest of the people of the state to promote the state energy policy established in section 202a of this title by:

(1) Balancing the benefits, lifetime costs, and rates of the state's overall energy portfolio to ensure that to the greatest extent possible the economic benefits of renewable energy in the state flow to the Vermont economy in general, and to the rate paying citizens of the state in particular.

(2) Supporting development of renewable energy and related planned energy industries in Vermont, and the jobs and economic benefits associated with such development, while retaining and supporting existing renewable energy infrastructure.

(3) Providing an incentive for the state's retail electricity providers to enter into affordable, long-term, stably priced renewable energy contracts that mitigate market price fluctuation for Vermonters.

(4) Developing viable markets for renewable energy and energy efficiency projects.

(5) Protecting and promoting air and water quality by means of renewable energy programs.

(6) Contributing to reductions in global climate change and anticipating the impacts on the state's economy that might be caused by federal regulation designed to attain those reductions.

(7) ~~Supporting and providing incentives for small, distributed renewable energy generation, including~~ Providing support and incentives that support locating such generation to locate renewable energy plants of small and moderate size in a manner that is distributed across the state's electric grid, including locating such plants in areas that will provide benefit to the operation and management of the state's electric that grid through such means as reducing line losses and addressing transmission and distribution constraints.

(8) Promoting the inclusion, in Vermont's electric supply portfolio, of renewable energy plants that are diverse in plant capacity and type of renewable energy technology.

(b) The board shall provide, by order or rule, the regulations and procedures that are necessary to allow the board and the department to implement and supervise programs pursuant to this chapter.

Sec. 2. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

For purposes of this chapter:

* * *

(2) “Renewable energy” means energy produced using a technology that relies on a resource that is being consumed at a harvest rate at or below its natural regeneration rate.

(A) For purposes of this subdivision (2), methane gas and other flammable gases produced by the decay of sewage treatment plant wastes or landfill wastes and anaerobic digestion of agricultural products, byproducts, or wastes shall be considered renewable energy resources, but no form of solid waste, other than agricultural or silvicultural waste, shall be considered renewable.

(B) For purposes of this subdivision (2), no form of nuclear fuel shall be considered renewable.

(C) The only portion of electricity produced by a system of generating resources that shall be considered renewable is that portion generated by a technology that qualifies as renewable under this subdivision (2).

(D) After conducting administrative proceedings, the board may add technologies or technology categories to the definition of “renewable energy,” provided that technologies using the following fuels shall not be considered renewable energy supplies: coal, oil, propane, and natural gas.

(E) For the purposes of this chapter, renewable energy refers to either “existing renewable energy” or “new renewable energy.”

(3) “Existing renewable energy” means ~~all types of renewable energy sold from the supply portfolio of a Vermont retail electricity provider that is not considered to be from a new renewable energy source~~ produced by a plant that came into service prior to or on December 31, 2004.

(4) “New renewable energy” means renewable energy produced by a ~~generating resource~~ specific and identifiable plant coming into service after December 31, 2004.

~~(A) With respect to Energy from within a system of generating resources plants that includes renewable energy, the percentage of the system that constitutes shall not constitute new renewable energy shall be determined through dividing the plant capacity of the system's generating resources coming into service after December 31, 2004 that produce renewable energy by the total plant capacity of the system, regardless of whether the system includes specific plants that came or come into service after December 31, 2004.~~

(B) "New renewable energy" also may include the additional energy from an existing renewable ~~facility~~ energy plant retrofitted with advanced technologies or otherwise operated, modified, or expanded to increase the kWh output of the ~~facility~~ plant in excess of an historical baseline established by calculating the average output of that ~~facility~~ plant for the 10-year period that ended December 31, 2004. If the production of new renewable energy through changes in operations, modification, or expansion involves combustion of the resource, the system also must result in an incrementally higher level of energy conversion efficiency or significantly reduced emissions. ~~For the purposes of this chapter, renewable energy refers to either "existing renewable energy" or "new renewable energy."~~

(5) ~~"Qualifying SPEED resources"~~ means contracts for ~~in-state~~ resources in the SPEED program established under section 8005 of this title that meet the definition of ~~new~~ renewable energy under this section, whether or not ~~renewable energy credits~~ environmental attributes are attached.

~~(6) "Nonqualifying SPEED resources" means contracts for in-state resources in the SPEED program established under section 8005 of this title that are fossil fuel based, combined heat and power (CHP) facilities that sequentially produce both electric power and thermal energy from a single source or fuel. In addition, at least 20 percent of a facility's fuel's total recovered energy must be thermal and at least 13 percent must be electric, the design system efficiency (the sum of full load design thermal output and electric output divided by the heat input) must be at least 65 percent, and the facility must meet air quality standards established by the agency of natural resources.~~

~~(7) "Energy conversion efficiency"~~ means the effective use of energy and heat from a combustion process.

~~(7) "Environmental attributes"~~ means the characteristics of a plant that enable the energy it produces to qualify as renewable energy and include any and all benefits of the plant to the environment such as avoided emissions or

other impacts to air, water, or soil that may occur through the plant's displacement of a nonrenewable energy source.

(8) "Tradeable renewable energy credits" means all of the environmental attributes associated with a single unit of energy generated by a renewable energy source where:

(A) those attributes are transferred or recorded separately from that unit of energy;

(B) the party claiming ownership of the tradeable renewable energy credits has acquired the exclusive legal ownership of all, and not less than all, the environmental attributes associated with that unit of energy; and

(C) exclusive legal ownership can be verified through an auditable contract path or pursuant to the system established or authorized by the board or any program for tracking and verification of the ownership of environmental attributes of energy legally recognized in any state and approved by the board.

(9) "Retail electricity provider" or "provider" means a company engaged in the distribution or sale of electricity directly to the public.

(10) "Board" means the public service board under section 3 of this title, except when used to refer to the clean energy development board.

(11) "Commissioned" or "commissioning" means the first time a plant is put into operation following initial construction or modernization if the costs of modernization are at least 50 percent of the costs that would be required to build a new plant including all buildings and structures technically required for the new plant's operation. However, these terms shall not include activities necessary to establish operational readiness of a plant.

(12) "Plant" means ~~any~~ an independent technical facility that generates electricity from renewable energy. A group of newly constructed facilities, such as wind turbines, shall be considered one plant if the group is part of the same project and uses common equipment and infrastructure such as roads, control facilities, and connections to the electric grid.

* * *

(21) "Distributed renewable generation" means a renewable energy plant that is connected to the subtransmission or distribution system of a Vermont retail electricity provider and has a plant capacity of less than 5 MW.

(22) "Vermont composite electric utility system" means the combined generation, transmission, and distribution resources along with the combined retail load requirements of the Vermont retail electricity providers.

* * * Renewable Portfolio Standard * * *

Sec. 3. 30 V.S.A. § 8004 is amended to read:

§ 8004. RENEWABLE PORTFOLIO STANDARDS FOR SALES OF ELECTRIC ENERGY

(a) Environmental attributes; ownership. ~~Except as otherwise provided in section 8005 of this title, in order for Vermont retail electricity providers to~~ To achieve the goals established in section 8001 of this title, no retail electricity provider shall sell or otherwise provide or offer to sell or provide electricity in the state of Vermont without ownership of sufficient ~~energy produced by renewable resources as described in this chapter, or sufficient tradeable renewable energy credits that reflect the required renewable energy~~ environmental attributes as provided for in subsection (b) of this section. Such ownership may be demonstrated through possession of tradeable renewable energy credits; contracts for energy supplied by a plant to the provider if the provider's purchase from the plant includes the energy's environmental attributes; or both. In the case of members of the Vermont Public Power Supply Authority, the requirements of this chapter may be met in the aggregate.

(b) Amounts required; schedule.

(1) New renewable energy. Each retail electricity provider in Vermont shall ~~provide a certain amount of new renewable resources in its portfolio. Subject to subdivision 8005(d)(1) of this title each retail electricity provider in Vermont shall supply an amount of energy equal to its total incremental energy growth between January 1, 2005 and January 1, 2012 through the use of electricity generated by new renewable resources. The retail electricity provider may meet this requirement through eligible new renewable energy credits, new renewable energy resources with renewable energy credits still attached, or a combination of those credits and resources. No retail electricity provider shall be required to provide in excess of a total of 10 percent of its calendar year 2005 retail electric sales with electricity generated by new renewable resources~~ own the environmental attributes of new renewable energy that is delivered or capable of delivery to Vermont in an amount that is not less than the percentages of its annual retail electric sales during each of the compliance periods shown on the table contained in this subdivision (b)(1).

<u>Compliance Period</u>	<u>SPEED</u>	<u>SPEED</u>
<u>(begins January 1 of stated year)</u>	<u>Goal Not Met</u>	<u>Goal Met</u>

<u>Three years commencing 2014</u>	<u>4 percent</u>	<u>4 percent</u>
<u>Three years commencing 2017</u>	<u>11 percent</u>	<u>8 percent</u>
<u>Three years commencing 2020</u>	<u>17 percent</u>	<u>14 percent</u>
<u>Three years commencing 2023</u>	<u>22 percent</u>	<u>19 percent</u>
<u>Three years commencing 2026</u>	<u>26 percent</u>	<u>26 percent</u>
<u>Three years commencing 2029</u>	<u>31 percent</u>	<u>31 percent</u>
<u>Each year commencing 2032</u>	<u>35 percent</u>	<u>35 percent</u>

(A) If, pursuant to subdivision 8005(d)(1) (2017 SPEED goal) of this title, the board concludes that the goal of that subdivision has been met, then the percentages in the table column labeled “SPEED Goal Met” shall apply; otherwise, the percentages in the table column labeled “SPEED Goal Not Met” shall apply.

(B) A retail electricity provider shall meet the requirements of this subdivision (b)(1) in a manner reasonably consistent with subdivisions 8001(7) (small to moderate size plants; geographic distribution; benefit to electric system) and (8) (diversity of plant capacities and technologies) of this title.

(C) With respect to the compliance periods established in the table contained in this subdivision (b)(1), the board may allow a retail electricity provider to apply environmental attributes that are generated or purchased during a compliance period, and are in excess of the requirement for that period, toward meeting the requirement of the immediately succeeding compliance period. The board shall establish reasonable standards and limits to govern such application.

(2) Distributed renewable generation. Each retail electricity provider in Vermont shall own, in the amounts and allocations established under this subdivision (b)(2), the environmental attributes of new renewable energy produced by distributed renewable generation owned by any Vermont retail electricity provider or under a contract of 10 or more years to any such provider.

(A) During each year commencing January 1, 2032, the amount established under this subdivision (b)(2) shall be not less than 10 percent of a provider's annual retail electric sales.

(B) Between the effective date of this subdivision (b)(2) and January 1, 2032, the amount established under this subdivision (b)(2) shall be determined by the board. During this period, the board shall require each retail electricity provider to own the environmental attributes of eligible distributed renewable generation in increasing amounts such that each provider achieves compliance, by January 1, 2032, with the requirements of subdivision (2)(A) (2032; 10 percent) of this subsection. The board shall ensure that this determination is consistent with the pace and implementation of the standard offer program under section 8005a of this title.

(C) The board shall allocate the amounts established under this subdivision (b)(2) among different categories of renewable energy technologies. These categories shall include at least each of the following: methane derived from an agricultural operation; methane derived from a landfill; solar power; wind power with a plant capacity of 100 kW or less; wind power with a plant capacity greater than 100 kW; hydroelectric power; and biomass power using a fuel other than methane derived from an agricultural operation or landfill. In making these allocations, the board shall take into account the provisions of section 8005a (standard offer) of this title.

(D) For the purpose of this subdivision (b)(2), all net metering systems under section 219a of this title shall be considered to be under a contract of 10 or more years with the net metering customer's retail electricity provider.

(E) Energy produced by a plant used to satisfy this subdivision (b)(2) shall be applied to the requirements of subdivision (b)(1) of this section.

(F) A provider shall be exempt from the requirements of this subdivision (2) if the provider is exempt from the standard offer purchase requirements under subdivision 8005a(k)(2) of this title.

(c) The requirements of subsection (b) of this section shall apply to all retail electricity providers in this state, unless the retail electricity provider demonstrates and the board determines that compliance with the standard would impair the provider's ability to meet the public's need for energy services after safety concerns are addressed, at the lowest present value life cycle cost, including environmental and economic costs Use of SPEED power. The use of energy from a plant to satisfy the requirements of section 8005 of this title shall not preclude the use of the same energy to satisfy the

requirements of this section, as long as the provider possesses the energy's environmental attributes.

(d) Regulations and procedures. The board shall provide, by order or rule, the regulations and procedures that are necessary to allow the board and the department to implement and supervise further the implementation and maintenance of a renewable portfolio standard.

(e) Alternative compliance payments. In lieu of, ~~or in addition to~~ purchasing tradeable renewable energy credits to satisfy the portfolio requirements of this section, a retail electricity provider in this state may pay to the Vermont clean energy development fund established under section 8015 of this title an amount not less than the number of kWh necessary to bring the provider's portfolio into compliance with those requirements multiplied by a rate per kWh as established by the board. ~~As an alternative, the board may require any proportion of this amount to be paid to the energy conservation fund established under subsection 209(d) of this title.~~

(f) ~~Before December 30, 2007 and biennially thereafter through December 30, 2013, the board shall file a report with the senate committees on finance and on natural resources and energy and the house committees on commerce and on natural resources and energy. The report shall include the following:~~

~~(1) the total cumulative growth in electric energy usage in Vermont from 2005 through the end of the year that precedes the date on which the report is due;~~

~~(2) a report on the market for tradeable renewable energy credits, including the prices at which credits are being sold;~~

~~(3) a report on the SPEED program, and any projects using the program;~~

~~(4) a summary of other contracts held or projects developed by Vermont retail electricity providers that are likely to be eligible under the provisions of subsection 8005(d) of this title;~~

~~(5) an estimate of potential effects on rates, economic development and jobs, if the target established in subsection 8005(d) of this section is met, and if it is not met;~~

~~(6) an assessment of the supply portfolios of Vermont retail electricity providers, and the resources available to meet new supply requirements likely to be triggered by the expiration of major power supply contracts;~~

~~(7) an assessment of the energy efficiency and renewable energy markets and recommendations to the legislature regarding strategies that may be necessary to encourage the use of these resources to help meet upcoming supply requirements;~~

~~(8) any recommendations for statutory change related to this section, including recommendations for rewarding utilities that make substantial investments in SPEED resources; and~~

~~(9) the board's recommendations on how the state might best continue to meet the goals established in section 8001 of this title, including whether the state should meet its growth in energy usage over the succeeding 10 years by a continuation of the SPEED program.~~

* * * SPEED Program; General * * *

Sec. 4. 30 V.S.A. § 8005 is amended to read:

§ 8005. SUSTAINABLY PRICED ENERGY ENTERPRISE DEVELOPMENT (SPEED) PROGRAM; TOTAL RENEWABLES TARGETS

(a) ~~In order to~~ Creation. To achieve the goals of section 8001 of this title, there is created the Sustainably Priced Energy Enterprise Development (SPEED) program. ~~The SPEED program shall have two categories of projects: qualifying SPEED resources and nonqualifying SPEED resources.~~

(b) Board; powers and duties. The SPEED program shall be established, by rule, order, or contract, by the board. As part of the SPEED program, the board may, and in the case of subdivisions (1), (2), and (5) of this subsection, shall:

(1) Name one or more entities to become engaged in the purchase and resale of electricity generated within the state by means of ~~qualifying SPEED resources or nonqualifying SPEED resources, and shall implement the standard offer required by subdivision (2) of this subsection through this entity or entities.~~ An entity appointed under this subdivision shall be known as a SPEED facilitator.

(2) Issue standard offers for ~~qualifying SPEED resources with a plant capacity of 2.2 MW or less in accordance with section 8005a of this title. These standard offers shall be available until the cumulative plant capacity of all such resources commissioned in the state that have accepted a standard offer under this subdivision (2) equals or exceeds 50 MW; provided, however, that a plant owned and operated by a Vermont retail electricity provider shall count toward this 50 MW ceiling if the plant has a plant capacity of 2.2 MW or~~

~~less and is commissioned on or after September 30, 2009. The term of a standard offer required by this subdivision (2) shall be 10 to 20 years, except that the term of a standard offer for a plant using solar power shall be 10 to 25 years. The price paid to a plant owner under a standard offer required by this subdivision shall include an amount for each kWh generated that shall be set as follows:~~

~~(A) Until the board determines the price to be paid to a plant owner in accordance with subdivision (2)(B) of this subsection, the price shall be:~~

~~(i) For a plant using methane derived from a landfill or an agricultural operation, \$0.12 per kWh.~~

~~(ii) For a plant using wind power that has a plant capacity of 15 kW or less, \$0.20 per kWh.~~

~~(iii) For a plant using solar power, \$0.30 per kWh.~~

~~(iv) For a plant using hydropower, wind power with a plant capacity greater than 15 kW, or biomass power that is not subject to subdivision (2)(A)(i) of this subsection, a price equal, at the time of the plant's commissioning, to the average residential rate per kWh charged by all of the state's retail electricity providers weighted in accordance with each such provider's share of the state's electric load.~~

~~(B) In accordance with the provisions of this subdivision, the board by order shall set the price to be paid to a plant owner under a standard offer, including the owner of a plant described in subdivisions (2)(A)(i)-(iv) of this subsection.~~

~~(i) The board shall use the following criteria in setting a price under this subdivision:~~

~~(I) The board shall determine a generic cost, based on an economic analysis, for each category of generation technology that constitutes renewable energy. In conducting such an economic analysis the board shall:~~

~~(aa) Include a generic assumption that reflects reasonably available tax credits and other incentives provided by federal and state governments and other sources applicable to the category of generation technology. For the purpose of this subdivision (2)(B), the term "tax credits and other incentives" excludes tradeable renewable energy credits.~~

~~(bb) Consider different generic costs for subcategories of different plant capacities within each category of generation technology.~~

~~(II) The board shall include a rate of return on equity not less than the highest rate of return on equity received by a Vermont investor-owned retail electric service provider under its board approved rates as of the date a standard offer goes into effect.~~

~~(III) The board shall include such adjustment to the generic costs and rate of return on equity determined under subdivisions (2)(B)(i)(I) of this subsection as the board determines to be necessary to ensure that the price provides sufficient incentive for the rapid development and commissioning of plants and does not exceed the amount needed to provide such an incentive.~~

~~(ii) No later than September 15, 2009, the board shall open and complete a noncontested case docket to accomplish each of the following tasks:~~

~~(I) Determine whether there is a substantial likelihood that one or more of the prices stated in subdivision (2)(A) of this subsection do not constitute a reasonable approximation of the price that would be paid applying the criteria of subdivision (2)(B)(i).~~

~~(II) If the board determines that one or more of the prices stated in subdivision (2)(A) of this subsection do not constitute such an approximation, set interim prices that constitute a reasonable approximation of the price that would be paid applying the criteria of subdivision (2)(B)(i). Once the board sets such an interim price, that interim price shall be used in subsequent standard offers until the board sets prices under subdivision (2)(B)(iii) of this subsection.~~

~~(iii) Regardless of its determination under subdivision (2)(B)(ii) of this subsection, the board shall proceed to set, no later than January 15, 2010, the price to be paid to a plant owner under a standard offer applying the criteria of subdivision (2)(B)(i) of this subsection.~~

~~(C) On or before January 15, 2012 and on or before every second January 15 after that date, the board shall review the prices set under subdivision (2)(B) of this subsection and determine whether such prices are providing sufficient incentive for the rapid development and commissioning of plants. In the event the board determines that such a price is inadequate or excessive, the board shall reestablish the price, in accordance with the requirements of subdivision (2)(B)(i) of this subsection, for effect on a prospective basis commencing two months after the price has been reestablished.~~

~~(D) Once the board determines, under subdivision (2)(B) or (C) of this subsection, the generic cost and rate of return elements for a category of~~

~~renewable energy, the price paid to a plant owner under a subsequently executed standard offer contract shall comply with that determination.~~

~~(E) A plant owner who has executed a contract for a standard offer under this section prior to a determination by the board under subdivision (2)(B) or (C) of this subsection shall continue to receive the price agreed on in that contract.~~

~~(F) Notwithstanding any other provision of this section, on and after June 8, 2010, a standard offer shall be available for a qualifying existing plant.~~

~~(i) For the purpose of this subdivision, "qualifying existing plant" means a plant that meets all of the following:~~

~~(I) The plant was commissioned on or before September 30, 2009.~~

~~(II) The plant generates electricity using methane derived from an agricultural operation and has a plant capacity of 2.2 MW or less.~~

~~(III) On or before September 30, 2009, the plant owner had a contract with a Vermont retail electricity provider to supply energy or attributes, including tradeable renewable energy credits from the plant, in connection with a renewable energy pricing program approved under section 8003 of this title.~~

~~(ii) Plant capacity of a plant accepting a standard offer pursuant to this subdivision (2)(F) shall not be counted toward the 50-MW amount under this subsection (b).~~

~~(iii) Award of a standard offer under this subdivision (2)(F) shall be on condition that the plant owner and the retail electricity provider agree to modify any existing contract between them described under subdivision (i)(III) of this subdivision (2)(F) so that the contract no longer requires energy from the plant to be provided to the retail electricity provider. Those provisions of such a contract that concern tradeable renewable energy credits associated with the plant may remain in force.~~

~~(iv) The price and term of a standard offer contract under this subdivision (2)(F) shall be the same, as of the date such a contract is executed, as the price and term otherwise in effect under this subsection (b) for a plant that uses methane derived from an agricultural operation.~~

~~(G) Notwithstanding the requirement of this subsection (b) that a standard offer be available for qualifying SPEED resources, the board shall make a standard offer available under this subdivision (2) to an existing~~

~~hydroelectric plant that does not exceed the 2.2 MW plant capacity limit of this subsection. To such plants, the board shall not allocate more of the cumulative 50 MW plant capacity under this subdivision (2) than exceeds the amount of such capacity that is unsubscribed as of January 1, 2012. Before making this standard offer available, the board shall notify potentially eligible plants known to it and shall publish broad public notice of the future availability of the standard offer. The notice shall direct that all potentially eligible plants shall file with the board a statement of interest in the standard offer by a date to be no less than 30 days from the date of the notice. No plant may participate in this standard offer unless it timely files such a statement. The filing of such a statement shall constitute the consent of the plant owner to produce such information as the board may reasonably require to carry out this subdivision (2)(G), including information the board deems necessary to determine a generic cost in setting the price. The board shall have authority to require the production of such information from a plant that files a statement of interest. For the purpose of this subdivision (2)(G):~~

~~(i) “Existing hydroelectric plant” means a hydroelectric plant located in the state that was in service as of January 1, 2009 and does not, as of the effective date of this subdivision (2)(G), have an agreement with the board’s purchasing agent for the purchase of its power pursuant to subdivision 209(a)(8) of this title and board rules adopted under that subdivision. The term includes hydroelectric plants that have never had such an agreement and hydroelectric plants for which such an agreement expired prior to May 25, 2011.~~

~~(ii) The provisions of subdivisions (2)(B)(i)(I)-(III) of this subsection (standard offer pricing criteria) shall apply, except that:~~

~~(I) The term “generic cost,” when applied by the board to determine the price of a standard offer for an existing hydroelectric plant, shall mean the cost to own, reliably operate, and maintain such a plant for the duration of the standard offer contract. In determining this cost, the board shall consider including a generic assumption with respect to rehabilitation costs based on relevant factors such as the age of the potentially eligible plants; recently constructed or currently proposed rehabilitations to such plants; the investment that a reasonably prudent person would have made in such a plant to date under the circumstances of the plant, including the price received for power; and the availability for such a plant of improved technology.~~

~~(II) The incentive described under subdivision (2)(B)(i)(III) of this subsection shall be an incentive for continued safe, efficient, and reliable operation of existing hydroelectric plants.~~

(3) Maximize the benefit to rate payers from the sale of tradeable renewable energy credits or other credits that may be developed in the future, ~~especially with regard to those plants that accept the standard offer issued under subdivision (2) of this subsection.~~

(4) Encourage retail electricity provider and third party developer sponsorship and partnerships in the development of in-state renewable energy projects.

(5) ~~Require~~ In accordance with section 8005a of this section, require all Vermont retail electricity providers to purchase from the SPEED facilitator, ~~in accordance with subdivision (g)(2) of this section,~~ the power generated by the plants that accept the standard offer required to be issued under ~~subdivision (2) of this subsection~~ section 8005a. For the purpose of this subdivision (5), the board and the SPEED facilitator constitute instrumentalities of the state.

(6) Establish a method for Vermont retail ~~electrical~~ electricity providers to obtain beneficial ownership of the renewable energy credits associated with any SPEED projects, ~~in the event that a renewable portfolio standard comes into effect under the provisions of section 8004 of this title. It shall be a condition of a standard offer required to be issued under subdivision (2) of this subsection that tradeable renewable energy credits associated with a plant that accepts the standard offer are owned by the retail electric providers purchasing power from the plant, except that in the case of a plant using methane from agricultural operations, the plant owner shall retain such credits to be sold separately at the owner's discretion.~~

(7) ~~Create a mechanism by which a retail electricity provider may establish that it has a sufficient amount of renewable energy, or resources that would otherwise qualify under the provisions of subsection (d) of this section, in its portfolio so that equity requires that the retail electricity provider be relieved, in whole or in part, from requirements established under this subsection that would require a retail electricity provider to purchase SPEED power, provided that this mechanism shall not apply to the requirement to purchase power under subdivision (5) of this subsection. However, a retail electricity provider that establishes that it receives at least 25 percent of its energy from qualifying SPEED resources that were in operation on or before September 30, 2009, shall be exempt and wholly relieved from the requirements of subdivisions (b)(5) (requirement to purchase standard offer power) and (g)(2) (allocation of standard offer electricity and costs) of this section. [Repealed.]~~

(8) Provide that in any proceeding under subdivision 248(a)(2)(A) of this title for the construction of a renewable energy plant, a demonstration of

compliance with subdivision 248(b)(2) of this title, relating to establishing need for the facility plant, shall not be required if the facility plant is a SPEED resource and if no part of the facility plant is financed directly or indirectly through investments, other than power contracts, backed by Vermont electricity ratepayers.

(9) Take such other measures as the board finds necessary or appropriate to implement SPEED.

(c) VEDA; eligible facilities. Developers of ~~qualifying and nonqualifying in-state~~ SPEED resources shall be entitled to classification as an eligible facility under ~~chapter 12 of Title 10 V.S.A. chapter 12~~, relating to the Vermont Economic Development Authority.

(d) Goals and targets. To advance the goals stated in section 8001 of this title, the following goals and targets are established.

~~(1) The board shall meet on or before January 1, 2012 and open a proceeding to determine the total amount of qualifying SPEED resources that have been supplied to Vermont retail electricity providers or have been issued a certificate of public good. If the board finds that the amount of qualifying SPEED resources coming into service or having been issued a certificate of public good after January 1, 2005 and before July 1, 2012 equals or exceeds total statewide growth in electric retail sales during that time, and in addition, at least five percent of the 2005 total statewide electric retail sales is provided by qualified SPEED resources or would be provided by qualified SPEED resources that have been issued a certificate of public good, or if it finds that the amount of qualifying SPEED resources equals or exceeds 10 percent of total statewide electric retail sales for calendar year 2005, the portfolio standards established under this chapter shall not be in force. The board shall make its determination by January 1, 2013. If the board finds that the goal established has not been met, one year after the board's determination the portfolio standards established under subsection 8004(b) of this title shall take effect.~~

~~(2)(1) 2017 SPEED Goal.~~ A state goal is to assure that 20 percent of total statewide electric retail sales ~~before July 1, 2017~~ during the year commencing January 1, 2017 shall be generated by SPEED resources that constitute new renewable energy. ~~The board shall report to the house and senate committees on natural resources and energy and to the joint energy committee by December 31, 2011 with regard to the state's progress in meeting this goal. In addition, the board shall report to the house and senate committees on natural resources and energy and to the joint energy committee by December 31, 2013 with regard to the state's progress in meeting this goal~~

and, if necessary, shall include any appropriate recommendations for measures that will make attaining the goal more likely. On or before January 31, 2018, the board shall meet and open a proceeding to determine, for the calendar year 2017, the total amount of SPEED resources that were supplied to Vermont retail electricity providers and the total amount of statewide retail electric sales.

~~(3)~~ For the purposes of the determination to be made under this subsection, subdivision (d)(1), the total amount of SPEED resources shall be the amount of electricity produced at all facilities SPEED resources owned by or under long-term contract to Vermont retail electricity providers, whether it is generated inside or outside Vermont, that is new renewable energy shall be counted in the calculations under subdivisions (1) and (2) of this subsection. A conclusion by the board that the goal of this subdivision has been met shall have the effect stated in subdivision 8004(b)(1)(A) (RPS percentages; SPEED goal) of this title.

(2) Total renewables targets. This subdivision establishes, as percentages of annual electric sales, target amounts of total renewable energy within the supply portfolio of each renewable electricity provider.

(A) The target amounts of total renewable energy established by this subsection shall be 55 percent of each retail electricity provider's annual electric sales during the year beginning January 1, 2017, increasing by an additional four percent each third January 1 thereafter, until reaching 75 percent on and after January 1, 2032.

(B) Energy and environmental attributes used to satisfy the requirements of section 8004 (renewable portfolio standards) of this title shall apply toward meeting the target amounts established by this subdivision (2). The balance of these target amounts shall be met with SPEED resources.

(C) Each retail electricity provider shall manage its supply portfolio to be reasonably consistent with the target amounts established by this subdivision (2). The board shall consider such consistency during the course of reviewing a retail electricity provider's charges and rates under this title, integrated resource plans under section 218c of this title, and petitions under section 248 (new gas and electric purchases, investments, and facilities) of this title. However, nothing in this subdivision (2) shall relieve a retail electricity provider from the obligations of section 8004 (renewable portfolio standards) of this title.

(e) Regulations and procedures. The board shall provide, by order or rule, the regulations and procedures that are necessary to allow the board and the

department to implement, and to supervise further the implementation and maintenance of the SPEED program. These rules shall assure that decisions with respect to certificate of public good applications for construction of SPEED resources shall be made in a timely manner.

(f) Preapproval. In order to encourage joint efforts on the part of regulated companies to purchase power that meets or exceeds the SPEED standards and to secure stable, long-term contracts beneficial to Vermonters, the board may establish standards for pre-approving the recovery of costs incurred on a SPEED project that is the subject of that joint effort.

(g) ~~With respect to executed contracts for standard offers under this section:~~

~~(1) Such a contract shall be transferable. The contract transferee shall notify the SPEED facilitator of the contract transfer within 30 days of transfer.~~

~~(2) The SPEED facilitator shall distribute the electricity purchased to the Vermont retail electricity providers at the price paid to the plant owners, allocated to the providers based on their pro rata share of total Vermont retail kWh sales for the previous calendar year, and the Vermont retail electricity providers shall accept and pay the SPEED facilitator for the electricity.~~

~~(3) The SPEED facilitator shall transfer any tradeable renewable energy credits attributable to electricity purchased under standard offer contracts to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (2) of this subsection, except that in the case of a plant using methane from agricultural operations, the plant owner shall retain such credits to be sold separately at the owner's discretion.~~

~~(4) The SPEED facilitator shall transfer all capacity rights attributable to the plant capacity associated with the electricity purchased under standard offer contracts to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (2) of this subsection.~~

~~(5) All reasonable costs of a Vermont retail electricity provider incurred under this subsection shall be included in the provider's revenue requirement for purposes of ratemaking under sections 218, 218d, 225, and 227 of this title. In including such costs, the board shall appropriately account for any credits received under subdivisions (2) and (3) of this subsection. Costs included in a retail electricity provider's revenue requirement under this subdivision shall be allocated to the provider's ratepayers as directed by the board.~~

~~(h) With respect to standard offers under this section, the board shall by rule or order:~~

~~(1) Determine a SPEED facilitator's reasonable expenses arising from its role and the allocation of such expenses among plant owners and Vermont retail electricity providers.~~

~~(2) Determine the manner and timing of payments by a SPEED facilitator to plant owners for energy purchased under an executed contract for a standard offer.~~

~~(3) Determine the manner and timing of payments to the SPEED facilitator by the Vermont retail electricity providers for energy distributed to them under executed contracts for standard offers.~~

~~(4) Establish reporting requirements of a SPEED facilitator, a plant owner, and a Vermont retail electricity provider.~~

~~(i) With respect to standard offers under this section, the board shall determine whether its existing rules sufficiently address metering and the allocation of metering costs, and make such rule revisions as needed to implement the standard offer requirements of this section.~~

~~(j) Wood biomass resources that would otherwise constitute qualifying SPEED resources may receive a standard offer under subdivision (b)(2) of this section only if they have a design system efficiency (the sum of full load design thermal output and electric output divided by the heat input) of at least 50 percent.~~

~~(k) A Vermont retail electricity provider shall not be eligible for a standard offer contract under subdivision (b)(2) of this section. However, under subdivision (g)(1) of this section, a plant owner may transfer to such a provider all rights associated with a standard offer contract that has been offered to the plant without affecting the plant's status under the standard offer program. In the case of such a transfer of rights, the plant shall not be considered a utility-owned and operated plant under subdivisions (b)(2) and (g)(2) of this section.~~

~~(l) The existence of a standard offer under subdivision (b)(2) of this section shall not preclude a voluntary contract between a plant owner and a Vermont retail electricity provider on terms that may be different from those under the standard offer. A plant owner who declines a voluntary contract may still accept a standard offer under this section.~~

~~(m) State; nonliability. The state and its instrumentalities shall not be liable to a plant owner or retail electricity provider with respect to any matter related to SPEED, including costs associated with a standard offer contract~~

under this section or section 8005a of this title or any damages arising from breach of such a contract, the flow of power between a plant and the electric grid, or the interconnection of a plant to that grid.

~~(n) On or before January 15, 2011 and every second January 15 afterward, the board shall report to the house and senate committees on natural resources and energy concerning the status of the standard offer program under this section. In its report, the board at a minimum shall:~~

~~(1) Assess the progress made toward attaining the cumulative statewide capacity ceiling stated in subdivision (b)(2) of this section.~~

~~(2) If that cumulative statewide capacity ceiling has not been met, identify the barriers to attaining that ceiling and detail the board's recommendations for overcoming such barriers.~~

~~(3) If that cumulative statewide capacity has been met or is likely to be met within a year of the date of the board's report, recommend whether the standard offer program under this section should continue and, if so, whether there should be any modifications to the program.~~

* * * SPEED Program; Standard Offer * * *

Sec. 5. 30 V.S.A. § 8005a is added to read:

§ 8005a. SPEED; STANDARD OFFER PROGRAM

(a) Establishment. A standard offer program is established within the SPEED program. To achieve the goals of section 8001 of this title, the board shall issue standard offers for renewable energy plants that meet the eligibility requirements of this section. The board shall implement these standard offers through the SPEED facilitator.

(b) Eligibility. To be eligible for a standard offer under this section, a plant must constitute a qualifying small power production facility under 16 U.S.C. § 796(17)(C) and 18 C.F.R. part 292, must not be a net metering system under section 219a of this title, and must be a new standard offer plant. For the purpose of this section, "new standard offer plant" means a renewable energy plant that is located in Vermont, that has a plant capacity of 2.2 MW or less, and that is commissioned on or after September 30, 2009.

(c) Cumulative capacity. In accordance with this subsection, the board shall issue standard offers to new standard offer plants until a cumulative plant capacity amount of 150 MW is reached.

(1) Pace. Annually commencing April 1, 2013, the board shall increase the cumulative plant capacity of the standard offer program by 10 MW until

the 150-MW cumulative plant capacity of this subsection (c) is reached (the 10-MW annual increase).

(A) Of this 10-MW annual increase, 2.5 MW shall be reserved for new standard offer plants proposed by Vermont retail electricity providers (the 2.5-MW provider block) and 7.5 MW shall be reserved for new standard offer plants proposed by persons who are not providers (the 7.5-MW independent developer block).

(B) If the 2.5-MW provider block for a given year is not fully subscribed, any unsubscribed capacity within that block shall be added to the 10-MW annual increase for each following year until that capacity is subscribed and shall be made available to new standard offer plants proposed by persons who are not providers.

(C) If the 7.5-MW independent developer block for a given year is not fully subscribed, any unsubscribed capacity within that block shall be added to the 10-MW annual increase for each following year until that capacity is subscribed and:

(i) Shall be made available to new standard offer plants proposed by persons who are not providers; and

(ii) May be made available to a provider following a written request and specific proposal submitted to and approved by the board.

(2) Technology allocations. The board shall allocate the 150-MW cumulative plant capacity of this subsection among different categories of renewable energy technologies. These categories shall include at least each of the following: methane derived from a landfill; solar power; wind power with a plant capacity of 100 kW or less; wind power with a plant capacity greater than 100 kW; hydroelectric power; and biomass power using a fuel other than methane derived from an agricultural operation or landfill. The categories and allocations reasonably shall correspond to those developed by the board for the same renewable energy technologies to implement subdivision 8004(b)(2) of this title (renewable portfolio standard; distributed renewable generation).

(d) Plants outside cumulative capacity. The following categories of plants shall not count toward the cumulative capacity amount of subsection (c) of this section, and the board shall make standard offers available to them provided that they are otherwise eligible for such offers under this section:

(1) Plants using methane derived from an agricultural operation.

(2) New standard offer plants that the board determines will have substantial benefits to the operation and management of the electric grid

because of their design, characteristics, and location. To enhance the ability of new standard offer plants to mitigate transmission and distribution constraints, the board shall require Vermont retail electricity providers to make sufficient information concerning these constraints available to developers who propose new standard offer plants. Nothing in this subdivision shall require the disclosure of information in contravention of federal law.

(e) Term. The term of a standard offer required by this section shall be 10 to 20 years, except that the term of a standard offer for a plant using solar power shall be 10 to 25 years.

(f) Price. The categories of renewable energy for which the board shall set standard offer prices shall include at least each of the categories established pursuant to subdivision (c)(2) of this section. The board by order shall set the price paid to a plant owner under a standard offer required by this section that shall include an amount for each kWh generated and that shall vary by category of renewable energy. The board shall not be required to make this determination as a contested case under 3 V.S.A. chapter 25.

(1) Avoided cost. Except as provided in subdivision (2) of this subsection, the price paid for each category of renewable energy shall be the avoided cost of the Vermont composite electric utility system.

(A) For the purpose of this subsection (f), the term “avoided cost” means the incremental cost to retail electricity providers of electric energy or capacity or both, which, but for the purchase through the standard offer, such providers would obtain from distributed renewable generation that uses the same generation technology as the category of renewable energy for which the board is setting the price. For the purpose of this subsection (f), the term “avoided cost” also includes the board’s consideration of each of the following:

(i) The relevant cost data of the Vermont composite electric utility system.

(ii) The terms of the contract, including the duration of the obligation.

(iii) The availability, during the system’s daily and seasonal peak periods, of capacity or energy purchased through the standard offer, and the estimated savings from mitigating peak load.

(iv) The relationship of the availability of energy or capacity purchased through the standard offer to the ability of the Vermont composite electric utility system or a portion thereof to avoid costs.

(v) The costs or savings resulting from variations in line losses and other impacts to the transmission or distribution system from those that would have existed in the absence of purchases through the standard offer.

(vi) The supply and cost characteristics of plants eligible to receive the standard offer.

(B) The board shall establish the first set of avoided cost prices under this subdivision (1) no later than March 1, 2013 for effect on April 1, 2013. Annually thereafter, the board shall review the prices previously set under this subdivision (1) and determine whether such prices remain in compliance with the criteria of subdivision (1)(A) of this subsection. In the event the board determines that such a price must be revised to comply with those criteria, the board shall reestablish the price in accordance with the criteria for effect on a prospective basis commencing one month after the price has been reestablished. Once a standard offer price established or reestablished under this subdivision (1) goes into effect, the price set out in a subsequently executed standard offer contract shall comply with the most recently established price.

(2) Market-based mechanisms. For new standard offer projects, in the alternative to the pricing mechanism described under subdivision (1) (avoided costs) of this subsection, the board may use a market-based mechanism, such as a reverse auction or other procurement tool, to obtain a particular amount of a category of renewable energy, if it first finds that:

(A) Use of the mechanism is consistent with applicable federal law.

(B) Use of the mechanism is reasonably likely to result in prices sufficient to encourage the deployment of new standard offer projects within the applicable category of renewable energy.

(C) Use of the mechanism is reasonably likely to result in prices lower than the price that would apply under subdivision (1) of this subsection.

(3) Price stability. Once a plant owner has executed a contract for a standard offer under this section, the plant owner shall continue to receive the price agreed on in that contract regardless of whether the board subsequently changes the price applicable to the plant's category of renewable energy.

(g) Qualifying existing agricultural plants. Notwithstanding any other provision of this section, on and after June 8, 2010, a standard offer shall be available for a qualifying existing plant as defined in Sec. 3 of No. 159 of the Acts of the 2009 Adj. Sess. (2010) (Act 159). The provisions of 30 V.S.A. § 8005(b)(2), as they existed on June 4, 2010, the effective date of Act 159,

shall govern a standard offer under this subsection. Standard offers for these plants shall not be subject to subsection (c) of this section (cumulative capacity; new standard offer plants).

(h) Application process. The board shall administer the process of applying for and obtaining a standard offer contract in a manner that ensures that the resources and capacity of the standard offer program are used for plants that are reasonably likely to achieve commissioning.

(i) Interconnection application. No contract under this section for a new standard offer plant shall be executed unless and until the plant owner submits a complete application to interconnect the plant to the subtransmission or distribution system of the applicable retail electricity provider.

(j) Termination; reallocation. In the event a proposed plant accepting a standard offer fails to meet the requirements of the program in a timely manner, the plant's standard offer contract shall terminate, and any capacity reserved for the plant within the program shall be reallocated to one or more eligible plants.

(1) For the purpose of this subsection, the requirements of the program shall include commissioning of all new standard offer plants, except plants using methane derived from an agricultural operation, within the following periods after execution of the plant's standard offer contract:

(A) 24 months if the plant is solar power or is wind power with a plant capacity of 100 kW or less; and

(B) 36 months if the plant uses a fuel source not described in subdivision 1(A) of this subsection (j) or is wind power of greater than 100 kW capacity.

(2) At the request of a plant owner, the board may extend a period described in subdivision (1) of this subsection (j) if it finds that the plant owner has proceeded diligently and in good faith and that commissioning of the plant has been delayed because of litigation or appeal or because of the need to obtain an approval the timing of which is outside the board's control.

(k) Executed standard offer contracts; transferability; allocation of benefits and costs. With respect to executed contracts for standard offers under this section:

(1) A contract shall be transferable. The contract transferee shall notify the SPEED facilitator of the contract transfer within 30 days of transfer.

(2) The SPEED facilitator shall distribute the electricity purchased to the Vermont retail electricity providers at the price paid to the plant owners, allocated to the providers based on their pro rata share of total Vermont retail kWh sales for the previous calendar year, and the Vermont retail electricity providers shall accept and pay the SPEED facilitator for the electricity. However, during any given calendar year, a retail electricity provider shall be exempt and wholly relieved from the requirements of this subdivision and subdivision 8005(b)(5) (requirement to purchase standard offer power) of this title if, during the immediately preceding 12-month period ending October 31, the amount of renewable energy supplied to the provider by generation owned by or under contract to the provider, regardless of whether the provider owned the energy's environmental attributes, was not less than the amount of energy sold by the provider to its retail customers.

(3) The SPEED facilitator shall transfer the environmental attributes, including any tradeable renewable energy credits, of electricity purchased under standard offer contracts to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (2) of this subsection (k), except that in the case of a plant using methane from agricultural operations, the plant owner shall retain such attributes and credits to be sold separately at the owner's discretion. Environmental attributes transferred to a retail electricity provider under this section shall be included in assessing the provider's compliance with section 8004 (renewable portfolio standards) of this title.

(4) The SPEED facilitator shall transfer all capacity rights attributable to the plant capacity associated with the electricity purchased under standard offer contracts to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (2) of this subsection (k).

(5) All reasonable costs of a Vermont retail electricity provider incurred under this subsection shall be included in the provider's revenue requirement for purposes of ratemaking under sections 218, 218d, 225, and 227 of this title. In including such costs, the board shall appropriately account for any credits received under subdivisions (3) and (4) of this subsection (k). Costs included in a retail electricity provider's revenue requirement under this subdivision shall be allocated to the provider's ratepayers as directed by the board.

(l) SPEED facilitator; expenses; payments. With respect to standard offers under this section, the board shall by rule or order:

(1) Determine a SPEED facilitator's reasonable expenses arising from its role and the allocation of the expenses among plant owners and Vermont retail electricity providers.

(2) Determine the manner and timing of payments by a SPEED facilitator to plant owners for energy purchased under an executed contract for a standard offer.

(3) Determine the manner and timing of payments to the SPEED facilitator by the Vermont retail electricity providers for energy distributed to them under executed contracts for standard offers.

(4) Establish reporting requirements of a SPEED facilitator, a plant owner, and a Vermont retail electricity provider.

(m) Metering. With respect to standard offers under this section, the board shall make rule revisions concerning metering and the allocation of metering costs as needed to implement the standard offer requirements of this section.

(n) Wood biomass. Wood biomass resources that would otherwise constitute qualifying SPEED resources may receive a standard offer under this section only if they have a design system efficiency (the sum of full load design thermal output and electric output divided by the heat input) of at least 50 percent.

(o) Voluntary contracts. The existence of a standard offer under this section shall not preclude a voluntary contract between a plant owner and a Vermont retail electricity provider on terms that may be different from those under the standard offer. A plant owner who declines a voluntary contract may still accept a standard offer under this section.

Sec. 6. STANDARD OFFER; PRIOR CAPACITY; INTERCONNECTION APPLICATION

(a) Prior capacity included. In Sec. 5 (SPEED; standard offer program) of this act, the cumulative capacity amount of 150 MW contained in 30 V.S.A. § 8005a(c) includes the 50 MW of capacity previously authorized for the standard offer program under 30 V.S.A. § 8005(b)(2) as it existed immediately prior to the effective date of Sec. 5. Portions of this previously authorized 50-MW capacity that become available after that effective date shall be made immediately available to other eligible new standard offer projects, as defined in Sec. 5 of this act, in addition to the 10-MW annual increase under 30 V.S.A. § 8005a(c)(1) (standard offer; pace). Such capacity:

(1) Shall be made available to new standard offer plants proposed by persons who are not providers; and

(2) May be made available to a provider following a written request and specific proposal submitted to and approved by the board.

(b) Prior capacity; pricing. In a standard offer contract under 30 V.S.A. chapter 89, the board shall use the price that would apply under 30 V.S.A. § 8005(b)(2) as it existed immediately prior to the effective date of Sec. 5 (SPEED; standard offer program) of this act, if both of the following apply:

(1) The contract pertains to capacity within the standard offer program as it existed immediately prior to that effective date.

(2) The capacity becomes available and the contract is executed prior to April 1, 2013.

(c) Interconnection application.

(1) No later than September 1, 2012, each owner of a new standard offer plant, as defined in Sec. 5 of this act, that executed or executes a standard offer contract under 30 V.S.A. chapter 89 prior to the effective date of this section shall submit a complete application to interconnect the plant to the subtransmission or distribution system of the applicable retail electricity provider. Failure to file such an application or to remit any required interconnection fees or deposits shall terminate the contract.

(2) The purpose of this subsection is to provide assurance that any reserved capacity within the standard offer program under 30 V.S.A. chapter 89 is allocated to proposed plants that are likely to be commissioned within the meaning of 30 V.S.A. § 8002.

* * * Renewable Energy; Reporting * * *

Sec. 7. 30 V.S.A. § 8005b is added to read:

§ 8005b. RENEWABLE ENERGY PROGRAMS; BIENNIAL REPORT

(a) On or before January 15, 2013 and no later than every second January 15 thereafter through January 15, 2033, the board shall file a report with the general assembly in accordance with this section. The board shall prepare the report in consultation with the department. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(b) The report under this section shall include at least each of the following:

(1) The retail sales, in kWh, of electricity in Vermont during the preceding calendar year. The report shall include the statewide total and the total sold by each retail electricity provider.

(2) The amount of environmental attributes of renewable energy owned by the Vermont retail electricity providers, expressed as a percentage of retail kWh sales. The report shall include the statewide total and the total owned by each retail electricity provider and shall discuss the progress of each provider in meeting the requirements of section 8004 (renewable portfolio standards) of this title. The requirements of this subdivision (b)(2) shall not apply to the report to be filed under this section on or before January 15, 2013 and shall apply to all reports to be filed subsequently under this section.

(3) The amount of SPEED resources owned by the Vermont retail electricity providers, expressed as a percentage of retail kWh sales. The report shall include the statewide total and the total owned by each retail electricity provider and shall discuss the progress of each provider toward achieving the goals and targets of subsection 8005(d) (SPEED) of this title. The report to be filed under this subsection on or before January 15, 2019 shall discuss and attach the board's determination under subdivision 8005(d)(1) (2017 SPEED goal) of this title.

(4) A summary of the activities of the SPEED program under section 8005 of this title, including the name, location, plant capacity, and average annual energy generation, of each SPEED resource within the program.

(5) A summary of the activities of the standard offer program under section 8005a of this title, including the number of plants participating in the program, the prices paid by the program, and the plant capacity and average annual energy generation of the participating plants. The report shall present this information as totals for all participating plants and by category of renewable energy technology. The report also shall identify the number of applications received, the number of participating plants under contract, and the number of participating plants actually in service.

(6) A report on the market for tradeable renewable energy credits, including the prices at which credits are being sold.

(7) An assessment of the energy efficiency and renewable energy markets and recommendations to the general assembly regarding strategies that may be necessary to encourage the use of these resources to help meet upcoming supply requirements.

(8) An assessment of whether strict compliance with the requirements of section 8004 (renewable portfolio standards) or 8005a (SPEED program; standard offer) of this title will cause one or more retail electricity providers to incur unexpected costs that will impair the provider's ability to meet the public's need for energy services in the manner set forth under section 218c of

this title (least-cost integrated planning) and, if so, whether statutory changes should be made to grant providers additional flexibility in meeting one or more of those requirements.

(9) Any recommendations for statutory change related to sections 8004, 8005, and 8005a of this title.

* * * Renewable Energy Statutes; Technical Corrections * * *

Sec. 8. 30 V.S.A. § 8009 is amended to read:

§ 8009. BASELOAD RENEWABLE POWER PORTFOLIO
REQUIREMENT

(a) In this section:

(1) “Baseload renewable power” means a plant that generates electricity from renewable energy; that, during normal operation, is capable of taking all or part of the minimum load on an electric transmission or distribution system; and that produces electricity essentially continuously at a constant rate.

(2) “Baseload renewable power portfolio requirement” means an annual average of 175,000 MWh of baseload renewable power from an in-state woody biomass plant that was commissioned prior to September 30, 2009, has a nominal capacity of 20.5 MW, and was in service as of January 1, 2011.

(3) “Biomass” means organic nonfossil material of biological origin constituting a source of renewable energy within the meaning of ~~30 V.S.A. § subdivision 8002(2)~~ of this title.

(4) ~~“Vermont composite electric utility system” means the combined generation, transmission, and distribution resources along with the combined retail load requirements of the Vermont retail electricity providers.~~

(b) ~~Notwithstanding subsection 8004(a) and subdivision 8005(d)(1) of this title, commencing~~ Commencing November 1, 2012, the electricity supplied by each Vermont retail electricity provider to its customers shall include the provider’s pro rata share of the baseload renewable power portfolio requirement, which shall be based on the total Vermont retail kWh sales of all such providers for the previous calendar year. The obligation created by this subsection shall cease on November 1, 2022.

* * *

(f) With respect to a plant used to satisfy the baseload renewable power portfolio requirement:

(1) The SPEED facilitator shall purchase the baseload renewable power, and the electricity purchased and any associated costs shall be allocated by the SPEED facilitator to the Vermont retail electricity providers based on their pro rata share of total Vermont retail kWh sales for the previous calendar year, and the Vermont retail electricity providers shall accept and pay those costs.

(2) Any environmental attributes, including tradeable renewable energy credits ~~attributable to,~~ of the electricity purchased shall be transferred to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (1) of this subsection.

* * *

Sec. 9. 30 V.S.A. § 8015 is amended to read:

§ 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

(a) Creation of fund.

(1) There is established the Vermont clean energy development fund to consist of each of the following:

(A) The proceeds due the state under the terms of the memorandum of understanding between the department of public service and Entergy Nuclear VY and Entergy Nuclear Operations, Inc. that was entered under public service board docket 6812; together with the proceeds due the state under the terms of any subsequent memoranda of understanding entered before July 1, 2005 between the department of public service and Entergy Nuclear VY and Entergy Nuclear Operations, Inc.

(B) All payments made by a retail electricity provider pursuant to subsection 8004(e) (alternative compliance payments) of this title.

(C) Any other monies that may be appropriated to or deposited into the fund.

(2) Balances in the fund shall be expended solely for the purposes set forth in this subchapter and shall not be used for the general obligations of government. All balances in the fund at the end of any fiscal year shall be carried forward and remain part of the fund. Interest earned by the fund shall be deposited in the fund. This fund is established in the state treasury pursuant to ~~subchapter 5 of chapter 7 of Title 32 V.S.A. chapter 7, subchapter 5.~~

* * *

Sec. 10. STATUTORY REVISION

(a) The office of legislative council shall reorganize 30 V.S.A. § 8002 (definitions) so that the definitions are in alphabetical order.

(b) In the Vermont Statutes Annotated, the office of legislative council shall revise each cross-reference to a definition contained in 30 V.S.A. § 8002 so that it refers to the definition as reorganized under subsection (a) of this section.

* * * Net Metering; Environmental Attributes * * *

Sec. 11. 30 V.S.A. § 219a(n) is added to read:

(n) An electric company shall own the environmental attributes of all net metering systems that interconnect with the company's distribution system. The company shall not sell these environmental attributes and shall apply them toward the requirements of section 8004 (renewable portfolio standards) of this title. For the purpose of this subsection, "environmental attributes" shall have the same meaning as under section 8002 (renewable energy chapter; definitions) of this title.

* * * Utility Planning and Implementation; Consistency with Renewable Energy Goals and Targets * * *

Sec. 12. 30 V.S.A. § 218c is amended to read:

§ 218c. LEAST COST INTEGRATED PLANNING

(a)(1) A "least cost integrated plan" for a regulated electric or gas utility is a plan for meeting the public's need for energy services, after safety concerns are addressed, at the lowest present value life cycle cost, including environmental and economic costs, through a strategy combining investments and expenditures on energy supply, transmission and distribution capacity, transmission and distribution efficiency, and comprehensive energy efficiency programs. Economic costs shall be ~~determined~~ assessed with due regard to:

(A) the greenhouse gas inventory developed under the provisions of 10 V.S.A. § 582;

(B) the state's progress in meeting its greenhouse gas reduction goals; ~~and~~

(C) the value of the financial risks associated with greenhouse gas emissions from various power sources; and

(D) consistency with section 8001 (renewable energy goals) of this title.

(2) "Comprehensive energy efficiency programs" shall mean a coordinated set of investments or program expenditures made by a regulated electric or gas utility or other entity as approved by the board pursuant to subsection 209(d) of this title to meet the public's need for energy services through efficiency, conservation or load management in all customer classes and areas of opportunity which is designed to acquire the full amount of cost effective savings from such investments or programs.

(b) Each regulated electric or gas company shall prepare and implement a least cost integrated plan for the provision of energy services to its Vermont customers. ~~Proposed plans shall be submitted~~ At least every third year on a schedule directed by the public service board, each such company shall submit a proposed plan to the department of public service and the public service board. The board, after notice and opportunity for hearing, may approve a company's least cost integrated plan if it determines that the company's plan complies with the requirements of subdivision (a)(1) of this section, is reasonably consistent with achieving the goals and targets of subsection 8005(d) (2017 SPEED goal; total renewables targets) of this title and, if the plan is submitted by an electric company on or after January 1, 2014, demonstrates that the company is and will be in compliance with the requirements of section 8004 (renewable portfolio standard) of this title.

* * *

Sec. 13. 30 V.S.A. § 248(b) is amended to read:

(b) Before the public service board issues a certificate of public good as required under subsection (a) of this section, it shall find that the purchase, investment or construction:

* * *

(2) is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost effective manner through energy conservation programs and measures and energy-efficiency and load management measures, including but not limited to those developed pursuant to the provisions of subsection 209(d), section 218c, and subsection 218(b) of this title. In determining whether this criterion is met, the board shall assess the environmental and economic costs of the purchase, investment, or construction in the manner set out under subdivision 218c(a)(1) (least cost integrated plan) of this title;

* * *

* * * Total Energy * * *

Sec. 14. TOTAL ENERGY; REPORT

(a) The general assembly finds that, in the comprehensive energy plan issued in December 2011, the department of public service recommends that Vermont achieve, by 2050, a goal that 90 percent of the energy consumed in the state be renewable energy. This goal would apply across all energy sectors in Vermont, including electricity consumption, thermal energy, and transportation (total energy).

(b) The commissioner of public service shall convene an interagency and stakeholder working group to study and report to the general assembly on policies and funding mechanisms that would be designed to achieve the goal described in subsection (a) of this section in an integrated and comprehensive manner. The study and report shall include consideration of a total energy standard that would work with and complement the mechanisms enacted in Secs. 3 (renewable portfolio standards), 4 (SPEED; total renewables targets); and 5 (SPEED; standard offer program) of this act. The group's report shall include its recommended policy and funding mechanisms and the reasons for the recommendations. The report shall be submitted to the general assembly by December 15, 2013.

(c) Prior to submitting the report to the general assembly, the group shall offer an opportunity to submit information and comment to affected and interested persons such as business organizations, consumer advocates, energy efficiency entities appointed under Title 30, energy and environmental advocates, fuel dealers, relevant state agencies, transportation-related organizations, and Vermont electric and gas utilities.

* * * Greenhouse Gas Accounting * * *

Sec. 15. 10 V.S.A. § 582 is amended to read:

§ 582. GREENHOUSE GAS INVENTORIES; REGISTRY;
ACCOUNTING

* * *

(e) Rules. The secretary may adopt rules to implement the provisions of this section and shall review existing and proposed international, federal, and state greenhouse gas emission reporting programs and make reasonable efforts to promote consistency among the programs established pursuant to this section and other programs, and to streamline reporting requirements on greenhouse gas emission sources. Nothing Except as provided in subsection

(g) of this section, ~~nothing~~ in this section shall limit a state agency from adopting any rule within its authority.

(f) Participation by government subdivisions. The state and its municipalities may participate in the inventory for purposes of registering reductions associated with their programs, direct activities, or efforts, including the registration of emission reductions associated with the stationary and mobile sources they own, lease, or operate.

(g) Greenhouse gas accounting. In consultation with the department of public service created under 30 V.S.A. § 1, the secretary shall research and adopt by rule greenhouse gas accounting protocols that achieve transparent and accurate life cycle accounting of greenhouse gas emissions, including emissions of such gases from the use of fossil fuels and from renewable fuels such as biomass. On adoption, such protocols shall be the official protocols to be used by any agency or political subdivision of the state in accounting for greenhouse gas emissions.

* * * Energy Efficiency * * *

Sec. 16. 30 V.S.A. § 209(d)(7) is amended to read:

(7) Net revenues above costs associated with payments from the New England Independent System Operator (ISO-NE) for capacity savings resulting from the activities of the energy efficiency utility designated under subdivision (2) of this subsection shall be deposited into the electric efficiency fund established by this section. Any such net revenues not transferred to the state PACE reserve fund under 24 V.S.A. § 3270(c) shall be used by the entity appointed under subdivision (2) of this subsection to deliver heating and process-fuel energy efficiency services to Vermont consumers of such fuel on a whole-buildings basis to help meet the state's building efficiency goals established by 10 V.S.A. § 581. In delivering such services with respect to heating systems, the entity shall give priority to incentives for the installation of ~~woody~~ high efficiency biomass heating systems and shall have a goal of offering an incentive that is equal to 25 percent of the installed cost of such a system. For the purpose of this subdivision (7), "~~woody~~ biomass" means organic nonfossil material ~~from trees or woody plants~~ constituting a source of renewable energy within the meaning of subdivision 8002(2) of this title. ~~Provision of an incentive under this subdivision (7) for a woody biomass heating system shall not be contingent on the making of other energy efficiency improvements at the property on which the system will be installed.~~

Sec. 17. EFFECTIVE DATES; IMPLEMENTATION

(a) This section and Secs. 1 (renewable energy chapter; goals), 2 (renewable energy chapter; definitions), 3 (renewable portfolio standards), 4 (SPEED; total renewables targets); 5 (SPEED; standard offer program), 6 (standard offer; prior capacity; interconnection application), and 14 (total energy; report) of this act shall take effect on passage.

(b) All sections of this act not referenced in subsection (a) of this section shall take effect on July 1, 2012.

(c) The public service board shall:

(1) No later than March 1, 2013, adopt rules or orders sufficient to implement 30 V.S.A. § 8005a(d)(3) (new standard offer plants; transmission and distribution constraints).

(2) No later than July 1, 2013, adopt rules or orders sufficient to implement 30 V.S.A. § 8004 (renewable portfolio standards) as amended by Sec. 3 of this act.

(d) No later than September 1, 2013, the secretary of natural resources shall adopt rules pursuant to Sec. 15 of this act, 10 V.S.A. § 582(g) (greenhouse gas accounting).

and that after passage the title of the bill be amended to read: “An act relating to the Vermont energy act of 2012”

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Thereupon, **Rep. Higley of Lowell** raised a Point of Order that the proposal of amendment was not germane to the bill, which Point of Order the Speaker ruled not well taken citing Sec. 617(1) of Mason’s Manual of Legislative Procedure.

Thereupon, the recommendation of proposal of amendment offered by the committee on Natural Resources and Energy was agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 252

Rep. Consejo of Sheldon, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to the repeal or revision of reporting requirements

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 18 is amended to read:

§ 18. SPOUSE ABUSE PROGRAMS; ELIGIBILITY; ~~REPORTING~~

* * *

~~(c) The center shall, on or before January 1 of each year, forward to the speaker of the house and president of the senate an annual report on the status of the program. This report shall include, but not be limited to, such areas as:~~

~~(1) actual disbursements;~~

~~(2) number of facilities and programs served;~~

~~(3) the impact of the monies relative to the continued success of each particular program;~~

~~(4) incidence of spouse abuse in the state;~~

~~(5) identification of potential funding sources. [Repealed.]~~

* * *

Sec. 2. 3 V.S.A. § 117(c) is amended to read:

(c) The secretary shall adopt policies and procedures necessary to carry out the provisions of this section ~~and shall report annually to the governor and the general assembly on the state archives and records administration program.~~

Sec. 3. 3 V.S.A. § 2473a(e) is amended to read:

(e) The receipt and expenditure of moneys from the revolving fund shall be under the supervision of the business manager and at the direction of the publisher, subject to the provisions of this section. Vermont Life magazine shall maintain accurate and complete records of all receipts and expenditures by and from the fund, ~~and shall make an annual report on the condition of the fund to the secretary of the agency, who shall in turn provide the report to the secretary of administration.~~

Sec. 4. 3 V.S.A. § 2822 is amended to read:

§ 2822. BUDGET AND REPORT; POWERS

(a) The secretary shall be responsible to the governor and shall plan, coordinate, and direct the functions vested in the agency. The secretary shall prepare and submit to the governor an annual budget ~~and shall prepare and submit to the governor and the general assembly in November of each year a~~

~~report concerning the operation of the agency for the preceding fiscal year and the future goals and objectives of the agency.~~

* * *

(g) The secretary shall make all practical efforts to process permits in a prompt manner. The secretary shall establish time limits for the processing of each permit as well as procedures and time periods within which to notify applicants whether an application is complete. The secretary shall report no later than the third Tuesday of each annual legislative session to the ~~house and senate committees on natural resources and government operations~~ general assembly by electronic submission. The annual report shall assess the agency's performance in meeting the limits; identify areas which hinder effective agency performance; list fees collected for each permit; summarize changes made by the agency to improve performance; describe staffing needs for the coming year; ~~and certify that the revenue from the fees collected is at least equal to the costs associated with those positions; and discuss the operation of the agency during the preceding fiscal year and the future goals and objectives of the agency.~~ The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. This report is in addition to the fee report and request, required by ~~subchapter 6 of chapter 7 of Title 32~~ V.S.A. chapter 7, subchapter 6.

* * *

Sec. 5. 10 V.S.A. § 126 is amended to read:

§ 126. ~~REPORTS AND AUDITS~~ AUDIT

~~On or before January 15 of each year, the center shall prepare and submit to the governor a three year work plan which describes the goals, objectives and activities of the center and cooperating state agencies and other public and private organizations. The plan also should include the estimated cost of each major activity of the center, and a report concerning data gathered, documents generated, and problems and opportunities for use of VGIS information. Control of funds appropriated and all procedures incident to the carrying out of the purposes of this chapter shall be vested in the board of directors. The books of account of the center shall be audited annually and a report filed with the secretary of administration not later than October 1 of each year.~~

Sec. 6. 10 V.S.A. § 374f is amended to read:

§ 374f. ~~RECORDS; ANNUAL REPORT; AUDIT~~

The corporation shall keep an accurate account of all its activities ~~and report to the authority and to the governor and the general assembly in accordance~~

~~with section 217 of this title. The administrative costs of the program shall be accurately stated in the report.~~

Sec. 7. 10 V.S.A. § 1978(e)(3) is amended to read:

(3) The technical advisory committee shall provide annual reports, starting January 15, 2003, to the chairs of the house committee on corrections and institutions and ~~the senate committees~~ committee on natural resources and energy institutions. The reports shall include information on the following topics: the implementation of this chapter and the rules adopted under this chapter; the number and type of alternative or innovative systems approved for general use, approved for use as a pilot project, and approved for experimental use; the functional status of alternative or innovative systems approved for use as a pilot project or approved for experimental use; the number of permit applications received during the preceding calendar year; the number of permits issued during the preceding calendar year; and the number of permit applications denied during the preceding calendar year, together with a summary of the basis of denial.

Sec. 8. 10 V.S.A. § 2609a is amended to read:

§ 2609a. INCOME FROM LEASE OF MOUNTAINTOP
COMMUNICATION SITES

Annually on February 15, the agency of natural resources shall submit a report to the senate and house ~~appropriations committees, the senate finance committee and the house ways and means committee~~ on natural resources and energy containing an itemization of the income generated through the end of the previous fiscal year from the use of sites for communication purposes.

Sec. 9. 10 V.S.A. § 4143(a) is amended to read:

(a) The commissioner may sell fish fry, fingerlings, and adult trout to residents of this state for the purpose of stocking waters in the state and he or she may sell to residents fish reared by the state. Such fish shall be sold at a price sufficient to return the state a reasonable profit. The commissioner shall keep an itemized account of such sales ~~and include the same in his or her biennial report.~~

Sec. 10. 10 V.S.A. § 6083(d) is amended to read:

(d) The panels of the board and commissions shall make all practical efforts to process matters before the board and permits in a prompt manner. The land use panel shall establish time limits for the processing of land use permits issued under section 6086 of this title as well as procedures and time periods within which to notify applicants whether an application is complete.

The land use panel shall report annually by February 15 to the ~~house and senate committees on natural resources and energy and on government operations, and the house committee on fish, wildlife and water resources~~ general assembly by electronic submission. The annual report shall assess the performance of the board and commissions in meeting the limits; identify areas which hinder effective performance; list fees collected for each permit; summarize changes made to improve performance; and describe staffing needs for the coming year. The annual report shall list the number of enforcement actions taken by the land use panel, the disposition of such cases, and the amount of penalties collected. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 11. 10 V.S.A. § 6630 is amended to read:

§ 6630. TOXICS USE REDUCTION AND HAZARDOUS WASTE
REDUCTION PERFORMANCE REPORT

(a) On or before March 31, 1994, or March 31 of the year following the first plan, whichever is later, and annually thereafter, each generator or large user shall prepare and submit a hazardous materials management performance report to the house and senate committees on natural resources and energy documenting toxics use reduction and hazardous waste reduction methods implemented by the generator or large user.

* * *

Sec. 12. 10 V.S.A. § 7113(a) is amended to read:

(a) There is created an advisory committee on mercury pollution to consist of one member of the house of representatives, appointed by the speaker; one member of the senate, appointed by the committee on committees; the secretary of natural resources or the secretary's designee; the commissioner of fish and wildlife or the commissioner's designee; and the following persons, as appointed by the governor: one representative of an industry that manufactures consumer products that contain mercury; one public health specialist; one hospital representative; one representative of the Abenaki Self-Help Association, Inc.; one toxicologist; one representative of a municipal solid waste district; and one scientist who is knowledgeable on matters related to mercury contamination. The advisory committee shall advise the general assembly, the executive branch, and the general public on matters relating to the prevention and cleanup of mercury pollution and the latest science on the remediation of mercury pollution. ~~By January 15 of each year, the advisory~~

~~committee will report to the general assembly updated information on the following:~~

~~(1) The extent of mercury contamination in the soil, waters, air, and biota of Vermont.~~

~~(2) The extent of any health risk from mercury contamination in Vermont, especially to pregnant women, children of the Abenaki Self Help Association, Inc., and other communities that use fish as a major source of food.~~

~~(3) Methods available for minimizing risk of further contamination or increased health risk to the Vermont public.~~

~~(4) Potential costs of minimizing further risk and recommendations of how to raise funds necessary to reduce contamination and minimize risk of mercury-related problems in Vermont.~~

~~(5) Coordination needed with other states to address effectively mercury contamination.~~

~~(6) The effectiveness of the established programs, including manufacturer-based reverse distribution systems for in-state collection, subsequent transportation, and subsequent recycling of mercury from waste mercury added products, and recommendations for altering the programs to make them more effective.~~

~~(7) Ways to reduce the extent to which solid waste produced within the state is incinerated at incinerators, regardless of location, that fail to use the best available technology in scrubbing and filtering emissions from the incinerator stack.~~

Sec. 13. 13 V.S.A. § 5256 is amended to read:

§ 5256. REPORTS

The defender general shall submit an annual report of his or her activities to the ~~governor, the general assembly, and the supreme court~~ house and senate committees on judiciary showing the number of persons represented under this chapter, the crimes involved, the outcome of each case, and the expenditures ~~totalled~~ totaled by kind made in carrying out the responsibilities imposed by this chapter.

Sec. 14. 16 V.S.A. § 2733 is amended to read:

§ 2733. ~~REPORTS BY MEMBERS TO GOVERNOR~~ ACCOUNTS

The members from this state shall obtain accurate accounts of all the board's receipts and disbursements ~~and shall report to the governor on or before the fifteenth day of November, in even numbered years, the transactions of the board for the biennium ending on the preceding June thirtieth. They shall include in such report recommendations for any legislation which they consider necessary or desirable to carry out the intent and purposes of the compact.~~

Sec. 15. 16 V.S.A. § 2885(g) is amended to read:

(g) The University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation shall review expenditures made from the fund, and evaluate the impact of the expenditures on higher education in Vermont, ~~and report this information to the state treasurer each year in January.~~

Sec. 16. 18 V.S.A. § 9405(b)(6) is amended to read:

(6) The plan or any revised plan proposed by the commissioner shall be the health resource allocation plan for the state after it is approved by the governor or upon passage of three months from the date the governor receives the plan, whichever occurs first, unless the governor disapproves the plan, in whole or in part. If the governor disapproves, he or she shall specify the sections of the plan which are objectionable and the changes necessary to meet the objections. The sections of the plan not disapproved shall become part of the health resource allocation plan. ~~Upon its adoption, the plan shall be submitted to the appropriate legislative committees.~~

Sec. 17. 20 V.S.A. § 2735 is amended to read:

§ 2735. STATE BUILDINGS

The commissioner shall establish a risk classification system for all state buildings. State buildings classified as high or medium risk shall be inspected at least every five years, ~~and the commissioner's findings and recommendations shall be reported to the secretary of administration.~~

Sec. 18. 24 V.S.A. § 290b is amended to read:

§ 290b. ~~QUARTERLY REPORTS;~~ AUDITS

(a) ~~Quarterly, on or before April 30, July 31, October 31 and January 31, the sheriff and each full-time deputy sheriff shall furnish to the finance and management commissioner and to the assistant judges for filing with the~~

~~county clerk, on forms provided by the commissioner, a sworn statement of all sums in addition to full-time salaries received by each of them as compensation acquired by virtue of their offices. Such reports shall be public records. The sheriff shall revoke the commission of any full-time deputy sheriff who fails to file such a report. The commissioner of finance and management shall withhold payments of salary and expenses to any sheriff or full-time deputy sheriff who fails to file such a report. [Repealed.]~~

* * *

(d) Annually each sheriff shall furnish the auditor of accounts on forms provided by the auditor, a financial report reflecting the financial transactions and condition of the sheriff's department. The sheriff shall submit a copy of this report to the assistant judges of the county. The assistant judges shall prepare a report reflecting funds disbursed by the county in support of the sheriff's department and forward a copy of their report to the auditor of accounts. The auditor of accounts shall compile the reports and submit one report to the general assembly house and senate committees on judiciary.

* * *

Sec. 19. 24 V.S.A. § 1939(d) is amended to read:

(d) The board shall meet no fewer than six times a year to develop policies and recommendations for law enforcement priority needs, including retirement benefits, recruitment of officers, training needs, homeland security issues, dispatching, and comprehensive drug enforcement. The board shall present its findings and recommendations in brief summary to the general assembly and the governor house and senate committees on judiciary annually by January 15.

Sec. 20. 24 V.S.A. § 4025 is amended to read:

§ 4025. REPORT

At least once a year, an authority shall file with the clerk ~~(or in the case of the state authority, with the governor)~~ a report of its activities for the preceding year and shall make recommendations with reference to such additional legislation or other actions as it deems necessary in order to carry out the purpose of this chapter.

Sec. 21. 28 V.S.A. § 102(b)(16) is amended to read:

(16) With the approval of the secretary of human services, to accept federal grants made available through federal crime bill legislation, provided that the commissioner shall report the receipt of a grant under this subdivision

to the chairs of the ~~senate~~ house committee on corrections and institutions; and the ~~house~~ senate committee on ~~corrections and institutions~~, and the ~~joint fiscal committee~~.

Sec. 22. 28 V.S.A. § 104 is amended to read:

§ 104. NOTIFICATION OF COMMUNITY PLACEMENTS

* * *

(e) The commissioner of corrections shall annually, by January 15, report to the house committee on corrections and institutions and the senate committees committee on institutions ~~and on judiciary~~ on the implementation of this section during the previous 12 months.

Sec. 23. 28 V.S.A. § 452 is amended to read:

§ 452. OFFICIAL SEAL; RECORDS; ~~ANNUAL REPORT~~

* * *

(c) ~~At the close of each fiscal year, the board shall submit to the governor and to the general assembly a report of its work with statistical and other data, including research studies which it may conduct of sentencing, parole or related functions. [Repealed.]~~

Sec. 24. 29 V.S.A. § 152(a) is amended to read:

(a) The commissioner of buildings and general services, in addition to the duties expressly set forth elsewhere by law, shall have the authority to:

* * *

(23) With the approval of the secretary of administration, transfer during any fiscal year to the department of buildings and general services for use only for major maintenance within the ~~Capitol Complex~~ capitol complex in Montpelier, any unexpended balances of funds appropriated in any capital construction act for any executive or judicial branch project, excluding any appropriations for state grant-in-aid programs, which is completed or substantially completed as determined by the commissioner. On or before January 15 of each year, the commissioner shall report to the house ~~and senate committees~~ committee on corrections and institutions and the senate committee on institutions regarding:

(A) all transfers and expenditures made pursuant to this subdivision; and

(B) the unexpended balance of projects completed for two or more years.

* * *

(25) Transfer any unexpended project balances from previous capital construction acts for the purpose of emergency projects not authorized in a capital construction act in an amount not to exceed \$100,000.00; provided the commissioner shall send timely written notice of such expenditures to the chairs of the house ~~and senate committees on~~ committee on corrections and institutions and the senate committee on institutions.

* * *

(33) Accept grants of funds, equipment, and services from any source, including federal appropriations, for the installation, operation, implementation, or maintenance of energy conservation measures or improvements at state buildings, provided that the commissioner shall report receipt of a grant under this subdivision to the chairs of the ~~senate~~ house committee on corrections and institutions, and the house senate committee on ~~corrections and institutions, and the joint fiscal committee.~~

* * *

Sec. 25. 29 V.S.A. § 160(e) is amended to read:

(e) The commissioner of buildings and general services shall supervise the receipt and expenditure of moneys comprising the property management revolving fund, subject to the provisions of this section. He or she shall maintain accurate and complete records of all such receipts and expenditures, and shall make an annual report on the condition of the fund to the ~~secretary of administration~~ house committee on corrections and institutions and the senate committee on institutions. All balances remaining at the end of a fiscal year shall be carried over to the following year.

Sec. 26. 29 V.S.A. § 172 is amended to read:

§ 172. CAPITOL COMPLEX SECURITY

The commissioner of buildings and general services shall be responsible for all security operations pertaining to the lands and structures within the capitol complex, except the interior of the state house and the space occupied by the supreme court, which is provided for in section 171 of this title. ~~Biennially, the commissioner shall, in cooperation with the sergeant at arms and the supreme court, develop and present a capitol complex security budget recommendation to the house and senate committees on appropriations and on institutions.~~

Sec. 27. 30 V.S.A. § 21(e) is amended to read:

(e) On or before January 15, 2011, and annually thereafter, the agency of natural resources shall report to the senate and house committees on natural resources and energy, ~~the senate committee on finance, and the house committee on ways and means~~ the total amount of expenses allocated under this section during the previous fiscal year. The report shall include the name of each applicant or public service company to whom expenses were allocated and the amount allocated to each applicant or company.

Sec. 28. 30 V.S.A. § 24 is amended to read:

§ 24. PAYMENTS FROM SPECIAL FUNDS; BIENNIAL REPORT

All payments from the special fund for the maintenance of the engineering and accounting forces and from the public service reserve fund shall be dispensed from the state treasury only upon warrants issued by the commissioner of finance and management after receipt of proper statements describing services rendered and expenses incurred. A complete, detailed, and full accounting of all receipts from the taxes assessed in sections 22 and 23 of this title and all disbursements from the special fund for the maintenance of the engineering and accounting force and from the public service reserve fund shall be contained in the department's biennial report to the general assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 29. 30 V.S.A. § 8071 is amended to read:

§ 8071. QUARTERLY AND ANNUAL REPORTS; AUDIT

* * *

(c) Quarterly Reports. Within 30 days of the end of each quarter, the authority shall, in addition to any other reports required under this section, submit a report of its activities for the preceding quarter to the ~~secretary of administration~~ house committee on corrections and institutions and the senate committee on institutions which shall include the following:

* * *

(d) The authority shall include in the annual report required under subsection (a) of this section a summary of all the information quarterly reported to the ~~secretary of administration~~ house committee on corrections and institutions and the senate committee on institutions under subsection (c) of this section, as well as a summary of any and all instances in which service providers that have entered into contracts or binding commitments with the

authority have materially defaulted, been unable to fulfill their commitments, or have requested or been granted relief from contractual or binding commitments.

Sec. 30. 31 V.S.A. § 612 is amended to read:

§ 612. ~~REPORTS~~ AUDITS

~~The commission shall make an annual report to the governor on or before the 1st day of February of each year with an account of revenues received and disbursements made.~~ The commission shall procure an audit report of the activities of each track for every calendar year by the 1st day of February following, prepared by a firm of certified public accountants which is not employed by the licensee.

Sec. 31. 32 V.S.A. § 110 is amended to read:

§ 110. REPORTS

(a) The treasurer shall prepare and submit, consistent with 2 V.S.A. § 20(a), reports on the following subjects:

(1) The Vermont higher education endowment trust fund, pursuant to 16 V.S.A. § 2885(e).

(2) ~~The firefighters' survivors benefit expendable trust fund, pursuant to 20 V.S.A. § 3175(b).~~ [Repealed.]

(3) The trust investment account, pursuant to subdivision 434(a)(5) of this title.

(4) ~~Charges for credit card usage by agency, department, or the judiciary, pursuant to subsection 583(f) of this title.~~ [Repealed.]

(5) [Repealed.]

* * *

Sec. 32. 32 V.S.A. § 434(a)(5) is amended to read:

(5) Annually, the treasurer shall prepare a report to the ~~general assembly~~ house committee on ways and means and the senate committee on finance on the financial activity of the trust investment account.

Sec. 33. 32 V.S.A. § 584(c) is amended to read:

(c) All program balances at the end of the fiscal year shall be carried forward and shall not revert to the general fund. Interest earned shall remain in the program. ~~The treasurer's annual financial report to the governor and the~~

~~general assembly shall contain an accounting of receipts, disbursements, and earnings of the state-sponsored affinity card program.~~

Sec. 34. 32 V.S.A. § 1010(e) is amended to read:

(e) The governor may authorize per diem compensation and expense reimbursement in accordance with this section for members of boards and commissions, including temporary study commissions, created by executive order. ~~By January 15 of each year, the secretary of administration shall report to the general assembly a list of all such boards and commissions that are authorized to receive per diem compensation.~~

Sec. 35. 32 V.S.A. § 5922(f) is amended to read:

(f) A qualified person who claims and is awarded tax credits under this section shall report, on a form approved by the commissioner of taxes, such person's qualified payroll expenses as of July 1, 1996. No credits shall be available for taxable years beginning on or after January 1, 2007, unless the general assembly specifically authorizes the allowance of credits under this section for taxable years 2007 and after. The department of economic, housing and community development shall evaluate ~~and report to the house committee on commerce and the house committee on ways and means and the senate committee on finance on an annual basis~~ the effectiveness of the financial services development tax credit. ~~This brief report shall include an update on the financial services industry in Vermont, including the number of new jobs, new companies, payroll growth, and the amount of credit claimed.~~

Sec. 36. 32 V.S.A. § 5930z(g) is amended to read:

(g) On a regular basis, the department shall notify the ~~treasurer and the clean energy development board~~ house and senate committees on natural resources and energy of solar energy tax credits claimed pursuant to this section, and the board shall cause to be transferred from the clean energy development fund to the general fund an amount equal to the amount of solar energy tax credits as and when the credits are claimed.

Sec. 37. 33 V.S.A. § 601(d) is amended to read:

(d) The commissioner of corrections and the commissioner for children and families shall be responsible for maintaining and providing staffing for the center ~~and shall report every two years to the corrections oversight committee on the accomplishments of the center.~~

Sec. 38. Sec. 13(c) of No. 58 of the Acts of 1997 is amended to read:

(c) The ~~Department~~ department shall report to the ~~General Assembly~~ house committee on general, housing and military affairs, the senate committee on economic development, housing and general affairs, and the tobacco evaluation and review board annually on January 15 the methodology and results of compliance tests conducted during the previous year.

Sec. 39. Sec. 96 of No. 49 of the Acts of 1999 is amended to read:

Sec. 96. VERMONT ECONOMIC PROGRESS COUNCIL; REPORTING

The Vermont Economic Progress Council shall provide a report of all economic advancement tax incentives awarded pursuant to 32 V.S.A. chapter 151, subchapter 11E of chapter 151 of Title 32 to the ~~Senate Committee~~ senate committees on Finance finance and on economic development, housing and general affairs and the House Committee house committees on Ways and Means ways and means and on commerce and economic development. The reports of incentives granted shall be made in a timely manner as soon possible following the granting of the incentives.

Sec. 40. Sec. 12 of No. 66 of the Acts of 2003 is amended to read:

Sec. 12. AUTHORITY TO CHARGE

(a) The commissioner of finance and management is authorized to charge departments for recurrent VISION processing errors, and such charges shall be deposited into the financial management internal service fund. Prior to any such charge, the department of finance and management shall develop and establish a schedule of charges with an appeal and forgiveness process. ~~Annually, by September 1, the department of finance and management shall submit to the joint fiscal committee a report on rates established and charges made during the prior fiscal year.~~

Sec. 41. Sec. 255(a)(7)(B) of No. 71 of the Acts of 2005 is amended to read:

(B) \$1,039,000 to the office of Vermont health access to fund the Vermont Blueprint for Health: The Chronic Care Initiative. The goals of the initiative are to: (1) implement a statewide system of care that enables Vermonters with, and at risk for, chronic disease to lead healthier lives; (2) develop a system of care that is financially sustainable; and (3) forge a public-private partnership to develop and sustain the new system of care. ~~On or before January 1, 2006, and annually thereafter, the director of the office of Vermont health access, in consultation with the commissioner of health, shall~~

~~file a report with the general assembly detailing progress made in reaching these three goals.~~

Sec. 42. Sec. 7 of No. 154 of the Acts of the 2005 Adj. Sess. (2006) is amended to read:

Sec. 7. AGENCY OF NATURAL RESOURCES ORPHAN
STORMWATER SYSTEM ANNUAL REPORT

Annually, by no later than January 15, the agency of natural resources shall submit a report to the house committee on ~~fish, wildlife and water resources,~~ ~~the senate committee on natural resources and energy,~~ ~~the house and senate committees on corrections and~~ institutions, and the ~~house and senate committees~~ committee on appropriations institutions regarding implementation by the agency of the orphan stormwater system construction, renovation, or repair program under 10 V.S.A. § 1264c. The report shall include:

* * *

Sec. 43. Sec. 4 of No. 192 of the Acts of the 2005 Adj. Sess. (2006), as amended by Sec. 2a of No. 1 of the Acts of 2009, is further amended to read:

Sec. 4. SEXUAL VIOLENCE PREVENTION TASK FORCE

* * *

(c) ~~On or before January 15, 2007, and on or before January 15 for seven years thereafter, the task force shall report on its activities during the preceding year to the house and senate committees on education and judiciary. The task force shall cease to exist after it files the report due on January 15, 2014.~~

Sec. 44. Sec. 6(a)(4) of No. 46 of the Acts of 2007, as amended by Sec. 8 of No. 54 of the Acts of 2009, is amended to read:

(4) issuing an annual report to the ~~governor and the general assembly~~ house committee on commerce and economic development and the senate committee on economic development, housing and general affairs on or before December 1, which shall include a systematic evaluation of the accomplishments of the system and the participating agencies and institutions and all the following:

* * *

Sec. 45. Sec. 78a of No. 65 of the Acts of 2007 is amended to read:

Sec. 78a. MEMORIAL GARDEN; LOAN

(a) The executive director of the center for crime victims services may lend up to \$100,000, without interest, from the crime victims' restitution special

fund, created pursuant to 13 V.S.A. § 5363, to the memorial garden special account which can be used to provide funding to the department of buildings and general services for the purpose of constructing the courage-in-bloom memorial garden at the designated site between ~~40-42~~ 10-12 Baldwin Street. The center for crime victims services shall repay the loan in annual installments made over a period not to exceed five years. The repayment of the loan is anticipated to come from fundraising by the center for crime victims services. ~~The center shall report annually to the state treasurer on the payments and receivables related to the loan.~~

Sec. 46. Sec. 170 of No. 65 of the Acts of 2007 is amended to read:

Sec. 170. UNEXPECTED COST OF PERSONNEL; LOAN

(a) The executive director of the center for crime victims services shall lend up to \$300,000, without interest, from the crime victims' restitution special fund, created pursuant to 13 V.S.A. § 5363, to a school district to pay for a budget deficit that arose solely from the unexpected cost of paying for additional personnel who were needed purely because of extraordinary circumstances resulting in the loss of life of school personnel on school grounds, if the district's loan request is approved by the commissioner of education. The district shall fully repay the loan in installments made over a period not to exceed five years. ~~The center shall report annually to the state treasurer on the payments and receivables related to the loan.~~

Sec. 47. Sec. 18(f) of No. 179 of the Acts of the 2007 Adj. Sess. (2008) is amended to read:

(f) The joint fiscal office and the ~~office~~ department of finance and management shall jointly document the impact of the policies and provisions of this act on corrections costs and shall report their findings to the ~~general assembly~~ house committee on corrections and institutions and the senate committee on institutions on or before January 15, 2010, and in January of each year for five years thereafter.

Sec. 48. Sec. 30(b) of No. 200 of the Acts of the 2007 Adj. Sess. (2008) is amended to read:

(b) Each receipt of a grant or gift authorized by this section shall be reported by the commissioner of the department receiving the funds to the chairs of the ~~senate~~ house committee on corrections and institutions and the ~~house senate~~ committee on ~~corrections and~~ institutions ~~and to the joint fiscal committee.~~

Sec. 49. Sec. 20 of No. 161 of the Acts of 2010 is amended to read:

Sec. 20. VERMONT CENTER FOR CRIME VICTIM SERVICES

The sum of \$50,000 is appropriated to the Vermont Center for Crime Victim Services for Americans with Disabilities Act improvements at domestic violence shelters. Annually, on or before December 1, the Vermont Center for Crime Victim Services shall file with the ~~commissioner of buildings and general services~~ house committee on corrections and institutions and the senate committee on institutions a report which details the status of the improvements funded in whole or in part by state capital appropriations.

Total Appropriation – Section 20 \$50,000

Sec. 50. Sec. E.321.1(a) of No. 63 of the Acts of 2011 is amended to read:

(a) The agency of human services shall develop a baseline to measure results of the investment in the emergency shelter grants and case management to assist the homeless population. These measurements shall include homelessness prevention outcome measures for the clients served by the investment. The outcomes shall be reported annually to the house committees on appropriations and on human services and the senate committees on appropriations and on health and welfare during the department's budget testimony.

Sec. 51. REPEAL

(a) The following sections of Title 3 are repealed:

(1) § 21(c) (report on status of sexual assault victim program);

(2) § 631(c)(2) (assessment of the status of alignment between chronic care management programs provided to state employees through the health coverage benefit and the Vermont Blueprint for Health strategic plan);

(3) § 924(a) (detail of work done by labor relations board in hearing and deciding cases);

(4) § 3026(d) (findings and recommendations relating to improving the effectiveness of state and local health, human services, and education programs); and

(5) § 3085b(h) (findings of commission on Alzheimer's disease during preceding year regarding community recognition and understanding of Alzheimer's disease and dementia-related disorders).

(b) 6 V.S.A. § 4828(d) (report on performance of and results achieved by providing capital assistance to custom applicators and farms for new or innovative manure injection equipment) is repealed.

(c) The following sections of Title 10 are repealed:

(1) § 328(e) (grant application and proposed work plan of sustainable jobs fund program);

(2) § 2612(c) (report on activities of Vermont Youth Conservation Corps, Inc.); and

(3) § 7116(d)(5) (report on the collection and recycling of mercury-containing thermostats).

(d) 13 V.S.A. § 5452(b) (report on Vermont sentencing commission activities; recommendations) is repealed.

(e) 15 V.S.A. § 1172(c) (Vermont council on domestic violence report) is repealed.

(f) The following sections of Title 16 are repealed:

(1) § 113 (report on activities of council on the arts);

(2) § 1709 (report to professional educator standards board: licensure and endorsements; complaints; accounting); and

(3) § 2805 (report on income from lease of mountaintop communication sites).

(g) 18 V.S.A. § 104b(e) (status report of the program for grants to comprehensive community health and wellness projects) is repealed.

(h) 19 V.S.A. § 2501(b) (report on scenic roads) is repealed.

(i) The following sections of Title 20 are repealed:

(1) § 1883(b) (copy of law enforcement overall strategic plan); and

(2) § 3175(b) (report on status of the emergency personnel survivors benefit special fund).

(j) 21 V.S.A. § 497b(b) (report on activities of Vermont governor's committee on employment of people with disabilities) is repealed.

(k) 29 V.S.A. § 924 (report on degree of voluntary compliance of vendors regarding code of conduct for contractors who supply apparel, footwear, or textiles to the state) is repealed.

(l) The following sections of Title 30 are repealed:

(1) § 211(b) (quarterly report of purchases and resales of electric energy); and

(2) § 218(c)(5) (annual report on the implementation and effectiveness of the telephone lifeline service).

(m) The following sections of Title 32 are repealed:

(1) § 583(e) (report on bank charges, service fees, and fees charged to consumers related to credit card transactions according to credit card usage by agency, department, or the judiciary); and

(2) § 8557(b) (report on status of Vermont fire service training).

(n) 33 V.S.A. § 1901(a)(3) (notification of proposed rules filed regarding Medicaid changes) is repealed.

(o) The following sections of the Acts of the 1999 Adj. Sess. (2000) are repealed:

(1) Sec. 111a(d) of No. 152 (report on family partnership programs); and

(2) Sec. 269(a)(4) of No. 152 (report of all space-, custodial- and occupancy-related charges).

(p) Sec. 123c(e) of No. 63 of the Acts of 2001 (report on progress in implementing federally qualified health centers) is repealed.

(q) The following sections of the Acts of 2005 are repealed:

(1) Sec. 1(b)(2)(A) of No. 56, as amended by Sec. 112a of No. 65 of the Acts of 2007 (report on Medicaid waivers); and

(2) Sec. 26 of No. 72 (accounting of the revenue raised by the aquatic nuisance sticker program).

(r) The following sections of the Acts of 2007 are repealed:

(1) Sec. 22a of No. 80 (report on amounts paid by the state in connection with any litigation challenging the validity of this act relating to increasing transparency of prescription drug pricing and information); and

(2) Sec. 13 of No. 82 (report on cost drivers of education spending).

(s) The following sections of the Acts of 2009 are repealed:

(1) Sec. 31(f)(2) of No. 43 (report on progress toward completing a facility and developing a residential recovery program); and

(2) Sec. 44(b) of No. 44 (report on progress toward achieving 100 percent secondary school completion rate).

(t) Sec. H.55 of No. 1 of the Acts of the 2009 Spec. Sess. (report on income reported to date by businesses electing to be taxed as digital businesses) is repealed.

(u) Sec. 3(d) of No. 148 of the Acts of the 2009 Adj. Sess. (2010) (report on progress of transition of payment of milk hauling costs to purchasers) is repealed.

(v) The requirement for the January 1 annual report in Resolution No. R-207 of 2003 of the expenditures by the state and local school districts made in order to comply with the No Child Left Behind (NCLB) Act is repealed.

Sec. 52. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the recommendation of proposal of amendment offered by the committee on Government Operations be agreed to? **Rep. Campion of Bennington** moved to amend the recommendation of proposal of amendment offered by the committee on Government Operations, as follows:

First: By striking out Sec. 15, 16 V.S.A. § 2885(g) in its entirety and inserting in lieu thereof the following:

Sec. 15. 16 V.S.A. § 2885(g) is amended to read:

(g) The University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation shall review expenditures made from the fund, and evaluate the impact of the expenditures on higher education in Vermont, and report this information to the ~~state treasurer~~ house and senate committees on education each year in January.

Second: By striking out Sec. 51(s)(2) (report on progress toward achieving 100 percent secondary school completion rate) in its entirety and inserting in lieu thereof the following:

(2) [Deleted.]

Which was agreed to and the recommendation of proposal of amendment offered by the committee on Government Operations, as amended, was agreed to and third reading ordered.

**Favorable Report; Third Reading Ordered; Rules Suspended
Bill Read the Third Time and Passed in Concurrence**

S. 128

Rep. Stevens of Waterbury, for the committee on General, Housing and Military Affairs, to which had been referred Senate bill, entitled

An act relating to recognition of the Missisquoi, St. Francis-Sokoki Band as a Native American Indian tribe

Reported in favor of its passage in concurrence. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence. The bill was read the third time and passed in concurrence.

**Favorable Report; Third Reading Ordered; Rules Suspended;
Bill Read the Third Time and Passed in Concurrence**

S. 129

Rep. Stevens of Waterbury, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to recognition of the Koasek Abenaki of the Koas as a Native American Indian tribe

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence. The bill was read the third time and passed in concurrence.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 113

Rep. Donovan of Burlington, for the committee on Education, to which had been referred Senate bill, entitled

An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 2, 33 V.S.A. § 4913(a), in the first sentence, in the phrase “and any other individual who is regularly employed by a school district” by striking out the word “regularly”

Second: In Sec. 2, 33 V.S.A. § 4913(a), in the first sentence, by striking out the words “for five or more hours per week during the school year”

Third: By striking out Sec. 3 in its entirety and inserting in lieu thereof nine new sections to be Secs. 3–11 to read:

* * * Educational Opportunities Working Group * * *

Sec. 3. EDUCATIONAL OPPORTUNITIES WORKING GROUP

(a) There is created a working group to review and evaluate how Vermont’s current education system spends education dollars in a way that promotes high quality, equitable educational opportunities for students throughout the state. Using a facilitated process, the working group shall identify the data needed to fulfill its charge, the availability of the data, and the process by which it will obtain the data.

(b) The working group shall be composed of:

(1) one member of the house appointed by the speaker of the house;

(2) one member of the senate appointed by the committee on committees;

(3) one member of the administration appointed by the governor; and

(4) three members of the public, one each appointed by the governor, the speaker, and the committee on committees.

(c) The office of legislative council, the joint fiscal office, the office of finance and management, and the departments of education, of information and innovation, and of taxes shall assist the working group to identify the data required for its examination of the issues outlined in this section.

(d) Appointments pursuant to subsection (b) of this section shall be made by June 1, 2012. The office of legislative council shall convene the first meeting of the working group by July 1, 2012, at which meeting the members shall elect a chair and design the facilitated process to guide the group’s work.

(e) By December 15, 2012, the working group shall report to the house and senate committees on education its findings and recommendations for the design of further studies and implementation strategies.

(f) The working group may meet no more than six times during the 2012–2013 interim. For attendance at meetings during adjournment of the

general assembly, members of the committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406. Members of the public shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

(g) The committee may spend up to \$30,000.00 by using funds appropriated to the legislature for fiscal year 2013 to hire experts to assist it to establish a work plan and conduct its evaluations.

* * * Kindergarten Education * * *

Sec. 4. 16 V.S.A. § 821 is amended to read:

§ 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY SCHOOLS OR PAY TUITION

(a) Elementary school. Each school district shall ~~provide, furnish, and~~ maintain one or more approved schools within the district in which elementary education for its resident pupils in kindergarten through grade six is provided unless:

(1) ~~The~~ the electorate authorizes the school board to provide for the elementary education of the pupils ~~residing in the district~~ by paying tuition in accordance with law to one or more public elementary schools in one or more school districts;

(2) ~~The~~ the school district is organized to provide only high school education for its pupils; or

(3) ~~Otherwise provided for by the general assembly~~ provides otherwise.

(b) ~~Kindergarten program. Each school district shall provide public kindergarten education within the district. However, a school district may pay tuition for the kindergarten education of its pupils:~~

~~(1) at one or more public schools under subdivision (a)(1) of this section; or~~

~~(2) if the electorate authorizes the school board to pay tuition to one or more approved independent schools or independent schools meeting school quality standards, but only if the school district did not operate a kindergarten on September 1, 1984, and has not done so afterward. [Repealed.]~~

(c) Notwithstanding subsection (a) of this section, without previous authorization by the electorate, a school board ~~without previous authorization by the electorate~~ in a district that operates an elementary school may pay tuition for elementary pupils who reside near a public elementary school in an adjacent district upon request of the pupil's parent or guardian, if in the board's judgment the pupil's education can be more conveniently furnished there due

to geographic considerations. Within 30 days of the board's decision, a parent or guardian who is dissatisfied with the decision of the board under this subsection may request a determination by the commissioner, who shall have authority to direct the school board to pay all, some, or none of the pupil's tuition and whose decision shall be final.

(d) Notwithstanding ~~subsection (a)~~ subdivision (a)(1) of this section, the electorate of a school district that does not maintain an elementary school may grant general authority to the school board to pay tuition for an elementary pupil at an approved independent elementary school or an independent school meeting school quality standards pursuant to sections 823 and 828 of this chapter upon notice given by the pupil's parent or legal guardian before April 15 for the next academic year.

* * * Harassment, Hazing, and Bullying * * *

Sec. 5. REPEAL

16 V.S.A. § 565 (harassment and hazing prevention policies) is repealed.

Sec. 6. 16 V.S.A. chapter 9, subchapter 5 is added to read:

Subchapter 5. Harassment, Hazing, and Bullying

§ 570. HARASSMENT, HAZING, AND BULLYING PREVENTION POLICIES

(a) State policy. It is the policy of the state of Vermont that all Vermont educational institutions provide safe, orderly, civil, and positive learning environments. Harassment, hazing, and bullying have no place and will not be tolerated in Vermont schools. No Vermont student should feel threatened or be discriminated against while enrolled in a Vermont school.

(b) Prevention policies. Each school board shall develop, adopt, ensure the enforcement of and make available in the manner described under subdivision 563(1) of this title harassment, hazing, and bullying prevention policies that shall be at least as stringent as model policies developed by the commissioner. Any school board that fails to adopt one or more of these policies shall be presumed to have adopted the most current model policy or policies published by the commissioner.

(c) Notice. Annually, prior to the commencement of curricular and cocurricular activities, the school board shall provide notice of the policy and procedures developed under this subchapter to students, custodial parents or guardians of students, and staff members, including reference to the consequences of misbehavior contained in the plan required by section 1161a

of this title. Notice to students shall be in age-appropriate language and should include examples of harassment, hazing, and bullying. At a minimum, this notice shall appear in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for the school. The school board shall use its discretion in developing and initiating age-appropriate programs to inform students about the substance of the policy and procedures in order to help prevent harassment, hazing, and bullying. School boards are encouraged to foster opportunities for conversations between and among students regarding tolerance and respect.

(d) Duties of the commissioner. The commissioner shall:

(1) develop and, from time to time, update model harassment, hazing, and bullying prevention policies; and

(2) establish an advisory council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The council shall report annually in January to the state board and the house and senate committees on education. The council shall include:

(A) the executive director of the Vermont Principals' Association or designee;

(B) the executive director of the Vermont School Boards Association or designee;

(C) the executive director of the Vermont Superintendents Association or designee;

(D) the president of the Vermont-National Education Association or designee;

(E) the executive director of the Vermont Human Rights Commission or designee;

(F) the executive director of the Vermont Independent Schools Association or designee; and

(G) other members selected by the commissioner.

(e) Definitions. In this subchapter:

(1) "Educational institution" and "school" mean a public school or an approved or recognized independent school as defined in section 11 of this title.

(2) “Harassment,” “hazing,” and “bullying” have the same meanings as in subdivisions 11(a)(26), (30), and (32) of this title.

(3) “Organization,” “pledging,” and “student” have the same meanings as in subdivisions 140a(2), (3), and (4) of this title.

(4) “School board” means the board of directors or other governing body of an educational institution when referring to an independent school.

§ 570a. HARASSMENT

(a) Policies and plan. The harassment prevention policy required by section 570 of this title and its plan for implementation shall include:

(1) A statement that harassment, as defined in subdivision 11(a)(26) of this title, is prohibited and may constitute a violation of the public accommodations act as more fully described in section 14 of this title.

(2) Consequences and appropriate remedial action for staff or students who commit harassment. At all stages of the investigation and determination process, school officials are encouraged to make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints.

(3) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints.

(4) A description of the circumstances under which harassment may be reported to a law enforcement agency.

(5) A procedure for investigating reports of violations and complaints. The procedure shall provide that, unless special circumstances are present and documented by the school officials, an investigation is initiated no later than one school day from the filing of a complaint and the investigation and determination by school officials are concluded no later than five school days from the filing of the complaint with a person designated to receive complaints under subdivision (7) of this section. All internal reviews of the school’s initial determination, including the issuance of a final decision, shall, unless special circumstances are present and documented by the school officials, be completed within 30 days after the review is requested.

(6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to harassment.

(7) Annual designation of two or more people at each school campus to receive complaints and a procedure for publicizing those people’s availability.

(8) A procedure for publicizing the availability of the Vermont human rights commission and the federal Department of Education's Office of Civil Rights and other appropriate state and federal agencies to receive complaints of harassment.

(9) A statement that acts of retaliation for the reporting of harassment or for cooperating in an investigation of harassment are unlawful pursuant to 9 V.S.A. § 4503.

(b) Independent review.

(1) A student who desires independent review under this subsection because the student is either dissatisfied with the final determination of the school officials as to whether harassment occurred or believes that, although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem shall make such request in writing to the headmaster or superintendent of schools. Upon such request, the headmaster or superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the commissioner of education and the human rights commission and maintained by the commissioner. Individuals shall be placed on the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience.

(2) The independent review shall proceed expeditiously and shall consist of an interview of the student and the relevant school officials and review of written materials involving the complaint maintained by the school or others.

(3) Upon the conclusion of the review, the reviewer shall advise the student and the school officials as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and any future steps the school should take. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

(4) The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records.

(5) The costs of the independent review shall be borne by the public school district or independent school.

(6) Nothing in this subsection shall prohibit the school board from requesting an independent review at any stage of the process.

(7) Evidence of conduct or statements made in connection with an independent review shall not be admissible in any court proceeding. This

subdivision shall not require exclusion of any evidence otherwise obtainable from independent sources merely because it is presented in the course of an independent review.

(8) The commissioner may adopt rules implementing this subsection.

§ 570b. HAZING

The hazing prevention policy required by section 570 of this title and its plan for implementation shall include:

(1) A statement that hazing, as defined in subdivision 11(a)(30) of this title, is prohibited and may be subject to civil penalties pursuant to subchapter 9 of chapter 1 of this title.

(2) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints.

(3) A procedure for investigating reports of violations and complaints.

(4) A description of the circumstances under which hazing may be reported to a law enforcement agency.

(5) Appropriate penalties or sanctions or both for organizations that or individuals who engage in hazing and revocation or suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing.

(6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to hazing.

(7) Annual designation of two or more people at each school campus to receive complaints and a procedure for publicizing those people's availability.

§ 570c. BULLYING

The bullying prevention policy required by section 570 of this title and its plan for implementation shall include:

(1) A statement that bullying, as defined in subdivision 11(a)(32) of this title, is prohibited.

(2) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints.

(3) A procedure for investigating reports of violations and complaints.

(4) A description of the circumstances under which bullying may be reported to a law enforcement agency.

(5) Consequences and appropriate remedial action for students who commit bullying.

(6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to bullying.

(7) Annual designation of two or more people at each school campus to receive complaints and a procedure both for publicizing the availability of those people and clarifying that their designation does not preclude a student from bringing a complaint to any adult in the building.

Sec. 7. IMPLEMENTATION

School boards shall adopt and implement bullying prevention policies as required by Sec. 6 of this act no later than January 1, 2013.

* * * Prekindergarten-16 Council; Afterschool Programs * * *

Sec. 8. 16 V.S.A. § 2905(b) is amended to read:

(b) The council shall be composed of:

* * *

(15) a member of the senate, who shall be selected by the committee on committees and shall serve until the beginning of the biennium immediately after the one in which the member is appointed; ~~and~~

(16) a member of the faculty of the Vermont State Colleges, the University of Vermont, or a Vermont independent college selected by United Professions AFT Vermont, Inc.; and

(17) a representative of after-school, summer, and expanded learning programs selected by the Vermont Center for Afterschool Excellence.

* * * Regional Technical Center School Districts;

Unorganized Towns, Grants, and Gores * * *

Sec. 9. 16 V.S.A. § 1572(b)(1) is amended to read:

(1) The makeup of the governing board. At least 60 percent of the board members shall be elected by direct vote of the voters, or chosen from member school district boards by the member school district boards, or a combination of the two. If the board is to have additional members, who may constitute up to 40 percent of the board, the additional members shall be appointed by the elected and chosen members from member school district boards for the purpose of acquiring expertise in areas they consider desirable. The appointed

members may be selected from nominations submitted by the regional workforce investment board or other workforce organizations, or may be chosen without nomination by an organization. Notwithstanding any provision of law to the contrary, a resident of an unorganized town, grant, or gore that sits within the regional technical center school district who is otherwise eligible to vote under 17 V.S.A. § 2121 may vote for the board members and may be elected to or appointed as a member of the governing board;

* * * Designated Schools; Tuition * * *

Sec. 10. 16 V.S.A. § 827(e) is amended to read:

(e) Notwithstanding any other provision of law to the contrary:

(1) the school districts of Pawlet, Rupert, and Wells may designate a public high school located in New York as the public high school of the district pursuant to the provisions of this section; ~~and~~

(2) unless otherwise directed by an affirmative vote of the school district, when the Wells board approves parental requests to pay tuition to a nondesignated approved independent or public school, the board shall pay tuition in an amount not to exceed the base education amount as determined under section 4011 of this title for the fiscal year in which tuition is being paid; and

(3) unless otherwise directed by an affirmative vote of the school district, when the Strafford board approves a parental request to pay tuition to a nondesignated approved independent or public school, the board shall pay tuition to the nondesignated school pursuant to section 824 of this title for the year in which the pupil is enrolled; provided, however, that it shall not pay tuition in an amount that exceeds the tuition paid to the designated school for the same academic year.

* * * Effective Date * * *

Sec. 11. EFFECTIVE DATE

This act shall take effect on passage; provided, however, Sec. 10 shall apply to enrollment in the 2012–2013 academic year and after.

Rep. Manwaring of Wilmington, for the committee on Appropriations, recommended that the bill ought to pass in concurrence when amended as recommended by the committee on Education.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committees on Education and Appropriations agreed to and third reading ordered.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 718

House bill, entitled

An act relating to the department of public service and the public service board

S. 128

Senate bill, entitled

An act relating to recognition of the Missisquoi, St. Francis-Sokoki Band as a Native American Indian tribe

S. 129

Senate bill, entitled

An act relating to recognition of the Koasek Abenaki of the Koas as a Native American Indian tribe

S. 148

Senate bill, entitled

An act relating to expediting development of small and micro hydroelectric projects

S. 183

Senate bill, entitled

An act relating to the testing of potable water supplies

S. 202

Senate bill, entitled

An act relating to regulation of flood hazard areas, river corridors, and stream alteration

Adjournment

At nine o'clock and five minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 370

House concurrent resolution recognizing the efforts of Community Health Services of Lamoille Valley to create a seamless and more effective health care environment;

H.C.R. 371

House concurrent resolution in memory of Donald E. Prouty, Jr., of Pownal;

H.C.R. 372

House concurrent resolution in memory of former Representative Susan Webb;

H.C.R. 373

House concurrent resolution designating May 2012 as Vermont Osteoporosis Awareness Month;

H.C.R. 374

House concurrent resolution commemorating the 40th anniversary of the Retired Senior Volunteer Program's establishment in Bennington County;

H.C.R. 375

House concurrent resolution congratulating the H.W. Putnam Hose Company # 3 of the Bennington Fire Department on its 125th anniversary;

H.C.R. 376

House concurrent resolution honoring Dr. William Pendlebury, cofounder of The Memory Center at Fletcher Allen Health Care;

H.C.R. 377

House concurrent resolution honoring the Reverend Kathy Wonson Eddy for her community leadership and spiritual guidance at Bethany Church and in the town of Randolph;

H.C.R. 378

House concurrent resolution congratulating the Pepin Granite Company, Inc. on its 50th anniversary;

H.C.R. 379

House concurrent resolution congratulating Vermont Energy Investment Corporation on its 25th anniversary;

H.C.R. 380

House concurrent resolution honoring former Representative William Keogh on his retirement from the Burlington City Council and its presidency;

H.C.R. 381

House concurrent resolution recognizing the ecological importance and scenic beauty of the Lowell Mountain Range;

H.C.R. 382

House concurrent resolution in appreciation of Representative Ken Atkins of Winooski for offering M&M's[®] chocolate candies at roll call votes;

H.C.R. 383

House concurrent resolution honoring fish and game warden Sergeant Daniel Swainbank for his career accomplishments;

H.C.R. 384

House concurrent resolution honoring Burlington Fletcher Free Library co-director Amber Collins;

H.C.R. 385

House concurrent resolution honoring retiring Vermont Law School President, Dean, and Professor of Law Geoffrey B. Shields and his wife, Genie;

H.C.R. 386

House concurrent resolution honoring and extending best wishes on future endeavors to each of the 2012 retiring faculty members of the Southwest Vermont Supervisory Union;

H.C.R. 387

House concurrent resolution in memory of former Woodbury town clerk and moderator Morris P. Lilley;

H.C.R. 388

House concurrent resolution honoring librarian and Chester community leader Cynthia Collins;

H.C.R. 389

House concurrent resolution in memory of St. Michael's college alumni Michael and Jill Casey;

H.C.R. 390

House concurrent resolution honoring the 5th grade civics education initiative at Ferrisburgh Central School;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2012, seventy-second Adjourned session.]

Saturday, April 28, 2012

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Bill Referred to Committee on Appropriations**S. 226**

House bill, entitled

An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Third Reading; Bills Passed in Concurrence with Proposal of Amendment

Senate bills of the following titles were severally taken up, read the third time and passed in concurrence with proposal of amendment:

S. 214

Senate bill, entitled

An act relating to customer rights regarding smart meters

S. 230

Senate bill, entitled

An act relating to property and casualty insurers and electronic notices

S. 252

Senate bill, entitled

An act relating to the repeal or revision of reporting requirements

Bill Read the Second Time; Consideration Interrupted by Recess**S. 95**

Rep. Moran of Wardsboro, for the committee on General, Housing and Military Affairs, to which had been referred Senate bill, entitled

An act relating to exemptions for newspaper deliverers from the unemployment statutes; relieving an employer's experience rating record of charges; studying the receipt of unemployment compensation between academic terms; allowing school employees to be paid wages over the course of a year; and requiring employers to furnish required work apparel

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds that:

(1) Studies on middle and low income households have found that most indebted families go into debt to pay for basic expenses, such as groceries, utilities, child care, and health care. A study has shown that families with medical debt had 43 percent more credit card debt than those without medical debt.

(2) Employer surveys conducted by the Society of Human Resources Management suggest that over the last 15 years, employers' use of credit reports in the hiring process has increased from a practice used by fewer than one in five employers in 1996 to six of every 10 employers in 2010.

(3) Social science research thus far has shown that information contained in a credit report has no correlation to job performance. The Palmer-Koppes study conducted in 2004 found that those employees who were late on payments were more likely to be associated with a positive job performance.

(4) Further, there is no common standard among employers as to how to interpret credit reports, which reinforces the fact that credit reports do not provide meaningful insight into a candidate's character, responsibility, or prospective job performance.

(5) The Equal Employment Opportunity Commission has stated that: "Inquiry into an applicant's current or past assets, liabilities, or credit

rating . . . generally should be avoided because they tend to impact more adversely on minorities and females.”

Sec. 2. 21 V.S.A. § 495i is added to read:

§ 495i. EMPLOYMENT BASED ON CREDIT INFORMATION;
PROHIBITIONS

(a) For purposes of this section:

(1) “Confidential financial information” means sensitive financial information of commercial value that a customer or client of the employer gives explicit authorization for the employer to obtain, process, and store and that the employer entrusts only to managers or employees as a necessary function of their job duties.

(2) “Credit history” means information obtained from a third party, whether or not contained in a credit report, that reflects or pertains to an individual’s prior or current:

(A) borrowing or repaying behavior, including the accumulation, payment, or discharge of financial obligations; or

(B) financial condition or ability to meet financial obligations, including debts owed, payment history, savings or checking account balances, or savings or checking account numbers.

(3) “Credit report” has the same meaning as in 9 V.S.A. § 2480(a).

(b) An employer shall not:

(1) Fail or refuse to hire or recruit; discharge; or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of the individual’s credit report or credit history.

(2) Inquire about an applicant or employee’s credit report or credit history.

(c)(1) An employer is exempt from the provisions of subsection (b) of this section if one or more of the following conditions are met:

(A) The information is required by state or federal law or regulation.

(B) The position of employment involves access to confidential financial information.

(C) The employer is a financial institution as defined in 8 V.S.A. § 11101(32) or a credit union as defined in 8 V.S.A. § 30101(5).

(D) The position of employment is that of a law enforcement officer as defined in 20 V.S.A. § 2358, emergency medical personnel as defined in 24 V.S.A. § 2651(6), or a firefighter as defined in 20 V.S.A. § 3151(3).

(E) The position of employment requires a financial fiduciary responsibility to the employer or a client of the employer, including the authority to issue payments, collect debts, transfer money, or enter into contracts.

(F) The employer can demonstrate that the information is a valid and reliable predictor of employee performance in the specific position of employment.

(2) An employer that is exempt from the provisions of subsection (b) of this section may not use an employee's or applicant's credit report or history as the sole factor in decisions regarding employment, compensation, or a term, condition, or privilege of employment.

(d) If an employer seeks to obtain or act upon an employee's or applicant's credit report or credit history pursuant to subsection (c) of this section that contains information about the employee's or applicant's credit score, credit account balances, payment history, savings or checking account balances, or savings or checking account numbers, the employer shall:

(1) Obtain the employee's or applicant's written consent each time the employer seeks to obtain the employee's or applicant's credit report.

(2) Disclose in writing to the employee or applicant the employer's reasons for accessing the credit report, and if an adverse employment action is taken based upon the credit report, disclose the reasons for the action in writing. The employee or applicant has the right to contest the accuracy of the credit report or credit history.

(3) Ensure that none of the costs associated with obtaining an employee's or an applicant's credit report or credit history are passed on to the employee or applicant.

(4) Ensure that the information in the employee's or applicant's credit report or credit history is kept confidential and, if the employment is terminated or the applicant is not hired by the employer, provide the employee or applicant with the credit report or have the credit report destroyed in a secure manner which ensures the confidentiality of the information in the report.

(e) An employer shall not discharge or in any other manner discriminate against an employee or applicant who has filed a complaint of unlawful employment practices in violation of this section or who has cooperated with the attorney general or a state's attorney in an investigation of such practices or who is about to lodge a complaint or cooperate in an investigation or because the employer believes that the employee or applicant may lodge a complaint or cooperate in an investigation.

(f) Notwithstanding subsection (c) of this section, an employer shall not seek or act upon credit reports or credit histories in a manner that results in adverse employment discrimination prohibited by federal or state law, including section 495 of this title and Title VII of the Civil Rights Act of 1964.

(g) This section shall apply only to employers, employees, and applicants for employment and only to employment-related decisions based on a person's credit history or credit report. It shall not affect the rights of any person, including financial lenders or investors, to obtain credit reports pursuant to other law.

Sec. 3. 21 V.S.A. § 342 is amended to read:

§ 342. WEEKLY BIWEEKLY AND SEMIMONTHLY PAYMENT OF WAGES; SCHOOL EMPLOYEES; CALENDAR YEAR

(a)(1) Any person having employees doing and transacting business within the state shall pay each week, in lawful money or checks, the wages earned by each employee to a day not more than six days prior to the date of such payment.

(2) After giving written notice to the employees, any person having employees doing and transacting business within the state may, notwithstanding subdivision (1) of this subsection, pay ~~bi-weekly~~ biweekly or ~~semi-monthly~~ semimonthly in lawful money or checks, each employee the wages earned by the employee to a day not more than six days prior to the date of the payment. If a collective bargaining agreement so provides, the payment may be made to a day not more than 13 days prior to the date of payment.

(3) Notwithstanding subsection 384(a) of this title, an employee of a school district may in his or her sole discretion elect to have his or her wages paid over the course of a calendar year, beginning on the first day of the school year and ending not later than 12 months after the wage payment period begins. For employees within a bargaining unit organized pursuant to either chapter 22 of this title or 16 V.S.A. chapter 57, the school district shall implement this election in a manner determined through negotiations under those chapters. Negotiations may include the extent to which an employee

performing multiple jobs at different rates of pay may have this election accommodated. For employees not within a bargaining unit, the school district shall determine the manner in which to implement this subdivision.

* * *

Sec. 4. 18 V.S.A. § 8910 is amended to read:

§ 8910. STATE AID; FEES

* * *

(d) On an annual basis, each community mental health agency that receives state funds under this section shall certify to the state that none of the funds will be used to interfere with or restrain the exercise of an employee's rights with respect to unionization and upon request shall provide records to the commissioner which attest to such certification.

Sec. 5. EFFECTIVE DATES

Sec. 3 of this act shall take effect on July 1, 2012 and shall be fully implemented no later than July 1, 2013, or, in a school district whose collective bargaining agreement in effect on July 1, 2012 contains provision for the capacity of its school year employees to have their wages paid in substantially equal amounts each pay period throughout either the school year or calendar year, no later than the expiration date stated in that collective bargaining agreement.

and that after passage the title of the bill be amended to read: "An act relating to employment decisions based on credit information, allowing school employees to be paid wages over the course of a year, and union organizing"

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the recommendation of proposal of amendment offered by the committee on General, Housing and Military Affairs be agreed to? **Rep. Donahue of Northfield** moved to amend the report of the committee on General, Housing and Military Affairs, as follows:

By striking Sec. 4 in its entirety and inserting a new Sec. 4 to read:

Sec. 4. 21 V.S.A. § 496a is added to read:

§ 496a. STATE FUNDS; UNION ORGANIZING

On an annual basis, an employer that is the recipient of a grant of state funds shall certify to the state that none of the funds will be used to interfere with or restrain the exercise of an employee's rights with respect to

unionization and upon request shall provide records to the secretary of administration which attest to such certification.

Thereupon, **Rep. Donahue of Northfield** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the recommendation of proposal of amendment offered by the committee on General, Housing and Military Affairs be agreed to? **Reps. Wilson of Manchester, Grishin of Warren and Olsen of Jamaica** moved to amend the report of the committee on General, Housing and Military Affairs, as follows:

By striking Secs. 3 and 5 in their entirety and inserting a new Sec. 3 to read:
Sec. 3. 21 V.S.A. § 342 is amended to read:

§ 342. WEEKLY PAYMENT OF WAGES

(a)(1) Any person having employees doing and transacting business within the state shall pay each week, in lawful money or checks, the wages earned by each employee to a day not more than six days prior to the date of such payment.

(2) After giving written notice to the employees, any person having employees doing and transacting business within the state may, notwithstanding subdivision (1) of this subsection, pay ~~bi-weekly~~ biweekly or ~~semi-monthly~~ semimonthly in lawful money or checks, each employee the wages earned by the employee to a day not more than six days prior to the date of the payment. If a collective bargaining agreement so provides, the payment may be made to a day not more than 13 days prior to the date of payment.

(3) A school district employee may elect to have a set amount or set percentage of his or her after-tax wages withheld by the school district in an employee-owned bank account each pay period. The percentage or amount withheld shall be determined by the employee and shall be accessible at the discretion of the employee.

* * *

Thereupon, **Rep. Wilson of Manchester** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the recommendation of proposal of amendment offered by the committee on General, Housing and Military Affairs be agreed to? **Rep. Olsen of Jamaica** asked that the question be divided and Sec. 4 be voted on first, Secs. 3 and 5, second, and Secs. 1 and 2, last.

Thereupon, **Rep. Olsen of Jamaica** raised a Point of Order that Sec. 4 was not germane to the original bill, which Point of Order the Speaker ruled not well taken in that both the bill and Sec. 4 deal with employee/employer relations.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended in Sec. 4? **Rep. Marek of Newfane** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Pending the call of the roll, **Rep. Head of South Burlington** moved to substitute an amendment for Sec. 4 as follows:

By striking Sec. 4 in its entirety and inserting a new Sec. 4 to read:

Sec. 4. 21 V.S.A. § 496a is added to read:

§ 496a. STATE FUNDS; UNION ORGANIZING

On an annual basis, an employer that is the recipient of a grant of state funds shall certify to the state that none of the funds will be used to interfere with or restrain the exercise of an employee's rights with respect to unionization and upon request shall provide records to the secretary of administration which attest to such certification.

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on General, Housing and Military Affairs in Sec. 4, as amended? **Rep. Fagan of Rutland City** moved to recommit the bill to the committee on General, Housing and Military Affairs.

Pending the question, Shall the bill be recommitted to the Committee on General, Housing and Military Affairs? **Rep. Donovan of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be recommitted to the Committee on General, Housing and Military Affairs? was decided in the negative. Yeas, 24. Nays, 100.

Those who voted in the affirmative are:

Bouchard of Colchester
Canfield of Fair Haven
Clark of Vergennes
Crawford of Burke
Dickinson of St. Albans
Town
Donaghy of Poultney

Donahue of Northfield
Eckhardt of Chittenden
Fagan of Rutland City
Helm of Fair Haven
Higley of Lowell
Kilmartin of Newport City
Komline of Dorset

Larocque of Barnet
Lawrence of Lyndon
McAllister of Highgate
Olsen of Jamaica
Peaslee of Guildhall
Reis of St. Johnsbury
Scheuermann of Stowe

Strong of Albany
Turner of Milton

Winters of Williamstown
Wright of Burlington

Those who voted in the negative are:

Acinapura of Brandon
Ancel of Calais
Andrews of Rutland City
Atkins of Winooski
Bartholomew of Hartland
Bissonnette of Winooski
Bohi of Hartford
Botzow of Pownal
Branagan of Georgia
Burke of Brattleboro
Buxton of Tunbridge
Campion of Bennington
Cheney of Norwich
Christie of Hartford
Clarkson of Woodstock
Condon of Colchester
Conquest of Newbury
Consejo of Sheldon
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Courcelle of Rutland City
Dakin of Chester
Davis of Washington
Deen of Westminster
Donovan of Burlington
Edwards of Brattleboro
Ellis of Waterbury
Emmons of Springfield
Evans of Essex
Fisher of Lincoln
Frank of Underhill
French of Shrewsbury
French of Randolph

Grad of Moretown
Greshin of Warren
Haas of Rochester
Head of South Burlington
Hooper of Montpelier
Howrigan of Fairfield
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Kitzmiller of Montpelier
Klein of East Montpelier
Koch of Barre Town
Krebs of South Hero
Krowinski of Burlington
Kupersmith of South
Burlington
Lanpher of Vergennes
Lenes of Shelburne
Lewis of Berlin
Lewis of Derby
Lippert of Hinesburg
Lorber of Burlington
Macaig of Williston
Malcolm of Pawlet
Manwaring of Wilmington
Marcotte of Coventry
Marek of Newfane
Martin of Springfield
Martin of Wolcott
Masland of Thetford
McFaun of Barre Town
Miller of Shaftsbury
Mook of Bennington

Moran of Wardsboro
Mrowicki of Putney
Munger of South Burlington
Myers of Essex
Nuovo of Middlebury
O'Sullivan of Burlington
Partridge of Windham
Pearson of Burlington *
Peltz of Woodbury
Poirier of Barre City
Potter of Clarendon
Pugh of South Burlington
Ralston of Middlebury
Ram of Burlington
Russell of Rutland City
Savage of Swanton
Shand of Weathersfield
Sharpe of Bristol
Shaw of Pittsford
Smith of New Haven
South of St. Johnsbury
Stevens of Waterbury
Stuart of Brattleboro
Sweaney of Windsor
Taylor of Barre City
Townsend of Randolph
Trieber of Rockingham
Waite-Simpson of Essex
Webb of Shelburne
Wilson of Manchester
Wizowaty of Burlington
Yantachka of Charlotte
Young of Glover
Zagar of Barnard

Those members absent with leave of the House and not voting are:

Aswad of Burlington
Batchelor of Derby
Brennan of Colchester
Browning of Arlington
Burditt of West Rutland
Degree of St. Albans City
Devereux of Mount Holly

Gilbert of Fairfax
Heath of Westford
Hebert of Vernon
Howard of Cambridge
Hubert of Milton
Johnson of Canaan
McCullough of Williston

McNeil of Rutland Town
Morrissey of Bennington
O'Brien of Richmond
Pearce of Richford
Perley of Enosburgh
Smith of Morristown
Spengler of Colchester

Stevens of Shoreham
Till of Jericho

Toll of Danville
Woodward of Johnson

Rep. Pearson of Burlington explained his vote as follows:

“Mr. Speaker:

How ironic to have blatantly anti-union motions brought forward on a Saturday. After all, it was unions that gave us the very concept of our treasured weekends.”

Pending the call of the roll, **Rep. Pugh of South Burlington**, moved to amend the proposal of amendment, as amended, as offered by Rep. Head of South Burlington as follows:

By inserting "either to promote or" after the words "funds will be used"

Thereupon, **Rep. Pugh of South Burlington** asked and was granted leave of the House to withdraw her amendment.

Recess

At twelve o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until twelve o'clock and forty-five minutes in the afternoon.

At twelve o'clock and fifty-five minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Consideration Interrupted to Consider H. 769

S. 95

Consideration resumed on Senate bill, entitled

An act relating to exemptions for newspaper deliverers from the unemployment statutes; relieving an employer's experience rating record of charges; studying the receipt of unemployment compensation between academic terms; allowing school employees to be paid wages over the course of a year; and requiring employers to furnish required work apparel

Pending the call of the roll, **Rep. Olsen of Jamaica** moved to amend Sec. 4 of the report of the committee on General, Housing and Military Affairs, as amended as follows:

By striking the words “on an annual basis” and inserting in lieu thereof at the request of an aggrieved employee

Rules Suspended; to Interrupt the Orders of the Day

H. 769

House bill, entitled

An act relating to department of environmental conservation fees;

Rep. Turner of Milton moved to suspend the rules to interrupt the orders of the day to consider H. 769, which was agreed to.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed;
Rules Suspended and Bill was Ordered Messaged to the Senate Forthwith**

H. 769

The Senate proposed to the House to amend House bill, entitled

An act relating to department of environmental conservation fees

First: In Sec. 1, 3 V.S.A. § 2822(j)(1)(B) by striking out “, provided that a plant producing renewable energy as defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding \$64,000.00”

Second: By striking out Sec. 3 and inserting a new Sec. 3 to read:

Sec. 3. 10 V.S.A. § 1943 is amended to read:

§ 1943. PETROLEUM TANK ASSESSMENT

(a) Each owner of a category one tank used for storage of petroleum products shall remit to the secretary on October 1 of each year ~~beginning October 1, 1988, a fee that shall be deposited in the petroleum cleanup fund established under section 1941 of this title.~~

(1) For retail gasoline outlets that sell 40,000 gallons or more of motor fuel per month the fee shall be:

(A) \$100.00 per double-wall tank, which shall be deposited to the petroleum cleanup fund established by section 1941 of this title, except that: system;

(B) \$150.00 per combination tank system on October 1, 2012; \$250.00 on October 1, 2013; \$350.00 on October 1, 2014; and

(C) \$200.00 per single-wall tank system on October 1, 2012; \$400.00 on October 1, 2013; \$600.00 on October 1, 2014.

~~(1)(2) The fee shall be \$50.00 per tank for~~ For retail gasoline outlets that sell less than 40,000 gallons of motor fuel per month, the fee shall be:

(A) \$75.00 per double-wall tank system;

(B) \$125.00 per combination tank system on October 1, 2012; \$200.00 on October 1, 2013; \$275.00 on October 1, 2014; and

(C) \$175.00 per single-wall tank system on October 1, 2012; \$300.00 on October 1, 2013; \$425.00 on October 1, 2014.

~~(2)~~(3) The fee shall be reduced by 50 percent if the owner or permittee provides to the satisfaction of the secretary evidence of financial responsibility to allow the taking of corrective action in the amount of \$100,000.00 per occurrence and the compensation of third parties for bodily injury and property damage in the amount of \$300,000.00 per occurrence.

~~(3)~~(4) The fee shall be relieved if the owner provides to the satisfaction of the secretary, evidence of financial responsibility to allow the taking of corrective action and the compensation of third parties for bodily injury and property damage each in the amount of \$1,000,000.00 per occurrence.

~~(4)~~(5) The fee for retail motor fuel outlets selling 20,000 gallons or less per month ~~shall not exceed \$100.00 per year for all tanks at a single location~~ shall be:

(A) \$50.00 per double-wall tank system;

(B) \$75.00 per combination tank system on October 1, 2012; \$125.00 on October 1, 2013; \$175.00 on October 1, 2014; and

(C) \$100.00 per single-wall tank system on October 1, 2012; \$200.00 on October 1, 2013; \$300.00 on October 1, 2014.

~~(5)~~(6) ~~The fee shall be \$50.00 per tank for~~ For any municipality that uses an annual average of less than ~~an annual average~~ of 40,000 gallons of motor fuel per month, provided that all of the tanks of that municipality meet the requirements of this chapter, the fee shall be:

(A) \$50.00 per double-wall tank system;

(B) \$100.00 per combination tank system on October 1, 2012; \$150.00 on October 1, 2013; \$200.00 on October 1, 2014; and

(C) \$150.00 per single-wall tank system on October 1, 2012; \$250.00 on October 1, 2013; \$350.00 on October 1, 2014.

(b) For purposes of this section, an occurrence is an accident, including continuous or repeated exposure to conditions, which results in the release of petroleum from one or more underground storage tanks at the same site.

(c) This tank assessment shall terminate on July 1, 2014.

(d) The secretary shall establish forms and procedures for the payment of the petroleum tank assessment, including a notice of the obligation 30 days prior to being due. Failure to receive notice shall not waive the payment obligation.

Third: In Sec. 4, Petroleum advisory committee report, by adding a new subdivision (5) to read:

(5) Current tank technology and its impact on safety and the rate of current tank fees.

Fourth: By striking Sec. 8 and inserting a new Sec. 8 to read:

Sec. 8. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

(a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to the following fees for the purpose of compensating the state of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program:

* * *

(4) For projects involving the extraction of earth resources, including but not limited to sand, gravel, peat, topsoil, crushed stone, or quarried material, the greater of (a) a fee as determined under subdivision (1) of this subsection or (b) a fee equivalent to the rate of \$0.20 \$0.02 per cubic yard of maximum estimated annual extraction whichever is greater the first million cubic yards of the total volume of earth resources to be extracted over the life of the permit, and \$.01 per cubic yard of any such earth resource extraction above one million cubic yards. Extracted material that is not sold or does not otherwise enter the commercial marketplace shall not be subject to the fee. The fee assessed under this subdivision for an amendment to a permit shall be based solely upon any additional volume of earth resources to be extracted under the amendment.

* * *

Fifth: By striking Secs. 9 and 11 in their entirety

Sixth: By adding Secs. 12, 13, 14, 15, 16, 17, and 18 to read:

Sec. 12. 3 V.S.A. § 2809 is amended to read:

§ 2809. REIMBURSEMENT OF AGENCY COSTS

(a)(1) The secretary may require an applicant for a permit, license, certification, or order issued under a program that the secretary enforces under 10 V.S.A. § 8003(a) to pay for the cost of research, scientific, or engineering expertise or regulatory services ~~that provided by~~ the agency of natural resources ~~does not have when such expertise or services are~~ required for the processing of the application for the permit, license, certification, or order.

(2) The secretary may require an applicant under 10 V.S.A. chapter 151 ~~of Title 10~~ to pay for the time of agency of natural resources personnel providing research, scientific, or engineering services or for the cost of expert witnesses when agency personnel or expert witnesses are required for the processing of the permit application.

(3) ~~Except as~~ In addition to the authority set forth under 10 V.S.A. chapters 59 and 159 ~~of Title 10~~ and 10 V.S.A. § 1283, the secretary may require a person who caused the agency to incur expenditures or a person in violation of a permit, license, certification, or order issued by the secretary to pay for the time of agency personnel or the cost of other research, scientific, or engineering services incurred by the agency in response to a threat to public health or the environment presented by an emergency or exigent circumstance.

* * *

(d) The following apply to the authority established under subsection (a) of this section:

~~(1) The secretary may assess costs under subdivisions (a)(1) and (2) of this section to the applicant or applicants for the permit only with the approval of the governor. Costs assessed under subdivision (a)(3) shall not require approval of the governor.~~

~~(2) The secretary may require reimbursement only of costs in excess of \$3,000.00.~~

~~(3)~~ The secretary may revise estimates previously noticed as necessary from time to time during the progress of the work and shall notify the applicant in writing of any revision.

~~(4)~~(2) The secretary shall provide the applicant with a detailed statement of a final assessment under this section showing the total amount of money expended or contracted for in the work and directing the manner and timing of payment by the applicant.

~~(5)(3)~~ All funds collected from applicants shall be paid into the state treasury.

* * *

(g) Concerning an application for a permit to discharge stormwater runoff from a telecommunications facility as defined in 30 V.S.A. § 248a that is filed before July 1, 2014:

~~(1) Under subdivision (a)(1) of this section, the agency shall not require an applicant to pay more than \$10,000.00 with respect to a facility.~~

~~(2) The, the provisions of subsection (c)(mandatory meeting) of this section shall not apply.~~

Sec. 13. 24 V.S.A. § 4753(a)(9) is added to read:

(9) The Vermont wastewater and potable water revolving loan fund which shall be used to provide loans to individuals, in accordance with section 4763a of this title, for the design and construction of repairs to or replacement of wastewater systems and potable water supplies when the wastewater system or potable water supply is a failed system or supply as defined in 10 V.S.A. § 1972. The amount of \$275,000.00 from the fees collected pursuant to 3 V.S.A. § 2822(j)(4) shall be deposited on an annual basis into this fund.

Sec. 14. 24 V.S.A. § 4763a is added to read:

§ 4763a. LOANS TO INDIVIDUALS FOR FAILED WASTEWATER SYSTEMS AND FAILED POTABLE WATER SUPPLIES

(a) Notwithstanding any other provision of law, when the wastewater system or potable water supply serving only one single-family residence on its own lot meets the definition of a failed supply or system, the secretary of natural resources may lend monies to the owner of the residence from the Vermont wastewater and potable water revolving loan fund established in section 4753 of this title. In such cases, the following conditions shall apply:

(1) loans may only be made to households with an income equal to or less than 200 percent of the state average median household income;

(2) loans may only be made to households where the recipient of the loan resides in the residence on a year-round basis;

(3) loans may only be made if the owner of the residence has been denied financing for the repair, replacement, or construction due to involuntary disconnection by at least two other financing entities;

(4) no construction loan shall be made to an individual under this subsection, nor shall any part of any revolving loan made under this subsection be expended, until all of the following take place:

(A) the secretary of natural resources determines that if a wastewater system and potable water supply permit is necessary for the design and construction of the project to be financed by the loan, the permit has been issued to the owner of the failed system or supply; and

(B) the individual applying for the loan certifies to the secretary of natural resources that the proposed project has secured all state and federal permits, licenses, and approvals necessary to construct and operate the project to be financed by the loan.

(5) all funds from the repayment of loans made under this section shall be deposited into the Vermont wastewater and potable water revolving loan fund.

(b) The secretary of natural resources shall establish standards, policies, and procedures as necessary for the implementation of this section.

Sec. 15. 24 V.S.A. § 4753a is amended to read:

§ 4753a. AWARDS FROM REVOLVING LOAN FUNDS

(a) Pollution control. The general assembly shall approve all categories of awards made from the special funds established by section 4753 of this title for water pollution control facility construction, in order to assure that such awards conform with state policy on water quality and pollution abatement, and with the state policy that, ~~except as provided in subsection (c) of this section,~~ municipal entities shall receive first priority in the award of public monies for such construction, including monies returned to the revolving funds from previous awards. To facilitate this legislative oversight, the secretary of natural resources shall annually no later than January 15 report to the house and senate committees on institutions and on natural resources and energy on all awards made from the relevant special funds during the prior and current fiscal years, and shall report on and seek legislative approval of all the types of projects for which awards are proposed to be made from the relevant special funds during the current or any subsequent fiscal year. Where feasible, the specific projects shall be listed.

(b) Water supply. The secretary of natural resources shall no later than January 15, 2000 recommend to the house ~~and senate committees on institutions and~~ committee on corrections and institutions, the senate committee on institutions, and the house and senate committees on natural

resources and energy a procedure for reporting to and seeking the concurrence of the legislature with regard to the special funds established by section 4753 of this title for water supply facility construction.

~~(c) Notwithstanding other priorities established in law, the secretary may award up to \$500,000.00 of the funds from the Vermont environmental protection agency control fund and the Vermont pollution control revolving fund, combined, to a state agency, the Vermont housing finance agency, or a municipality for the administration of loans to households with income equal to or less than 200 percent of the state average median household income for the repair or replacement of failed wastewater systems and failed potable water supplies, as those terms are defined in section 1972 of Title 10. Upon award of funds under this section, the state agency, Vermont housing finance agency, or municipality shall agree, pursuant to a memorandum of understanding with the secretary of natural resources, to repay the funds awarded to the special fund from which they were drawn.~~

Sec. 16. ANR REPORT ON ENVIRONMENTAL IMPACT OF GROUNDWATER WITHDRAWALS FOR BOTTLING WATER

(a) On or before January 15, 2013, the secretary of natural resources shall report to the senate and house committees on natural resources and energy, the senate committee on finance, and the house committee on ways and means regarding the impact of groundwater withdrawals by public water systems for the purposes of transfer out of the state for bottling. The report shall include:

(1) An analysis of the environmental effect of withdrawing and transferring out of the state large volumes of groundwater for the purposes of bottling, including the impact of such withdrawals on drinking water supplies, agricultural use, groundwater tables, and surface water recharge.

(2) A summary of the fees charged by other states for the withdrawal of groundwater for bottling or bulk water transfer and a comparison of the fees of other states to the groundwater withdrawal fees charged in Vermont.

(b) In preparing the report required under subsection (a) of this section, the secretary of natural resources shall consult with interested parties, including owners of property in the proximity of public water systems withdrawing groundwater for the purposes of bottling water, public water systems, bottled water companies, environmental groups, and representatives of agriculture.

(c) As used in this section, "public water system" shall be defined as provided in 10 V.S.A. § 1671.

Sec. 17. STUDY; DEPARTMENT OF PUBLIC SAFETY

(a) The department of public safety shall study how it assesses fees or charges for services provided by the department to municipalities, fire departments, and other entities. The study shall also examine how fees or charges can be equitably assessed and what mechanism can be employed to collect fees or charges.

(b) The department shall report its findings and any recommendations to the house committee on ways and means and the senate committee on finance by January 15, 2013.

Sec. 18. REPORT; AGENCY OF NATURAL RESOURCES; AGENCY OF TRANSPORTATION

On or before January 15, 2013, the secretary of natural resources (ANR) and the secretary of transportation (AOT) shall jointly report to the house committee on ways and means and the senate committee on finance with a recommendation as to whether or not agency of natural resources fees and agency of transportation fees should be adjusted so that air pollution fees paid to ANR proportionally reflect the contribution of ANR permittees to state air pollution and so that air-pollution-related fees paid to AOT proportionally reflect the contribution of AOT licensees and permittees to state air pollution. If making adjustments to ANR and AOT fees is recommended for this purpose, the report shall recommend which fees should be adjusted and by what amount.

and by renumbering the sections to be numerically correct

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Sharpe of Bristol** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Sharpe of Bristol
Rep. Clarkson of Woodstock
Rep. Masland of Thetford

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Consideration Resumed; Proposal of Amendment Agreed to
and Third Reading Ordered**

S. 95

Consideration resumed on Senate bill, entitled

An act relating to exemptions for newspaper deliverers from the unemployment statutes; relieving an employer's experience rating record of charges; studying the receipt of unemployment compensation between academic terms; allowing school employees to be paid wages over the course of a year; and requiring employers to furnish required work apparel

Pending the question, Shall the House amend Sec. 4 of the report of the committee on General, Housing and Military Affairs, as amended as recommended by Rep. Olsen of Jamaica? **Rep. Lewis of Derby** moved to postpone action until Monday, April 30, 2012, which was disagreed to.

The recurring question, Shall the House amend Sec. 4 of the report of the committee on General, Housing and Military Affairs, as amended, as recommended by Rep. Olsen of Jamaica? was disagreed to.

Thereupon, the Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing and Military Affairs, as amended, in Section 4 only? was decided in the affirmative. Yeas, 80. Nays, 35.

Those who voted in the affirmative are:

Andrews of Rutland City *	French of Shrewsbury	McFaun of Barre Town
Atkins of Winooski	French of Randolph	Miller of Shaftsbury
Bartholomew of Hartland	Grad of Moretown	Mook of Bennington
Bissonnette of Winooski	Haas of Rochester	Moran of Wardsboro
Bohi of Hartford	Head of South Burlington	Mrowicki of Putney
Botzow of Pownal	Hooper of Montpelier	Nuovo of Middlebury
Burke of Brattleboro	Howrigan of Fairfield	O'Sullivan of Burlington
Buxton of Tunbridge	Jerman of Essex	Partridge of Windham
Campion of Bennington	Jewett of Ripton	Pearson of Burlington
Cheney of Norwich	Johnson of South Hero	Poirier of Barre City
Christie of Hartford	Keenan of St. Albans City	Potter of Clarendon
Clarkson of Woodstock	Kitzmiller of Montpelier	Pugh of South Burlington
Copeland-Hanzas of	Klein of East Montpelier	Ralston of Middlebury
Bradford	Krowinski of Burlington	Russell of Rutland City
Corcoran of Bennington	Kupersmith of South	Shand of Weathersfield
Courcelle of Rutland City	Burlington	Sharpe of Bristol
Dakin of Chester	Lanpher of Vergennes	South of St. Johnsbury
Davis of Washington	Lenes of Shelburne	Stevens of Waterbury
Deen of Westminster	Lippert of Hinesburg	Stuart of Brattleboro
Donovan of Burlington	Lorber of Burlington	Sweaney of Windsor
Edwards of Brattleboro	Macaig of Williston	Taylor of Barre City
Ellis of Waterbury	Malcolm of Pawlet	Trieber of Rockingham
Emmons of Springfield	Manwaring of Wilmington	Waite-Simpson of Essex
Evans of Essex	Marek of Newfane	Webb of Shelburne
Fisher of Lincoln	Martin of Wolcott	Wilson of Manchester
Frank of Underhill	Masland of Thetford	Wizowaty of Burlington

Wright of Burlington
Yantachka of Charlotte

Young of Glover
Zagar of Barnard

Those who voted in the negative are:

Acinapura of Brandon
Bouchard of Colchester
Branagan of Georgia
Canfield of Fair Haven
Clark of Vergennes
Condon of Colchester
Consejo of Sheldon
Crawford of Burke
Dickinson of St. Albans
Town
Donaghy of Poultney
Donahue of Northfield *

Eckhardt of Chittenden
Fagan of Rutland City
Greshin of Warren
Helm of Fair Haven
Higley of Lowell
Kilmartin of Newport City
Koch of Barre Town *
Komline of Dorset
Krebs of South Hero
Larocque of Barnet
Lawrence of Lyndon
Lewis of Berlin

Lewis of Derby
Marcotte of Coventry
Myers of Essex
Olsen of Jamaica
Reis of St. Johnsbury
Savage of Swanton
Scheuermann of Stowe
Shaw of Pittsford
Smith of New Haven
Strong of Albany
Townsend of Randolph
Winters of Williamstown

Those members absent with leave of the House and not voting are:

Ancel of Calais
Aswad of Burlington
Batchelor of Derby
Brennan of Colchester
Browning of Arlington
Burditt of West Rutland
Conquest of Newbury
Degree of St. Albans City
Devereux of Mount Holly
Gilbert of Fairfax
Heath of Westford
Hebert of Vernon

Howard of Cambridge
Hubert of Milton
Johnson of Canaan
Martin of Springfield
McAllister of Highgate
McCullough of Williston
McNeil of Rutland Town
Morrissey of Bennington
Munger of South Burlington
O'Brien of Richmond
Pearce of Richford
Peaslee of Guildhall

Peltz of Woodbury
Perley of Enosburgh
Ram of Burlington
Smith of Morristown
Spengler of Colchester
Stevens of Shoreham
Till of Jericho
Toll of Danville
Turner of Milton
Woodward of Johnson

Rep. Andrews of Rutland City explained her vote as follows:

“Mr. Speaker:

I have listened to questions raised in this discussion and hope to get answers to some of them before 3rd reading. I vote ‘yes’ because I support the idea of shining this small light of accountability and responsibility on the use of taxpayer dollars and I hope my questions will be answered satisfactorily so we can ensure this level of prudent accountability.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

Reactionary law that impugned the activities of a group of agencies based upon alleged illegal activities by one in that group was objectionable. But it is

unfathomable to unnecessarily place all employers in the state that receive state funds under this shadow and under this burden by requiring them to certify they are not breaking the law and, upon request, to provide records to prove it. I withdrew my proposal of this language precisely because of becoming educated by the committee that the activities in question are, in fact, already illegal.”

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

No. This is blatantly unconstitutional and offends provisions of both the Constitution of the United States and Vermont on two rights: the right against self-incrimination afforded to all persons and associations, the presumption of innocence. We have wasted enormous time and energy in trampling on the blood and treasure of our forebears who sacrificed much to guarantee these two sacred rights.”

Rep. Koch of Barre Town explained his vote as follows:

“Mr. Speaker:

I’d just like to point out that we just spent, by my calculations, a little over three hours on a Saturday on one paragraph that now requires some people to certify to the Secretary of Administration that they are complying with the law, which is something the Auditor of Accounts already checks anyway.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

I fail to understand why anyone would oppose requiring employers receiving state funds to simply certify that they are not using our state funds for breaking the law.”

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing and Military Affairs, as amended, in Sections 3 and 5 only? **Rep. Fagan of Rutland City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing and Military Affairs, as amended, in Sections 3 and 5 only? was decided in the affirmative. Yeas, 94. Nays, 19.

Those who voted in the affirmative are:

Ancel of Calais

Atkins of Winooski

Bartholomew of Hartland

Bissonnette of Winooski

Bohi of Hartford

Botzow of Pownal

Burke of Brattleboro	Jewett of Ripton	Nuovo of Middlebury
Buxton of Tunbridge	Johnson of South Hero	O'Sullivan of Burlington
Cheney of Norwich	Keenan of St. Albans City	Partridge of Windham
Christie of Hartford	Kilmartin of Newport City	Pearson of Burlington
Clarkson of Woodstock	Kitzmiller of Montpelier	Poirier of Barre City
Consejo of Sheldon	Klein of East Montpelier	Potter of Clarendon
Copeland-Hanzas of Bradford	Koch of Barre Town	Pugh of South Burlington
Courcelle of Rutland City	Krebs of South Hero	Ralston of Middlebury
Crawford of Burke	Krowinski of Burlington	Ram of Burlington
Dakin of Chester	Kupersmith of South Burlington	Reis of St. Johnsbury
Davis of Washington	Lanpher of Vergennes	Russell of Rutland City
Deen of Westminster	Lenes of Shelburne	Savage of Swanton
Donahue of Northfield	Leriche of Hardwick	Shand of Weathersfield
Donovan of Burlington	Lewis of Berlin	Sharpe of Bristol
Edwards of Brattleboro	Lewis of Derby	Shaw of Pittsford
Ellis of Waterbury	Lippert of Hinesburg	South of St. Johnsbury
Emmons of Springfield	Lorber of Burlington	Stevens of Waterbury
Evans of Essex	Macaig of Williston	Strong of Albany
Fisher of Lincoln	Manwaring of Wilmington	Stuart of Brattleboro
Frank of Underhill	Marcotte of Coventry	Sweaney of Windsor
French of Shrewsbury	Marek of Newfane	Taylor of Barre City
French of Randolph	Martin of Springfield	Townsend of Randolph
Grad of Moretown	Martin of Wolcott	Trieber of Rockingham
Haas of Rochester	Masland of Thetford	Waite-Simpson of Essex
Head of South Burlington	McFaun of Barre Town	Webb of Shelburne
Heath of Westford	Miller of Shaftsbury	Wizowaty of Burlington
Hooper of Montpelier	Moran of Wardsboro	Wright of Burlington
Howrigan of Fairfield	Mrowicki of Putney	Yantachka of Charlotte
Jerman of Essex	Myers of Essex	Young of Glover
		Zagar of Barnard

Those who voted in the negative are:

Acinapura of Brandon	Dickinson of St. Albans Town	Malcolm of Pawlet
Bouchard of Colchester	Eckhardt of Chittenden	Olsen of Jamaica
Branagan of Georgia	Fagan of Rutland City	Scheuermann of Stowe
Campion of Bennington	Greshin of Warren	Smith of New Haven
Canfield of Fair Haven	Higley of Lowell	Wilson of Manchester
Conquest of Newbury	Lawrence of Lyndon	Winters of Williamstown
Corcoran of Bennington		

Those members absent with leave of the House and not voting are:

Andrews of Rutland City	Condon of Colchester	Howard of Cambridge
Aswad of Burlington	Degree of St. Albans City	Hubert of Milton
Batchelor of Derby	Devereux of Mount Holly	Johnson of Canaan
Brennan of Colchester	Donaghy of Poultney	Komline of Dorset
Browning of Arlington	Gilbert of Fairfax	Larocque of Barnet
Burditt of West Rutland	Hebert of Vernon	McAllister of Highgate
Clark of Vergennes	Helm of Fair Haven	McCullough of Williston

McNeil of Rutland Town
Mook of Bennington
Morrissey of Bennington
Munger of South Burlington
O'Brien of Richmond

Pearce of Richford
Peaslee of Guildhall
Peltz of Woodbury
Perley of Enosburgh
Spengler of Colchester

Stevens of Shoreham
Till of Jericho
Toll of Danville
Turner of Milton
Woodward of Johnson

Thereupon, the proposal of amendment on Sec.1 and Sec. 2 agreed to and third reading was ordered.

Message from the Senate No. 59

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 475. An act relating to net metering and definitions of capacity.

H. 506. An act relating to vinous beverages.

H. 523. An act relating to revising the state highway condemnation law.

H. 535. An act relating to racial disparities in the Vermont criminal justice system.

H. 556. An act relating to creating a private activity bond advisory committee.

H. 751. An act relating to jurisdiction of delinquency proceedings.

H. 769. An act relating to department of environmental conservation fees.

H. 771. An act relating to making technical corrections and other miscellaneous changes to education law.

H. 780. An act relating to compensation for certain state employees.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposals of amendment to Senate proposals of amendment to House bills of the following titles:

H. 37. An act relating to telemedicine.

H. 403. An act relating to foreclosure of mortgages.

H. 413. An act relating to creating a civil action against those who abuse, neglect, or exploit a vulnerable adult.

H. 503. An act relating to eliminating the ability of the sergeant at arms to employ a traffic control officer and requiring the certification of capitol police officers.

And has concurred therein.

The Senate has considered bills originating in the House of the following titles:

H. 792. An act relating to approval of amendments to the charter of the city of Burlington.

H. 793. An act relating to approval of amendments to the charter of the Winooski incorporated school district.

And has passed the same in concurrence.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 223. An act relating to health insurance coverage for early childhood developmental disorders, including autism spectrum disorders.

And has concurred therein.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 58. Joint resolution relating to respectful language in the Vermont Statutes Annotated.

In the adoption of which the concurrence of the House is requested.

Message from the Senate No. 60

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 773. An act relating to veterans' tax exemption.

And has passed the same in concurrence.

The Senate has considered a bill originating in the House of the following title:

H. 778. An act relating to structured settlements.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 782. An act relating to miscellaneous tax changes for 2012.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Cummings
Senator MacDonald
Senator Westman

Pursuant to the request of the Senate for Committees of Conference on the disagreeing votes of the two Houses on the following Senate bills the President announced the appointment as members of such Committees on the part of the Senate:

S. 189. An act relating to expanding confidentiality of cases accepted by the court diversion project.

Senator Nitka
Senator Sears
Senator Snelling

S. 244. An act relating to referral to court diversion for driving with a suspended license.

Senator Sears
Senator Nitka
Senator Flory

S. 245. An act relating to requiring cardiovascular care instruction in public and independent schools.

Senator Doyle
Senator Lyons
Senator Baruth

S. 251. An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

Senator Hartwell
Senator Westman
Senator Mazza.

Message from the Senate No. 61

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 745. An act relating to the Vermont prescription monitoring system.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on the following House bill the President announced the appointment as members of such Committee on the part of the Senate:

H. 769. An act relating to department of environmental conservation fees.

Senator Ashe
Senator McCormack
Senator Brock.

Proposal of Amendment Agreed to; Third Reading Ordered**S. 99**

Rep. Stevens of Waterbury, for the committee on General, Housing and Military Affairs, to which had been referred Senate bill, entitled

An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS AND PURPOSE

The general assembly finds:

(1) The damage resulting throughout Vermont from both the 2011 spring flooding and from Tropical Storm Irene had a devastating impact in many areas on mobile homes and mobile home parks.

(2) Given that mobile homes represent one of few available affordable housing options in the state, these storms caused significant hardship for many lower and middle income Vermonters whose homes were damaged or destroyed.

(3) Given the economic costs endured by mobile home owners, it is appropriate at this time to consider increasing the affordable housing tax credit and exempting the purchase of mobile homes from sales and use tax, local option sales tax, and property transfer tax when such homes are purchased to replace homes destroyed by recent flooding and natural disasters.

(4) During the course of exploring the issues surrounding the impacts of these disasters, it is apparent that mobile home owners and mobile home park owners face unique economic pressures, and more assistance should be focused to facilitate the availability and ownership of modern, safe, mobile homes and the availability of suitable lots, and to facilitate the sale of parks to residents or nonprofit entities in order to preserve affordability and availability of housing.

(5) It is the purpose of this act to focus state, municipal, and private resources on assisting mobile home owners recovering from the storms, and on ensuring that in the long term, Vermonters have an adequate supply of safe, affordable housing.

Sec. 2. 10 V.S.A. chapter 153 is amended to read:

CHAPTER 153. MOBILE HOME PARKS

§ 6201. DEFINITIONS

As used in this chapter, unless the context requires otherwise:

(1) "Mobile home" means:

(A) a structure or type of manufactured home, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure, that is:

(i) built on a permanent chassis and is;

(ii) designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is: when connected to the required utilities;

(A)(iii) transportable in one or more sections; and

(B)(iv)(I) at least eight feet wide or, 40 feet long, or when erected has at least 320 square feet; or

(II) if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or

~~(C)~~(B) any structure that meets all the requirements of this subdivision (1) except ~~for~~ the size requirements, and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and safety standards established under Title 42 of the U.S. Code.

* * *

(4) ~~“Commission” means the advisory commission on manufactured homes, established under section 6202 of this title. [Repealed.]~~

* * *

(8) ~~“Department” means the department of housing and community affairs~~ department of economic, housing and community development.

(9) “Good faith” means honesty in fact and the observance of reasonable standards and fair dealing, such that each party shall respond promptly and fairly to offers from the other party.

(10) ~~[Expired.]~~ “Lot rent” means a charge assessed on a mobile home park resident for the occupancy of a mobile home lot, but does not include charges permitted under section 6238 of this title.

(11) ~~“Commissioner” means the commissioner of housing and community affairs~~ economic, housing and community development.

* * *

§ 6231. RULES

(a) [Deleted.]

(b) The department may adopt rules to carry out the provisions ~~of sections 6236-6243 of this title~~ chapter.

(c) A mobile home park that has been closed pursuant to section 6237a of this title and reduced to no more than two occupied leased lots, shall be required, if the number of occupied leased lots subsequently is increased to more than two, to obtain all state land use and environmental permits required for a mobile home park that has been established or expanded after May 31, 1970.

§ 6236. LEASE TERMS; MOBILE HOME PARKS

* * *

(e) All mobile home lot leases shall contain the following:

* * *

(3) Notice that the park owner shall not discriminate for reasons of race, religious creed, color, sex, sexual orientation, gender identity, marital status, ~~handicap~~ disability, ~~or~~ national origin, or because a person is a recipient of public assistance.

(4) Notice that the park owner shall not discriminate based on age or the presence of one or more minor children in the household, except as permitted under 9 V.S.A. § 4503(b) and (c). If age restrictions exist in all or part of a park, the specific restrictions and geographic sections in which restrictions apply shall be documented in the lease.

* * *

§ 6237. EVICTIONS

(a) A leaseholder may be evicted only for nonpayment of rent or for a substantial violation of the lease terms of the mobile home park, or if there is a change in use of the park land or parts thereof or a termination of the mobile home park, and only in accordance with the following procedure:

* * *

(4) A substantial violation of the lease terms, other than an uncured nonpayment of rent, will be insufficient to support a judgment of eviction unless the proceeding is commenced within 60 days of the last alleged violation. A substantial violation of the lease terms based upon criminal activity will be insufficient to support a judgment of eviction unless the proceeding is commenced no later than 60 days after arraignment.

* * *

§ 6237a. MOBILE HOME PARK CLOSURES

* * *

(b) Prior to issuing a closure notice pursuant to subsection (a) of this section, a park owner shall first ~~notify all mobile home owners of the park owner's~~ issue a notice of intent to sell in accordance with section 6242 of this title that discloses the potential closure of the park. However, if the park owner sends a notice of closure to the residents and leaseholders without first providing the mobile home owners with a notice of ~~sale~~ intent to sell under

section 6242 that discloses the potential closure of the park, then the park owner must retain ownership of the land for five years after the date the closure notice was provided. If required, the park owner shall record the notice of the five-year restriction in the land records of the municipality in which the park is located. The park owner may apply to the commissioner for relief from the notice and holding requirements of this subsection if the commissioner determines that strict compliance is likely to cause undue hardship to the park owner or the leaseholders, or both. This relief shall not be unreasonably withheld.

* * *

(d) A park owner who gives notice of intent to sell pursuant to section 6242 of this title shall not give notice of closure until after:

(1) At least 45 days after giving notice of intent to sell.

(2) If applicable, the commissioner receives notice from the mobile home owners and the park owner that negotiations have ended following the ~~90-day~~ 120-day negotiation period provided in subdivision 6242(c)(1) of this title.

* * *

§ 6242. MOBILE HOME OWNERS' RIGHT TO NOTIFICATION PRIOR TO PARK SALE

(a) Content of notice. A park owner shall give to each mobile home owner and to the commissioner of the department of economic, housing and community ~~affairs~~ development notice by certified mail, return receipt requested, of his or her intention to sell the mobile home park. Nothing herein shall be construed to restrict the price at which the park owner offers the park for sale. The notice shall state all the following:

(1) That the park owner intends to sell the park.

(2) The price, terms, and conditions under which the park owner offers the park for sale.

(3) A list of the affected mobile home owners and the number of leaseholds held by each.

(4) The status of compliance with applicable statutes, regulations and permits, to the park owner's best knowledge, and the reasons for any noncompliance.

(5) That for 45 days following the notice the park owner shall not make a final unconditional acceptance of an offer to purchase the park and that if

within the 45 days the park owner receives notice pursuant to subsection (c) of this section that a majority of the mobile home owners intend to consider purchase of the park, the park owner shall not make a final unconditional acceptance of an offer to purchase the park for an additional ~~90~~ 120 days, starting from the 46th day following notice, except one from a group representing a majority of the mobile home owners or from a nonprofit corporation approved by a majority of the mobile home owners.

(b) Resident intent to negotiate; timetable. The mobile home owners shall have 45 days following notice under subsection (a) of this section in which to determine whether they intend to consider purchase of the park through a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners. A majority of the mobile home owners shall be determined by one vote per leasehold and no mobile home owner shall have more than three votes or 30 percent of the aggregate park vote, whichever is less. During this 45-day period, the park owner shall not accept a final unconditional offer to purchase the park.

(c) Response to notice; required action. If the park owner receives no notice from the mobile home owners during the 45-day period or if the mobile home owners notify the park owner that they do not intend to consider purchase of the park, the park owner has no further restrictions regarding sale of the park pursuant to this section. If during the 45-day period, the park owner receives notice in writing that a majority of the mobile home owners intend to consider purchase of the park then the park owner shall do all the following:

(1) Not accept a final unconditional offer to purchase from a party other than leaseholders for ~~90~~ 120 days following the 45-day period, a total of ~~135~~ 165 days following the notice from the leaseholders.

(2) Negotiate in good faith with the group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners concerning purchase of the park.

(3) Consider any offer to purchase from a group representing a majority of the mobile home owners or from a nonprofit corporation approved by a majority of the mobile home owners.

* * *

~~(f) No additional notice pursuant to subsection (a) of this section shall be required if the sale is in compliance with either of the following:~~

~~(1) The park owner completes a sale of the park within one year from the expiration of the 45-day period following the date of the notice and the sale price is either of the following:~~

~~(A) No less than the price for which the park was offered for sale pursuant to subsection (a) of this section.~~

~~(B) Substantially higher than the final written offer from a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners.~~

~~(2) The park owner has entered into a binding purchase and sale agreement with a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners with a closing date later than one year from the date of the notice. Requirement for new notice of intent to sell.~~

(1) Subject to subdivision (2) of this subsection, a notice of intent to sell issued pursuant to subsection (a) of this section shall be valid:

(A) for a period of one year from the expiration of the 45-day period following the date of the notice; or

(B) if the park owner has entered into a binding purchase and sale agreement with a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners within one year from the expiration of the 45-day period following the date of the notice until the completion of the sale of the park under the agreement or the expiration of the agreement, whichever is sooner.

(2) During the period in which a notice of intent to sell is valid, a park owner shall provide a new notice of intent to sell, consistent with the requirements of subsection (a) of this section, prior to making an offer to sell the park or accepting an offer to purchase the park that is either more than five percent below the price for which the park was initially offered for sale or less than five percent above the final written offer from a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners.

* * *

§ 6245. ILLEGAL EVICTIONS

(a) No park owner may ~~wilfully~~ willfully cause, directly or indirectly, the interruption or termination of any utility service to a mobile home except for temporary interruptions for necessary repairs.

(b) No park owner may directly or indirectly deny a leaseholder access to and possession of ~~a mobile home~~ the leaseholder's leased premises, except through proper judicial process.

(c) No park owner may directly or indirectly deny a leaseholder access to and possession of the leaseholder's ~~rented or leased~~ mobile home and personal property, except through proper judicial process.

* * *

§ 6251. MOBILE HOME LOT RENT INCREASE; NOTICE; MEETING

(a) A mobile home park owner shall provide written notification on a form provided by the department to the commissioner and all the affected mobile home park leaseholders of any lot rent increase no later than 60 days before the effective date of the proposed increase. The notice shall include all the following:

(1) The amount of the proposed lot rent increase, including any amount of the increase that is attributable to a surcharge for any capital improvements of the mobile home park pursuant to subsection (b) of this section, the estimated cost, ~~which includes interest~~, of the capital improvements, and the proposed duration of the surcharge prorated in 12-month increments sufficient to recover the estimated cost of the capital improvements.

(2) The effective date of the increase.

(3) A copy of the mobile home park leaseholder's rights pursuant to this section and sections 6252 and 6253 of this title.

(4) ~~{Deleted.}~~ The percentage of increase from the current base lot rent.

* * *

§ 6254. REGISTRATION OF MOBILE HOME PARKS; REPORT

(a) No later than September 1 each year, each park owner shall register with the department on a form provided by the department. The form shall include the following information:

* * *

(8) The lot rent to be charged for each lot as ~~of the preceding~~ scheduled for October 1 of that year, and the effective date of that lot rent charge.

* * *

Sec. 3. 10 V.S.A. § 6249 is amended to read:

§ 6249. SALE OF ABANDONED MOBILE HOME

* * *

(c) When a verified complaint is filed under this section, the clerk of the superior court shall set a hearing on the complaint before a superior judge. The hearing shall be held at least ~~30~~ 15 days but no later than ~~45~~ 30 days after the filing of the complaint.

(d) Within ~~10~~ five days after filing the verified complaint, the park owner shall post a copy of the verified complaint and order for hearing on the mobile home and send a copy of the verified complaint and order for hearing, by certified mail, return receipt requested, to the mobile home owner's last known mailing address; to the last resident of the mobile home at the resident's last known mailing address; to each person identified in the verified complaint; and to the town clerk of the town in which the mobile home is located.

(e) The park owner shall publish the verified complaint and order for hearing in a newspaper of general circulation in the town where the mobile home is located. The notice shall be published ~~twice, at least ten days apart, with the second notice to be published~~ no later than five calendar days before the date of hearing.

* * *

(h) If the court finds that the park owner has complied with subsection (g) of this section, the court shall enter an order approving the sale of the mobile home at a public auction to be held within ~~30~~ 15 days of the date of the order. The mobile home park owner shall send the order by first class mail to the mobile home owner and all lien holders of record. The order shall require all the following:

(1) That the sale shall be conducted by the person identified in the verified complaint or some other person approved by the court.

(2) That notice of the sale be published in a newspaper of general circulation in the town where the mobile home is located and sent by first class mail to the mobile home owner, the mobile home park owner and all lien holders of record. The notice of sale shall be published ~~three times, at least five days apart with the last publication being~~ no later than five calendar days before the date of sale.

(3) That the terms of sale provide for conveyance of the mobile home, together with any security deposit held by the park owner, by uniform mobile home bill of sale executed on behalf of the mobile home owner pursuant to the order of the court by the person authorized by the court, in "as is" condition, free and clear of all liens and other encumbrances of record.

(4) A minimum bid established by the court sufficient to cover the total costs listed in subdivisions (7)(A)-(D) of this subsection. The mobile home shall be sold to the highest bidder over the minimum bid set by the court.

(5) The successful bidder shall make full payment at the auction if the bid does not exceed \$2,000.00. If the bid exceeds \$2,000.00, the successful bidder shall provide a nonrefundable deposit at the time of the auction of at least \$2,000.00 or 25 percent of the bid, whichever is greater, and shall make full payment within three working days after the auction.

(6) A successful bidder, if other than the park owner, shall remove the mobile home from the park within five working days after the auction unless the park owner permits removal of the mobile home at a later date.

(7) The person who conducted the public sale shall report to the court the results of the sale, the proposed distribution of the proceeds of the sale, and the bank in which any excess proceeds are deposited and shall send a copy of the report to the mobile home owner, the park owner and all lien holders of record by certified mail, return receipt requested, within three working days after the sale. Anyone claiming impropriety in the conduct of the sale may file an objection with the court within ~~12~~ seven days after the sale. The filing of an objection shall not invalidate the sale or delay transfer of ownership of the abandoned mobile home. If an objection is filed and if the court finds impropriety in the conduct of the sale, the court may order distribution of the proceeds of the sale as is fair, taking into account the impropriety. If no objection is filed with the court, on the ~~15th~~ eighth day after the sale, the proceeds shall be distributed as follows:

* * *

* * * DEHCD Study and Planning * * *

Sec. 4. DEHCD STUDIES; LONG-RANGE PLANNING FOR THE

VIABILITY AND DISASTER RESILIENCY OF MOBILE HOME

OWNERSHIP AND PARKS

(a) The department of economic, housing and community development shall, in collaboration with other organizations and interested stakeholders, and as funding from FEMA and other sources allows develop a plan for the future viability and disaster resiliency of mobile home ownership and parks.

(b) The plan shall:

(1) With input from the agency of natural resources, identify parks vulnerable to natural hazards such as flooding and develop a strategy for

improving their safety and resiliency through education, emergency planning, mitigation measures, reconfiguration, and relocation.

(2) Identify barriers to mobile home ownership including the availability of financing and mortgage insurance and recommend methods for the state to assist, including coordinating with USDA Rural Development to extend its pilot program under the section 502 direct loan and guarantee loan programs and working with public, private, and nonprofit entities to develop solutions.

(3) Address the potential loss of mobile home parks and affordability due to sale, closure, or natural disaster by recommending actions to encourage resident or nonprofit purchase and ownership and the creation of new mobile home parks or lots through technical assistance and planning guidance to municipalities and developers.

(4) Working in collaboration with the Vermont housing and conservation board and any additional public or private funding entities, assess other housing designs as alternatives to mobile homes that are affordable when all related costs such as siting, water and sewer, and energy use are taken into consideration.

(5) Address and propose recommendations on the most effective mechanisms for ensuring adequate maintenance, repair, and safety of private roads and of public spaces within a mobile home park.

Sec. 5. 20 V.S.A. § 2731(k) is added to read:

(k) Building codes. Pursuant to his or her authority under this section, the commissioner of public safety shall:

(1) Develop and maintain on the department website a graphic chart or grid depicting categories of construction, including new construction, major rehabilitation, change of use, and additions, and the respective building codes that apply to each category.

(2) Whenever practicable and appropriate, offer the opportunity to construction and design professionals to participate in division of fire safety staff training.

(3) Update building codes on three-year cycles, consistent with codes developed by code-writing authorities, to keep pace with technology, products, and design.

(4) Create a publicly accessible database of decisions that are decided on appeal to the commissioner.

Sec. 6. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

* * *

(11) To fail to comply with provisions or rules pertaining to covered multifamily dwellings, as defined in 21 V.S.A. § 271, pursuant to chapter 4 of Title 21 20 V.S.A. § 2900(4) and pursuant to 20 V.S.A. chapter 174.

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, except as otherwise provided by law.

* * *

Sec. 7. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

(A) No bylaw nor its application by an appropriate municipal panel under this chapter shall have the effect of excluding housing that meets the needs of the population as determined in the housing element of its municipal plan as required under subdivision 4382(a)(10) of this title or the effect of discriminating in the permitting of housing as specified in 9 V.S.A. § 4503.

* * *

* * * Allocation of Rental Housing Subsidies by
State Entities (VSHA) * * *

Sec. 8. ADMINISTRATION OF RENTAL HOUSING SUBSIDIES;
FINDINGS AND PURPOSE

The general assembly finds:

(1) Administration of rental housing subsidies in Vermont, including federal housing funds, is a public and essential governmental function to be focused primarily on assuring safe and decent housing for low and moderate income persons without undue regard for the generation of profit or surplus.

(2) In recent years, private entities, including nominally private entities controlled by public jurisdictions from other states, have sought contracts to administer allocations of federal rental subsidies throughout the United States.

(3) To the maximum extent permitted by applicable law, it is the purpose of Sec. 9 of this act to limit the administrative control of federal rental subsidies to state of Vermont public bodies.

Sec. 9. 24 V.S.A. § 4005(e) is added to read:

(e) Notwithstanding any provision of law, no person, domestic or foreign, shall be authorized to administer allocations of money under 42 U.S.C.A. § 1437a or 1437f or other federal statute authorizing rental subsidies for the benefit of persons of low or moderate income, except:

(1) a subcontractor of the state authority; or

(2) a state public body authorized by law to administer such allocations.

* * * Expedited Removal of Mobile Home by Municipality * * *

Sec. 10. 9 V.S.A. § 2608 is added to read:

§ 2608. MUNICIPAL ACTION FOR SALE OF ABANDONED MOBILE HOME

(a) In the alternative to the process for foreclosure of a tax lien on a mobile home pursuant to 32 V.S.A. chapter 133, a municipality shall have the authority to commence an action to sell at public auction an abandoned mobile home located within the municipality pursuant to this section.

(b) A municipality shall file a verified complaint in the civil division of the superior court for the county in which the municipality is located, which shall be entitled "In re: Abandoned Mobile Home of [name of owner]," and shall include the following information:

(1) The physical location and address of the mobile home.

(2) The name and last known mailing address of the owner of the mobile home.

(3) A description of the mobile home, including make, model, and serial number, if available.

(4) The names and addresses of creditors, holders of housing subsidy covenants, or others having an interest in the mobile home based on liens or notices of record in the municipality offices or the office of the secretary of state.

(5) The facts supporting the claim that the mobile home has been abandoned.

(6) The name of a person disinterested in the mobile home or of a municipality employee who will be responsible for the sale of the mobile home at a public auction.

(7) A statement of the amount of taxes, fees, and other charges due or which will become due to the municipality.

(8) If the mobile home is located on leased land, the name and address of the landowner.

(c) A municipality may request an order approving transfer of a mobile home which is unfit for human habitation to the municipality without a public sale by filing a verified complaint containing the information required in subsection (a) of this section and the facts supporting the claim that the mobile home is unfit for human habitation.

(d) When a verified complaint is filed under this section, the clerk of the civil division of the superior court shall set a hearing to be held at least 15 days but no later than 30 days after the filing of the complaint.

(e) Within five days after filing the verified complaint, the municipality shall post a copy of the verified complaint and order for hearing on the mobile home and send a copy of the verified complaint and order for hearing by certified mail, return receipt requested, to the mobile home owner's last known mailing address, to the landowner if the mobile home is located on leased land, and to all lien-holders of record.

(f) The municipality shall publish the verified complaint and order for hearing in a newspaper of general circulation in the municipality where the mobile home is located. The notice shall be published no later than five calendar days before the date of hearing.

(g) If prior to or at the hearing any lien-holder certifies to the court that the lien-holder has paid to the municipality all taxes, charges, and fees due the municipality and will commence or has commenced proceedings to enforce the lien and will continue to pay municipal taxes, charges, and fees during the proceedings under this section, the court shall, upon confirmation of the representations of the lien-holder, stay the action under this section pending completion of the lien-holder's action.

(h) At the hearing, the municipality shall prove ownership of the mobile home; abandonment of the mobile home; the amount of taxes, fees, and other charges due the municipality; and the amount of attorney fees claimed. The

municipality shall also prove compliance with the notice requirements of subsections (e) and (f) of this section. Whether a mobile home is abandoned shall be a question of fact determined by the court.

(i) If the court finds that the municipality has complied with subsection (h) of this section, the court shall enter an order approving the sale of the mobile home at a public auction to be held within 15 days of the date of the order. The municipality shall send the order by first-class mail to the mobile home owner, to the landowner if the mobile home is located on leased land, and to all lien-holders of record. The order shall require all the following:

(1) That the sale shall be conducted by the person identified in the verified complaint or some other person approved by the court.

(2) That notice of the sale shall be published in a newspaper of general circulation in the municipality where the mobile home is located and sent by first-class mail to the mobile home owner, to the landowner if the mobile home is located on leased land, and to all lien-holders of record. The notice of sale shall be published no later than three calendar days before the date of sale.

(3) That the terms of sale provide for conveyance of the mobile home by real estate deed or by uniform mobile home bill of sale, as appropriate under this chapter, executed on behalf of the mobile home owner pursuant to the order of the court by the person authorized by the court, in "as is" condition, and free and clear of all liens and other encumbrances of record.

(4) A minimum bid established by the court sufficient to cover the total costs listed in subdivisions (7)(A)–(D) of this subsection. The mobile home shall be sold to the highest bidder over the minimum bid set by the court; provided, however, that if no bid meets or exceeds the minimum bid set by the court, the court shall order transfer of the mobile home to the municipality upon payment of costs due to the person who conducted the sale.

(5) The successful bidder, if other than the municipality:

(A) shall make full payment at the auction if the bid does not exceed \$2,000.00; or

(B) if the bid exceeds \$2,000.00, shall provide a nonrefundable deposit at the time of the auction of at least \$2,000.00 or 25 percent of the bid, whichever is greater, and shall make full payment within three working days after the auction.

(6) A successful bidder, if other than the municipality, shall remove the mobile home from its current location within five working days after the auction unless the municipality permits the mobile home to remain on the site

or permits removal of the mobile home at a later date. If the mobile home is located on leased land, the mobile home shall be removed within five days unless the landowner grants permission to the successful bidder, including the municipality, for the mobile home to remain on the leased land.

(7) The person who conducted the public sale shall report to the court the results of the sale, the proposed distribution of the proceeds of the sale, and the bank in which any excess proceeds are deposited and shall send a copy of the report to the mobile home owner, the municipality, the landowner if the mobile home is located on leased land, and all lien-holders of record by certified mail, return receipt requested, within three working days after the sale. Anyone claiming impropriety in the conduct of the sale may file an objection with the court within seven days after the sale. The filing of an objection shall not invalidate the sale or delay transfer of ownership of the abandoned mobile home. If an objection is filed and if the court finds impropriety in the conduct of the sale, the court may order distribution of the proceeds of the sale as is fair, taking into account the impropriety. If no objection is filed with the court, on the eighth day after the sale, the proceeds shall be distributed as follows:

(A) To the person conducting the sale for costs of the sale.

(B) To the municipality for court costs, publication and mailing costs, and attorney fees incurred in connection with the action in an amount approved by the court.

(C) To the municipality for taxes, penalties, and interest owed in an amount approved by the court.

(D) To the landowner for unpaid lot rent if the mobile home is located on leased land.

(E) The balance to a bank account in the name of the mobile home municipality as trustee, for the benefit of the mobile home owner and lien-holders of record, to be distributed pursuant to further order of the court.

(j) Notwithstanding provisions of this section and 10 V.S.A. § 6249 (sale of abandoned mobile home by park owner) to the contrary, if an action is commenced by a municipality pursuant to this section and by a mobile home park owner pursuant to 10 V.S.A. § 6249 for the sale of the same abandoned mobile home within 30 days of one another, the court shall consolidate the cases and shall distribute the proceeds of a sale as follows:

(1) To the person conducting the sale for costs of the sale.

(2) To the municipality and the park owner equitably in the discretion of the court:

(A) for court costs, publication and mailing costs, and attorney fees incurred in connection with the action in an amount approved by the court;

(B) for taxes, penalties, and interest owed the municipality in an amount approved by the court; and

(C) for rent and other charges owed to the park owner in an amount approved by the court.

(3) The balance to a bank account in the name of the mobile home municipality as trustee for the benefit of the mobile home owner and lien-holders of record, to be distributed pursuant to further order of the court.

(k) If a municipality requests an order approving transfer of a mobile home to the municipality without a public sale, the court shall approve that order if it finds that the municipality has complied with subsection (h) of this section and has proved that the mobile home is unfit for human habitation. In determining whether a mobile home is unfit for human habitation, the court shall consider whether the mobile home:

(1) contains functioning appliances and plumbing fixtures;

(2) contains safe and functioning electrical fixtures and wiring;

(3) contains a safe and functioning heating system;

(4) contains a weather-tight exterior closure;

(5) is structurally sound;

(6) is reasonably free of trash, debris, filth, and pests.

Sec. 11. 9 V.S.A. § 4462 is amended to read:

§ 4462. ABANDONMENT; UNCLAIMED PROPERTY

* * *

(d) Any personal property remaining in the dwelling unit or leased premises after the tenant has vacated may be disposed of by the landlord without notice or liability to the tenant or owner of the personal property, provided that one of the following has occurred:

(1) The tenant provided actual notice to the landlord that the tenant has vacated the dwelling unit ~~or~~, leased premises, or mobile home lot.

(2) The tenant has vacated the dwelling unit ~~or~~, leased premises, or mobile home lot at the end of the rental agreement.

(3) Fourteen calendar days have expired following the execution of a writ of possession pursuant to 10 V.S.A. chapter 153, 11 V.S.A. chapter 14, or 12 V.S.A. chapter 169.

Sec. 12. PRIORITIES FOR MOBILE HOME INVESTMENTS

In the event that sources of funding are available for investments in securing mobile home infrastructure, expanding affordable ownership opportunities, and other activities consistent with the goals and purposes of this act, it is the intent of the general assembly to invest in the following priorities:

(1) Investment in the department of economic, housing and community development:

(A) for one or more grants to the Champlain Valley Office of Economic Opportunity to increase its ability to provide start-up and ongoing technical assistance to mobile home park residents interested in cooperative ownership of their parks.

(B) to increase department staff for long-range planning for the preservation and replacement of mobile home parks noticed for sale or closure or damaged by flooding.

(2) Investment in the Vermont housing and conservation board's project feasibility fund to conduct financial feasibility and infrastructure needs analyses of mobile home parks noticed for sale or closure or damaged by flooding.

(3) Investment in the department of economic, housing and community development to develop and implement with the Champlain Housing Trust, the Central Vermont Community Land Trust, Gilman Housing Trust, NeighborWorks of Western Vermont, Windham & Windsor Housing Trust, and other stakeholders a program to help finance the purchase, repair, refinance, and replacement of up to 100 individual mobile homes. The general assembly further recommends that the department coordinate with the Champlain Housing Trust and other stakeholders to secure additional grant capital to help fund the program from a variety of public and private sources.

(4) Investment in the department of economic, housing and community development to fund the following activities related to mobile home parks that will be maintained as affordable housing for low-income Vermonters on a perpetual basis:

(A) the purchase of mobile home parks, including purchase by resident-owned cooperatives;

(B) infrastructure improvements; and

(C) disaster recovery, including relocation or replacement of mobile home parks damaged by flooding.

Sec. 13. DELAY OF LOAN REPAYMENTS DUE TO TROPICAL STORM IRENE

Due to the damage caused by Tropical Storm Irene at the Tri-Parks mobile home parks, the substantial amount of monies necessary for repairs, and the unavailability of additional monies to both make the repairs and make loan payments, the repayment start dates for State Revolving Loans RF1-104 and RF3-163 are hereby delayed by two years until June 1, 2014, without any penalty or additional costs or fees. Subject to any applicable limitations of federal law, the secretary of natural resources shall have the authority to offer similar repayment modifications to other mobile home parks that suffered damage from Tropical Storm Irene.

Sec. 14. 26 V.S.A. § 894 is amended to read:

§ 894. ENERGIZING INSTALLATIONS; REENERGIZING AFTER
EMERGENCY DISCONNECTION

(a) A new electrical installation in or on a complex structure; or an electrical installation used for the testing or construction of a complex structure shall not be connected or caused to be connected; to a source of electrical energy unless prior to ~~such~~ connection, either a temporary or a permanent energizing permit is issued for that installation by the commissioner or an electrical inspector.

(b) An existing electrical installation in any structure, including a single-family owner-occupied freestanding residence, that was disconnected as the result of an emergency that affects the internal electrical circuits shall not be reconnected to a source of electrical energy until the electrical installation has been inspected and determined to be safe by a licensed journeyman or licensed master electrician.

(c) This section shall not be construed to limit or interfere with a contractor's right to receive payment for electrical work for which a certificate of completion has been granted.

Sec. 15. 26 V.S.A. § 904(a) is amended to read:

(a) To be eligible for licensure as a type-S journeyman an applicant shall:

(1) complete an accredited training and experience program recognized by the board; or

(2) have had training and experience, within or without this state, acceptable to the board; and

(3) pass an examination to the satisfaction of the board in one or more of the following fields:

- (A) Automatic gas or oil heating;
- (B) Outdoor advertising;
- (C) Refrigeration or air conditioning;
- (D) Appliance and motor repairs;
- (E) Well pumps;
- (F) Farm equipment;
- (G) Renewable energy systems for one- and two-family dwellings;
- (H) Any miscellaneous specified area of specialized competence.

Sec. 16. 26 V.S.A. § 910 is amended to read:

§ 910. LICENSE NOT REQUIRED

A license shall not be required for the following types of work:

(1) Any electrical work, including construction, installation, operation, maintenance, and repair of electrical installations in, on, or about equipment or premises, which are owned or leased by the operator of any industrial or manufacturing plant, if the work is done under the supervision of an electrical engineer or master electrician in the employ of the operator;

(2) Installation in laboratories of exposed electrical wiring for experimental purposes only;

(3) Any electrical work by ~~an~~ the owner ~~or his or her regular employees and any unpaid assistants in the owner's owner-occupied,~~ freestanding single unit residence, ~~in~~ and outbuildings accessory to ~~such~~ the freestanding single unit residence or any structure on owner-occupied farms;

(4) Electrical installations performed as a part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building in which the installation is made, is to be used as a "complex structure";

(5) Electrical work performed by an electrician's helper under the direct supervision of a person who holds an appropriate license issued under this chapter;

~~(6) Any electrical work in a building used for dwelling or residential purposes which contains no more than two dwelling units.~~

~~(7)~~ Installation of solar electric modules and racking on complex structures to the point of connection to field-fabricated wiring and erection of net metered wind turbines.

Sec. 17. EFFECTIVE DATE; TRANSITIONAL PROVISIONS

(a) This act shall take effect on passage.

(b) In order to provide time for the electrical licensing board to develop and conduct a test for a type-S journeyman's license for renewable energy installation and for renewable energy installers to complete the licensing requirements, a license shall not be required for renewable energy installations until 12 months after the electrical licensing board adopts the test and licensing procedure.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 152

Rep. Botzow of Pownal, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to the definition of line of duty in the workers' compensation statutes

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 14 V.S.A. § 1205 is amended to read:

§ 1205. CLASSIFICATION OF CLAIMS

(a) If the applicable assets of the estate are insufficient to pay all claims in full, the executor or administrator shall make payment in the following order:

(1) costs and expenses of administration;

(2) reasonable funeral, burial, and headstone expenses, and perpetual care, not to exceed \$3,800.00 exclusive of governmental payments, and

reasonable and necessary medical and hospital expenses of the last illness of the decedent, including compensation of persons attending him or her;

(3) all outstanding wages due employees which have been earned within three months prior to the death of the decedent, not to exceed \$300.00 to each claimant of the decedent;

(4) all other claims; including the balance of wages due but unpaid under subdivision (3) of this subsection.

* * *

Sec. 2. 21 V.S.A. § 342 is amended to read:

§ 342. WEEKLY PAYMENT OF WAGES

(a)(1) Any person having employees doing and transacting business within the state shall pay each week, in lawful money or checks, the wages earned by each employee to a day not more than six days prior to the date of such payment.

(2) After giving written notice to the employees, any person having employees doing and transacting business within the state may, notwithstanding subdivision (1) of this subsection, pay ~~bi-weekly~~ biweekly or ~~semi-monthly~~ semimonthly in lawful money or checks, each employee the wages earned by the employee to a day not more than six days prior to the date of the payment. If a collective bargaining agreement so provides, the payment may be made to a day not more than 13 days prior to the date of payment.

(3) Any person having employees within the state who fails to make timely payment upon separation from employment in accordance with this section may be assessed an administrative penalty of up to \$100.00 for each day that wages remain unpaid, not to exceed \$500.00 per employee. Notice and opportunity for hearing under this section shall be in accordance with 3 V.S.A. chapter 25.

* * *

Sec. 3. 21 V.S.A. § 348 is added to read:

§ 348. RETALIATION PROHIBITED

(a) An employer shall not discharge or in any other manner retaliate against an employee because:

(1) The employee lodged a complaint of a violation of this subchapter.

(2) The employee has cooperated with the commissioner or commissioner's designee in an investigation of a violation of this subchapter.

(3) The employer believes that the employee may lodge a complaint or cooperate in an investigation of a violation of this subchapter.

(b) Any person aggrieved by a violation of this section may bring an action in the civil division of the superior court seeking compensatory and punitive damages or equitable relief, including restraint of prohibited acts, restitution of wages or benefits, reinstatement, costs, reasonable attorney's fees, and other appropriate relief.

Sec. 4. 21 V.S.A. § 397 is added to read:

§ 397. RETALIATION PROHIBITED

(a) An employer shall not discharge or in any other manner retaliate against an employee because:

(1) The employee lodged a complaint of a violation of this subchapter.

(2) The employee has cooperated with the commissioner or commissioner's designee in an investigation of a violation of this subchapter.

(3) The employer believes that the employee may lodge a complaint or cooperate in an investigation of a violation of this subchapter.

(b) Any person aggrieved by a violation of this section may bring an action in the civil division of the superior court seeking compensatory and punitive damages or equitable relief, including restraint of prohibited acts, restitution of wages or benefits, reinstatement, costs, reasonable attorney's fees, and other appropriate relief.

Sec. 5. 21 V.S.A. § 398 is added to read:

§ 398. NOTICE TO PERSONS RECEIVING REMUNERATION AS AN
INDEPENDENT CONTRACTOR

(a) Every employer shall post in a prominent and accessible place on the site where work is performed a legible statement, provided by the commissioner, that describes the responsibility of independent contractors to pay taxes required by state and federal law, the rights of employees to workers' compensation, unemployment benefits, minimum wage, overtime and other federal and state workplace protections, and the protections against retaliation and the penalties in this title if the independent contractor does not properly classify an individual as an employee. This notice shall also contain contact information for individuals to file complaints or inquire with the commissioner about employment classification status. This information shall be provided in English or other languages required by the commissioner. If the posted

statement is displayed outside it shall be constructed of materials capable of withstanding adverse weather conditions.

(b) Within 30 days of the effective date of this section, the commissioner shall create the notice described in subsection (a) of this section and post the notice on the department's website for downloading by hiring entities.

(c) Employers who violate this section shall be subject to an administrative penalty of up to \$100.00 per violation.

Sec. 6. 21 V.S.A. § 603 is amended to read:

§ 603. WITNESSES, OATHS, BOOKS, PAPERS, RECORDS

(a) So far as it is necessary in his or her examinations; or investigations and in the determination of matters within his or her jurisdiction, the commissioner shall have power to subpoena witnesses, administer oaths, and to demand the production of books, papers, records, and documents for his or her examination. Additionally, the commissioner or designee may, upon presenting appropriate credentials, at reasonable times and without disrupting critical business operations enter and inspect any place of business or employment, question any employees, and investigate any facts, conditions, or matters necessary and material to the administration of this chapter. The employer shall make the employees available to the department on the day of inspection by the commissioner. The commissioner or designee shall inform the employer of his or her right to refuse entry. If entry is refused, the commissioner may apply to the civil division of the superior court for an order to enforce the rights given the commissioner under this section.

* * *

Sec. 7. 21 V.S.A. § 692 is amended to read:

§ 692. PENALTIES; FAILURE TO INSURE; STOP WORK ORDERS

* * *

(b) Stop-work orders. If an employer fails to comply with the provisions of section 687 of this title after investigation by the commissioner, the commissioner shall issue an emergency order to that employer to stop work until the employer has secured workers' compensation insurance. If the commissioner determines that issuing a stop-work order would immediately threaten the safety or health of the public, the commissioner may permit work to continue until the immediate threat to public safety or health is removed. The commissioner shall document the reasons for permitting work to continue, and the document shall be available to the public. In addition, the employer shall be assessed an administrative penalty of not more than \$250.00 for every

day that the employer fails to secure workers' compensation coverage after the commissioner issues an order to obtain insurance and may also be assessed an administrative penalty of not more than \$250.00 for each employee for every day that the employer fails to secure workers' compensation coverage as required in section 687 of this title. When a stop-work order is issued, the commissioner shall post a notice at a conspicuous place on the work site of the employer informing the employees that their employer failed to comply with the provisions of section 687 of this title and that work at the work site has been ordered to cease until workers' compensation insurance is secured. An employer that fails to comply with a stop-work order may be enjoined from employing individuals in employment as defined in this chapter, upon complaint of the commissioner in the civil division of the superior court. The stop-work order shall be rescinded as soon as the commissioner determines that the employer is in compliance with section 687 of this title. An employer against whom a stop-work order has been issued, or who has not been in compliance with section 687 of this title, unless the commissioner determines that the failure to comply was inadvertent or excusable is prohibited from contracting, directly or indirectly, with the state or any of its subdivisions for a period of up to three years following the date of the issuance of the stop-work order, as determined by the commissioner in consultation with the commissioner of buildings and general services or the secretary of transportation, as appropriate. Either the secretary or the commissioner, as appropriate, shall be consulted in any contest of the prohibition of the employer from contracting with the state or its subdivisions. The consultation may be informal and shall occur within ten days of a referral by the commissioner. The outcome of the referral shall be documented.

* * *

Sec. 7a. 8 V.S.A. § 3661 is amended to read:

§ 3661. CEASE AND DESIST POWERS; PROSECUTIONS AND PENALTIES

* * *

(c) An employer who makes a false statement or representation that results in a lower workers' compensation premium, after notice and opportunity for hearing before the commissioner, may be assessed an administrative penalty of not more than \$20,000.00 in addition to any other appropriate penalty. In addition, an employer found to have violated this section is prohibited from contracting, directly or indirectly, with the state or any of its subdivisions for up to three years following the date the employer was found to have made a false statement or misrepresentation, as determined by the commissioner in

consultation with the commissioner of buildings and general services or the secretary of transportation, ~~as appropriate. Either the secretary or the commissioner, as appropriate, shall be consulted in any appeal relating to prohibiting the employer from contracting with the state or its subdivisions.~~ The consultation may be informal and shall occur within ten days of a referral by the commissioner. The outcome of the referral shall be documented.

* * *

Sec. 7b. 21 V.S.A. § 1314a is amended to read:

§ 1314a. QUARTERLY WAGE REPORTING; MISCLASSIFICATION;
PENALTIES

* * *

(f)(1) Any employing unit or employer that fails to:

(A) File any report required by this section shall be subject to a penalty of \$100.00 for each report not received by the prescribed due dates.

(B) Properly classify an individual regarding the status of employment is subject to a penalty of not more than \$5,000.00 for each improperly classified employee. In addition, an employer found to have violated this section is prohibited from contracting, directly or indirectly, with the state or any of its subdivisions for up to three years following the date the employer was found to have failed to properly classify, as determined by the commissioner in consultation with the commissioner of buildings and general services or the secretary of transportation, ~~as appropriate. Either the secretary or the commissioner, as appropriate, shall be consulted in any appeal relating to prohibiting the employer from contracting with the state or its subdivisions.~~ The consultation may be informal and shall occur within ten days of a referral by the commissioner. The outcome of the referral shall be documented.

* * *

Sec. 8. 21 V.S.A. § 708 is amended to read:

§ 708. PENALTY FOR FALSE REPRESENTATION

(a) Action by the commissioner of labor. A person who ~~willfully~~ purposefully makes a false statement or representation, ~~for the purpose of obtaining to obtain~~ any benefit or payment under the provisions of this chapter, either for herself or himself or for any other person, after notice and opportunity for hearing, may be assessed an administrative penalty of not more than \$20,000.00, and shall forfeit all or a portion of any right to compensation under the provisions of this chapter, as determined to be appropriate by the

commissioner after a determination by the commissioner that the person has ~~willfully~~ made a false statement or representation of a material fact. In addition, an employer found to have violated this section is prohibited from contracting, directly or indirectly, with the state or any of its subdivisions for up to three years following the date the employer was found to have made a false statement or misrepresentation of a material fact, as determined by the commissioner in consultation with the commissioner of buildings and general services or the secretary of transportation, ~~as appropriate. Either the secretary or the commissioner, as appropriate, shall be consulted in any contest relating to the prohibition of the employer from contracting with the state or its subdivisions.~~ The consultation may be informal and shall occur within ten days of a referral by the commissioner. The outcome of the referral shall be documented.

(b) ~~When~~ In addition to penalties assessed pursuant to subsection (a) of this section, when the department of labor has sufficient reason to believe that an employer has made a false statement or representation for the purpose of obtaining a lower workers' compensation premium, the department shall refer the alleged violation to the commissioner of banking, insurance, securities, and health care administration for the commissioner's consideration of enforcement pursuant to 8 V.S.A. § 3661(c).

* * *

Sec. 9. 21 V.S.A. § 1101 is amended to read:

§ 1101. APPRENTICESHIP DIVISION AND COUNCIL

The apprenticeship division and state apprenticeship council, hereinafter referred to as the "council," shall be located within the department of labor. The commissioner of labor shall supervise the work of the division, and shall be the chair of the council. The council shall consist of ~~10~~ 12 members, four ex officio members and ~~six~~ eight members who shall be appointed by the governor. Of the ex officio members, one shall be the commissioner of labor, or designee, one shall be the commissioner of public safety, or designee, one shall be the commissioner of education or designee, and one shall be the director of the apprenticeship division who shall act as secretary of the council without vote. The council shall be composed of persons familiar with apprenticeable occupations. Of the ~~appointive~~ appointed members, three shall be individuals who ~~on account of previous vocation, employment, occupation, or affiliation can be classed as~~ represent employers and ~~three~~ three shall be individuals who ~~on account of previous vocation, employment, occupation, or affiliation can be classed as~~ employees represent employees or employee organizations, and two shall be members of the public. Appointment of the

employer and the employee members shall be made for the term of three years except the employer and employee members first appointed shall be appointed for the term of one, two, and three years respectively. The governor shall annually designate one member of the council as chair. Each member of the council who is not a salaried official or employee of the state shall be entitled to compensation and expenses as provided in 32 V.S.A. § 1010.

Sec. 10. 21 V.S.A. § 1301a is amended to read:

§ 1301a. DEPARTMENT OF LABOR; COMPOSITION

The department of labor, created by ~~section 3 V.S.A. § 212 of Title 3~~, shall consist of a commissioner of labor, the Vermont employment security board, the Vermont workforce development division, the economic and labor market information division, the workforce development council, the unemployment insurance and wages division, and the workers' compensation and safety division. The chair of the employment security board shall be the commissioner of labor ex officio. The deputy commissioner of labor or a designee chosen by the commissioner may serve as chair in the absence of the commissioner as the commissioner's designee.

Sec. 11. 21 V.S.A. § 1307 is amended to read:

§ 1307. COMMISSIONER OF LABOR, DUTIES AND POWERS OF

The commissioner of labor shall administer this chapter. The commissioner may employ such persons, make such expenditures, require such reports, make such investigations and take such other action as he or she considers necessary or suitable to that end. In the discharge of his or her duties imposed by this chapter, the commissioner may administer oaths, take depositions, certify to official acts and subpoena witnesses and compel the production of books, papers, correspondence, memoranda, and other records necessary and material to the administration of this chapter. Additionally, the commissioner or designee may, upon presenting appropriate credentials, at reasonable times and without disrupting critical business operations enter and inspect any place of business or employment, question any employees, and investigate any facts, conditions, or matters necessary and material to the administration of this chapter. The employer shall make the employees available to the department on the day of inspection by the commissioner. The commissioner or designee shall inform the employer of his or her right to refuse entry. If entry is refused, the commissioner may apply to the civil division of the superior court for an order to enforce the rights given the commissioner under this section.

Sec. 12. 21 V.S.A. § 1347 is amended to read:

§ 1347. NONDISCLOSURE OR MISREPRESENTATION

* * *

(c) The person liable under this section shall repay such amount to the commissioner for the fund. In addition to the repayment, if the commissioner finds that a person intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits, the person shall pay an additional penalty of 15 percent of the amount of the overpaid benefits. Such amount may be collectible by civil action in a Vermont district or superior court, in the name of the commissioner. ~~No action shall be commenced for the collection of such amount more than five years after the date of such determination under this section or the final decision confirming the liability of such person on an appeal from such determination.~~

(d) In any case in which under this section a person is liable to repay any amount to the commissioner for the fund, the commissioner may withhold, in whole or in part, any future benefits payable to such person, and credit such withheld benefits against the amount due from such person until it is repaid in full, less any penalties assessed under subsection (c) of this section. ~~No benefits shall be withheld after five years from the date of such determination or the date of the final decision confirming the liability of such person on an appeal from such determination.~~

(e) In addition to the foregoing, when it is found by the commissioner that a person intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits and in the event the person is not prosecuted under section 1368 of this title and penalty provided in section 1373 of this title is not imposed, the person shall be disqualified and shall not be entitled to receive benefits to which he or she would otherwise be entitled after the determination for such number of weeks not exceeding 26 as the commissioner shall deem just, ~~provided, however, that no benefits shall be denied to a claimant because of such determination after three years from the date thereof or the date of final decision on an appeal from such determination.~~ The notice of determination shall also specify the period of disqualification imposed hereunder.

* * *

Sec. 13. 21 V.S.A. § 1451 is amended to read:

§ 1451. DEFINITIONS

For the purpose of this subchapter:

(1) “Affected unit” means a specific plan, department, shift, or other definable unit consisting of not less than five employees to which an approved short-time compensation plan applies.

(2) “Short-time compensation” or “STC” means the unemployment benefits payable to employees in an affected unit under an approved short-time compensation plan as distinguished from the unemployment benefits otherwise payable under the conventional unemployment compensation provisions of this chapter.

(3) “Short-time compensation plan” means a plan of an employer under which there is a reduction in the number of hours worked by employees of an affected unit rather than temporary layoffs. The term “temporary layoffs” for this purpose means the total separation of one or more workers in the affected unit for an indefinite period expected to last for more than two months but not more than six months.

(4) “Short-time compensation employer” means an employer who has one or more employees covered by an approved “Short-Time Compensation Plan.” ~~Both employers with experience-rating records and employers who make payments in lieu of tax contributions to the UI Trust Fund may become short-time compensation employers.~~ “Short-time compensation employer” includes an employer with experience-rating records and an employer who makes payments in lieu of tax contributions to the unemployment compensation trust fund and that meets the following:

(A) Has five or more employees covered by an approved short-time compensation plan.

(B) Is not delinquent in the payment of contributions or reimbursement, or in the reporting of wages.

(C) Is not a negative balance employer. For the purposes of this section, a negative balance employer is an employer who has for three or more consecutive calendar years prior to applying for the STC plan paid more in unemployment benefits to its employees than it has contributed to its unemployment insurance account. In the event that an employer has been a negative balance employer for three consecutive years, the employer shall be ineligible for participation unless the commissioner grants a waiver based upon extenuating economic conditions or other good cause.

(5) “Usual weekly hours of work” means the normal hours of work for full-time and regular part-time employees in the affected unit when that unit is operating on its normally full-time basis but not less than 30 hours and not to exceed 40 hours and not including overtime.

(6) “Unemployment compensation” means the unemployment benefits payable under this chapter other than short-time compensation and includes any amounts payable pursuant to an agreement under any federal law

providing for compensation, assistance, or allowances with respect to unemployment.

(7) “Fringe benefits” means benefits, including health insurance, retirement benefits, paid vacations and holidays, sick leave, and similar benefits that are incidents of employment.

(8) “Intermittent employment” means employment that is not continuous but may consist of intervals of weekly work and intervals of no weekly work.

(9) “Seasonal employment” means employment with an employer who experiences at least a 20-percent difference between its highest level of employment during a particular season and its lowest level of employment during the off-season in each of the previous three years as reported to the department, or employment with an employer on a temporary basis during a particular season.

Sec. 14. 21 V.S.A. § 1452 is amended to read:

§ 1452. CRITERIA FOR APPROVAL

An employer wishing to participate in an STC program shall submit a department of labor electronic application or a signed written short-time compensation plan to the commissioner for approval. The commissioner may approve an STC plan only if the following criteria are met:

- (1) the plan identifies the specified affected units to which it applies;
- (2) the employees in the affected unit or units are identified by name, Social Security number, and by any other information required by the commissioner;
- (3) the plan ~~specifies any impact on~~ outlines to the commissioner the extent to which fringe benefits, including health insurance, of employees participating in the plan may be reduced, which shall be factored into the evaluation of the business plan for resolving the conditions that led to the need for the STC plan;
- (4) the usual total weekly hours of work for employees in the affected unit or units are reduced by not less than 20 percent and not more than 50 percent;
- (5) the plan certifies that the aggregate reduction in work hours is in lieu of temporary total layoffs of one or more workers which would have resulted in an equivalent reduction in work hours and which the commissioner finds

would have caused an equivalent dollar amount to be payable in unemployment compensation;

(6) the plan certifies that the STC employer will notify the department within 24 hours after any layoff of an employee, at which time the commissioner shall have the right to terminate the STC plan;

(7) the identified workweek reduction is applied consistently throughout the duration of the plan unless otherwise approved by the department;

(6)(8) the plan applies to at least 10 percent of the employees in the affected unit, and when applicable determined to be applicable by the commissioner applies to all affected employees of the unit equally;

(7)(9) the plan will not subsidize seasonal employers during the off-season, nor subsidize employers who have traditionally used part-time employees or intermittent employment;

(8)(10) the employer agrees to maintain records relative to the plan for a period of three years and furnish reports relating to the proper conduct of the plan and agrees to allow the commissioner or his or her authorized representatives access to all records necessary to verify the plan prior to approval and, after approval, to monitor and evaluate application of the plan;

(9)(11) the plan certifies that the collective bargaining agent or agents for the employees, if any, have agreed to participate in the program. If there is no bargaining unit, the employer specifies how he or she will notify the employees in the affected group and work with them to implement the program once the plan is approved; and

(10)(12) in addition to subdivisions (1) through (9)(11) of this section, the commissioner shall take into account any other factors which may be pertinent to the approval and proper implementation of the plan.

Sec. 15. 21 V.S.A. § 1453 is amended to read:

§ 1453. APPROVAL OR REJECTION; RESUBMISSION

The commissioner shall approve or reject a plan in writing within 30 days of its receipt, and in the case of rejection shall state the reasons therefor. The reasons for rejection shall be final and nonappealable, but the employer shall be allowed to submit another plan for approval, that addresses the reasons that led to the rejection of the original plan.

Sec. 16. 21 V.S.A. § 1454 is amended to read:

§ 1454. EFFECTIVE DATE; DURATION

A plan shall be effective on the date specified in the plan or on a date mutually agreed upon by the employer and the commissioner. It shall expire at the end of the sixth full calendar month after its effective date or on the date specified in the plan if such date is earlier; provided, that the plan is not previously revoked by the commissioner; or on the effective date of any transfer of ownership of the legal business entity. If a plan is revoked or terminated by the commissioner, it shall terminate on the date specified in the commissioner's written order of revocation. No employer shall be eligible for a short-time compensation plan that results in an employee receiving benefits in excess of 26 times the amount of regular unemployment benefits payable to such individual for a week of total unemployment.

Sec. 17. 21 V.S.A. § 1458 is amended to read:

§ 1458. SHORT-TIME COMPENSATION BENEFITS

* * *

(f)(1) If an individual works in the same week for both the short-time employer and another employer and his or her combined hours of work for both employers are equal to or greater than 81 percent of the usual hours of work with the short-time employer, he or she shall not be entitled to benefits under these short-time provisions or the unemployment compensation provisions.

(2) If an individual works in the same week for both the short-time employer and another employer and his or her combined hours of work for both employers are equal to or less than 80 percent of the usual hours of work for the short-time employer, the benefit amount payable for that week shall be the weekly unemployment compensation amount reduced by the same percentage that the combined hours are of the usual hours of work. A week for which benefits are paid under this provision shall count as a week of short-time compensation.

(3) An individual who does not work during a week for the short-time employer, and is otherwise eligible, shall be paid his or her full weekly unemployment compensation benefit amount under the provisions of the regular unemployment compensation program. Such a week shall not be counted as a week for which short-time compensation benefits were received.

(4) An individual who does not work the short-time employer's identified workweek reduction hours as certified by the application due to the use of paid vacation or personal time shall be paid benefits for the week under the partial unemployment compensation provisions of the regular unemployment compensation program.

~~(4)~~(5) An individual who does not work for the short-time employer during a week but works for another employer and is otherwise eligible, shall be paid benefits for that week under the partial unemployment compensation provisions of the regular UI program. Such a week shall not be counted as a week with respect to which STC benefits were received.

Sec. 18. 33 V.S.A. § 4110 is amended to read:

§ 4110. EMPLOYER OBLIGATIONS

* * *

(c) As used in this section:

(1) "Employee" ~~means~~:

(A) means an individual who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986; and

(B) does not include an employee of a federal or state agency performing intelligence or counterintelligence functions, if the head of such agency has determined that reporting pursuant to this section with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(2) "Employer" has the meaning given such term in Section 3401(d) of the Internal Revenue Code of 1986 and includes any governmental entity and any labor organization.

(3) "First date of employment" is the first day services are performed for compensation as a new hire.

(4) "New hire" means an employee ~~for whom a W-4 filing is required and whose wages have not been reported by the filing employer to the department of labor during the last reporting quarter~~ who:

(A) has not previously been employed by the employer; or

(B) was previously employed by the employer but has been separated from that employment for at least 60 consecutive days.

Sec. 18a. COMPLIANCE WITH UNITED STATES DEPARTMENT OF LABOR

In the event that the United States secretary of labor determines that any provision of the short-time compensation program (21 V.S.A. chapter 19, subchapter 3) is not in conformance with 26 U.S.C. § 3306(v) as added by the federal Layoff Prevention Act of 2012, the provision shall be unenforceable.

Sec. 19. 21 V.S.A. § 1340a is added to read:

§ 1340a. SELF-EMPLOYMENT ASSISTANCE PROGRAM

(a) The commissioner may establish a pilot project for a self-employment assistance project based on the criteria outlined in this section for a period of up to two years, provided that it conforms to state and federal unemployment law. The commissioner may terminate the pilot program with approval of the secretary of administration and notice to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs in the event that it presents unintended adverse consequences to the unemployment trust fund. The commissioner may allow up to 20 participants per year, and each individual may participate for up to 26 weeks as determined by the commissioner.

(b) For purposes of this section:

(1) “Full-time basis” means that the individual is devoting such amount of time as is determined by the commissioner to be necessary to establish a business which will serve as a full-time occupation for that individual.

(2) “Regular benefits” has the same meaning as in subdivision 1421(5) of this title.

(3) “Self-employment assistance activities” means activities approved by the commissioner in which an individual participates for the purpose of establishing a business and becoming self-employed, including entrepreneurial training, business counseling, and technical assistance.

(4) “Self-employment assistance allowance” means an allowance payable in lieu of regular benefits from the unemployment compensation fund to an individual who meets the requirements of this section until such time as the employee’s net income is determined by the commissioner, in consultation with the business advisor, to be at least 150 percent of his or her regular weekly benefit for a period of six consecutive weeks.

(5) “Self-employment assistance program” means a program under which an individual who meets the requirements of subsection (e) of this section is eligible to receive an allowance in lieu of regular benefits for the purpose of assisting that individual in establishing a business and becoming self-employed.

(c) The weekly amount of the self-employment assistance allowance payable to an individual shall be equal to the weekly benefit amount for regular benefits otherwise payable under this title.

(d) The maximum amount of the self-employment assistance allowances paid under this section may not exceed the maximum amount of benefits established under section 1340 of this title with respect to any benefit year.

(e)(1) An individual may receive a self-employment assistance allowance if that individual:

(A) is eligible to receive regular benefits or would be eligible to receive regular benefits except for the requirements described in subdivisions (A) and (B) of subdivision (2) of this subsection;

(B) is identified by a worker profiling system as an individual likely to exhaust regular benefits;

(C) has been accepted into a program approved by the commissioner that will provide self-employment assistance activities, including regular counseling and direction from a business advisor;

(D) is actively engaged in a full-time basis in activities, which may include training, related to establishing a business and becoming self-employed; and

(E) has filed a weekly claim for the self-employment assistance allowance and provided the information the commissioner prescribes.

(2) A self-employment allowance shall be payable to an individual at the same interval, on the same terms, and subject to the same conditions as regular benefits under this chapter, except:

(A) the requirements of section 1343 of this title, relating to availability for work, efforts to secure work, and refusal to accept work, are not applicable to the individual;

(B) the individual is not considered to be self-employed pursuant to subdivision 1301(24) of this title;

(C) an individual who meets the requirements of this section shall be considered to be unemployed under section 1338 of this title; and

(D) an individual who fails to participate in self-employment assistance activities or who fails to engage actively on a full-time basis in activities, including training, relating to the establishment of a business and becoming self-employed shall be disqualified from receiving an allowance for the week the failure occurs.

(f) The commissioner may approve not more than 20 persons each year during this pilot project to participate in this program and shall ensure that the aggregate number of individuals receiving a self-employment assistance

allowance at any time does not exceed five percent of the number of individuals receiving regular benefits at that time.

(g) The self-employment assistance allowance shall not be charged to an employer in accordance with section 1325 of this title.

(h) The commissioner may adopt rules to implement this section.

(i) If the commissioner establishes a pilot project for self-employment assistance, the commissioner shall report on the progress of the project to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs by January 15 of the year following the start of the project.

Sec. 20. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

* * *

(12) “Public employment” means the following:

* * *

(K) other municipal workers, including volunteer firefighters and rescue and ambulance ~~squads~~ services while acting ~~in the line of duty~~ in any capacity under the direction and control of the fire department or rescue or ambulance service, after the governing officials of such municipal body so vote;

* * *

(L) members of any regularly organized private volunteer fire department while acting ~~in the line of duty~~ any capacity under the direction and control of the fire department after election by the organization to have its members covered by this chapter;

(M) members of any regularly organized private volunteer rescue or ambulance ~~squad~~ service while acting ~~in the line of duty~~ any capacity under the direction and control of the rescue or ambulance service after election by the organization to have its members covered by this chapter;

* * *

Sec. 21. 21 V.S.A. chapter 23 is added to read:

CHAPTER 23. SOLE CONTRACTOR AUTHORIZATION PROCESS

§ 1801. PURPOSE

(a) An individual who seeks to work as the sole operator of his or her own business and who can meet the standards and criteria set forth in this chapter may voluntarily request an authorization by the department of labor allowing him or her to operate independently and without the benefits and protections afforded employees under chapters 9 and 17 of this title when working within the scope of the sole contractor authorization.

(b) The sole contractor authorization is limited to activities that are within the scope of the certification applied for by the individual. If an authorized sole contractor engages in activities outside the scope of the authorization, the sole contractor shall be presumed to be the statutory employee of the hiring entity.

(c) This chapter is not intended to change the existing laws governing employees and employers. The chapter applies only to individuals that have received a sole contractor authorization.

(d) Nothing in this chapter shall prohibit an individual from working as an independent contractor without the sole contractor authorization, provided the individual meets the test for an independent contractor under law.

§ 1802. DEFINITIONS

For purposes of this chapter:

(1) "Commissioner" means the commissioner of labor or designee.

(2) "Department" means the department of labor.

(3) "Hiring entity" means any person hiring an authorized sole contractor to perform work.

(4) "Sole contractor" means an individual who is approved by the authorization process established in section 1806 of this chapter. A sole contractor may be an individual, a single-member limited liability company, or a single shareholder corporation.

(5) "Sole contractor authorization review board" means the board established pursuant to this chapter that is responsible for reviewing applications from individuals seeking sole contractor status.

§ 1803. SOLE CONTRACTOR CRITERIA

(a) The authorization review board shall determine if an individual is eligible for sole contractor status. An individual operating an existing business or starting a new business and seeking authorization shall provide the board

with information demonstrating that he or she meets the sole contractor criteria. The applicant shall provide:

(1) A sworn statement from the individual seeking authorization affirming that he or she has not been coerced into falsely claiming to be a sole contractor.

(2) Possession of a federal employer identification number (FEIN) that is used for federal tax reporting purposes.

(3) Possession of a Social Security number or a work visa.

(4) Proof of registration with the Vermont secretary of state, either as a single individual with a trade name or as a single member LLC or single shareholder corporation.

(5) An affidavit attesting that he or she is and will be free to control and direct his or her work, hours of work, and the means and manner of the performance of such work, subject only to the broad framework of the project goals and completion date.

(6) An affidavit attesting that he or she has no employees or assistants and will not have any employees or assistants as a sole contractor, whether paid or unpaid, and does not engage in any joint ventures or associations with other sole contractors to perform work.

(7) Demonstrates that he or she is in good standing regarding any outstanding child support or taxes.

(b) The applicant shall provide additional information reasonably required by the panel demonstrating that he or she meets the sole contractor criteria, which may include:

(1) A demonstrated history of having his or her own business, including evidence of tax returns, recurring business expenditures such as equipment purchases, shop rent, or charge accounts for supplies which establish that he or she is customarily engaged in an established trade or business.

(2) Proof that he or she works for multiple employers in the course of his or her business.

(3) Proof of past work, including written contracts or agreements, invoices, or competitive bids, on a per-job basis.

(4) Proof that he or she is fully and solely responsible for the work produced, possesses his or her own tools, equipment, and instruments of trade, and normally provides materials and supplies necessary to complete the work.

§ 1804. PRESUMPTION OF STATUS

(a) An individual who is authorized pursuant to this chapter shall not be presumed to be an employee when operating under the provisions of this chapter, and the entity hiring the sole contractor shall not be considered the statutory employer of the sole contractor. Notwithstanding this presumption, if the sole contractor is working for the employer or a subcontractor in a capacity that does not qualify as an individual sole contractor, then all statutory provisions relating to unemployment, workers' compensation, wage and hour provisions, and employment practices shall apply.

(b) A hiring entity shall not hire multiple sole authorized contractors to do the same work on a project or at a job site.

§ 1805. COMPOSITION OF BOARD

An authorization review board is hereby established consisting of 11 members, five of whom shall represent labor to be appointed by the governor, five of whom shall represent business to be appointed by the governor, and one who shall be an employee of the department appointed by the commissioner. Nominations for members for the review board shall be solicited from organizations representing employer organizations, trade associations, and employee organizations and from the commissioner of labor, as well as from a public notice conducted by the department of labor. The review board members appointed by the governor shall be appointed for a term of two years, with no member serving more than three consecutive terms.

§ 1806. BOARD REVIEW PROCESS

(a) Representatives from the board shall meet weekly in three-member panels at the direction of the commissioner, consisting of one member each representing labor and business and the department representative. The members of the panels shall rotate weekly.

(b) The board shall meet to review pending applications and may schedule in-person reviews with individuals seeking authorization. The board shall review documentation and information and take testimony from the applicants. The board's decision to grant authorization shall be based on the criteria established in this chapter. If additional information is necessary to render a decision, the applicant will be given sufficient time to submit such information. Once the board determines that it has sufficient information, it shall make a recommendation to the commissioner. The commissioner shall review the recommendation and make a decision within ten days. If additional information is needed, the commissioner may remand for additional information, which shall be provided to the commissioner within 14 days. The commissioner shall issue a decision based on the additional information within

five days of its receipt. The failure to render a decision within the prescribed time limits shall not result in an individual receiving authorization.

§ 1807. APPEAL

An applicant may appeal a decision of the commissioner to the supreme court within 30 days of the date of the decision.

§ 1808. INFORMATION AND EDUCATION

(a) The commissioner of labor in consultation with the authorization review board shall conduct a comprehensive information and education campaign regarding the provisions of this chapter for a period of not less than 12 months upon instituting this authorization process and shall continue to provide regular information to the labor and business communities about the authorization program and the issues of misclassification and miscoding.

(b) The commissioner shall create and maintain an on-line sole contractor registry listing the names of currently authorized sole contractors and the names of individuals that had previously been certified.

(c) The department shall provide all employers notice and information of the provisions relating to sole contractor authorization and hiring. The department shall establish a simple method for employers utilizing sole contractors to acknowledge receipt of the information, including by electronic means. An employer shall not hire a sole contractor until acknowledging receipt of the information with the department. An employer hiring a sole contractor shall make the acknowledgment annually.

§ 1809. INVESTIGATION AND ENFORCEMENT

(a) The commissioner is authorized to investigate and enforce the provisions of this chapter, including whether a sole contractor or a hiring entity is in compliance with the provisions of this title, including workers' compensation, unemployment insurance compensation, wage and hour laws, and employment practices.

(b) Upon request, a sole contractor shall provide the department with books, records, or other documentation or evidence establishing his or her qualifications to be a sole contractor and evidence that all work performed as a sole contractor is performed in accordance with this chapter.

(c) Any person or entity found to have engaged in misrepresentation or fraudulent activities in relation to this chapter shall be listed on the department's website and debarment list.

§ 1810. PENALTIES

(a) A person who purposefully makes a false statement or representation to obtain or assist another to obtain sole contractor status may, after notice and opportunity for hearing, be assessed an administrative penalty of up to \$5,000.00 and may lose the authorization for up to two years.

(b) A sole contractor who violates the terms and conditions of his or her authorization may, after notice and opportunity for hearing, be assessed an administrative penalty of up to \$5,000.00 and may lose the authorization for up to one year.

(c) Any person or entity who coerces an employee or prospective employee into becoming a sole contractor for the purpose of avoiding its obligations under this title or Title 32 may, after notice and opportunity for hearing, be assessed an administrative penalty of up to \$5,000.00.

(d) An administrative penalty issued pursuant to this section may be in addition to other penalties authorized by chapters 9 and 17 of this title.

(e) Administrative hearings shall be conducted in accordance with the Administrative Procedure Act, 3 V.S.A. § 801 et seq. Appeals from penalty assessment determinations shall be to the Vermont supreme court.

§ 1811. FEES AND COSTS

(a) The application fee for a sole contractor authorization shall be \$100.00, which shall be deposited into the sole contractor registry special fund. The authorization shall be valid for two years and may be renewed for subsequent two-year periods upon reapplication and payment of the fee. The department shall utilize the funds to administer the sole contractor program, including for the purpose of providing a per diem and mileage reimbursement for review board members.

(b) The commissioner is authorized to hire and employ one limited service position for a term of three years for program administration. The program shall be funded by the fees collected pursuant to this chapter and supplemented by the general fund when fees do not cover the full costs of the position and program administration.

(c) There is created a sole contractor registry special fund pursuant to 32 V.S.A. chapter 7, subchapter 5, to be expended by the commissioner consistent with the provisions of this section.

§ 1812. RULEMAKING

The commissioner may adopt rules to implement the provisions of this chapter.

Sec. 22. 31 V.S.A. § 722 is amended to read:

§ 722. CERTIFICATE OF OPERATION

(a) An amusement ride may not be operated in this state unless the secretary of state has issued a certificate of operation to the owner or operator.

(b) The secretary of state shall issue a “certificate of operation” no later than 15 days before the amusement ride is first operated in the state, if the owner or operator submits all the following:

(1) Certificate of insurance in the amount of not less than \$1,000,000.00 which insures both the owner and the operator against liability for injury to persons and property arising out of the use or operation of the amusement ride.

(2) Payment of a fee in the amount of \$100.00.

(3) Documentation that the owner has complied with 21 V.S.A. § 687. Upon receiving the documentation, the secretary of state shall forward a copy of the documentation to the department of labor.

(c) The certificate of operation shall be valid for one year from the date of issue, provided that the owner remains in compliance with the requirements of subsection (b) of this section.

(d) A copy of the certificate of operation shall be posted on or near each amusement ride covered by the certificate and shall be in full public view at all times during the operation of the ride.

Sec. 23. INTERAGENCY AND DEPARTMENTAL TASK FORCE

(a) The agency of administration shall create an interagency and departmental task force to coordinate efforts to combat misclassification of workers and to ensure enforcement of all related laws and regulations. The task force shall be overseen by the department of labor and include the secretaries, commissioners, or designees of the following:

(1) The agency of administration.

(2) The agency of transportation.

(3) The department of buildings and general services.

(4) The department of labor.

(5) The department of financial regulation.

(6) The agency of human services.

(7) The department of taxes.

(8) The office of attorney general.

(9) The department of liquor control.

(10) Any other state licensing agency as determined by the commissioner of labor.

(b) The task force shall meet at least six times per year.

(c) The agency of administration shall enter into a memorandum of understanding with all state agencies to facilitate the coordination and investigation of misclassification and miscoding of workers, including, unless prohibited by state or federal law, the sharing of information concerning the names of businesses found to have misclassified or miscoded workers, the relevant investigation materials, and the number of investigations of misclassification and miscoding.

(d) The department of labor shall pursue entering into a common interest agreement with the United States Department of Labor and the Internal Revenue Service, and any willing states or federal agencies regarding the sharing of information regarding misclassification and miscoding of workers. The department shall notify the chairs of the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs before entering into a common interest agreement. The department shall consider whether the common interest agreement would result in the disclosure of an individual's personal information, or disclose information in violation of state or federal law.

(e) The department of labor shall report to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs on the progress of the interagency and departmental task force, the memorandum of understanding, the status of the common interest agreement, and any other information regarding misclassification and miscoding annually by January 15 in 2013, 2014, and 2015.

Sec. 24. WORKERS' COMPENSATION PREMIUMS

(a) The department of financial regulation in consultation with the department of labor shall study the issue of workers' compensation premiums increasing as a result of an employee completing a job-related safety course. The department of financial regulation shall investigate how workers' compensation premiums can be decreased or kept at a steady rate for employees who receive job safety training.

(b) The department of financial regulation shall report its findings and any recommendations to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs no later than January 15, 2013.

Sec. 25. REPORT

The commissioner of labor shall report to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs regarding the implementation and operation of the sole contractor authorization process. The report shall be made on or before January 15, 2013.

Sec. 26. SHORT-TIME COMPENSATION FUNDING

The commissioner of labor is hereby authorized to pursue federal funding for Vermont's short-time compensation program, if after an analysis of the eligibility requirements for receiving such funding, he or she concludes that doing so would be in the best interest of the state of Vermont.

Sec. 26a. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

* * *

(14) "Worker" and "employee" means an individual who has entered into the employment of, or works under contract of service or apprenticeship with, an employer. Any reference to a worker who has died as the result of a work injury shall include a reference to the worker's dependents, and any reference to a worker who is a minor or incompetent shall include a reference to the minor's committee, guardian, or next friend. The term "worker" or "employee" does not include:

* * *

(I) An individual who receives foster care payments excluded from the definition of gross income under Section 131 of Title 26 of the Internal Revenue Code.

* * *

Sec. 26b. STUDY

The commissioner of labor and the secretary of human services shall determine the instances in which arrangements made or paid for directly or

indirectly by the agency of human services to recipients constitute employment. The commissioner and the secretary shall also assess whether contracts entered into by the agency comply with employment law including workers' compensation requirements. The commissioner and the secretary shall report their findings and, to the extent that the agency is required or may elect to provide workers' compensation and unemployment compensation, shall provide an analysis of the financial costs concerning the provision of workers' compensation and unemployment compensation as well as an analysis of how the compensation could be administered. The report shall be made to the house committees on appropriations, on commerce and economic development, and on human services and the senate committees on appropriations, on economic development, housing and general affairs, and on health and welfare by January 15, 2013.

Sec. 27. APPROPRIATION

The amount of \$40,000.00 is appropriated in fiscal year 2013 from the general fund to the department of labor to partially fund the one limited service position created in 21 V.S.A. § 1811 to administer the sole contractor authorization program.

Sec. 28. EFFECTIVE DATE

Sec. 12 (relating to nondisclosure or misrepresentation in order to receive unemployment benefits) of this act shall take effect on July 1, 2013. Sec. 18 (relating to employer obligations) of this act shall take effect on October 1, 2012.

and that after passage the title of the bill be amended to read: "An act relating to workers' compensation and unemployment compensation," and that when so amended the bill ought to pass.

Rep. Sharpe of Bristol, for the committee on Ways and Means, recommended that the bill ought to pass in concurrence with proposal of amendment as recommended by the committee on Commerce and Economic Development.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committees on Commerce and Economic Development and Ways and Means agreed to and third reading ordered.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

Senate bill, entitled

An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools

Was taken up and pending third reading of the bill, **Rep. Fisher of Lincoln** moved to amend the House proposal of amendment as follows:

In Sec. 2, 33 V.S.A. § 4913(a), after the first sentence, by inserting a new sentence to read: “Notwithstanding 12 V.S.A. § 1614, an individual providing information or instruction to students as part of comprehensive health education under 16 V.S.A. § 131(11) who, as a direct result of interaction with or observation of a student in that context, has reasonable cause to believe that a child has been abused or neglected shall report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours.”

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Proposal of Amendment Agreed to, Bill Read Third Time and Passed

S. 138

Senate bill, entitled

An act relating to calculation of criminal sentences and record keeping for search warrants

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to propose to the Senate to amend the bill as follows:

In Sec. 7, in subdivision (c)(2)(B), after “confidential” by adding “and the societal benefit and promotion of due process and the rule of law which are served by permitting public inspection of criminal investigation records” before the period

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Proposal of Amendment Agreed to; Third Reading Ordered

J.R.S. 54

Rep. Macaig of Williston, for the committee on Corrections and Institutions, to which had been referred Senate bill, entitled

Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the title and by inserting in lieu thereof the following:

Whereas, pursuant to 10 V.S.A. § 2606(b), the general assembly may adopt a resolution authorizing the commissioner of forests, parks and recreation to exchange or lease certain lands that are under the jurisdiction of the commissioner, and

Whereas, the general assembly has reviewed the proposed transactions and considers them to be in the best interest of the state, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the commissioner of forests, parks and recreation to:

First: Enter into an exchange of a portion of Alburgh Dunes State Park in the Town of Alburgh with the South Alburgh Cemetery Association, Inc. for up to 44 +/- acres to be added to Alburgh Dunes State Park in the town of Alburgh that is of equivalent or greater value to the state. Any exchange of state park land with the South Alburgh Cemetery Association, Inc. shall be contingent on the following: (1) an archeological assessment shall be conducted on the state park land parcel to be exchanged and shall include an investigation to determine if there are any human remains or other archeological artifacts on the parcel; (2) the commissioner of forests, parks and recreation shall consult with the commissioner of economic, housing and community development to determine if the archeological assessment meets the legal criteria to be funded by the unmarked burial sites special fund established in 18 V.S.A. § 5212b and, if it does meet the legal criteria, to also determine if sufficient money is available in the fund for this purpose; (3) the land exchange shall have the support of the selectboard of the town of Alburgh; (4) an independent appraiser shall determine the value of the parcels for exchange; (5) The Nature Conservancy and the Vermont Housing and Conservation Board as coholders shall approve the land exchange; (6) the South Alburgh Cemetery Association, Inc. shall be responsible for any and all costs associated with the exchange, including appraisal, survey, permitting, and legal costs except for any costs that may be paid for from the unmarked burial sites special fund; (7) the parcel conveyed to the state in exchange for the state parcel conveyed to the South Alburgh Cemetery Association, Inc. shall be placed under the control and jurisdiction of the department of forests, parks and recreation; and (8) the conservation easement shall be amended to reflect this land exchange.

Second: Enter into an exchange of a portion of Coolidge State Forest in the town of Plymouth to Markowski Excavation for a 78-acre parcel of land to be added to Arthur Davis Wildlife Management Area, also in the town of Plymouth. Any exchange of state forestland with Markowski Excavation shall not exempt Markowski Excavation from satisfying any permit requirements, and the exchange shall be contingent on the following: (1) Markowski Excavation shall receive the initial approval of the town of Plymouth; (2) the department of forests, parks and recreation and Markowski Excavation shall enter into an agreement for the department to obtain crushed stone from Markowski Excavation, at a discount or no cost, for an agreed-upon time period and, if there is a cost to the state, the crushed stone shall be purchased with funds appropriated for such purposes by the general assembly; (3) Markowski Excavation shall provide a permanent easement to the state across its already owned parcel, and the state shall retain a permanent access easement across the parcel of land to be conveyed to Markowski Excavation; (4) the parcel conveyed to Markowski Excavation shall be configured to provide the minimum acreage that the agency of natural resources deems necessary for Markowski Excavation's purpose and shall not include any land that, in the opinion of the agency of natural resources, is an important wildlife habitat or is a parcel of land that contains an ecological or other significant natural resource or represents a significant outdoor recreation value; (5) the value of the exchange parcel shall be determined by an independent appraiser; (6) any and all associated costs of the exchange, including appraisals, survey, permitting, and legal work shall be borne by Markowski Excavation. In the event that the 78-acre parcel within Arthur Davis Wildlife Management Area is unavailable for exchange purposes, the commissioner is authorized to sell a portion of Coolidge State Forest to Markowski Excavation at its appraised value, subject to the above conditions, and may negotiate for other consideration that would benefit the state. Notwithstanding the provisions of 29 V.S.A. § 104, the net proceeds from any sale of state forestland shall be deposited with the state treasurer to be held in the department of forests, parks and recreation's land acquisitions account and used by the department for land acquisition.

Third: Amend the lease with Camp Downer, Inc. at Downer State Forest in Sharon to provide for two additional ten-year renewal periods.

and after adoption of the resolution the title shall be amended to read: "Joint resolution approving land exchanges in Alburgh and Plymouth and a lease with Camp Downer, Inc."

The resolution, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of

amendment offered by the committee on Corrections and Institutions agreed to and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 412

The Senate proposed to the House to amend House bill, entitled

An act relating to harassment and bullying in educational settings

In Sec. 1, 16 V.S.A. § 14, subsection (c) by striking out subdivision (2) and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) The conduct was either:

(A) for multiple instances of conduct, so pervasive that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution; or

(B) for a single instance of conduct, so severe that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution.

And after passage of the bill, the title be amended to read:

An act relating to harassment in educational settings.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 467

The Senate proposed to the House to amend House bill, entitled

An act relating to limited liability for a landowner who permits a person to enter the owner's land for recreational use

In Sec. 1, 12 V.S.A. § 5792(4), after "skiing" by adding , snowboarding

Which proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 730

House bill, entitled

An act relating to miscellaneous consumer protection laws

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Russell of Rutland City**, action on the bill was postponed until the next legislative day.

Action on Bill Postponed

H.R. 21

House resolution, entitled

House resolution urging the U.S. Department of Health and Human Services to reconsider its lifetime deferral on blood donation from men who have sex with other men

Was taken up and pending the question, Shall the House adopt the resolution? on motion of **Rep. Donahue of Northfield**, action on the bill was postponed until Tuesday, May 1, 2011.

**Rules Suspended; Third Reading; Bill Passed in Concurrence
with Proposal of Amendment**

S. 152

Senate bill, entitled

An act relating to the definition of line of duty in the workers' compensation statutes

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Savage of Swanton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

S. 113

Senate bill, entitled

An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools

S. 138

Senate bill, entitled

An act relating to calculation of criminal sentences and record keeping for search warrants

S. 152

Senate bill, entitled

An act relating to the definition of line of duty in the workers' compensation statutes

S. 214

Senate bill, entitled

An act relating to customer rights regarding smart meters

S. 230

Senate bill, entitled

An act relating to property and casualty insurers and electronic notices

S. 252

Senate bill, entitled

An act relating to the repeal or revision of reporting requirements

Committee of Conference Appointed**S. 251**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

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

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Lanpher of Vergennes

Rep. Bissonnette of Winooski

Rep. Bohi of Hartford

Committee of Conference Appointed**S. 245**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to requiring cardiovascular care instruction in public and independent schools

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Donovan of Burlington
Rep. Christie of Hartford
Rep. Campion of Bennington

Adjournment

At four o'clock and five minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Monday, April 30, 2012, at ten o'clock in the forenoon.

Monday, April 30, 2012

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Ken Atkins of Winooski.

Bill Referred to Committee on Appropriations

S. 93

Senate bill, entitled

An act relating to labeling maple products

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed;
Rules Suspended and Bill Messaged to Senate Forthwith**

H. 730

The Senate proposed to the House to amend House bill, entitled

An act relating to miscellaneous consumer protection laws

First: By adding Secs. 1a and 1b to read:

Sec. 1a. 9 V.S.A. chapter 63 is amended to read:

CHAPTER 63. CONSUMER ~~FRAUD~~ PROTECTION

* * *

§ 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER.
FRAUD PROTECTION

* * *

§ 2461e. REQUIREMENTS FOR GUARANTEED PRICE PLANS AND
PREPAID CONTRACTS

* * *

(d) Private right of action under consumer ~~fraud~~ protection act. In addition to the remedies set forth in sections 2458 and 2461 of this title, a home heating oil, kerosene, or liquefied petroleum gas dealer may bring an action against its heating oil, kerosene, or liquefied petroleum gas suppliers for failing to honor its contract with the home heating oil, kerosene, or liquefied petroleum gas dealer. The home heating oil, kerosene, or liquefied petroleum gas dealer bringing the action may recover all remedies available to consumers under subsection 2461(b) of this title.

* * *

§ 2480q. PENALTIES

(a) The following penalties shall apply to violations of this subchapter:

* * *

(3) A violation of section 2480p of this subchapter shall be deemed a violation of ~~chapter 63~~ section 2453 of this title, ~~the Consumer Fraud Act~~. The attorney general has the same authority to conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under subchapter 1 ~~of chapter 63~~ of this title chapter.

* * *

Sec. 1b. REDESIGNATION OF TERM "CONSUMER FRAUD" TO READ
"CONSUMER PROTECTION"

(a) The legislative council, under its statutory revision authority pursuant to 2 V.S.A. § 424, is directed to delete the term "consumer fraud" and to insert in lieu thereof the term "consumer protection" wherever it appears in each of the following sections: 7 V.S.A. § 1010; 8 V.S.A. §§ 2706, 2709, and 2764; 9 V.S.A. § 2471; 18 V.S.A. §§ 1511, 1512, 4086, 4631, 4633, 4634, and 9473; 20 V.S.A. § 2757; and 33 V.S.A. §§ 1923 and 2010; and in any other sections as appropriate.

(b) Notwithstanding the provisions of 3 V.S.A. chapter 25, the attorney general shall have the authority to delete the term "consumer fraud" and to insert in lieu thereof the term "consumer protection" wherever it appears in the

attorney general's rules, regulations, and procedures and shall exercise such authority upon passage of this act as he or she deems to be necessary, appropriate, and consistent with the purposes of this section.

Second: In Sec. 3, in 9 V.S.A. § 2463, in the first sentence, by striking out the following: "in the United States or Canada"

Third: In Sec. 4, by striking out subdivision (7) in its entirety

Fourth: In Sec. 6, in the section catchline following "SERVICES" by adding the following: "; OBLIGATION OF BUSINESS RECIPIENT TO NOTIFY SELLER" and in 9 V.S.A. § 4401(b)(1), in the second sentence before the period by adding the following: and shall have no further obligation to accommodate the seller's schedule for pick-up or return shipment or otherwise to facilitate the recovery of the item beyond the requirements of this section

Fifth: In Sec. 9, in 8 V.S.A. § 4260(a), by striking out the sixth sentence and inserting in lieu thereof a new sentence to read as follows: A customer is deemed to consent to receive notice and correspondence by electronic means if the insurer or vendor first discloses to the customer that by providing an electronic mail address the customer consents to receive electronic notice and correspondence at the address, and, the customer provides an electronic mail address.

Sixth: By striking out Sec. 13 in its entirety and inserting in lieu thereof a new Sec. 13 to read:

Sec. 13. 33 V.S.A. § 2607 is amended to read:

§ 2607. PAYMENTS TO FUEL SUPPLIERS

* * *

(g) The public service board shall require natural gas suppliers to provide a discount to fuel assistance customers that is substantially similar to the discount required in public service board docket 7535 for Central Vermont Public Service Corporation and Green Mountain Power.

Seventh: By adding a Sec. 13a to read:

Sec. 13a. STUDY; RESIDENTIAL SPRINKLER SYSTEMS

The department of public safety, in consultation with the department of financial regulation, home builders, and insurance carriers, as well as other interested parties, shall study the costs of requiring sprinklers in new residential construction, including whether fire insurance carriers should be required to absorb all of the costs of sprinkler installation by offsetting

premiums until the cost is paid in full and the reduction in premiums is not otherwise recovered in premiums charged to other insureds. The department shall report its findings and any recommendations regarding the cost of installing and paying for residential sprinkler systems to the senate committee on economic development, housing and general affairs and the house committee on general, housing and military affairs on or before January 15, 2013.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Marcotte of Coventry** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Marcotte of Coventry

Rep. Botzow of Pownal

Rep. Shand of Weathersfield

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Report of Committee of Conference Adopted;
Rules Suspended; Action Ordered Messaged to Senate Forthwith
and Bill Delivered to the Governor Forthwith**

H. 789

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill, entitled

An act relating to reapportioning the final representative districts of the House of Representatives

Respectfully reports that it has met and considered the same and recommended that the Senate recede from its proposals of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 1893, as amended by Sec. 1 of No. 74 of the Acts of the 2011 Adj. Sess. (2012), is amended to read:

§ 1893. INITIAL DIVISION

The state is divided into the following initial districts, each of which shall be entitled to the indicated number of representatives:

District	Towns and Cities	Representatives
* * *		
~~BENNINGTON-3~~	~~Arlington, Glastenbury, Sandgate, Shaftsbury, Stratton, Sunderland, and that portion of the town of Rupert encompassed within a boundary beginning at the point where the boundary line of Rupert and the state of New York intersects with VT Route 153; then northeasterly along the southern side of the centerline of VT 153 to the intersection of East Street; then easterly along the southern side of the centerline of East Street to the intersection of Kent Hollow Road; then southerly along the western side of the centerline of Kent Hollow Road to the boundary of the town of Sandgate; then westerly along the Sandgate town line to the boundary of New York; then northerly along the New York state line to the point of beginning~~	~~2~~
<u>BENNINGTON-3</u>	<u>Glastenbury, Shaftsbury, and that portion of the town of Sunderland encompassed within a boundary beginning at the point where the boundary line of Sunderland and Glastenbury intersects with VT Route 7; then northerly along the eastern side of the centerline of VT 7 to the intersection of North Road; then northerly along the eastern side of the centerline of North Road to the intersection of Borough Road; then northerly along the eastern side of the centerline of Borough Road to the intersection of Sunderland Hill Road; then northeasterly along the southern side of the centerline of Sunderland Hill Road to the boundary of the town of Manchester; then easterly along the Manchester town line to the boundary of the town of Winhall; then easterly along the Winhall town line to the boundary of the town of Stratton; then southerly along the Stratton town line to the boundary of Glastenbury; then westerly along the Glastenbury town line to the point of beginning</u>	<u>1</u>
BENNINGTON-4	<u>Arlington, Manchester, Sandgate, and that portion of the town of Sunderland not in BENNINGTON-3</u>	<u>4</u> <u>2</u>

* * *

CHITTENDEN-4-1	Charlotte and, ~~in Hinesburg, the following~~ ~~census block 003507: 1039~~ <u>that portion of the town of</u> <u>Hinesburg encompassed within a boundary beginning at</u> <u>the point where the boundary line of Hinesburg and</u> <u>Charlotte intersects with Drinkwater Road; then easterly</u> <u>along the southern side of the centerline of Drinkwater</u> <u>Road to the intersection of Baldwin Road; then</u> <u>southerly along the western side of the centerline of</u> <u>Baldwin Road to the boundary of the town of Monkton;</u> <u>then westerly along the Monkton town line to the</u> <u>boundary of Charlotte; then northerly along the</u> <u>Charlotte town line to the point of beginning</u>	1
CHITTENDEN-4-2	Hinesburg, except that portion of the town in CHITTENDEN-4-1	1
CHITTENDEN-5	Shelburne and St. George	2
CHITTENDEN-6	Burlington and Winooski	12
CHITTENDEN-7	South Burlington	4
CHITTENDEN-8-1	That portion of the town of Essex not included in CHITTENDEN-8-2 or 8-3	2
CHITTENDEN-8-2	The village of Essex Junction, except ~~the following~~ ~~census block 002601: 1023~~ <u>that portion of the village</u> <u>encompassed within a boundary beginning at the point</u> <u>where Pearl Street intersects with Warner Avenue; then</u> <u>northerly along the western side of the centerline of</u> <u>Warner Avenue to the intersection with Sunderland</u> <u>Brook; then northwesterly along the southern side of the</u> <u>centerline of Sunderland Brook to the intersection with</u> <u>Susie Wilson Road and Pearl Street; then southeasterly</u> <u>along the northern side of the centerline of Pearl Street</u> <u>to the point of beginning</u>	2
CHITTENDEN-8-3	Westford and that portion of the town of Essex encompassed within a boundary beginning at the point where the boundary line of Essex and the town of Colchester intersects with Curve Hill Road; then southeasterly along the northern side of the centerline of Curve Hill Road to the intersection of Lost Nation Road; then southeasterly along	

the northern side of the centerline of Lost Nation Road to the intersection of Old Stage Road; then northerly along the western side of the centerline of Old Stage Road to the intersection of Towers Road; then southeasterly along the northern side of the centerline of Towers Road to the intersection of ~~Clover Drive~~; then ~~northeasterly along the western side of the centerline of Clover Drive to the intersection with Alder Brook~~; then ~~southeasterly along the northern side of the centerline of Alder Brook to the intersection with Brown's River Road~~; then easterly along the northern side of the centerline of Brown's River Road to the intersection of Weed Road; then easterly along the northern side of the centerline of Weed Road to the intersection of Jericho Road; then easterly along the northern side of the centerline of Jericho Road to the boundary of the town of Jericho; then northeasterly along the Jericho town line to the boundary of Westford; then westerly along the Westford town line to the boundary of Colchester; then southwesterly along the Colchester town line to the point of beginning 1

CHITTENDEN-9

Colchester

4

* * *

LAMOILLE-2

Belvidere, Hyde Park, Johnson, and Wolcott, ~~and that portion of the town of Eden not in~~
ORLEANS-LAMOILLE 2

* * *

ORLEANS-2

Coventry, Irasburg, Newport City, ~~and Newport Town~~, and that portion of the town of Troy encompassed within a boundary beginning at the point where the boundary line of Troy and Newport Town intersects with the Canadian Pacific railway; then northwesterly along the southern side of the centerline of the railway to the intersection of VT Route 105; then northwesterly along the southern side of the centerline of VT 105 to the intersection of East Hill Road; then southerly along the eastern side of the centerline of East Hill Road to the intersection of VT Route 100; then westerly along the

southern side of the centerline of VT 100 to the intersection with the Missisquoi River; then southwesterly along the eastern side of the centerline of the Missisquoi River to the boundary of the town of Westfield; then southerly along the Westfield town line to the boundary of the town of Lowell; then easterly along the Lowell town line to the boundary of Newport Town; then northerly along the Newport Town boundary to the point of beginning 2

* * *

ORLEANS-

LAMOILLE

Eden, Jay, Lowell, Troy, Westfield, and that portion of the town of Eden that is west of the centerline of Route 100 Troy not in ORLEANS-2 1

RUTLAND-

BENNINGTON

Middletown Springs, Pawlet, Rupert, Wells, and that portion of the town of Tinmouth, that portion of the town of Wells not in RUTLAND-1, and that portion of the town of Rupert not in BENNINGTON-3 not in RUTLAND-2 1

RUTLAND-1

Ira, and Poultney, and that portion of the town of Wells encompassed within a boundary beginning at the point where the boundary line of Wells and Poultney intersects with West Lake Road; then southerly along the eastern and Lake St. Catherine side of the centerline of West Lake Road to the intersection of VT Route 30; then northerly along the western and Lake St. Catherine side of the centerline of VT 30 to the boundary of Poultney; then westerly along the Poultney town line to the point of beginning 1

RUTLAND-2

Clarendon, Proctor, Wallingford, and West Rutland, and that portion of the town of Tinmouth encompassed within a boundary beginning at the point where the boundary line of Tinmouth and Danby intersects with East Road; then northerly along the eastern side of the centerline of East Road and then continuing along the eastern side of the centerline of North East Road to the boundary of Clarendon; then easterly along the

Clarendon town line to the boundary of Wallingford; then southerly along the Wallingford town line to the boundary of Danby; then westerly along the Danby town line to the point of beginning 2

* * *

WINDHAM-5 Marlboro, Newfane, and ~~that portion of the town of Townshend not in WINDHAM-BENNINGTON~~ 1

WINDHAM-6 Halifax, Whitingham, and Wilmington, and that portion of the town of Whitingham not in WINDHAM-BENNINGTON 1

WINDHAM-BENNINGTON

Dover, Readsboro, Searsburg, Somerset, Stamford, Wardsboro, and ~~that portion of the town of Townshend~~ Whitingham encompassed within a boundary beginning at the ~~northernmost point where the boundary line of Townshend and the town of Wardsboro intersects with West Hill Road; then northerly along the eastern side and easterly along the southern side of the centerline of West Hill Road to the intersection of State Forest Road; then easterly along the southern side and southerly along the western side of the centerline of State Forest Road to the boundary of the town of Newfane; then westerly along the town line of Newfane to the boundary line of Wardsboro; then northerly along the town line of Wardsboro to the point of beginning~~ point where the boundary line of Whitingham and Readsboro intersects with VT Route 100; then southerly along the Readsboro town line to the boundary of the state of Massachusetts; then easterly

along the Massachusetts state line to the intersection of Kentfield Road; then northerly along the western side of the centerline of Kentfield Road to the intersection with the Nog Brook; then northerly along the western side of the centerline of Nog Brook to the intersection with VT 100; then southerly along the eastern side and westerly

along the southern side of the centerline of VT 100 to
the point of beginning 1

WINDHAM-

BENNINGTON-

WINDSOR Jamaica, Londonderry, Stratton, Weston, and Winhall
1

* * *

WINDSOR-3-1 Andover, Baltimore, Chester, and that portion of
the town of Springfield encompassed within a
boundary beginning at the point where the boundary
line of Springfield and Chester intersects with
Route 10; then easterly along the southern side
of the centerline of Route 10 to the intersection of
Cemetery Road; then easterly along the southern side
of the centerline of Cemetery Road to the intersection
of School Street; then southerly on the western side
of the centerline of School Street to the intersection
of Main Street; then easterly on the southern side of
the centerline of Main Street to the intersection of
Church Street; then southerly along the western side
of the centerline of Church Street to the intersection
~~with Great Brook; then southerly along the western side
of the centerline of Great Brook to the intersection with~~
of Spoonerville Road; then southerly along the western
side of the centerline of Spoonerville Road to the
boundary line of Chester; then northerly along the
Chester town line to the point of beginning 1

WINDSOR-3-2 That portion of the town of Springfield not in
WINDSOR-3-1 2

* * *

Sec. 2. 17 V.S.A. § 1893a is amended to read:

§ 1893a. SUBDIVISION OF INITIAL DISTRICTS

(a) The following initial House districts, ~~created and assigned more than
two members by section 1893 of this title, as amended by No. 85 of the Acts of
2002,~~ are subdivided into final representative House districts, as designated
and defined below, each of which shall be entitled to elect the indicated
number of representatives:

(1) ~~BENNINGTON 2~~ is subdivided into the following districts:

~~BENNINGTON 2-1. That portion of the town of Bennington not included in BENNINGTON 2-2.~~ 2

~~BENNINGTON 2-2. That portion of the town of Bennington encompassed by a border beginning at the intersection of VT 7 and the Pownal town line, then northerly on the easterly side of VT 7 to the intersection with Monument Avenue, then northerly along the easterly side of Monument Avenue to the intersection with Dewey Street, then northerly along the easterly side of Dewey Street to the intersection with West Main Street, then southeasterly on the southerly side of West Main Street to the intersection with North Street, then northerly along the easterly side of North Street to the intersection with County Street, then easterly along the southerly side of County Street to the intersection with Park Street, then northerly along the easterly side of Park Street to the intersection with Roaring Branch River, then easterly along the southerly side of the river to the intersection with VT 9, then easterly along VT 9 to the intersection with the Bennington-Woodford town line, then southerly along the westerly side of the Bennington-Woodford town line to the intersection with the Bennington-Pownal town line, then westerly along the northerly side of the Bennington-Pownal town line to the point of beginning.~~ 2

(2) ~~CHITTENDEN 3~~ is subdivided into the following districts:

~~CHITTENDEN 3-1. Consisting of all that portion of the City of Burlington encompassed within a boundary beginning where the northerly property line of Leddy Park intersects the shore of Lake Champlain, then northeasterly along said property line and said property line extended to North Avenue, then southeasterly along North Avenue to the southerly boundary of Farrington's Trailer Park, then northeasterly and northwesterly along the boundary of Farrington's Trailer Park and the back property lines of property fronting Lopes Avenue to the northwest corner of the corner lot at the intersection of Lopes Avenue and Roseade Parkway including all the residences in Farrington's Trailer Park and on Poirier Place, then northeasterly along the back property lines between property fronting on Roseade Parkway and Arlington Court including all the residences on Arlington Court, and turning northwesterly along the back property lines of property fronting Arlington Court to the intersection of the back property lines of property fronting Farrington Parkway, then easterly along the back property lines of property fronting Farrington Parkway to the south, then easterly along Farrington Parkway to the intersection of Farrington Parkway and Ethan Allen Parkway, then northerly along Ethan Allen Parkway to a point where the back~~

~~property lines of property fronting the north side of Farrington Parkway intersect Ethan Allen Parkway, then westerly along the back property lines of property fronting the north side of Farrington Parkway to include all residences on Farrington Parkway, continuing west across the end of Gosse Court to the southeast corner of the Lyman C. Hunt School property, then northwesterly along the property boundary of the Lyman C. Hunt School property to its northeast corner, then northeasterly along the back property lines of property fronting on Janet Circle to a point where said back property lines intersect the back property lines of property fronting on James A~~

~~venue, then northwesterly along the back property lines of property fronting on James Avenue and Sandra Circle and continuing northeasterly along the back property lines of property fronting on Sandra Circle to the intersection of the right-of-way of the Winooski Valley Park Way, then northerly in a straight line to the Winooski River, then northerly along the Winooski River to its intersection with Lake Champlain, then southerly along the shore of Lake Champlain back to the point of beginning.~~ 2

~~CHITTENDEN 3-2. Consisting of all that portion of the City of Burlington encompassed within a boundary beginning where the northerly property line of Leddy Park intersects the shore of Lake Champlain, then northeasterly along said property line and said property line extended to North Avenue, then southeasterly along North Avenue to the southerly boundary of Farrington's Trailer Park, then northeasterly and northwesterly along the boundary of Farrington's Trailer Park and the back property lines of property fronting Lopes Avenue to the northwest corner of the corner lot at the intersection of Lopes Avenue and Roseade Parkway including all the residences on Lopes Avenue and Blondin Circle, then northeasterly along the back property lines between property fronting on Roseade Parkway and Arlington Court including all the residences on Roseade Parkway, and turning northwesterly along the back property lines of property fronting Arlington Court to the intersection of the back property lines of property fronting Farrington Parkway, then easterly along the back property lines of property fronting Farrington Parkway to the south, then easterly along Farrington Parkway to the intersection of Farrington Parkway and Ethan Allen Parkway including all units at 282 Ethan Allen Parkway, then northerly along Ethan Allen Parkway to a point where the back property lines of property fronting the north side of Farrington Parkway intersect Ethan Allen Parkway, then westerly along the back property lines of property fronting the north side of Farrington Parkway, continuing west across the end of Gosse Court to the southeast corner of the Lyman C. Hunt School property, then northwesterly along the property boundary of the Lyman C. Hunt School property to its northeast, then~~

~~northeasterly along the back property lines of property fronting on Janet Circle to a point where said back property lines intersect the back property lines of property fronting on James Avenue including all residences on Janet Circle; then northwesterly along the back property lines of property fronting on James Avenue and Sandra Circle and continuing northeasterly along the back property lines of property fronting on Sandra Circle to the intersection of the right-of-way of the Winooski Valley Park Way including all residences on Sandra Circle, then northerly in a straight line to the Winooski River, then following the Winooski River easterly to the railroad bridge, then westerly along the railroad bridge and continuing along the railroad tracks until it intersects at a point with the straight line extension of the property boundary between 603 and 617 Riverside Avenue, then southerly along the straight line extension of the property boundary between 603 and 617 Riverside Avenue, continuing southerly along the property boundary of 603 and 617 Riverside Avenue to its intersection with Riverside Avenue, then westerly along Riverside Avenue to the intersection of Intervale Avenue, then southwesterly along Intervale Avenue to the intersection of Archibald Street, then westerly along Archibald Street to the intersection of Spring Street, then northwesterly along Spring Street to the intersection of Manhattan Drive, then westerly along Manhattan Drive to the intersection of Pitkin Street, then southerly along Pitkin Street to the intersection of Strong Street, then westerly along Strong Street to the intersection of North Avenue, then northwesterly along North Avenue to the intersection of Sunset Court, then southwesterly along Sunset Court to its end to include all residences on the northwesterly side of Sunset Court, continuing southeasterly in a straight line extension of Sunset Court to its intersection with the railroad tracks, then southerly along the railroad tracks to the intersection of the northern boundary line of the property to the north of the Moran Plant, then westerly along the boundary line to the intersection of the shore of Lake Champlain, then northerly along the shore of Lake Champlain to the point of beginning.~~

1

~~CHITTENDEN 3-3. Consisting of that portion of the City of Burlington encompassed within a boundary beginning at the intersection of Maple and Willard Streets, then westerly along Maple Street to the intersection of St. Paul Street, then southerly along St. Paul Street to the intersection of Kilburn Street, then westerly along Kilburn Street to the intersection of Pine Street, then southerly along Pine Street to where the railroad track parallels Pine Street, then northwesterly along the railroad track to the intersection of Maple Street, then westerly along Maple Street to the shore of Lake Champlain, then northerly along the shore of Lake Champlain to the intersection of the northern boundary line of the property to the north of the Moran Plant, then easterly along the boundary line to the intersection of the railroad tracks, then northerly~~

along the railroad tracks to an intersection with a straight line extension of Sunset Court, then northeasterly along the straight line extension of Sunset Court and continuing along Sunset Court to its intersection with North Avenue to include all residences on the southeasterly side of Sunset Court, then southeasterly along North Avenue to the intersection of Strong Street, then easterly along Strong Street to the intersection of Pitkin Street, then northerly along Pitkin Street to the intersection of Manhattan Drive, then easterly along Manhattan Drive to the intersection of Spring Street, then southeasterly along Spring Street to the intersection of Archibald Street, then easterly along Archibald Street to the intersection of North Union Street, then southwesterly and southerly along North Union Street to the intersection of Pearl Street, then easterly along Pearl Street to the intersection of Willard Street, then southerly along Willard Street to the point of beginning. 2

CHITTENDEN 3 4. Consisting of that portion of the City of Burlington encompassed within a boundary beginning at the intersection of Davis Road and the boundary between the City of Burlington and the City of South Burlington, then southwesterly along Davis Road to the intersection of South Prospect Street, then northerly along South Prospect Street to the intersection of Main Street, then westerly along Main Street to the intersection of Willard Street, then northerly along Willard Street to the intersection of Pearl Street, then westerly along Pearl Street to the intersection of North Union Street, then northerly along North Union Street to the intersection of North Winooski Avenue, then northeasterly along North Winooski Avenue to the intersection of Archibald Street, then westerly along Archibald Street to the intersection of Intervale Avenue, then northeasterly along Intervale Avenue to the intersection of Riverside Avenue, then easterly along Riverside Avenue to the intersection of North Winooski Avenue, then northerly along the property boundary between 603 and 617 Riverside Avenue to the northeastern corner of 617 Riverside Avenue, then northerly along the straight line extension of the property boundary between 603 and 617 Riverside Avenue to the intersection of the railroad tracks, then easterly along the railroad tracks to the intersection of Intervale Road, then southerly along Intervale Road, crossing Riverside Avenue, and continuing southerly along North Prospect Street to the intersection of North Street, then easterly along North Street to the intersection of Mansfield Avenue, then southerly along Mansfield Avenue to the intersection of Colchester Avenue, then northeasterly along Colchester Avenue to the intersection of Chase Street, then northeasterly along Chase Street to the intersection of Grove Street, then southeasterly along Grove Street to the intersection of the boundary line between the City of Burlington and the City of South Burlington, then southwesterly along the boundary line to the

~~intersection of Main Street, then northwesterly along Main Street to the intersection with the boundary line, then southerly along the boundary line to the point of beginning.~~

~~2~~

~~CHITTENDEN 3-5. Consisting of that portion of the City of Burlington encompassed within a boundary beginning from the shore of Lake Champlain and the boundary line with the City of South Burlington, then easterly along the boundary line between the City of Burlington and the City of South Burlington to Shelburne Street, then northerly and then easterly along the boundary line with the City of South Burlington, then northerly along the boundary line with the City of South Burlington to the intersection of Davis Road, then southwestly along Davis Road to the intersection of South Prospect Street, then northerly along South Prospect Street to the intersection of Main Street, then westerly along Main Street to the intersection of Willard Street, then southerly along Willard Street to the intersection of Maple Street, then westerly along Maple Street to the intersection of St. Paul Street, then southerly along St. Paul Street to the intersection of Kilburn Street, then westerly along Kilburn Street to the intersection of Pine Street, then southerly along Pine Street to where the railroad track parallels Pine Street, then northwesterly along the railroad track to the intersection of Maple Street, then westerly along Maple Street to the intersection of the shore of Lake Champlain, then southerly along the shore of Lake Champlain to the point of beginning.~~

~~2~~

~~CHITTENDEN 3-6. Consisting of all the City of Winooski and that portion of the City of Burlington encompassed within a boundary beginning at the northern terminus of the boundary line between the cities of Burlington and South Burlington located at a point adjacent to the Winooski River west of Interstate 89, then southwestly along the boundary line to the intersection of the boundary line and Grove Street, then northwesterly along Grove Street to the intersection of Chase Street, then southwestly along Chase Street to the intersection of Colchester Avenue, then southwestly along Colchester Avenue to the intersection of Mansfield Avenue, then northerly along Mansfield Avenue to the intersection of North Street, then westerly on North Street to the intersection of North Prospect Street, then northerly along North Prospect Street, crossing Riverside Avenue, and continuing along Intervale Road to the intersection of the railroad tracks, then easterly along the railroad tracks to the Winooski River and the boundary of the City of Burlington and the City of Winooski.~~

~~2~~

~~CHITTENDEN 3-7. That portion of the City of South Burlington starting at a point on Lake Champlain at the Shelburne South Burlington boundary and following the Shelburne South Burlington boundary easterly to~~

~~Shelburne Road; then northerly following Shelburne Road to Allen Road; then easterly following Allen Road to Spear Street; then northerly on Spear Street to Pheasant Way; then westerly on Pheasant Way to Deerfield Drive; then northerly on Deerfield Drive; then easterly on Deerfield Drive to the intersection with Spear Street; then across Spear Street to Nowland Farm Road to the intersection with Pinnacle Drive; then northerly on Pinnacle Drive; then easterly on Pinnacle Drive; then northerly on Pinnacle Drive; then westerly on Pinnacle Drive; then southerly on Pinnacle Drive to the intersection with Olivia Drive; then westerly along Olivia Drive to Spear Street; then northerly on Spear Street to Swift Street; then westerly on Swift Street to Shelburne Road; then westerly along the Burlington South Burlington boundary to Lake Champlain; then following the shore of Lake Champlain southerly to the point of beginning.~~

1

~~CHITTENDEN 3-8. That portion of the City of South Burlington starting at the junction of Dorset Street and the Shelburne South Burlington boundary and proceeding easterly to the junction of the Shelburne South Burlington Williston boundaries; then northerly following the Williston South Burlington boundary to Williston Road; then continuing westerly to the intersection of Hinesburg Road/Patchen Road; then southerly following Hinesburg Road to Woodcrest Street; then westerly on Woodcrest Street; then northerly on Woodcrest Street; then westerly on Woodcrest Street; then southerly on Woodcrest Street to Dean Street; then easterly on Dean Street to Hinesburg Road; then southerly along Hinesburg Road to Interstate 89; then westerly along Interstate 89 to its intersection with Dorset Street; then southerly to Swift Street; then westerly following Swift Street to Spear Street; then southerly along Spear Street to Olivia Drive; then easterly on Olivia Drive to Pinnacle Drive; then northerly on Pinnacle Drive; then easterly on Pinnacle Drive; then southerly on Pinnacle Drive; then westerly on Pinnacle Drive; then southerly on Pinnacle Drive to Nowland Farm Road; then westerly to Spear Street; then across Spear Street to Deerfield Drive; then westerly on Deerfield Drive; then southerly on Deerfield Drive to Pheasant Way; then easterly on Pheasant Way to Spear Street; then southerly along Spear Street to Allen Road; then westerly following Allen Road to the intersection of Shelburne Road; then southerly on Shelburne Road to the Shelburne South Burlington boundary; then easterly on the Shelburne South Burlington boundary to the point of beginning at Dorset Street and the Shelburne South Burlington boundary.~~

1

~~CHITTENDEN 3-9. That portion of the City of South Burlington starting at the junction of the Burlington South Burlington boundary and Williston Road and following that boundary starting northerly following the city boundary to the Winooski River, then following the South Burlington-~~

~~Winooski River boundary to Muddy Brook, then following the Muddy Brook-South Burlington boundary to Williston Road, then westerly to Hinesburg Road/Patchen Road, then southerly to Woodcrest Street, then westerly on Woodcrest Street, then northerly on Woodcrest Street, then westerly on Woodcrest Street, then southerly on Woodcrest Street to Dean Street, then easterly on Dean Street to Hinesburg Road, then continuing southerly on Hinesburg Road to Potash Brook, then westerly following the centerline of Potash Brook to the intersection with Kennedy Drive, then westerly on Kennedy Drive to Dorset Street, then northerly on Dorset Street to Williston Road, then westerly to the point beginning at the junction of the Burlington-South Burlington boundary and Williston Road.~~

1

~~CHITTENDEN 3-10. That portion of the City of South Burlington not contained in CHITTENDEN 3-7, 3-8, or 3-9.~~

1

~~(3) CHITTENDEN 6 is subdivided into the following districts:~~

~~CHITTENDEN 6-1. That portion of the Town of Essex not included in CHITTENDEN 6-2 or 6-3.~~

2

~~CHITTENDEN 6-2. The Village of Essex Junction.~~

2

~~CHITTENDEN 6-3. The Town of Westford, plus that portion of the Town of Essex bounded by the centerline of the road from Curve Hill at the Colchester Town line, then to Lost Nation Road, then northerly on Old Stage Road to Towers Road, then continuing easterly to Brown's River Road to Weed Road, then easterly on Jericho Road to the Jericho town line.~~

1

~~(4) CHITTENDEN 7 is subdivided into the following districts:~~

~~CHITTENDEN 7-1. That portion of the town of Colchester north of Malletts Creek and west of Interstate 89 to the Milton town line, plus that portion of the town of Colchester east of Interstate 89.~~

2

~~CHITTENDEN 7-2. That portion of the town of Colchester not included in CHITTENDEN 7-1.~~

2

~~(5) GRAND ISLE CHITTENDEN 1 is subdivided into the following districts:~~

~~GRAND ISLE CHITTENDEN 1-1. The towns of Alburg, Grand Isle, Isle La Motte, North Hero and South Hero, plus that portion of the town of Milton bounded by a line beginning at the mouth of the Lamoille River and Lake Champlain, then along the river upstream to the Interstate 89 bridge crossing the Lamoille River, then northerly along Interstate 89 to the Georgia town line, then along the Georgia town line to Lake Champlain, then southerly along the lakeshore to the place of beginning.~~

2

~~CHITTENDEN 9. That portion of the town of Milton not included in GRAND ISLE CHITTENDEN 1.~~ 2

~~(6) RUTLAND 1 is subdivided into the following districts:~~

~~RUTLAND 1 1. The town of Poultney and that part of the town of Ira encompassed within a boundary beginning in the southwest at the intersection of the town boundaries of Ira, Middletown Springs and Poultney, then northerly along the boundary with Poultney and continuing northerly along the boundary with Castleton, then easterly along the boundary with Castleton to the boundary with West Rutland, then southeasterly along the boundary with West Rutland to the ridge line of the mountain range, then southwesterly along the ridge line of the mountain range to the boundary with Middletown Springs, then westerly along the boundary with Middletown Springs to the point of beginning.~~ 1

~~RUTLAND 1 2. The towns of Clarendon, Proctor, West Rutland and that part of the town of Ira not included in RUTLAND 1 1.~~ 2

~~(7) RUTLAND 5 is subdivided into the following districts:~~

~~RUTLAND 5 1. That portion of the City of Rutland encompassed within a boundary beginning at the point where the boundary line of Rutland City and Rutland Town intersects with Lincoln Avenue, then southerly along the east side of the centerline of Lincoln Avenue to the intersection of West Street, then easterly along the north side of the centerline of West Street across North Main Street, then easterly along the north side of Terrill Street to the intersection of Lafayette Street, then southerly along the east side of the centerline of Lafayette Street to the intersection of Easterly Avenue, then easterly along the north side of Easterly Avenue to the intersection of Easterly Avenue and Piedmont Drive, then easterly along the north side of the centerline of Piedmont Drive to the intersection of Piedmont Drive and Piedmont Parkway, then easterly along the centerline of Piedmont Parkway to the intersection of Piedmont Parkway and Stratton Road, then southerly along the easterly side of the centerline of Stratton Road to the intersection of Stratton Road and Killington Avenue, then easterly along the north side of the centerline of Killington Avenue, including both sides of Grandview Terrace, to the boundary between Rutland City and Rutland Town, then northerly following the boundary line to its intersection with Gleason Road, then westerly along the south side of the centerline of Gleason Road to Woodstock Avenue, then following the boundary line back to the point of beginning.~~ 1

~~RUTLAND 5 2. That portion of the City of Rutland encompassed within a boundary beginning at the point where the boundary line of Rutland City and Rutland Town intersects with South Main Street, then northerly along~~

~~the easterly side of the centerline of South Main Street to the intersection of South Main Street and Strongs Avenue, then northwesterly along the east side of the centerline of Strongs Avenue to the intersection of Strongs Avenue and Prospect Street, then northerly along the east side of the centerline of Prospect Street to the intersection of Prospect Street and Washington Street, then easterly along the south side of the centerline of Washington Street to the intersection of Washington Street and Court Street, then northerly along the east side of the centerline of Court Street to the intersection of Court Street and West Street, then easterly along the south side of the centerline of West Street, to the intersection of West Street and South Main Street, then east across South Main Street, to the intersection of South Main Street and Terrill Street, then easterly along the south side of the centerline of Terrill Street to the intersection of Terrill Street and Lafayette Street, then southerly along the west side of the centerline of Lafayette Street to the intersection of Lafayette Street and Easterly Avenue, then easterly along the south side of the centerline of Easterly Avenue to the intersection of Easterly Avenue and Piedmont Drive, then easterly along the south side of the centerline of Piedmont Drive to the intersection of Piedmont Drive and Piedmont Parkway, then easterly along the south side of the centerline of Piedmont Parkway to the intersection of Piedmont Parkway and Stratton Road, then southerly along the west side of the centerline of Stratton Road to the intersection of Stratton Road and Killington Avenue, then easterly along the south side of the centerline of Killington Avenue to the boundary of Rutland City and Rutland Town, then southerly along the city line to the intersection of the city line and South Main Street to the point of beginning.~~

1

~~RUTLAND 5-3.—That portion of the City of Rutland encompassed within a boundary beginning at the point where the boundary line of Rutland City and Rutland Town intersects with South Main Street, then northerly along the west side of the centerline of South Main Street to the intersection of South Main Street and Strongs Avenue, then northwesterly along the west side of the centerline of Strongs Avenue to the intersection of Strongs Avenue and Prospect Street, then northerly along the west side of the centerline of Prospect Street to the intersection of Prospect Street and Washington Street, then easterly along the north side of the centerline of Washington Street to the intersection of Washington Street and Court Street, then northerly along the west side of the centerline of Court Street to the intersection of Court Street and West Street, then easterly along the north side of the centerline of West Street to the intersection of West Street and Lincoln Avenue, then northerly along the west side of the centerline of Lincoln Avenue to the intersection of Lincoln Avenue and Williams Street, then west along the south side of the centerline of Williams Street to the intersection of Williams Street and Grove~~

~~Street, then north along the west side of the centerline of Grove Street to the intersection of Grove Street and Maple Street, then west along the south side of the centerline of Maple Street to the intersection of Maple Street and Pine Street, then south along the east side of the centerline of Pine Street to the intersection of Pine Street and Robbins Street, then west along the south side of the centerline of Robbins Street to the intersection of Robbins Street and Baxter Street, then south along the east side of the centerline of Baxter Street to the intersection of Baxter Street and State Street, then west along the south side of the centerline of State Street to the intersection of State Street and Cramton Avenue, then south along the east side of the centerline of Cramton Avenue to the intersection of Cramton Avenue and West Street, then westerly along the south side of the centerline of West Street to the intersection of Ripley Road, then southerly along the Rutland City-Rutland Town line to the intersection of the city line and South Main Street, the point of beginning. 1~~

~~RUTLAND 5-4. That portion of the City of Rutland not located within the boundaries of RUTLAND 5-1, 5-2 or 5-3. 1~~

~~(8) WASHINGTON 3 is subdivided into the following districts:~~

~~WASHINGTON 3-1. That portion of the City of Barre bounded on the north, east and south by Barre Town, and bounded on the west by a line running along the center of Hall Street to the intersection of Elm Street, then along the center of Elm Street to the intersection of North Main Street, then along the center of North Main Street to the intersection of Prospect Street, then along the center of Prospect Street to the intersection of Allen Street, then along the western back lot line of Allen Street to the Barre Town boundary. 1~~

~~WASHINGTON 3-2. That portion of the City of Barre bound on the north and south by the Barre Town line, on the east by the boundary with WASHINGTON 3-1, and on the west by the boundary with WASHINGTON 3-3. 1~~

~~WASHINGTON 3-3. The town of Berlin and that portion of the City of Barre bound on the west by the Berlin town line, on the north and south by the Barre Town line, and on the east by a boundary running from the Barre Town northern boundary along the center of Beckley Street, then along the center of Third Street to North Main Street, then along the center of North Main Street to the intersection of Berlin Street, then along the center of Berlin Street to Prospect Street, then along the center of Prospect Street to the Barre Town line. 1~~

~~(9) WINDHAM 3 is subdivided into the following districts:~~

~~WINDHAM 3-1. That portion of the Town of Brattleboro to the west of a boundary beginning at Upper Dummerston Road at the Dummerston town line, then southeasterly along the centerline of Upper Dummerston Road to Interstate 91, then southerly along the median of Interstate 91 to Williams Street, then easterly along the centerline of Williams Street to where the Whetstone Brook crosses, then southwesterly along the western bank of the Whetstone Brook to Lamson Street and southerly along the centerline of Lamson Street to Chestnut Street, then westerly along the centerline of Chestnut Street to Interstate 91, then southerly along the median of Interstate 91 to the Guilford town line.~~

1

~~WINDHAM 3-2. That portion of the Town of Brattleboro to the south of a boundary beginning at the Connecticut River at the Whetstone Brook, westerly along the southern bank of the Whetstone Brook to Elm Street, then northerly along the centerline of Frost Street to Williams Street and following the centerline of Williams Street to West Street, then westerly along the centerline of West Street to Williams Street and westerly along the centerline of Williams Street to where the Whetstone Brook crosses, then southwesterly along the eastern bank of the Whetstone Brook to Lamson Street and southerly along the centerline of Lamson Street to Chestnut Street, then westerly along the centerline of Chestnut Street to Interstate 91, and east of Interstate 91 to the Guilford town line.~~

1

~~WINDHAM 3-3. That portion of the Town of Brattleboro not located in WINDHAM 3-1 or 3-2.~~

1

~~(10) WINDSOR-1 is subdivided into the following districts:~~

~~WINDSOR 1-1. The towns of Andover, Baltimore, Chester and that portion of the town of Springfield encompassed within a boundary beginning at the Chester Springfield town lines at Northfield Drive, then easterly along the centerline of Northfield Drive to the intersection with Fairbanks Road, then northerly along the centerline of Fairbanks Road to the intersection with Main Street, North Springfield, then easterly along the centerline of Main Street, North Springfield to the intersection with the County Road, then northeasterly along the centerline of the County Road to the intersection with VT 106, then northwesterly along the centerline of VT 106 to the intersection with the Baltimore Road, then northwesterly along the centerline of the Baltimore Road to the Chester boundary line, then southerly along the Chester boundary line to the point of the beginning.~~

1

~~WINDSOR 1-2. That portion of the town of Springfield not part of WINDSOR 1-1.~~

2

~~(11) WINDSOR-6 is subdivided into the following districts:~~

~~WINDSOR 6 1. The towns of Barnard and Pomfret and that portion of the town of Hartford lying westerly and northerly of a boundary beginning on the Norwich Hartford town line at the centerline of Newton Lane, then southerly along the centerline of Newton Lane to its intersection with Jericho Street, then westerly along the centerline of Jericho Street to its intersection with Dothan Road, then southerly along the centerline of Dothan Road to VT 14, then westerly along the centerline of VT 14 to the intersection of the centerline of Runnels Road and VT 14, then at a right angle to a utility pole marked 137T/6 ET&T/3>/136/GMP Corp/156/40030 on the south edge of VT 14, then southerly in a straight line across the White River to the junction of Old River Road and the beginning of Costello Road, then southerly and easterly along the center of Costello Road to its end on U.S. Route 4, then westerly along the centerline of U.S. Route 4 to the intersection of Waterman Hill Road, then northerly along the centerline of Waterman Hill Road to the northerly low watermark of the Ottauquechee River, then westerly and southerly along the northerly and westerly low watermark of the Ottauquechee River to the Hartford Hartland town line, then westerly along the town line to the northerly low watermark of the Ottauquechee River, then along the northerly low watermark of the Ottauquechee River to the Hartford Pomfret town line.~~

1

~~WINDSOR 6 2. That portion of the town of Hartford not located in WINDSOR 6 1.~~

2

~~(b) The following initial House districts, created and assigned two members by section 1893 of this title, as amended by No. 85 of the Acts of 2002, are subdivided as recommended by their respective boards of civil authority into final House districts, as designated and defined below, each of which shall be entitled to elect one representative:~~

~~(1) CHITTENDEN 1 is subdivided into the following districts:~~

~~CHITTENDEN 1 1. The town of Hinesburg, except two portions: the first being that portion of the town of Hinesburg in the southwest corner of the town bounded by a line beginning at the intersection of the Monkton town line and Baldwin Road, then northerly along Baldwin Road to its intersection with Drinkwater Road, then westerly along the centerline of Drinkwater Road to the Charlotte town line, and the second being that portion of the town of Hinesburg in the northwest corner of the town bounded by a line beginning at the junction of VT 116 and the St. George town line, then southerly along the centerline of VT 116 to its intersection with Falls Road, then westerly along the centerline of Falls Road to its intersection with O'Neill Road, then westerly along the centerline of O'Neill Road to the Charlotte town border.~~

1

~~CHITTENDEN 1-2. The town of Charlotte, plus the two portions of the town of Hinesburg not included in CHITTENDEN 1-1.~~ 1

~~(2) CHITTENDEN 5 is subdivided into the following districts:~~

~~CHITTENDEN 5-1. That portion of the town of Shelburne bounded by a line beginning on the southwest corner of the Shelburne-Charlotte town line, then following the shore of Lake Champlain to the mouth of Munroe Brook, including all of the Lake that is part of the town of Shelburne, then upstream along the center of Munroe Brook to the intersection with Spear Street, then south along the centerline of Spear Street to the Shelburne-Charlotte town line, then west along the Shelburne-Charlotte town line to the place of beginning.~~ 1

~~CHITTENDEN 5-2. The town of St. George, plus that portion of Shelburne which is not in CHITTENDEN 5-1.~~ 1

(a) CHITTENDEN-5 is subdivided into the following districts:

(1) CHITTENDEN-5-1. That portion of the town of Shelburne encompassed within a boundary beginning at the point where the boundary line of Shelburne and the town of Charlotte intersects with the shore of Lake Champlain; then northerly along the shore of Lake Champlain to the mouth of Munroe Brook, including all of the lake that is part of the town of Shelburne; then upstream along the western side of the centerline of Munroe Brook to the intersection with Spear Street; then southerly along the western side of the centerline of Spear Street to the boundary of Charlotte; then westerly along the Charlotte town line to the point of beginning 1

(2) CHITTENDEN-5-2. St. George and that portion of the town of Shelburne not in CHITTENDEN-5-1 1

(b) CHITTENDEN-6 is subdivided into the following districts:

(1) CHITTENDEN-6-1. That portion of the city of Burlington encompassed within a boundary beginning at the point where the northwestern property line of Leddy Park intersects with the shore of Lake Champlain; then northeasterly along the northern side of that property line and continuing from that property line in a straight line to the intersection of North Avenue; then southeasterly along the northeastern side of the centerline of North Avenue to the southern boundary of Farrington's Trailer Park; then northeasterly and then northwesterly along the boundary of Farrington's Trailer Park and the back property lines of property fronting Lopes Avenue to the northwest corner of the corner lot at the intersection of Lopes Avenue and Roseade Parkway, including all of the residences in Farrington's Trailer Park and on Poirier Place; then northeasterly along the back property lines between property fronting on Roseade Parkway and Arlington Court, including all the residences

on Arlington Court; then turning northwesterly along the back property lines of property fronting Arlington Court to the intersection of the back property lines of property fronting Farrington Parkway on the southern side; then easterly along those back property lines to Farrington Parkway; then easterly along the northern side of the centerline of Farrington Parkway to the intersection of Ethan Allen Parkway; then northerly along the western side of the centerline of Ethan Allen Parkway to the intersection of VT Route 127; then northwesterly along the southern side of the centerline of VT 127 to the intersection of the boundary of the town of Colchester at the Heineberg Bridge over the Winooski River; then northerly and westerly along the Colchester town line to the intersection with Lake Champlain; then southerly along the shore of Lake Champlain to the point of beginning

2

(2) CHITTENDEN-6-2. That portion of the city of Burlington encompassed within a boundary beginning at the point where the northwestern property line of Leddy Park intersects with the shore of Lake Champlain; then northeasterly along the southern side of that property line and continuing from that property line in a straight line to the intersection of North Avenue; then southeasterly along the southwestern side of the centerline of North Avenue to the southern boundary of Farrington's Trailer Park; then northeasterly and then northwesterly along the boundary of Farrington's Trailer Park and the back property lines of property fronting Lopes Avenue to the northwest corner of the corner lot at the intersection of Lopes Avenue and Roseade Parkway, including all the residences on Lopes Avenue and Blondin Circle; then northeasterly along the back property lines between property fronting on Roseade Parkway and Arlington Court, including all the residences on Roseade Parkway; then turning northwesterly along the back property lines of property fronting Arlington Court to the intersection of the back property lines of property fronting Farrington Parkway on the southern side; then easterly along those back property lines to Farrington Parkway; then easterly along the southern side of the centerline of Farrington Parkway to the intersection of Ethan Allen Parkway, including all units at 282 Ethan Allen Parkway; then northerly along the eastern side of the centerline of Ethan Allen Parkway to the intersection of VT Route 127; then northwesterly along the northern side of the centerline of VT 127 to the intersection of the boundary of the town of Colchester at the Heineberg Bridge over the Winooski River; then easterly and southerly along the Colchester town line and continuing along the boundary of the city of Winooski to the railroad bridge; then westerly along the northern side of the centerline of the railroad bridge and continuing along the northern side of the centerline of the railroad tracks to the intersection of a point representing the centerline of the railroad tracks and a straight line extension of the centerline of Spring Street; then southeasterly along the western side of the

centerline of that straight line to the intersection of Spring Street and Manhattan Drive; then westerly along the northern side of the centerline of Manhattan Drive to the intersection of Pitkin Street; then southerly along the western side of the centerline of Pitkin Street to the intersection of North Street; then easterly along the southern side of the centerline of North Street to the intersection of North Champlain Street; then southerly along the western side of the centerline of North Champlain Street to the intersection of Pearl Street; then westerly along the northern side of the centerline of Pearl Street to the intersection of Battery Street; then southerly along the western side of the centerline of Battery Street to the intersection of College Street; then westerly along the northern side of the centerline of College Street to the intersection of the Island Line Trail; then southerly along the western side of the Island Line Trail to a point representing the southern end of the Union Station building; then northwesterly from that point to a point representing the intersection of a straight line extension of Main Street and the shore of Lake Champlain; then northwesterly along the shore of Lake Champlain to the point of beginning

1

(3) CHITTENDEN-6-3. That portion of the city of Burlington encompassed within a boundary beginning at the point of the intersection of Spring Street and Manhattan Drive; then westerly along the southern side of the centerline of Manhattan Drive to the intersection of Pitkin Street; then southerly along the eastern side of the centerline of Pitkin Street to the intersection of North Street; then easterly along the northern side of the centerline of North Street to the intersection of North Champlain Street; then southerly along the eastern side of the centerline of North Champlain Street to the intersection of Pearl Street; then westerly along the southern side of the centerline of Pearl Street to the intersection of Battery Street; then southerly along the eastern side of the centerline of Battery Street to the intersection of College Street; then westerly along the southern side of the centerline of College Street to the intersection of the Island Line Trail; then southerly along the eastern side of the centerline of the Island Line Trail to the southern end of the Union Station building; then northwesterly from that point to a point representing the intersection of a straight line extension of Main Street and the shore of Lake Champlain; then southerly along the shore of Lake Champlain to a point representing the intersection of the shore of Lake Champlain and a straight line extension of Maple Street; then easterly along the northern side of the centerline of Maple Street to the intersection of South Willard Street; then northerly along the western side of the centerline of South Willard Street to the intersection of Main Street; then westerly along the southern side of the centerline of Main Street to the intersection of South Union Street; then northerly along the western side of the centerline of South Union Street to the

intersection of Pearl Street; then continuing on North Union Street to the intersection of North Street; then easterly along the northern side of the centerline of North Street to the intersection of North Willard Street; then northerly along the western side of the centerline of North Willard Street to the intersection of Hyde Street; then northeasterly along the western side of the centerline of Hyde Street to a point representing the intersection of a straight line extension of Hyde Street and the railroad tracks; then westerly along the southern side of the centerline of the railroad tracks to the intersection of a point representing the intersection of the centerline of the railroad tracks and a straight line extension of the centerline of Spring Street; then southeasterly along the eastern side of the centerline of that straight line to the point of beginning

2

(4) CHITTENDEN-6-4. That portion of the city of Burlington encompassed within a boundary beginning at the point of the intersection of North Street and North Union Street; then southerly along the eastern side of the centerline of North Union Street to the intersection of Pearl Street; then easterly along the northern side of the centerline of Pearl Street to the intersection of South Prospect Street; then southerly along the eastern side of the centerline of South Prospect Street to the intersection of Main Street; then easterly along the northern side of the centerline of Main Street to the northeastern boundary of 461 Main Street; then southeasterly along the eastern side of the boundary of 461 Main Street and 475 Main Street, including the property at 475, 479, and 481 Main Street and excluding the property at 461 Main Street and continuing in a straight line to the southwestern corner of the property located at 475 Main Street, including that property; then continuing on to and along the eastern side of the boundary between property located on Robinson Parkway and property located on University Terrace, including the University Terrace properties, to the intersection with University Heights Road; then continuing southerly from the intersection with University Heights Road on the eastern side of the boundary between properties within University Heights and those properties on South Prospect Street and on Henderson Terrace to the intersection of a road running along the southern side of the Gucciardi Recreation and Fitness Center and the Gutterson Fieldhouse and Davis Road; then easterly along the northern side of the centerline of the road on the southern boundary of the center and fieldhouse to the boundary of the city of South Burlington; then northerly and easterly along the South Burlington city line to the intersection with Grove Street, including the residences on the inside and southern side of the circle at 284 Grove Street, also known as Apple Grove, but excluding the residences on the outside and northern side of the circle at 284 Grove Street; then westerly along the southern side and northerly along the western side of the centerline of Grove

Street to the intersection of Chase Street; then westerly and southwesterly along the southern side of the centerline of Chase Street to the intersection of Colchester Avenue; then northerly along the western side of the centerline of Colchester Avenue to the intersection of Riverside Avenue; then southerly along the eastern side and westerly along the southern side of the centerline of Riverside Avenue to the intersection of Intervale Road; then northwesterly along the western side of the centerline of Intervale Road to the intersection with the railroad tracks; then westerly along the southern side of the centerline of the railroad tracks to a point representing the intersection of the centerline of the railroad tracks and a straight line extension of the centerline of Hyde Street; then southwesterly along the eastern side of the centerline of that line extension and then Hyde Street to the intersection of North Willard Street; then southerly along the eastern side of the centerline of North Willard Street to the intersection of North Street; then westerly along the southern side of the centerline of North Street to the point of beginning

2

(5) CHITTENDEN-6-5. That portion of the city of Burlington encompassed within a boundary beginning at the point where the boundary of Burlington and the city of South Burlington intersects with the shore of Lake Champlain; then northerly along the shore of Lake Champlain to the intersection of the shore of the lake with a point representing a straight line extension of Maple Street; then easterly along the southern side of the centerline of Maple Street to the intersection of South Willard Street; then southerly along the western side of the centerline of South Willard Street to the intersection of Cliff Street; then easterly along the southern side of the centerline of Cliff Street to the intersection of South Prospect Street; then southerly along the western side of the centerline of South Prospect Street to the intersection of Davis Road; then easterly along the southern side of the centerline of Davis Road to the intersection of the road running along the southern boundary of the Gucciardi Recreation and Fitness Center and the Gutterson Fieldhouse; then easterly along the southern side of the centerline of the road on the southern boundary of the center and fieldhouse to the boundary of the city of South Burlington; then southerly and westerly along the South Burlington city line to the shore of Lake Champlain and the point of beginning

2

(6) CHITTENDEN-6-6. That portion of the city of Burlington encompassed within a boundary beginning at the point of the intersection of Pearl Street and North Union Street; then easterly along the southern side of the centerline of Pearl Street to the intersection of South Prospect Street; then southerly along the western side of the centerline of South Prospect Street to the intersection of Main Street; then easterly along the southern side of the

centerline of Main Street to the northeastern boundary of 461 Main Street; then southeasterly along the western side of the boundary of 461 Main Street and 475 Main Street, excluding the property at 475, 479, and 481 Main Street and including the property at 461 Main Street and continuing in a straight line to the southwestern corner of the property located at 475 Main Street, excluding that property; then continuing on to and along the western side of the boundary between property located on Robinson Parkway and property located on University Terrace, including the Robinson Parkway properties, to the intersection with University Heights Road; then continuing southerly from the intersection with University Heights Road on the western side of the boundary between properties within University Heights and those properties on South Prospect Street and on Henderson Terrace to the intersection of a road running along the southern side of the Gucciardi Recreation and Fitness Center and the Gutterson Fieldhouse and Davis Road; then westerly along the northern side of the centerline of Davis Road to the intersection of South Prospect Street; then northerly along the eastern side of the centerline of South Prospect Street to the intersection of Cliff Street; then westerly along the northern side of the centerline of Cliff Street to the intersection of South Willard Street; then northerly along the eastern side of the centerline of South Willard Street to the intersection of Main Street; then westerly along the northern side of the centerline of Main Street to the intersection of South Union Street; then northerly along South Union Street to the intersection of Pearl Street; then continuing northerly along the eastern side of the centerline of North Union Street to the point of beginning 1

(7) CHITTENDEN-6-7. The city of Winooski and that portion of the city of Burlington not included in CHITTENDEN-6-1, 6-2, 6-3, 6-4, 6-5, or 6-6 2

(c) CHITTENDEN-7 is subdivided into the following districts:

(1) CHITTENDEN-7-1. That portion of the city of South Burlington encompassed within a boundary beginning at the point where the boundary of South Burlington and the city of Burlington intersects with the shore of Lake Champlain; then southerly along the shore of Lake Champlain, including all of the lake belonging to South Burlington, to the boundary of the town of Shelburne; then easterly along the Shelburne town line to the intersection of Shelburne Road; then northerly along the western side of the centerline of Shelburne Road to the intersection of Allen Road; then easterly along the northern side of the centerline of Allen Road to the intersection of Spear Street; then northerly along the western side of the centerline of Spear Street to the intersection of Nowland Farm Drive; then easterly along the northern side of

the centerline of Nowland Farm Drive to the intersection of Dorset Street; then northerly along the western side of the centerline of Dorset Street to the intersection of Swift Street; then westerly along the southern side of the centerline of Swift Street and then continuing along the Burlington city line to the shore of Lake Champlain and the point of beginning 1

(2) CHITTENDEN-7-2. That portion of the city of South Burlington encompassed within a boundary beginning at the point of the intersection of Nowland Farm Drive and Spear Street; then southerly along the eastern side of the centerline of Spear Street to the intersection of Allen Road; then westerly along the southern side of the centerline of Allen Road to the intersection of Shelburne Road; then southerly along the eastern side of the centerline of Shelburne Road to the boundary of the town of Shelburne; then easterly along the Shelburne town line to the boundary of the town of Williston; then northerly along the Williston town line to the intersection of VT Route 2; then westerly along the southern side of the centerline of VT 2 to the intersection of the back property lines of property fronting Elsom Parkway on the western side of Elsom Parkway; then southerly along those back property lines including all of the properties along Elsom Parkway and continuing in a straight line to the intersection with the Potash Brook; then southwesterly along the southern side of the centerline of the Potash Brook to the intersection with Hinesburg Road; then southeasterly along the eastern side of the centerline of Hinesburg Road to the intersection with Interstate 89; then westerly along the southern side of the centerline of Interstate 89 to the intersection with Dorset Street; then southerly along the eastern side of the centerline of Dorset Street to the intersection of Nowland Farm Drive; then westerly along the southern side of the centerline of Nowland Farm Drive to the point of beginning 1

(3) CHITTENDEN-7-3. That portion of the city of South Burlington encompassed within a boundary beginning at the northwestern-most point where the boundary line of South Burlington and the city of Burlington intersects with Williston Road; then southerly and westerly along the Burlington city line to the intersection with Swift Street; then easterly along the northern side of the centerline of Swift Street to the intersection of Dorset Street; then northerly along the western side of the centerline of Dorset Street to the intersection with Interstate 89; then easterly along the northern side of the centerline of Interstate 89 to the intersection with Hinesburg Road; then northwesterly along the western side of the centerline of Hinesburg Road to the intersection with the Potash Brook; then southwesterly along the southern side of the centerline of the Potash Brook to the intersection with Kennedy Drive; then westerly along the southern side of the centerline of Kennedy Drive to the

intersection of Dorset Street; then northerly along the western side of the centerline of Dorset Street to the intersection of Williston Road; then northwesterly along the southern side of the centerline of Williston Road to the point of beginning 1

(4) CHITTENDEN-7-4. That portion of the city of South Burlington not in CHITTENDEN-7-1, 7-2, or 7-3 1

(d) CHITTENDEN-9 is subdivided into the following districts:

(1) CHITTENDEN-9-1. That portion of the town of Colchester north of Malletts Creek and west of Interstate 89 to the Milton town line; plus that portion of the town of Colchester east of Interstate 89, except the portion of that portion of the town encompassed within a boundary beginning at the point where Interstate 89 intersects with VT Route 127; then easterly along the southern side of the centerline of VT 127 to the intersection of the Roosevelt Highway; then southerly along the western side of the centerline of the Roosevelt Highway to the intersection of the Sunderland Brook; then westerly along the northern side of the centerline of the Sunderland Brook to the intersection with Interstate 89; then northerly along the eastern side of the centerline of Interstate 89 to the point of beginning 2

(2) CHITTENDEN-9-2. That portion of the town of Colchester not in CHITTENDEN-9-1 2

Sec. 3. 17 V.S.A. § 1881 is amended to read:

§ 1881. NUMBER TO BE ELECTED

Senatorial districts and the number of senators to be elected from each are as follows:

(1) Addison senatorial district, composed of the towns of Addison, ~~Brandon~~, Bridport, Bristol, Buel's Gore, Cornwall, Ferrisburgh, Goshen, Granville, Hancock, Huntington, Leicester, Lincoln, Middlebury, Monkton, New Haven, Orwell, Panton, Ripton, Salisbury, Shoreham, Starksboro, Vergennes, Waltham, ~~Whiting~~ and Weybridge, and Whiting..... two;

(2) Bennington senatorial district, composed of the towns of Arlington, Bennington, Dorset, Glastenbury, Landgrove, Manchester, Peru, Pownal, Readsboro, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland, Wilmington, Winhall, and Woodford..... two;

(3) Caledonia senatorial district, composed of the towns of Barnet, Bradford, Burke, Danville, Fairlee, Groton, Hardwick, Kirby, Lyndon, Newark, Newbury, Orange, Peacham, Ryegate, St. Johnsbury, Sheffield,

Stannard, Sutton, Topsham, Walden, Waterford, West Fairlee, and Wheelock..... two;

(4) Chittenden senatorial district, composed of the towns of Bolton, ~~Buel's Gore~~, Burlington, Charlotte, Essex, Hinesburg, ~~Huntington~~, Jericho, Milton, Richmond, St. George, Shelburne, South Burlington, Underhill, Westford, Williston, and Winooski..... six;

(5) Essex-Orleans senatorial district, composed of the towns of Albany, Averill, Avery's Gore, Barton, Bloomfield, Brighton, Brownington, Brunswick, Canaan, Charleston, Concord, Coventry, Craftsbury, Derby, East Haven, ~~Eden~~, Ferdinand, Glover, Granby, Greensboro, Guildhall, Holland, Irasburg, Jay, Lemington, Lewis, Lowell, Lunenburg, Maidstone, Montgomery, Morgan, Newport City, Newport Town, Norton, Richford, Troy, Victory, Warner's Grant, ~~Warren's~~ Warren Gore, Westfield, Westmore, and Wolcott..... two;

(6) Franklin senatorial district, composed of the towns of ~~Alburg~~ Alburgh, Bakersfield, Berkshire, ~~Enosburg~~ Enosburgh, Fairfax, Fairfield, Fletcher, Franklin, Georgia, Highgate, St. Albans City, St. Albans Town, Sheldon, and Swanton..... two;

(7) Grand Isle senatorial district, composed of the towns of Colchester, Grand Isle, Isle La Motte, North Hero, and South Hero..... one;

(8) Lamoille senatorial district, composed of the towns of Belvidere, Cambridge, Eden, Elmore, Hyde Park, Johnson, Morristown, Stowe, and Waterville..... one;

(9) Orange senatorial district, composed of the towns of Braintree, Brookfield, Chelsea, Corinth, Randolph, Strafford, Thetford, Tunbridge, Vershire, Washington, and Williamstown..... one;

(10) Rutland senatorial district, composed of the towns of Benson, Brandon, Castleton, Chittenden, Clarendon, Danby, Fair Haven, Hubbardton, Ira, Killington, Mendon, Middletown Springs, ~~Mt. Holly~~, Mt. Tabor, Pawlet, Pittsfield, Pittsford, Poultney, Proctor, Rutland City, Rutland Town, Shrewsbury, Sudbury, Tinmouth, Wallingford, Wells, West Haven, and West Rutland..... three;

(11) Washington senatorial district, composed of the towns of Barre City, Barre Town, Berlin, Cabot, Calais, Duxbury, East Montpelier, Fayston, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Plainfield, Roxbury, Waitsfield, Warren, Waterbury, Woodbury, and Worcester.....three;

(12) Windham senatorial district, composed of the towns of Athens, Brattleboro, Brookline, Dover, Dummerston, Grafton, Guilford, Halifax, Jamaica, ~~Londonderry~~, Marlboro, Newfane, Putney, Rockingham, Somerset, Stratton, Townshend, Vernon, Wardsboro, Westminster, Whitingham, and Windham..... two;

(13) Windsor senatorial district, composed of the towns of Andover, Baltimore, Barnard, Bethel, Bridgewater, Cavendish, Chester, Hartford, Hartland, ~~Londonderry~~, Ludlow, Mt. Holly, Norwich, Plymouth, Pomfret, Reading, Rochester, Royalton, Sharon, Springfield, Stockbridge, Weathersfield, Weston, West Windsor, Windsor, and Woodstock..... three.

Sec. 4. TIME FOR FILING PRIMARY PETITIONS AND STATEMENTS OF NOMINATION

Notwithstanding the provisions of 17 V.S.A. § 2356 regarding the earliest date by which primary petitions and statements of nomination from minor party candidates and independent candidates may be filed, for the 2012 elections, primary petitions and statements of nomination shall be filed no sooner than Tuesday, May 29, 2012.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage and shall apply to representative and senatorial districts for the 2012 election cycle and thereafter.

JEANETTE K. WHITE

VINCENT ILLUZZI

RICHARD W. SEARS

Committee on the part of the Senate

DONNA G. SWEANEY

WILLEM W. JEWETT

Committee on the part of the House

Pending the question, Shall the report of the committee of conference be adopted? **Rep. Hubert of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the committee of conference be adopted? was decided in the affirmative. Yeas, 124. Nays, 8.

Those who voted in the affirmative are:

Acinapura of Brandon

Ancel of Calais

Andrews of Rutland City

Atkins of Winooski

Bartholomew of Hartland

Batchelor of Derby

Bissonnette of Winooski

Bohi of Hartford

Botzow of Pownal

Bouchard of Colchester	Heath of Westford	O'Brien of Richmond
Branagan of Georgia	Hebert of Vernon	Olsen of Jamaica
Brennan of Colchester	Helm of Fair Haven	O'Sullivan of Burlington
Burke of Brattleboro	Hooper of Montpelier	Partridge of Windham
Buxton of Tunbridge	Howrigan of Fairfield	Pearce of Richford
Campion of Bennington	Hubert of Milton *	Pearson of Burlington
Cheney of Norwich	Jerman of Essex *	Peltz of Woodbury
Christie of Hartford	Jewett of Ripton	Perley of Enosburgh
Clark of Vergennes	Johnson of South Hero	Poirier of Barre City *
Clarkson of Woodstock	Johnson of Canaan	Pugh of South Burlington
Condon of Colchester	Keenan of St. Albans City	Ralston of Middlebury
Conquest of Newbury	Kilmartin of Newport City	Ram of Burlington
Consejo of Sheldon	Klein of East Montpelier	Reis of St. Johnsbury
Copeland-Hanzas of	Koch of Barre Town *	Russell of Rutland City
Bradford	Komline of Dorset	Scheuermann of Stowe
Corcoran of Bennington	Krebs of South Hero	Shand of Weathersfield
Courcelle of Rutland City	Krowinski of Burlington	Sharpe of Bristol
Crawford of Burke	Kupersmith of South	Shaw of Pittsford
Dakin of Chester	Burlington	South of St. Johnsbury
Davis of Washington	Lanpher of Vergennes	Spengler of Colchester
Deen of Westminster	Larocque of Barnet	Stevens of Waterbury
Degree of St. Albans City	Lawrence of Lyndon	Stevens of Shoreham
Dickinson of St. Albans	Lenes of Shelburne	Strong of Albany
Town	Leriche of Hardwick	Sweaney of Windsor
Donaghy of Poultney	Lewis of Berlin	Toll of Danville
Eckhardt of Chittenden	Lewis of Derby	Townsend of Randolph
Edwards of Brattleboro	Lorber of Burlington	Trieber of Rockingham
Ellis of Waterbury	Macaig of Williston	Turner of Milton *
Emmons of Springfield	Malcolm of Pawlet	Waite-Simpson of Essex
Evans of Essex	Marcotte of Coventry	Webb of Shelburne
Fagan of Rutland City	Marek of Newfane	Wilson of Manchester
Fisher of Lincoln	Martin of Springfield	Winters of Williamstown
Frank of Underhill	Masland of Thetford	Wizowaty of Burlington
French of Shrewsbury	McCullough of Williston	Woodward of Johnson
French of Randolph	McFaun of Barre Town	Wright of Burlington
Gilbert of Fairfax	Mook of Bennington	Yantachka of Charlotte
Grad of Moretown	Moran of Wardsboro	Young of Glover
Greshin of Warren	Mrowicki of Putney	Zagar of Barnard
Haas of Rochester	Munger of South Burlington	
Head of South Burlington	Nuovo of Middlebury	

Those who voted in the negative are:

Browning of Arlington *	Higley of Lowell	Potter of Clarendon
Devereux of Mount Holly *	Martin of Wolcott *	Savage of Swanton *
Donahue of Northfield *	Myers of Essex *	

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Burditt of West Rutland	Canfield of Fair Haven

Donovan of Burlington
Howard of Cambridge
Kitzmiller of Montpelier
Lippert of Hinesburg
Manwaring of Wilmington

McAllister of Highgate
McNeil of Rutland Town
Miller of Shaftsbury
Morrissey of Bennington
Peaslee of Guildhall

Smith of New Haven
Stuart of Brattleboro
Taylor of Barre City
Till of Jericho

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I vote ‘no’ because the changes to the towns of Sandgate, Arlington and Sunderland violate the stated principles and goals of this process.”

Rep. Devereaux of Mount Holly explained his vote as follows:

“Mr. Speaker:

My ‘no’ vote has to do with the changes made to our map by the other body and nothing to do with the hard work of our committee and which towns I may represent.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

There was excellent work and a mostly excellent outcome in this bill. My vote ‘no’ is in support of the statement by the member from Arlington.”

Rep. Hubert of Milton explained his vote as follows:

“Mr. Speaker:

I am voting ‘yes’ for all the hard work that has been done on the House map. The House map has been done in a fair and thoughtful manner. This was done in an open manner and with long days and many hours of testimony and it would be unfair for me not to vote for this map.

On the Senate map it is a shame that we have let a historic chance go by the board. In Chittenden County we have the largest Senate district in the country. In conference committee we put forth a plan that would have split up this six-seat Senate district into two three-seat districts. In doing so we would have fixed a long-standing problem. The change would not have harmed any of the sitting senators. This is going to be a problem and cause someone to take that map to court. This is something we were hoping would not happen.”

Rep. Jerman of Essex explained his vote as follows:

“Mr. Speaker:

‘Ditto’ to the remarks of the members from Milton and Barre Town.”

Rep. Koch of Barre Town explained his vote as follows:

“Mr. Speaker:

I vote ‘YES’ on this bill out of respect for the hard work done by my colleagues and the fact that the House districts, overall, are quite acceptable under all of the circumstances.

If this were a vote only on the Senate plan, I would vote ‘NO’ because the six-member Chittenden district is unwieldy and likely unconstitutional. Anyone who is concerned about how much it costs to run for public office should look first at what it costs to run for a Senate seat in Chittenden County.”

Rep. Martin of Wolcott explained her vote as follows:

“Mr. Speaker:

While I appreciate the openness and inclusiveness in creating the House redistricting map, I regret to my committee I must vote ‘no’ to the Senate map.

The process for creating their map lacked transparency and the many voices and desires of Wolcott citizens were discounted as irrelevant in their deliberations.”

Rep. Myers of Essex explained her vote as follows:

“Mr. Speaker:

In my other life as chair of the Essex Select board, I represent 20,000 Essex residents who live in the second largest community in Vermont. The six-member Chittenden Senate district short-changes Senate representation for the residents of Essex. I voted ‘no’ today.”

Rep. Poirier of Barre City explained his vote as follows:

“Mr. Speaker:

I voted ‘yes’ in spite of my concerns of Senate involvement in the House plan because of the dedicated work of the committee; however, I believe the days of non-partisanship are going to be a thing of the past as a result of actions in 2002 and now in 2012. What can we expect in 2022?”

Rep. Savage of Swanton explained his vote as follows:

“Mr. Speaker:

While the main purpose of the reapportionment process is to adjust district boundaries to account for population shifts over the previous decade, the overriding objective is to ensure fair and effective representation for all Vermonters.

The primary way to accomplish this is to equalize population among districts. Our courts have indicated that exact numerical equality is not necessary for legislative districts. However, the courts have also indicated that the aim of districting is to have districts that are of equal population to the extent practicable.

Thus the courts tell us to strive for equal population and then vary only if needed. The plans before us today represent a substantial abandonment of this principle of one-person one-vote.

In fact, under these proposals, over one-half of the members of the Senate and over one-half of the members of the House would be elected from districts that are outside the range that would normally be acceptable to the courts.

Moreover, the bills before us do nothing to address the substantive aspects of fair and effective representation. Both proposals retain multi-member districts that vary in the number of members. The proposal for the House maintains a mix of two-member and one-member districts but there is no consistency in the application here. A few smaller towns are split while many others are not.

Even in towns and cities with more than one member, two-member districts are created while in many of the larger towns, single member districts are created.

The proposal for the Senate maintains a six-member district that elects 20% of that chamber in one cattle-call election.

Multi-member districts are subject to the interplay of political dynamics and frequently do not offer a voter a clear choice.

The proposals before us today disregard some of these basic principles and do not meet the definition of what most voters understand representative government to be.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

I am disappointed that the legislature has decided to skip this once-in-a-decade opportunity to make substantive changes to the Chittenden Senate district. This district of six Senators represents the largest such contingency in the country and does not provide fair representation for my constituents in Milton.

My ‘yes’ vote today is out of respect and appreciation for the leadership and the process this body has undertaken to accomplish this political task.”

Thereupon, pursuant to House rule 41, after passage, the title of the bill shall be amended to read as follows:

An act relating to reapportioning the final representative districts of the House of Representatives and the senatorial districts of the Seante.

On motion of **Rep. Turner of Milton**, the rules were suspended and action on the bill was ordered messaged to the Senate forthwith and the bill delivered to the Governor forthwith.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 99

Senate bill, entitled

An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Recess

At eleven o'clock and thirty minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

At one o'clock and fifteen minutes in the afternoon, the Speaker called the House to order.

**Proposals of Amendment Agreed to, Read Third Time and Passed
in Concurrence with Proposal of Amendment**

S. 95

Senate bill, entitled

An act relating to exemptions for newspaper deliverers from the unemployment statutes; relieving an employer's experience rating record of charges; studying the receipt of unemployment compensation between academic terms; allowing school employees to be paid wages over the course of a year; and requiring employers to furnish required work apparel

Was taken up and pending third reading of the bill, **Rep. Wilson of Manchester** moved to amend the bill as follows:

By striking Secs. 3 and 5 in their entirety and inserting a new Sec. 3 to read:

Sec. 3. 21 V.S.A. § 342 is amended to read:

§ 342. WEEKLY PAYMENT OF WAGES

(a)(1) Any person having employees doing and transacting business within the state shall pay each week, in lawful money or checks, the wages earned by each employee to a day not more than six days prior to the date of such payment.

(2) After giving written notice to the employees, any person having employees doing and transacting business within the state may, notwithstanding subdivision (1) of this subsection, pay ~~bi-weekly~~ biweekly or ~~semi-monthly~~ semimonthly in lawful money or checks, each employee the wages earned by the employee to a day not more than six days prior to the date of the payment. If a collective bargaining agreement so provides, the payment may be made to a day not more than 13 days prior to the date of payment.

(3) A school district employee may elect in writing to have a set amount or set percentage of his or her after-tax wages withheld by the school district in a district-held bank account each pay period. The percentage or amount withheld shall be determined by the employee. At the option of the employee, the school district shall disburse the funds to the employee in either a single payment at the time the employee receives his or her final paycheck of the school year, or in equal weekly or biweekly sums beginning at the end of the school year. The school district shall disburse funds from the account in any sum as requested by the employee and, at the end of the school year or at the employee's option over the course of the period between the current and next school year, or upon separation from employment, shall remit to the employee any remaining funds, including interest earnings, held in the account. For employees within a bargaining unit organized pursuant to either chapter 22 of this title or 16 V.S.A. chapter 57, the school district shall implement this election in a manner consistent with the provisions of this subdivision and as determined through negotiations under those chapters. For employees not within a bargaining unit, the school district shall, in a manner consistent with this subdivision, determine the manner in which to implement this subdivision.

* * *

Which was agreed to.

Pending third reading of the bill, **Rep. Dickinson of St. Albans Town and Greshin of Warren** moved to amend the House proposal of amendment as follows:

In Sec. 2, 21 V.S.A. § 495i(c)(1), by inserting subdivision (G) to read:

(G) The position of employment involves access to an employer's payroll information.

Which was agreed to.

Pending third reading of the bill, **Rep. Olsen of Jamaica** moved to amend the House proposal of amendment as follows:

By striking Sec. 4 and inserting in lieu thereof a new Sec. 4 to read:

Sec. 4. 21 V.S.A. § 496a is added to read:

§ 496a. STATE FUNDS; UNION ORGANIZING

On an annual basis, if requested by the secretary of administration, an employer that is the recipient of a grant of state funds shall certify to the state that none of the funds will be used to interfere with or restrain the exercise of an employee's rights with respect to unionization. In making the request, the secretary of administration shall provide written notification to the employer.

Which was disagreed to.

Pending third reading of the bill, **Rep. Olsen of Jamaica** moved to amend the House proposal of amendment as follows:

In Sec. 4, 21 V.S.A. § 496a, by adding a sentence at the end to read:

"If a municipality determines that the certification requirements of this section result in an additional financial burden to the municipality that will be recovered through increased property taxes, the municipality shall be exempt from the requirements of this section."

Pending the question, Shall the House proposal of amendment be amended as recommended by Rep. Olsen of Jamaica? **Rep. Degree of St. Albans City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House proposal of amendment be amended as recommended by Rep. Olsen of Jamaica? was decided in the negative. Yeas, 50. Nays, 83.

Those who voted in the affirmative are:

Acinapura of Brandon
Batchelor of Derby
Bouchard of Colchester
Branagan of Georgia
Brennan of Colchester
Buxton of Tunbridge
Campion of Bennington
Canfield of Fair Haven
Clark of Vergennes

Clarkson of Woodstock
Condon of Colchester
Corcoran of Bennington
Crawford of Burke
Degree of St. Albans City
Devereux of Mount Holly
Dickinson of St. Albans
Town
Donaghy of Poultney

Donahue of Northfield
Eckhardt of Chittenden
Evans of Essex
Fagan of Rutland City
Greshin of Warren
Hebert of Vernon
Higley of Lowell
Howard of Cambridge
Johnson of Canaan

Larocque of Barnet
Lawrence of Lyndon
Lewis of Berlin
Manwaring of Wilmington
Marcotte of Coventry
Miller of Shaftsbury
Myers of Essex
Olsen of Jamaica

Pearce of Richford
Perley of Enosburgh
Potter of Clarendon
Reis of St. Johnsbury
Savage of Swanton
Scheuermann of Stowe
Sharpe of Bristol
Shaw of Pittsford

Stevens of Shoreham
Strong of Albany
Toll of Danville
Trieber of Rockingham
Turner of Milton
Wilson of Manchester
Winters of Williamstown
Wright of Burlington

Those who voted in the negative are:

Ancel of Calais
Andrews of Rutland City
Atkins of Winooski
Bartholomew of Hartland
Bissonnette of Winooski
Bohi of Hartford
Botzow of Pownal
Burke of Brattleboro
Cheney of Norwich
Christie of Hartford
Conquest of Newbury
Consejo of Sheldon
Copeland-Hanzas of
Bradford
Courcelle of Rutland City
Dakin of Chester
Davis of Washington
Deen of Westminster
Edwards of Brattleboro
Ellis of Waterbury
Emmons of Springfield
Fisher of Lincoln
Frank of Underhill
French of Shrewsbury
French of Randolph
Gilbert of Fairfax
Grad of Moretown
Haas of Rochester
Head of South Burlington

Heath of Westford
Helm of Fair Haven
Hooper of Montpelier
Howrigan of Fairfield
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Klein of East Montpelier
Koch of Barre Town
Krebs of South Hero
Krowinski of Burlington
Kupersmith of South
Burlington
Lanpher of Vergennes
Lenes of Shelburne
Lewis of Derby
Lorber of Burlington
Macaig of Williston
Malcolm of Pawlet
Marek of Newfane *
Martin of Springfield
Martin of Wolcott
Masland of Thetford
McCullough of Williston
McFaun of Barre Town
Mook of Bennington
Moran of Wardsboro
Mrowicki of Putney

Munger of South Burlington
Nuovo of Middlebury
O'Brien of Richmond
O'Sullivan of Burlington
Partridge of Windham
Pearson of Burlington
Peltz of Woodbury
Poirier of Barre City
Pugh of South Burlington
Ralston of Middlebury
Ram of Burlington
Russell of Rutland City
Shand of Weathersfield
South of St. Johnsbury
Spengler of Colchester
Stevens of Waterbury
Stuart of Brattleboro
Sweeney of Windsor
Taylor of Barre City
Till of Jericho
Townsend of Randolph
Waite-Simpson of Essex
Webb of Shelburne
Wizowaty of Burlington
Woodward of Johnson
Yantachka of Charlotte
Zagar of Barnard

Those members absent with leave of the House and not voting are:

Aswad of Burlington
Browning of Arlington
Burditt of West Rutland
Donovan of Burlington
Hubert of Milton
Kilmartin of Newport City

Kitzmiller of Montpelier
Komline of Dorset
Lippert of Hinesburg
McAllister of Highgate
McNeil of Rutland Town
Morrissey of Bennington

Peaslee of Guildhall
Smith of New Haven
Smith of Morristown
Young of Glover

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

This amendment to the bill would have exempted from its coverage the very entities most likely to be violating the law we are seeking to enforce. That seems an odd objective indeed and I am glad we have rejected it.”

Pending third reading of the bill, **Rep. Edwards of Brattleboro** moved to amend the House proposal of amendment as follows:

In Sec. 4, 21 V.S.A. § 496a, after the words “grant of state funds” by inserting “in a single grant of more than \$1,001.00”

Which was agreed to.

Thereupon, the bill was read the third time and pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Olsen of Jamaica** moved to commit the bill to the committee on General, Housing and Military Affairs, which was disagreed to.

Thereupon, the bill passed in concurrence with proposal of amendment.

**Joint Resolution Adopted in Concurrence with
Proposal of Amendment**

J.R.S. 54

Joint resolution, entitled

Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc

Was taken up and adopted in concurrence with proposal of amendment.

Senate Proposal of Amendment Concurred in

H. 485

The Senate proposed to the House to amend House bill, entitled

An act relating to establishing universal recycling of solid waste

By striking all after the enacting clause and inserting in lieu thereof the following:

* * * Universal Recycling of Solid Waste * * *

Sec. 1. 10 V.S.A. § 6602 is amended to read:

§ 6602. DEFINITIONS

For the purposes of this chapter:

(1) "Secretary" means the secretary of the agency of natural resources, or his or her duly authorized representative.

(2) "Solid waste" means any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges which are point sources subject to permits under the Water Pollution Control Act, chapter 47 of this title.

* * *

(12) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters.

(13) "Waste" means a material that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or has served its original intended use and is normally discarded or is a manufacturing or mining by-product and is normally discarded.

* * *

(19) "Implementation plan" means that plan which is adopted to be consistent with the state solid waste management plan. This plan must include all the elements required for consistency with the state plan and an applicable regional plan and shall be approved by the secretary. This implementation plan is the basis for state certification of facilities under subsection 6605(c) of this title.

* * *

(27) "Closed-loop recycling" means a system in which a product made from one type of material is reclaimed and reused in the production process or the manufacturing of a new or separate product.

(28) "Commercial hauler" means any person that transports:

(A) regulated quantities of hazardous waste; or

(B) solid waste for compensation in a motor vehicle having a rated capacity of more than one ton.

(29) “Mandated recyclable” means the following source separated materials: aluminum and steel cans; aluminum foil and aluminum pie plates; glass bottles and jars from foods and beverages; polyethylene terephthalate (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles and jugs; corrugated cardboard; white and colored paper; newspaper; magazines; catalogues; paper mail and envelopes; boxboard; and paper bags.

(30) “Leaf and yard residual” means source separated, compostable untreated vegetative matter, including grass clippings, leaves, kraft paper bags, and brush, which is free from noncompostable materials. It does not include such materials as pre- and postconsumer food residuals, food processing residuals, or soiled paper.

(31) “Food residual” means source separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable, in a manner consistent with section 6605k of this title. Food residual may include preconsumer and postconsumer food scraps. “Food residual” does not mean meat and meat-related products when the food residuals are composted by a resident on site.

(32) “Source separated” or “source separation” means the separation of compostable and recyclable materials from noncompostable, nonrecyclable materials at the point of generation.

(33) “Wood waste” means trees, untreated wood, and other natural woody debris, including tree stumps, brush and limbs, root mats, and logs.

Sec. 2. 10 V.S.A. § 6604 is amended to read:

§ 6604. SOLID WASTE MANAGEMENT PLANS PLAN

(a) ~~No later than April 30, 1988~~ November 1, 2013, the secretary shall ~~publish and adopt, after notice and public hearing pursuant to 3 V.S.A. chapter 25 of Title 3, a solid waste management plan which sets forth a comprehensive statewide strategy for the management of waste, including whey. No later than July 1, 1991, the secretary shall publish and adopt, after notice and public hearing pursuant to chapter 25 of Title 3, a hazardous waste management plan, which sets forth a comprehensive statewide strategy for the management of hazardous waste.~~

(1)(A) ~~The plans plan shall be based upon~~ promote the following priorities, ~~in descending order, as found appropriate for certain waste streams, based on data obtained by the secretary as part of the analysis and assessment required under subdivision (2) of this subsection:~~

~~(i)~~(A) the greatest feasible reduction in the amount of waste generated;

~~(ii)~~(B) materials management, which furthers the development of products that will generate less waste and which promotes responsibility by manufacturers for waste generated from goods produced by a manufacturer;

(C) the reuse and closed-loop recycling of waste to reduce to the greatest extent feasible the volume remaining for processing and disposal;

(D) the reduction of the state's reliance on waste disposal to the greatest extent feasible;

(E) the creation of an integrated waste management system that promotes energy conservation, reduces greenhouse gases, and limits adverse environmental impacts;

~~(iii)~~(F) waste processing to reduce the volume or toxicity of the waste stream necessary for disposal;

~~(iv) land disposal of the residuals.~~

~~(B) Processing and disposal alternatives shall be preferred which do not foreclose the future ability of the state to reduce, reuse, and recycle waste. In determining feasibility, the secretary shall evaluate alternatives in terms of their expected life cycle costs.~~

(2) The ~~plans~~ plan shall be revised at least once every five years and shall include:

(A) an analysis of the volume and nature of wastes generated in the state, the source of the waste, and the current fate or disposition of the waste. Such an analysis shall include a waste composition study conducted in accordance with generally accepted practices for such a study;

(B) an assessment of the feasibility and cost of diverting each waste category from disposal, including, to the extent the information is available to the agency, the cost to stakeholders, such as municipalities, manufacturers, and customers. As used in this subdivision (a)(2), "waste category" means:

(i) marketable recyclables;

(ii) leaf and yard residuals;

(iii) food residuals;

(iv) construction and demolition residuals;

(v) household hazardous waste; and

(vi) additional categories or subcategories of waste that the secretary identifies that may be diverted to meet the priorities set forth under subdivision (a)(1) of this section;

(C) a survey of existing and potential markets for each waste category that can be diverted from disposal;

(D) measurable goals and targets for waste diversion for each waste category;

(E) methods to reduce and remove material from the waste stream, including commercially generated and other organic wastes, used clothing, and construction and demolition debris, and to separate, collect, and recycle, treat or dispose of specific waste materials that create environmental, health, safety, or management problems, including, but not limited to, tires, batteries, obsolete electronic equipment, and unregulated hazardous wastes. These portions of the plans shall include strategies to assure recycling in the state, and to prevent the incineration or other disposal of marketable recyclables. They shall consider both the current solid waste stream and its projected changes, and shall be based on:

(i) an analysis of the volume and nature of wastes generated in the state, the sources of those wastes, and the current fate or disposition of those wastes;

(ii) an assessment of the feasibility and cost of recycling each type of waste, including an assessment of the feasibility of providing the option of single source recycling;

(iii) a survey of existing and potential markets for each type of waste that can be recycled;

(F) a coordinated education and outreach component that advances the objectives of the plan, including the source separation requirements, generator requirements to remove food residuals, and the landfill disposal bans contained within this chapter;

(G) performance and accountability measures to ensure that implementation plans are effective in meeting the requirements of this section;

(B)(H) a proposal for the development an assessment of facilities and programs necessary at the state, regional or local level to achieve the priorities identified in subdivision (a)(1) of this section and the goals established in the plan. Consideration shall be given to the need for additional regional or local composting facilities, the need to expand the collection of commercially generated organic wastes, and the cost-effectiveness of developing single

~~stream waste management infrastructure adequate to serve the entire population, which may include material recovery centers. These portions of the plan shall be based, in part, on an assessment of the status, capacity, and life expectancy of existing treatment and disposal solid waste facilities, and they shall include siting criteria for waste management facilities, and shall establish requirements for full public involvement.~~

~~(b) The secretary may manage the hazardous wastes generated, transported, treated, stored or disposed in the state by administering a regulatory and management program which, at a minimum, meets the requirements of subtitle C of the Resource Conservation and Recovery Act of 1976, and amendments thereto, codified as 42 U.S.C. chapter 82, subchapter 3, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.~~

~~(1) Removal of hazardous waste from the waste stream. The secretary is authorized to carry out studies, evaluations and pilot projects to remove significant quantities of unregulated hazardous wastes from the waste stream, when in the secretary's opinion the public health and safety will not be adversely affected. One or more of these projects shall investigate the feasibility and effectiveness of separating from the rest of the waste stream those nonhazardous materials which require disposal in landfills, but which may not require the use of liners and leachate collection systems.~~

~~(2) Report on disposal of hazardous wastes. The secretary shall consult with interested persons on the disposal of hazardous waste, including persons with relevant expertise and representatives from state and local government, industry, the agricultural sector, the University of Vermont, and the general public. The secretary shall conduct public hearings, take relevant testimony, perform appropriate analysis and report to the general assembly and the governor by January 1, 1990, on the following:~~

~~(A) the nature, origin and amount of hazardous waste generated in the state;~~

~~(B) the cost and environmental impact of current disposal practices;~~

~~(C) options for the treatment and disposal of leachate collected from sanitary landfills;~~

~~(D) steps that can be taken to reduce waste flows, or recycle wastes;~~

~~(E) the need for recycling, treatment and disposal facilities to be located within the state; and~~

~~(F) a proposed process and proposed criteria for use in siting and constructing needed facilities within the state, and for obtaining the maximum amount of public input in any such process.~~

(e) The secretary shall hold public hearings, ~~perform studies as required, conduct ongoing analyses,~~ conduct analyses, and make recommendations to the ~~general assembly with respect to the reduction~~ house and senate committees on natural resources and energy regarding the volume, amount, and toxicity of the waste stream. In this process, the secretary shall consult with manufacturers of commercial products and of packaging used with commercial products, retail sales enterprises, health and environmental advocates, waste management specialists, the general public, and state agencies. The goal of the process is to ensure that packaging used and products sold in the state are not an undue burden to the state's ability to manage its waste. The secretary shall seek voluntary changes on the part of the industrial and commercial sector in both their practices and the products they sell, so as to serve the purposes of this section. In this process, the secretary may obtain voluntary compliance schedules from the appropriate industry or commercial enterprise, and shall entertain recommendations for alternative approaches. The secretary shall report at the beginning of each biennium to the ~~general assembly~~ house and senate committees on natural resources and energy, with any recommendations or options for legislative consideration. At least 45 days prior to submitting its report, the secretary shall post any recommendations within the report to its website for notice and comment.

(1) In carrying out the provisions of this subsection, the secretary first shall consider ways to keep hazardous material; toxic substances, as that term is defined in subdivision 6624(7) of this title; and nonrecyclable, nonbiodegradable material out of the waste stream, as soon as possible. In this process, immediate consideration shall be given to the following:

(A) evaluation of products and packaging that contain large concentrations of chlorides, such as packaging made with polyvinyl chloride (PVC);

(B) evaluation of polystyrene packaging, particularly that used to package fast food on the premises where the food is sold;

(C) evaluation of products and packaging that bring heavy metals into the waste stream, such as disposable batteries, paint and paint products and containers, and newspaper supplements and similar paper products;

(D) identification of unnecessary packaging, which is nonrecyclable and nonbiodegradable.

(2) With respect to the above, the secretary shall consider the following:

(A) product and packaging bans, products or packaging which ought to be exempt from such bans, the existence of less burdensome alternatives, and alternative ways that a ban may be imposed;

(B) tax incentives, including the following options:

(i) product taxes, based on a sliding scale, according to the degree of undue harm caused by the product, the existence of less harmful alternatives, and other relevant factors;

(ii) taxes on all nonrecyclable, nonbiodegradable products or packaging;

(C) deposit and return legislation and extended producer responsibility legislation for certain products.

~~(d)~~(c) A portion of the state's solid waste management plan shall set forth a comprehensive statewide program for the collection, treatment, beneficial use, and disposal of septage and sludge. The secretary shall work cooperatively with the department of health and the agency of agriculture, food and markets in developing this portion of the plan and the rules to carry it out, both of which shall be consistent with or more stringent than that prescribed by section 405 of the Clean Water Act (33 U.S.C. § 1251, et seq.). In addition, the secretary shall consult with local governmental units and the interested public in the development of the plans. The sludge management plan and the septage management plan shall be developed and adopted by January 15, 1987. In the development of these portions of the plan, consideration shall be given to, but shall not be limited to, the following:

(1) the varying characteristics of septage and sludge;

(2) its value as a soil amendment;

(3) the need for licensing or other regulation of septage and sludge handlers;

(4) the need for seasonal storage capability;

(5) the most appropriate burdens to be borne by individuals, municipalities, and industrial and commercial enterprises;

(6) disposal site permitting procedures;

(7) appropriate monitoring and reporting requirements;

(8) actions which can be taken through existing state programs to facilitate beneficial use of septage and sludge;

- (9) the need for regional septage facilities;
- (10) an appropriate public information program; and
- (11) the need for and proposed nature and cost of appropriate pilot projects.

~~(e)~~(d) Although the ~~plans~~ plan adopted under this section and any amendments to ~~these plans~~ the plan shall be adopted by means of a public process that is similar to the process involved in the adoption of administrative rules, the ~~plans~~ plan, as initially adopted or as amended, shall not be a rule.

Sec. 3. 10 V.S.A. § 6603 is amended to read:

§ 6603. SECRETARY; POWERS

In addition to any other powers conferred on him or her by law, the secretary shall have the power to:

(1) Adopt, amend, and repeal rules pursuant to 3 V.S.A. chapter 25 ~~of Title 3~~ implementing the provisions of this chapter;

(2) Issue compliance orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings;

(3) Encourage local units of government to manage solid waste problems within their respective jurisdictions, or by contract on a cooperative regional or interstate basis;

(4) Provide technical assistance to municipalities;

(5) Contract in the name of the state for the service of independent contractors under bond, or with an agency or department of the state, or a municipality, to perform services or to provide facilities necessary for the implementation of the state plan, including but not limited to the transportation and disposition of solid waste;

(6) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the functions of this chapter. This would include the ability to convey such grants or other funds to municipalities, or other instruments of state or local government.

(7) Prepare a report which proposes methods and programs for the collection and disposal of household quantities of hazardous waste. The report shall compare the advantages and disadvantages of alternate programs and their costs. The secretary shall undertake a voluntary pilot project to determine the feasibility and effectiveness of such a program when in the secretary's

opinion such can be undertaken without undue risk to the public health and welfare. Such pilot program may address one or more forms of hazardous waste.

(8) Provide financial assistance to municipalities.

(9) Manage the hazardous wastes generated, transported, treated, stored, or disposed in the state by administering a regulatory and management program which, at a minimum, meets the requirements of subtitle C of the Resource Conservation and Recovery Act of 1976, and amendments thereto, codified as 42 U.S.C. Chapter 82, subchapter 3, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

(10) Require a facility permitted under section 6605 of this title or a transporter permitted under section 6607 of this title to explain its rate structure for different categories of waste to ensure that the rate structure is transparent to residential consumers.

Sec. 4. 10 V.S.A. § 6605 is amended to read:

§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

(a)(1) No person shall construct, substantially alter, or operate any solid waste management facility without first obtaining certification from the secretary for such facility, site, or activity, except for sludge or septage treatment or storage facilities located within the fenced area of a domestic wastewater treatment plant permitted under chapter 47 of this title. This exemption for sludge or septage treatment or storage facilities shall exist only if:

(A) the treatment facility does not utilize a process to further reduce pathogens in order to qualify for marketing and distribution; and

(B) the facility is not a drying bed, lagoon, or nonconcrete bunker; and

(C) the owner of the facility has submitted a sludge and septage management plan to the secretary and the secretary has approved the plan. Noncompliance with an approved sludge and septage management plan shall constitute a violation of the terms of this chapter, as well as a violation under chapters 201 and 211 of this title.

(2) Certification shall be valid for a period not to exceed ten years; ~~except that a certification issued to a sanitary landfill or a household hazardous waste facility under this section shall be for a period not to exceed five years.~~

(b) Certification for a solid waste management facility, where appropriate, shall:

(1) Specify the location of the facility, including limits on its development;

(2) Require proper operation and development of the facility in accordance with the engineering plans approved under the certificate;

(3) Specify the projected amount and types of waste material to be disposed of at the facility, which, in case of landfills and incinerators, shall include the following:

(A) if the waste is being delivered from a municipality that has an approved implementation plan, hazardous materials and recyclables shall be removed from the waste according to the terms of that implementation plan;

(B) if the waste is being delivered from a municipality that does not have an approved implementation plan, yard waste leaf and yard residuals shall be removed from the waste stream, ~~as shall a minimum of approximately 75 and 100 percent of each of the following~~ shall be removed from the waste stream: marketable mandated recyclables, hazardous waste from households, and hazardous waste from small quantity generators;

(4) Specify the type and numbers of suitable pieces of equipment that will operate the facility properly;

(5) Contain provisions for air, groundwater, and surface water monitoring throughout the life of the facility and provisions for erosion control, capping, landscaping, drainage systems, and monitoring systems for leachate and gas control;

(6) Contain such additional conditions, requirements, and restrictions as the secretary may deem necessary to preserve and protect the public health and the air, groundwater and surface water quality. This may include, ~~but is not limited to,~~ requirements concerning reporting, recording, and inspections of the operation of the site.

(c) The secretary shall not issue a certification for a new facility or renewal for an existing facility, except for a sludge or septage land application project, unless it is included in an implementation plan adopted pursuant to 24 V.S.A. § 2202a, for the area in which the facility is located. ~~The implementation plan must be consistent with the state plan and in conformance with any municipal or regional plan adopted in accordance with 24 V.S.A. chapter 117. After July 1, 1990, the secretary shall not recertify a facility except for a sludge or septage land application project unless it is included in an implementation plan~~

~~adopted pursuant to 24 V.S.A. § 2202a, for the area in which the facility is located. The implementation plan must be consistent with the state plan, unless the secretary determines that recertification promotes the public interest, considering the policies and priorities established in this chapter. After July 1, 1990, the secretary shall not recertify a facility, unless it is in conformance with any municipal or regional plan adopted in accordance with 24 V.S.A. chapter 117.~~

* * *

(j) A facility certified under this section that offers the collection of municipal solid waste shall:

(1) Beginning July 1, 2014, collect mandated recyclables separate from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables. A facility shall not be required to accept mandated recyclables from a commercial hauler.

(2) Beginning July 1, 2015, collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)–(5) of this title.

(3) Beginning July 1, 2016, collect food residuals separate from other solid waste and deliver food residuals to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)–(5) of this title.

(k) The secretary may, by rule, adopt exemptions to the requirements of subsection (j) of this section, provided that the exemption is consistent with the purposes of this chapter and the objective of the state plan.

(l) A facility certified under this section that offers the collection of solid waste shall not charge a separate fee for the collection of mandated recyclables. A facility certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A facility certified under this section may charge a separate fee for the collection of leaf and yard residuals or food residuals. If a facility collects mandated recyclables from a commercial hauler, the facility may charge a fee for the collection of those mandated recyclables.

Sec. 5. 10 V.S.A. § 6605c is amended to read:

§ 6605c. SOLID WASTE CATEGORICAL CERTIFICATIONS

* * *

(b) The secretary may, by rule, list certain solid waste categories as eligible for certification pursuant to this section:

(1) Solid waste categories to be deposited in a disposal facility shall not be a source of leachate harmful to human health or the environment.

(2) Solid waste categories to be managed in a composting facility shall not present an undue threat to human health or the environment.

(3) ~~Solid waste managed~~ Recyclable materials either recycled or prepared for recycling at a recycling facility ~~shall be restricted to facilities that manage 400 tons per year or less of recyclable solid waste.~~

* * *

Sec. 6. 10 V.S.A. § 6605k is added to read:

§ 6605k. FOOD RESIDUALS; MANAGEMENT HIERARCHY

(a) It is the policy of the state that food residuals collected under the requirements of this chapter shall be managed according to the following order of priority uses:

(1) Reduction of the amount generated at the source;

(2) Diversion for food consumption by humans;

(3) Diversion for agricultural use, including consumption by animals;

(4) Composting, land application, and digestion; and

(5) Energy recovery.

(b) A person who produces more than an amount identified under subsection (c) of this section in food residuals and is located within 20 miles of a certified organics management facility that has available capacity and that is willing to accept the materials shall:

(1) Separate food residuals from other solid waste, provided that a de minimis amount of food residuals may be disposed of in municipal solid waste when a person has established a program to separate food residuals and the program includes a component for the education of program users regarding the need to separate food residuals; and

(2) Arrange for the transfer of food residuals to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions (a)(2)–(5) of this section or shall manage food residuals on site.

(c) The following persons shall be subject to the requirements of subsection (b) of this section:

(1) Beginning July 1, 2014, a person whose acts or processes produce more than 104 tons per year of food residuals;

(2) Beginning July 1, 2015, a person whose acts or processes produce more than 52 tons per year of food residuals;

(3) Beginning July 1, 2016, a person whose acts or processes produce more than 26 tons per year of food residuals;

(4) Beginning July 1, 2017, a person whose acts or processes produce more than 18 tons per year of food residuals; and

(5) Beginning July 1, 2018, any person who generates any amount of food residuals.

Sec. 7. 10 V.S.A. § 6605l is added to read:

§ 6605l. PUBLIC COLLECTION CONTAINERS FOR SOLID WASTE

(a) As used in this section:

(1) "Public building" means a state, county, or municipal building, airport terminal, bus station, railroad station, school building, or school.

(2) "Public land" means all land that is owned or controlled by a municipal or state governmental body.

(b) Beginning July 1, 2015, when a container or containers in a public building or on public land are provided to the public for use for solid waste destined for disposal, an equal number of containers shall be provided for the collection of mandated recyclables. The containers shall be labeled to clearly show the containers are for recyclables and shall be placed as close to each other as possible in order to provide equally convenient access to users. Bathrooms in public buildings and on public land shall be exempt from the requirement of this section to provide an equal number of containers for the collection of mandated recyclables.

Sec. 8. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the state shall apply to the secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the secretary and by submitting the disclosure statement described in section 6605f of this title. These permits shall have a duration of five years.—The secretary shall establish a system

~~whereby one fifth of the permits issued under this section, or that were issued prior to July 1, 1996, and shall be renewed annually. The secretary may extend the expiration date of permits issued under this section as of July 1, 1996, for up to four years. The application shall indicate the nature of the waste to be hauled and the area to be served by the hauler. The secretary may specify conditions that the secretary deems necessary to assure compliance with state law. If an area to be served is subject to a duly adopted flow control ordinance, the entity that adopted the flow control ordinance may notify the secretary of that fact on forms provided by the secretary, and shall specify the facility or facilities which must be the recipient of the waste from that area. The secretary shall issue to the applicant a permit which specifies those facilities to which the applicant must deliver waste collected from an area that is subject to a duly adopted flow control ordinance, and which otherwise contains the solid waste management conditions established by the secretary, sufficient to assure compliance with state law.~~

* * *

(g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a transporter certified under this section that offers the collection of municipal solid waste shall:

(A) Beginning July 1, 2014, offer to collect mandated recyclables separated from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables.

(B) Beginning July 1, 2015, offer to collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)–(5) of this title.

(C) Beginning July 1, 2016, offer collection of food residuals separate from other solid waste and deliver to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)–(5) of this title.

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard residuals, or food residuals, a transporter in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

(A) is applicable to all residents of the municipality;

(B) prohibits a resident from opting out of municipally provided solid waste services; and

(C) does not apply a variable rate for the collection for the material addressed by the ordinance.

(3) A transporter is not required to comply with the requirements of subdivision (1)(B) or (C) of this subsection in a specified area within a municipality if:

(A) the secretary has approved a solid waste implementation plan for the municipality;

(B) the approved plan delineates an area where solid waste management services required by subdivision (1)(B) or (C) of this subsection are not required; and

(C) in the delineated area, alternatives to the services, including on site management, required under subdivision (1)(B) or (C) are offered, the alternative services have capacity to serve the needs of all residents in the delineated area, and the alternative services are convenient to residents of the delineated area.

(h) A transporter certified under this section that offers the collection of solid waste may not charge a separate line item fee on a bill to a residential customer for the collection of mandated recyclables, provided that a transporter may charge a fee for all service calls, stops, or collections at a residential property and a transporter may charge a tiered or variable fee based on the size of the collection container provided to a residential customer or the amount of waste collected from a residential customer. A transporter certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A transporter certified under this section that offers the collection of solid waste may charge a separate fee for the collection of leaf and yard residuals or organic waste from a residential customer.

Sec. 9. 10 V.S.A. § 6613 is amended to read:

§ 6613. VARIANCES

(a) A person who owns or is in control of any plant, building, structure, process, or equipment may apply to the secretary for a variance from the rules adopted under this chapter. The secretary may grant a variance if he or she finds that:

(1) The variance proposed does not endanger or tend to endanger human health or safety.

(2) Compliance with the rules from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(3) The variance granted does not enable the applicant to generate, transport, treat, store, or dispose of hazardous waste in a manner which is less stringent than that required by the provisions of Subtitle C of the Resource Conservation and Recovery Act of 1976, and amendments thereto, codified in 42 U.S.C. Chapter 82, subchapter 3, and regulations promulgated under such subtitle.

(b) A person who owns or is in control of any facility may apply to the secretary for a variance from the requirements of subdivision 6605(j)(2) or (3) of this title if the applicant demonstrates alternative services, including on-site management, are available in the area served by the facility, the alternative services have capacity to serve the needs of all persons served by the facility requesting the variance, and the alternative services are convenient to persons served by the facility requesting the variance.

(c) No variance shall be granted pursuant to this section except after public notice and an opportunity for a public meeting and until the secretary has considered the relative interests of the applicant, other owners of property likely to be affected, and the general public.

~~(e)~~(d) Any variance or renewal thereof shall be granted within the requirements of subsection (a) of this section and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the air and water pollution involved, it shall be only until the necessary practicable means for prevention, abatement, or control become known and available, and subject to the taking of any substitute or alternate measures that the secretary may prescribe.

(2) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the secretary, is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a time schedule for the taking of action in an expeditious manner and shall be conditioned on adherence to the time schedule.

(3) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivisions (1) and (2) of this subsection, it shall be for not more than one year, except that in the case of a variance from the siting requirements for a solid waste management facility, the variance may be for as long as the secretary determines necessary, including a permanent variance.

~~(d)~~(e) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods, which would be appropriate on initial granting of a variance. If a complaint is made to the secretary on account of the variance, no renewal thereof shall be granted, unless following public notice and an opportunity for a public meeting on the complaint, the secretary finds that renewal is justified. No renewal shall be granted except on application therefore. The application shall be made at least 60 days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the secretary shall give public notice of the application.

~~(e)~~(f) A variance or renewal shall not be a right of the applicant or holder thereof but shall be in the discretion of the secretary.

~~(f)~~(g) This section does not limit the authority of the secretary under section 6610 of this title concerning imminent hazards from solid waste, nor under section 6610a of this title concerning hazards from hazardous waste and violations of statutes, rules, or orders relating to hazardous waste.

Sec. 10. 10 V.S.A. § 6621a is amended to read:

§ 6621a. LANDFILL DISPOSAL REQUIREMENTS

(a) In accordance with the following schedule, no person shall knowingly dispose of the following materials in municipal solid waste or in landfills:

(1) Lead-acid batteries, after July 1, 1990.

(2) Waste oil, after July 1, 1990.

(3) White goods, after January 1, 1991. "White goods" include discarded refrigerators, washing machines, clothes ~~driers~~ dryers, ranges, water heaters, dishwashers, and freezers. Other similar domestic and commercial large appliances may be added, as identified by rule of the secretary.

(4) Tires, after January 1, 1992.

(5) Paint (whether water based or oil based), paint thinner, paint remover, stains, and varnishes. This prohibition shall not apply to solidified water based paint in quantities of less than one gallon, nor shall this prohibition apply to solidified water based paint in quantities greater than one gallon if

those larger quantities are from a waste stream that has been subject to an effective paint reuse program, as determined by the secretary.

(6) Nickel-cadmium batteries, small sealed lead acid batteries, and nonconsumer mercuric oxide batteries, ~~after July 1, 1992, in any district or municipality in which there is an ongoing program to accept these wastes for treatment~~ and any other battery added by the secretary by rule.

(7)(A) Labeled mercury-added products on or before July 1, 2007.

(B) Mercury-added products, as defined in chapter 164 of this title, after July 1, 2007, except as other effective dates are established in that chapter.

(8) Banned electronic devices. After January 1, 2011, computers; peripherals; computer monitors; cathode ray tubes; televisions; printers; personal electronics such as personal digital assistants and personal music players; electronic game consoles; printers; fax machines; wireless telephones; telephones; answering machines; videocassette recorders; digital versatile disc players; digital converter boxes; stereo equipment; and power supply cords (as used to charge electronic devices).

(9) Mandated recyclable materials after July 1, 2014.

(10) Leaf and yard residuals and wood waste after July 1, 2015.

(11) Food residuals after July 1, 2018.

(b) This section shall not prohibit the designation and use of separate areas at landfills for the storage or processing, or both, of material specified in this section.

(c) Insofar as it applies to the operator of a solid waste management facility, the secretary may suspend the application of this section to material specified in subdivisions (a)(2), (3), (4), (5), or (6) of this section, or any combination of these, upon finding that insufficient markets exist and adequate uses are not reasonably available to serve as an alternative to disposal.

Sec. 11. 24 V.S.A. § 2202a is amended to read:

§ 2202a. MUNICIPALITIES—RESPONSIBILITIES FOR SOLID WASTE

(a) Municipalities are responsible for the management and regulation of the storage, collection, processing, and disposal of solid wastes within their jurisdiction in conformance with the state solid waste management plan authorized under 10 V.S.A. chapter 159 ~~of Title 10~~. Municipalities may issue exclusive local franchises and may make, amend, or repeal rules necessary to manage the storage, collection, processing, and disposal of solid waste

materials within their limits and impose penalties for violations thereof, provided that the rules are consistent with the state plan and rules ~~promulgated~~ adopted by the secretary of the agency of natural resources under 10 V.S.A. chapter 159. A fine may not exceed \$1,000.00 for each violation. This section shall not be construed to permit the existence of a nuisance.

(b) Municipalities may satisfy the requirements of the state solid waste management plan and the rules of the secretary of the agency of natural resources through agreement between any other unit of government or any operator having a permit from the secretary, as the case may be.

(c)(1) No later than July 1, 1988 each municipality, as defined in subdivision 4303(12) of this title, shall join or participate in a solid waste management district organized pursuant to chapter 121 of this title no later than January 1, 1988 or participate in a regional planning commission's planning effort for purposes of solid waste implementation planning, as implementation planning is defined in 10 V.S.A. § 6602.

(2) No later than July 1, 1990 each regional planning commission shall work on a cooperative basis with municipalities within the region to prepare a solid waste implementation plan for adoption by all of the municipalities within the region which are not members of a solid waste district, that conforms to the state waste management plan and describes in detail how the region will achieve the priorities established by 10 V.S.A. § 6604(a)(1). A solid waste implementation plan adopted by a municipality that is not a member of a district shall not in any way require the approval of a district. No later than July 1, 1990 each solid waste district shall adopt a solid waste implementation plan that conforms to the state waste management plan, describes in detail how the district will achieve the priorities established by 10 V.S.A. § 6604(a)(1), and is in conformance with any regional plan adopted pursuant to chapter 117 of this title. Municipalities or solid waste management districts that have contracts in existence as of January 1, 1987, which contracts are inconsistent with the state solid waste plan and the priorities established in 10 V.S.A. § 6604(a)(1), shall not be required to breach those contracts, provided they make good faith efforts to renegotiate those contracts in order to comply. The secretary may extend the deadline for completion of a plan upon finding that despite good faith efforts to comply, a regional planning commission or solid waste management district has been unable to comply, due to the unavailability of planning assistance funds under 10 V.S.A. § 6603b(a) or delays in completion of a landfill evaluation under 10 V.S.A. § 6605a.

(3) A municipality that does not join or participate as provided in this subsection shall not be eligible for state funds to plan and construct solid waste facilities, nor can it use facilities certified for use by the region or by the solid waste management district.

(4) ~~By no later than July 1, 1992, a~~ A regional plan or a solid waste implementation plan shall include a component for the management of nonregulated hazardous wastes.

(A) At the outset of the planning process for the management of nonregulated hazardous wastes and throughout the process, solid waste management districts or regional planning commissions, with respect to areas not served by solid waste management districts, shall solicit the participation of owners of solid waste management facilities that receive mixed solid wastes, local citizens, businesses, and organizations by holding informal working sessions that suit the needs of local people. At a minimum, an advisory committee composed of citizens and business persons shall be established to provide guidance on both the development and implementation of the nonregulated hazardous waste management plan component.

(B) The regional planning commission or solid waste management district shall hold at least two public hearings within the region or district after public notice on the proposed plan component or amendment.

(C) The plan component shall be based upon the following priorities, in descending order:

(i) The elimination or reduction, whenever feasible, in the use of hazardous, particularly toxic, substances.

(ii) Reduction in the generation of hazardous waste.

(iii) Proper management of household and exempt small quantity generator hazardous waste.

(iv) Reduction in the toxicity of the solid waste stream, to the maximum extent feasible in accordance with the priorities of 10 V.S.A. § 6604(a)(1).

(D) At a minimum, this plan component shall include the following:

(i) An analysis of preferred management strategies that identifies advantages and disadvantages of each option.

(ii) An ongoing educational program for schools and households, promoting the priorities of this subsection.

(iii) An educational and technical assistance program for exempt small quantity generators that provides information on the following: use and waste reduction; preferred management strategies for specific waste streams; and collection, management and disposal options currently or potentially available.

(iv) A management program for household hazardous waste.

(v) A priority management program for unregulated hazardous waste streams that present the greatest risks.

(vi) A waste diversion program element, that is coordinated with any owners of solid waste management facilities and is designed to remove unregulated hazardous waste from the waste stream entering solid waste facilities and otherwise to properly manage unregulated hazardous waste.

(vii) A waste management system established for all the waste streams banned from landfills under 10 V.S.A. § 6621a.

(E) For the purposes of this subsection, nonregulated hazardous wastes include hazardous wastes generated by households and exempt small quantity generators as defined in the hazardous waste management regulations adopted under 10 V.S.A. chapter 159.

(d) By no later than July 1, 2015, a municipality shall implement a variable rate pricing system that charges for the collection of municipal solid waste from a residential customer for disposal based on the volume or weight of the waste collected.

(e) The education and outreach requirements of this section need not be met through direct mailings, but may be met through other methods such as television and radio advertising; use of the Internet, social media, or electronic mail; or the publication of informational pamphlets or materials.

Sec. 12. ANR REPORT ON SOLID WASTE

(a) On or before November 1, 2013, the secretary of natural resources shall submit to the house and senate committees on natural resources and energy a report addressing solid waste management in the state. At a minimum, the report shall include:

(1) Waste analysis. An analysis of the volume and nature of wastes generated in the state, the sources of those wastes, and the current fate or disposition of those wastes. This analysis shall include:

(A) the results of a waste composition study; and

(B) an analysis of the quantities and types of materials received at recycling facilities, the contamination levels of materials received at recycling facilities, and the final disposition of materials received by recycling facilities.

(2) Cost analysis.

(A) An estimate of the cost of implementation of the existing solid waste management system for the state, including the cost to consumers, avoided costs, and foreseeable future costs;

(B) An estimate of the cost of managing individual categories of solid waste as that term is defined in 10 V.S.A. § 6604(a)(2)(B);

(C) An estimate of the costs, cost savings, increased efficiencies, and economic opportunities attendant to the diversion of solid waste categories, including:

(i) the costs of recycling individual categories of materials, such as glass, aluminum, and polyethylene terephthalate (PET) plastic;

(ii) market opportunities for the sale of recyclable materials; and

(iii) the effect of fluctuating commodity prices on the diversion of solid waste and recycling and how to maintain existing recycling rates during commodity fluctuations;

(D) An estimate of the cost to and potential savings to all stakeholders, including municipalities, manufacturers, and customers, from beverage container deposit and return legislation and extended producer responsibility legislation.

(3) Local governance analysis. An analysis of the services provided by municipalities responsible for the management and regulation of the storage, collection, processing, and disposal of solid waste under 24 V.S.A. § 2202a. The analysis shall summarize:

(A) The organizational structure municipalities use to provide solid waste services, including the number of solid waste districts in the state and the number of towns participating in a solid waste district;

(B) The type of solid waste services provided by municipalities, including the categories of solid waste collected and the disposition of collected solid waste;

(C) The effectiveness of beverage container deposit and return legislation or other types of extended producer responsibility legislation for certain products in achieving the priorities and goals established by the state solid waste management plan;

(D) The effectiveness of those facilities and programs in achieving the priorities and goals established by the state solid waste plan; and

(E) The cost-effectiveness of solid waste services provided by municipalities.

(4) Infrastructure analysis.

(A) An assessment of facilities and programs necessary at the state, regional, or local level to achieve the priorities and the goals established in the state solid waste plan, including, after consultation with the secretary of agriculture, food and markets, an estimate of the number and type of composting facilities on farms.

(B) An estimate of the landfill capacity available in Vermont and an estimated time at which there will be no landfill capacity remaining in the state.

(C) An assessment of the status, capacity, and life expectancy of existing solid waste management facilities.

(D) An estimate of the cost of infrastructure necessary for the mandatory recycling of categories of solid waste.

(5) Natural resources and environmental analysis.

(A) A general, narrative summary or assessment of the natural resources and environmental impacts of current solid waste management practices on air quality, greenhouse gas emissions, and water quality.

(B) A general, narrative summary of how litter or improper disposal or management of solid waste impacts scenic or aesthetic resources.

(6) Legislative recommendation. Recommendations for amending solid waste management practices in the state, including recommended legislative or regulatory changes to promote the reduction in solid waste generation and to increase recycling and diversion of solid waste. Recommendations submitted under this subdivision shall include a summary of the rationale for the recommendation and a general, narrative summary of the costs and benefits of the recommended action.

(b) In preparing the report required by subsection (a) of this section, the secretary shall consult with interested persons, including the secretary of agriculture, food and markets, manufacturers, recyclers, collectors, retailers, solid waste districts, and environmental groups.

Sec. 13. REPEAL

10 V.S.A. § 7113 (advisory committee on mercury pollution) is repealed.

Sec. 14. AGENCY OF NATURAL RESOURCES REPORT OF WASTE TIRE MANAGEMENT AND DISPOSAL

On or before January 15, 2013, the secretary of natural resources shall submit to the house and senate committees on natural resources and energy a report regarding the management of waste tires within the state. The report shall include:

(1) An inventory of sites in the state where the secretary determines, in his or her discretion, that the disposal, management, or disposition of waste tires is a problem.

(2) An estimate of the number of waste tires disposed of or stored at the problem sites identified under subdivision (1) of this section.

(3) An estimate of how much it would cost to properly dispose of or arrange for the final disposition of the number of waste tires estimated under subdivision (2) of this section.

(4) An estimate of the amount of time required for the proper disposal or final disposition of the number of waste tires estimated under subdivision (2) of this section.

Sec. 15. 10 V.S.A. § 6618(b) is amended to read:

(b) The secretary may authorize disbursements from the solid waste management assistance account for the purpose of enhancing solid waste management in the state in accordance with the adopted waste management plan. This includes:

* * *

(10) the costs of the proper disposal of waste tires. Prior to disbursing funds under this subsection, the secretary shall provide a person with notice and opportunity to dispose of waste tires properly. The secretary may condition a disbursement under this subsection on the repayment of the disbursement. If a person fails to provide repayment subject to the terms of a disbursement, the secretary may initiate an action against the person for repayment to the fund or may record against the property of the person a lien for the costs of cleaning up waste tires at a property.

* * * Collection and Recycling of Electronic Devices * * *

Sec. 16. 10 V.S.A. § 7551 is amended to read:

§ 7551. DEFINITIONS

For the purposes of this chapter:

* * *

(4) “Collector” means a public or private entity that receives ~~covered electronic devices~~ electronic waste from covered entities, or from another collector and that performs any of the following:

(A) arranges for the delivery of the ~~devices~~ electronic waste to a recycler.

(B) sorts electronic waste.

(C) consolidates electronic waste.

(D) provides data security services in a manner approved by the secretary.

(5) “Computer” means ~~an a laptop computer, desktop computer, tablet computer, or central processing unit that conveys~~ electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, including a laptop computer, desktop computer, and central processing unit. “Computer” does not include an automated typewriter or typesetter or other similar device.

* * *

(8) “Covered electronic device” means a: computer; computer monitor; device containing a cathode ray tube; printer; or television ~~sold to~~ from a covered entity. “Covered electronic device” does not include: any motor vehicle or any part thereof; a camera or video camera; a portable or stationary radio; a wireless telephone; a household appliance, such as a clothes washer, clothes dryer, water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, research and development, or commercial setting; security or anti-terrorism equipment; monitoring and control instruments or systems; thermostats; hand-held transceivers; a telephone of any type; a portable digital assistant or similar device; a calculator; a global positioning system receiver or similar navigation device; commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display that is not separate from the larger piece of equipment; or other medical devices, as the term “device” is defined under 21 U.S.C. § 321(h) of the Federal Food, Drug, and Cosmetic Act, as that section is amended from time to time.

(9) “Covered entity” means any household, charity, or school district in the state; or a business in the state that employs ten or fewer individuals. If seven or fewer covered electronic devices are delivered to a collector at any given time, those devices shall be presumed to be from a covered entity.

(10) “Electronic waste” means a: computer; computer monitor; computer peripheral; device containing a cathode ray tube; printer; or television ~~sold to~~ from a covered entity. “Electronic waste” does not include: any motor vehicle or any part thereof; a camera or video camera; a portable or stationary radio; a wireless telephone; a household appliance, such as a clothes washer, clothes dryer, water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, library, research and development, or commercial setting; security or antiterrorism equipment; monitoring and control instruments or systems; thermostats; handheld transceivers; a telephone of any type; a portable digital assistant or similar device; a calculator; a global positioning system receiver or similar navigation device; commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display that is not separate from the larger piece of equipment; or other medical devices, as the term “device” is defined under 21 U.S.C. § 321(h) of the Federal Food, Drug, and Cosmetic Act, as that section is amended from time to time.

* * *

(12) “Market share” means a “manufacturer’s market share” which shall be the manufacturer’s percentage share of the total weight of covered electronic devices sold in the state as determined by ~~the best available information, which may include~~ an estimate of the aggregate total weight of the manufacturer’s covered electronic devices sold in the state during the previous program year based on national sales data unless the secretary approves a manufacturer to use actual sales data.

* * *

(14) “Program year” means the period ~~from July 1 through June 30~~ established by the secretary as the program year in the plan required by section 7552 of this title.

* * *

(20) “Transporter” means a person that moves electronic waste from a collector to either another collector or to a recycler.

* * * Studies of Ban on Plastic Carryout Bags and Expansion of Beverage
Container Redemption System * * *

Sec. 17. ANR REPORT ON IMPLEMENTATION OF BAN ON PLASTIC CARRYOUT BAGS

(a) On or before January 15, 2013, the secretary of natural resources shall report to the senate and house committees on natural resources and energy regarding the use of plastic carryout bags in the state. The report shall include:

(1) An estimate of the number of plastic bags used in the state and a summary of how plastic carryout bags are currently disposed of or recycled;

(2) A recommendation on whether to ban the use of plastic carryout bags by retail establishments in the state, to allow the continued use of plastic carryout bags, or to regulate plastic carryout bags in some other manner, including a summary of the basis for the recommendation.

(3) If the secretary under subdivision (2) of this subsection recommends that plastic carryout bags should be banned or regulated, the secretary shall:

(A) Recommend a definition of "plastic carryout bag";

(B) Specify to whom the ban or regulation should apply;

(C) Recommend an effective date for the recommended ban or regulation; and

(D) Estimate the cost to implement the recommended ban or regulation.

(b) In preparing the report required by this section, the secretary of natural resources shall consult with interested parties, including representatives of: grocers in the state, retail establishments in the state, environmental groups, solid waste districts, and plastic or container industry associations.

Sec. 18. ANR REPORT ON THE COSTS AND BENEFITS OF EXPANSION OF THE BEVERAGE CONTAINER REDEMPTION SYSTEM

Report on costs on bottle bill. On or before January 15, 2013, the secretary of natural resources shall submit to the senate and house committees on natural resources and energy, the senate committee on economic development, housing and general affairs, and the house committee on commerce a report regarding the costs and benefits of expanding the beverage container redemption system to include containers for all noncarbonated drinks. The report shall include:

(1) An estimate of the cost of implementing the existing beverage container redemption system;

(2) An estimate of the cost of implementing expansion of the beverage container redemption system to include containers for all noncarbonated drinks, including an estimate of the commodity value lost by municipalities due to diversion of recyclable material from single-stream recycling programs.

(3) An estimate of the cost of implementing a zero-sort, single-stream recycling program.

(4) A summary of the total recycling benefits of a single-stream recycling program in contrast to the beverage container redemption system.

(5) A recommendation from the secretary as to whether the beverage container redemption system should be expanded, remain unchanged, or be repealed.

Sec. 18a. STATE HOUSE RECYCLING PROGRAM

On or before July 1, 2012, the sergeant at arms shall establish a program for the recycling of mandated recyclables, as that term is defined in 10 V.S.A. § 6602. Under the program required by this section, when a container or containers are provided in the state house for the collection of solid waste destined for disposal, a container shall be provided for the collection of mandated recyclables. The program required by this section shall provide for the recycling of all mandated recyclables. Bathrooms in the state house shall be exempt from the requirement to provide an equal number of containers for the collection of mandated recyclables.

* * * Appeals, Enforcement, and Effective Dates * * *

Sec. 19. 10 V.S.A. § 8003(a) is amended to read:

(a) The secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes:

* * *

(21) 10 V.S.A. chapter 166, relating to collection and recycling of electronic waste; ~~and~~

(22) 10 V.S.A. chapter 164A, collection and disposal of mercury-containing lamps; and

(23) 24 V.S.A. § 2202a, relating to a municipality's adoption and implementation of a municipal solid waste implementation plan that is consistent with the state solid waste plan.

Sec. 20. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

* * *

(g) This chapter shall govern all appeals of an act or decision of the secretary of natural resources that a municipal solid waste implementation plan proposed under 24 V.S.A. § 2202a conforms with the state solid waste implementation plan adopted pursuant to section 6604 of this title.

Sec. 21. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Which proposal of amendment was considered and concurred in.

Committee of Conference Appointed

S. 189

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to expanding confidentiality of cases accepted by the court diversion project

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Grad of Moretown

Rep. Waite-Simpson of Essex

Rep. Reis of St. Johnsbury

Committee of Conference Appointed

S. 244

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to referral to court diversion for driving with a suspended license

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Grad of Moretown
Rep. Waite-Simpson of Essex
Rep. Reis of St. Johnsbury

**Rules Suspended; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 226

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. French of Shrewsbury, for the committee on Judiciary, to which had been referred Senate bill, entitled

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: By striking out Sec. 1 in its entirety

Second: In Sec. 5, 18 V.S.A. § 4253, in subsection (c), by striking out “his or her firearms for drugs and the person who trades his or her drugs for firearms” and inserting in lieu thereof “a firearm for a drug and the person who trades a drug for a firearm”

Third: In Sec. 7, in subdivision (b)(7), after “state’s attorneys” by striking “and sheriffs”

Fourth: In Sec. 7, by adding a subdivision (b)(10) to read:

(10) A representative from the Vermont office of the attorney general.

Five: By adding Secs. 9a–d to read:

Sec. 9a. 13 V.S.A. § 2561 is amended to read:

§ 2561. PENALTY FOR RECEIVING STOLEN PROPERTY; VENUE

(a) A person who ~~is a dealer in property who knowingly or recklessly~~ buys, receives, sells, possesses ~~unless with the intent to restore to the owner~~, or aids in the concealment of stolen property, ~~knowing or believing the property to be stolen~~ without the intent to restore the property to the rightful owner shall be punished the same as for the stealing of ~~such~~ the property. A prosecution

under this section may be brought where the stolen item is recovered or in the location where it was stolen.

~~(b) A person who buys, receives, sells, possesses unless with the intent to restore to the owner, or aids in the concealment of stolen property, knowing the same to be stolen, shall be punished the same as for the stealing of such property.~~

~~(c) A buyer, receiver, seller, possessor, or concealer under subsection (a) or (b) of this section may be prosecuted and punished in the criminal division of the superior court in the unit where the person stealing the property might be prosecuted, although such property is bought, received, or concealed in another county or unit.~~

Sec. 9b. 9 V.S.A. § 3865 is amended to read:

§ 3865. PAWNBROKER'S RECORD BOOK RECORDS OF A
PAWNBROKER OR SECONDHAND PRECIOUS METAL AND
JEWELRY DEALER

(a) A pawnbroker or secondhand precious metal and jewelry dealer shall keep a book in which shall be fairly written in the English language, at the time of making a loan, an account and description of the goods, articles or things pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging such property the following records together for each transaction:

(1) a legible statement written at the time of the transaction describing the items pawned, pledged, or purchased, the amount of money lent or paid thereon, the time of the transaction, and the rate of interest to be paid on the loan;

(2) a legible statement of the name and current address of the person pawning, pledging, or selling the items;

(3) a photograph of the items which are the subject of the transaction; and

(4) a photocopy of a government-issued identification card issued to the person pawning, pledging, or selling the items. If the person does not have a government-issued identification card, the pawnbroker or dealer shall take and retain a photograph of the person's face.

(b) At all reasonable times, such book the records required under subsection (a) of this section shall be open to the inspection of the town or city authorities, all courts, the chief of police, or of any person who is duly

~~authorized in writing for that purpose by such authority, court or chief of police and who exhibits such written authority to such pawnbroker law enforcement.~~

(c) As used in this section, “secondhand precious metal and jewelry dealer” means a person in the business of purchasing used precious metal and jewelry for resale.

Sec. 9c. 9 V.S.A. § 3872 is added to read:

§ 3872. SECONDHAND DEALERS; RETENTION OF GOODS

(a) A pawnbroker or secondhand dealer shall retain pawned, pledged, or purchased property for no fewer than five days before offering it for resale.

(b) As used in this section, “secondhand dealer” means a person in the business of purchasing used goods for resale.

Sec. 9d. REPORT

(a) The department of public safety shall study the feasibility of establishing a stolen property database which would contain identifying information about property that has been identified as being stolen. The study shall include the consideration of the following:

(1) what information should be contained in the database;

(2) who would have access to the database and under what circumstances;

(3) what types of property would be required to be in the database; and

(4) whether the database should be accessible by merchants for the purpose of determining whether particular property had been stolen.

(b) The department shall report its findings to the house and senate committees on judiciary together with any recommendations for legislative action on or before December 15, 2012.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the House propose to the Seante to amend the bill as follows:

In Sec. 9, by striking out subsection (a) in its entirety and striking the designation “(b)”

The bill was taken up, read the second time, report of the committees on Judiciary and Appropriations agreed to and third reading ordered.

**Rules Suspended to Permit Consideration of H. 485;
House concurred in the Senate Proposal of Amendment
with a Further Amendment Thereto**

H. 485

House bill, entitled

An act relating to establishing universal recycling of solid waste;

Rep. Savage of Swanton, moved to suspend the rules to permit consideration of H. 485, which was agreed to.

Rep. Jerman of Essex, assuring the Chair that he voted with the prevailing side previously when the House concurred in the Senate proposal of amendment, moved that the House reconsider its vote, which was agreed to.

Thereupon, **Rep. Jerman of Essex** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 2, 10 V.S.A. § 6604, by striking subdivision (a)(1)(B) in its entirety and by relettering the subsequent subdivisions of subsection (a) to be alphabetically correct

and in subdivision (b)(2)(C), by striking “and extended producer responsibility legislation” where it appears

Second: In Sec. 4, 10 V.S.A. § 6605, in subsection (j), in the lead-in language, after “the collection of” and before “solid waste” by striking “municipal”

and in subdivision (j)(3), by striking “2016” where it appears and inserting in lieu thereof “2017”

Third: In Sec. 6, 10 V.S.A. § 6605k, in subsection (b), in the lead-in language, after “that is willing to accept the” and before “shall:” by striking “materials” and inserting in lieu thereof “food residuals”

And in subdivision (b)(1), after “may be disposed of in” and before “solid waste” by striking “municipal”

and in subdivision (c)(5), by striking “2018” where it appears and inserting in lieu thereof “2020”

Fourth: In Sec. 8, 10 V.S.A. § 6607a, in subdivision (g)(1), in the lead-in language, after “offers the collection of” and before “solid waste” by striking “municipal”

and in subdivision (g)(1)(A), by striking “2014” where it appears and inserting in lieu thereof “2015”

and in subdivision (g)(1)(B), by striking “2015” where it appears and inserting in lieu thereof “2016”

and in subdivision (g)(1)(C), by striking “2016” where it appears and inserting in lieu thereof “2017”

and in subsection (h), in the last sentence, by striking “organic waste” where it appears and inserting in lieu thereof “food residuals”

Fifth: In Sec. 10, 10 V.S.A. § 6621a, in subsection (a), in the lead-in language, after “dispose of the following materials in” and before “solid waste” by striking “municipal”

and in subdivision (a)(9), by striking “2014” where it appears and inserting in lieu thereof “2015”

and in subdivision (a)(10), by striking “2015” where it appears and inserting in lieu thereof “2016”

and in subdivision (a)(11), by striking “2018” where it appears and inserting in lieu thereof “2020”

Sixth: In Sec. 12, subdivision (a)(1)(B), after “(B)” and before “an analysis of the quantities” by inserting “to the extent possible,”

and in subdivision (a)(2)(A), after “solid waste management system for the state, including” and before “the cost to consumers” by inserting “to the extent possible,”

and by striking subdivisions (a)(2)(C) and (D) in its entirety and inserting in lieu thereof the following:

(C) An estimate of the costs, cost savings, increased efficiencies, and economic opportunities attendant to the diversion of solid waste categories;

and by striking subdivision (a)(3)(C) in its entirety

Seventh: By striking Sec. 17 (ANR report on plastic bags) in its entirety

Eighth: In Sec. 18, in the first full sentence, by striking “January 15, 2013” where it appears and inserting in lieu thereof “November 1, 2013”

Ninth: In Sec. 19, 10 V.S.A. § 8003(a), in subdivision (23), after “implementation of a” and before “solid waste implementation plan” by striking “municipal”

Tenth: In Sec. 20, 10 V.S.A. § 8503, in subsection (g), by striking “a municipal solid waste implementation plan” where it appears and inserting in lieu thereof “a solid waste implementation plan for a municipality”

Which was agreed to.

**Rules Suspended; Senate Proposal of Amendment Concurred in
with a Further Amendment Thereto**

H. 523

On motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to revising the state highway condemnation law

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

(a) The intent of the changes to the definition of necessity made in this act is to state the definition in accordance with State Transportation Board v. May, 137 Vt. 320 (1979), and to reorganize the definition for the sake of clarity. No substantive change is intended.

(b) The standard of review of the agency of transportation's determination of necessity established in 19 V.S.A. § 505(a)(3) of this act is intended to replace the former language of 19 V.S.A. § 507(a) stating that "the exercise of reasonable discretion upon the part of the agency shall not be presumed," as well as to replace the standard of review adopted in Latchis v. State Hwy. Bd., 120 Vt. 120 (1957) and relied upon in subsequent cases.

Sec. 2. 19 V.S.A. chapter 5 is amended to read:

CHAPTER 5. CONDEMNATION FOR STATE HIGHWAY PROJECTS

§ 500. INTENT

The purpose of this chapter is to ensure that a property owner receives fair treatment and just compensation when the owner's property is taken for state highway projects, and that condemnation proceedings are conducted expeditiously so that highway projects in the public interest are not unnecessarily delayed.

§ 501. DEFINITIONS

The following words and phrases as used in this chapter shall have the following meanings:

(1) “Necessity” ~~shall mean~~ means a reasonable need which considers the greatest public good and the least inconvenience and expense to the condemning party and to the property owner. Necessity shall not be measured merely by expense or convenience to the condemning party. Due Necessity includes a reasonable need for the highway project in general as well as a reasonable need to take a particular property and to take it to the extent proposed. In determining necessity, consideration shall be given to the:

(A) adequacy of other property and locations ~~and to;~~

(B) ~~the~~ quantity, kind, and extent of cultivated and agricultural land which may be taken or rendered unfit for use, immediately and over the long term, by the proposed taking. ~~In this matter the court shall view the problem from both a long range agricultural land use viewpoint as well as from the immediate taking of agricultural lands which may be involved. Consideration also shall be given to the;~~

(C) effect upon home and homestead rights and the convenience of the owner of the land; ~~to the~~

(D) effect of the highway upon the scenic and recreational values of the highway; ~~to the~~

(E) need to accommodate present and future utility installations within the highway corridor; ~~to the~~

(F) need to mitigate the environmental impacts of highway construction; and ~~to the~~

(G) effect upon town grand lists and revenues.

(2) Damages resulting from the taking or use of property under the provisions of this chapter shall be the value for the most reasonable use of the property or right in the property, and of the business on the property, and the direct and proximate decrease in the value of the remaining property or right in the property and the business on the property. The added value, if any, to the remaining property or right in the property, which accrues directly to the owner of the property as a result of the taking or use, as distinguished from the general public benefit, shall be considered in the determination of damages.

(3) “Interested person” or “person interested in lands” or “property owner” means a person who has a legal interest of record in the property affected taken or proposed to be taken.

§ 502. AUTHORITY; PRECONDEMNATION ~~PROCEDURE~~ HEARING

(a) Authority. The ~~transportation board~~ agency, when in its judgment the interest of the state requires, ~~shall request the agency to~~ may take any ~~land or rights in land, including easements of access, air, view and light, deemed property~~ necessary to lay out, relocate, alter, construct, reconstruct, maintain, repair, widen, grade, or improve any state highway, including affected portions of town highways. ~~All property rights shall be taken in fee simple whenever practicable.~~ In furtherance of these purposes, the agency may enter upon ~~land adjacent to the proposed highway or upon other lands for the purpose of examination and making necessary surveys. However, that~~ lands to conduct necessary examinations and surveys; however, the agency shall do this work shall be done with minimum damage to the land and disturbance to the owners and shall be subject to liability for actual damages. All property taken permanently shall be taken in fee simple whenever practicable. For all state highway projects involving property acquisitions, the agency shall follow the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (“Act”) and its implementing regulations, as may be amended.

(b) The agency, in the construction and maintenance of limited access highway facilities, may also take any land or rights of the landowner in land under 9 V.S.A. chapter 93, subchapter 2, relating to advertising on limited access highways.

(c) Public hearing; notice of hearing.

(1) A public hearing shall be held for the purpose of receiving suggestions and recommendations from the public prior to the agency’s initiating proceedings under this chapter for the acquisition of any ~~lands or rights property.~~ The hearing shall be conducted by the agency. ~~Public notice shall be given by printing~~

(2) The agency shall prepare an official notice stating the purpose for which the property is desired and generally describing the highway project.

(3) Not less than 30 days prior to the hearing, the agency shall:

(A) cause the official notice not less than 30 days prior to the hearing to be printed in a newspaper having general circulation in the area affected. ~~A;~~

~~(B) mail a copy of the notice shall be mailed to the board, to the legislative bodies of the municipalities affected; and a copy sent~~

~~(C) by certified mail a copy of the notice to all known owners of lands and rights in land affected by whose property may be taken as a result of the proposed improvement.~~

~~The notice shall set forth the purpose for which the land or rights are desired and shall generally describe the improvement to be made.~~

~~(4) The board may designate one or more members to attend the hearing and shall do so if a written request is filed with the board at least 10 days prior to the public hearing. At the hearing, the agency shall set forth the reasons for the selection of the route intended and shall hear and consider all objections, suggestions for changes, and recommendations made by any person interested. If no board member attended the hearing, a written request may be filed with the board within 30 days after the public hearing asking the board to review the project and the record of the hearing. In such event, the board shall complete its review within 30 days after the request. Following the hearing, unless otherwise directed by the board, the agency may proceed to lay out the highway and survey and acquire the land to be taken or affected, giving consideration to any objections, suggestions, and recommendations received from the public in accordance with this chapter.~~

* * *

§ 503. PRECONDEMNATION NECESSITY DETERMINATION; SURVEY AND APPRAISAL; OFFER OF JUST COMPENSATION; NOTICE OF RIGHTS; NEGOTIATION; STIPULATION

(a) When Necessity determination; appraisal.

(1) After conducting the hearing required under section 502 of this chapter and considering the objections, suggestions, and recommendations received from the public, if the agency of transportation desires to acquire land or any rights in land finds the taking of property to be necessary for the purpose of laying out, relocating, altering, constructing, reconstructing, maintaining, repairing, widening, grading, or improving a state highway, it shall cause the land property proposed to be acquired or affected to be surveyed and shall make a written determination of necessity consistent with subdivision 501(1) of this chapter. Prior to initiating negotiations under this section, the agency shall cause property proposed to be taken to be appraised unless:

(A) the property owner offers to donate the property after being fully informed by the agency of the right to receive just compensation for damages and releasing the agency from any obligation to conduct an appraisal; or

(B) the agency determines that an appraisal is unnecessary because the valuation question is uncomplicated and the agency estimates the property to have a low fair market value, in accordance with 49 C.F.R. § 24.102.

(2) The agency shall prepare a waiver valuation if an appraisal is not conducted, pursuant to subdivision (1)(B) of this subsection (a).

(3) The property owner or his or her designee shall be given an opportunity to accompany the appraiser during the appraiser's inspection of the property.

(b) Offer of just compensation. Prior to the initiation of negotiations, the agency shall prepare a written offer of just compensation, which shall include a statement of the basis for the offer and a legal description of the property proposed to be acquired.

(c) Negotiation. Prior to instituting condemnation proceedings under section 504 of this chapter, the agency shall make every reasonable effort to acquire property expeditiously by negotiation and shall comply with subsection (d) of this section.

(d) Notice and other documents. The agency shall hand-deliver or send by mail to interested persons a notice of procedures and rights and the offer of just compensation. The notice of procedures and rights shall include an explanation of the proposed state highway project and its purpose, and statements that:

(1) The agency is seeking to acquire the property described in the offer of just compensation for the project.

(2) Agency representatives are available to discuss the offer of just compensation.

(3) The agency does not represent the property owner, and he or she may benefit from the advice of an attorney.

(4) If the agency and the property owner are unable to reach agreement on the agency's legal right to take the property, the agency may file a complaint in superior court to determine this issue. The property owner has the right to challenge the taking by contesting the necessity of the taking, the public purpose of the project, or both, but must contest these issues by filing an answer to the complaint with the court. If the owner does not file a timely answer, the court may enter a default judgment in favor of the agency.

(5) The property owner may enter into an agreement with the agency stipulating to the agency's legal right to take his or her property without waiving the owner's right to contest the amount of the agency's offer of compensation.

(6) If the agency and the property owner agree that a taking is lawful, or if a court issues a judgment authorizing the agency to take the owner's property, title to the property will transfer to the agency only after the agency files documentation of the agreement or judgment with the town clerk, pays or tenders payment to the owner, and sends or delivers to the owner a notice of taking.

(7) To contest the amount of compensation received, the owner must file an action with the transportation board or in superior court within 30 days of the notice of taking, except that the issue of compensation ("damages") must be decided by the superior court if the owner's demand exceeds the agency's offer of just compensation by more than \$25,000.00. The owner or the agency may appeal a decision of the board to the superior court, and may appeal a decision of the superior court to the supreme court. Either party is entitled to demand a trial by jury in superior court on the issue of damages.

(8) A copy of an appraisal or an estimated valuation ("waiver valuation") shall be furnished by the agency at the owner's request.

(9) Summarize the property owner's right to relocation assistance, if applicable.

(e) Agreement on taking, damages.

(1) An interested person may enter into an agreement with the agency stipulating to the necessity of the taking and the public purpose of the project, to damages, or to any of these. The agreement shall include:

(A) a statement that the person executing the agreement has examined a survey or appraisal of the property to be taken;

(B) an explanation of the legal and property rights affected;

(C) a statement that the person has received the documents specified in subsection (d) of this section; and

(D) if the agreement concerns only the issues of necessity or public purpose, a statement that the right of the person to object to the amount of compensation offered is not affected by the agreement.

(2) If an interested person executes an agreement stipulating to the necessity of the taking and the public purpose of the project in accordance with

subdivision (1) of this subsection, the agency shall prepare, within 10 business days of entering into the agreement, a notice of condemnation and shall file it in accordance with section 506 of this chapter. The notice of condemnation shall include a legal description of the property to be taken.

§ 504. PETITION FOR HEARING TO DETERMINE NECESSITY COMPLAINT; SERVICE; ANSWER

(a) Upon completion of the survey the agency may petition a superior judge, setting forth in the petition that it proposes to acquire certain land, or rights in land, and describing the lands or rights, and the survey shall be attached to the petition and made a part of the petition. The petition shall set forth the purposes for which the land or rights are desired, and shall contain a request that the judge fix a time and place when he or she, or some other superior judge, will hear all parties concerned and determine whether the taking is necessary. Verified complaint. If a property owner has not entered into an agreement stipulating to the necessity of a taking and the public purpose of a highway project, and the agency wishes to proceed with the taking, the agency shall file a verified complaint in the civil division of the superior court in a county where the project is located seeking a judgment of condemnation. The complaint shall name as defendants each interested person who has not stipulated to a proposed taking, and shall include:

(1) statements that the agency has complied with subsection 503(d) of this chapter;

(2) the agency's written determination of necessity;

(3) a general description of the negotiations undertaken; and

(4) a survey of the proposed project, and legal descriptions of the property and of the interests therein proposed to be taken.

(b) Service and notice.

(1) Except as otherwise provided in this section, the agency shall serve the complaint and summons in accordance with the Vermont Rules of Civil Procedure and section 519 of this chapter.

(2) The agency shall publish a notice of the complaint, the substance of the summons, and a description of the project and of the lands to be taken in a newspaper of general circulation in the municipalities where the project is located, once a week on the same day of the week for three consecutive weeks. The agency shall mail a copy of the newspaper notice to the last known address of an interested person not otherwise served, if any address is known. Upon affidavit by the secretary that diligent inquiry has been made to find all

interested persons and, if applicable, that service on a known interested person cannot with due diligence be made in or outside the state by another method prescribed in Rule 4 of the Vermont Rules of Civil Procedure, the newspaper publication shall be deemed sufficient service on all unknown interested persons and all known interested persons who cannot otherwise be served. Service by newspaper publication is complete the day after the third publication.

(3) Unless otherwise served under subdivision (1) of this subsection, the agency shall mail a copy of the complaint to the clerk, legislative body, and board of listers of each municipality in which land is proposed to be taken. The clerk with responsibility over the land records shall record the copy of the complaint (including the survey), and shall enter the names of the property owners named in the complaint in the general index of transactions affecting the title to real estate.

(c) Necessity, public purpose; default. If an interested person does not file a timely answer denying the necessity of a taking or the public purpose of the project, the court may enter a judgment of condemnation by default.

§ 505. HEARING TO DETERMINE NECESSITY ON PROPOSED TAKING; JUDGMENT; APPEAL AND STAY

(a) The superior judge to whom the petition is presented shall fix the time for hearing, which shall not be more than 60 nor less than 40 days from the date he or she signs the order. Likewise, he or she shall fix the place for hearing, which shall be the superior court or any other place within the county in which the land in question is located. If the superior judge to whom the petition is presented cannot hear the petition at the time set he or she shall call upon the administrative judge to assign another superior judge to hear the cause at the time and place assigned in the order. Hearing.

(1) If a timely answer is filed denying the necessity of a taking or the public purpose of the project, the court shall schedule a final hearing to determine the contested issues, which shall be held within 90 days of expiration of the deadline for filing an answer by the last interested person served. Absent good cause shown, the final hearing date shall not be postponed beyond the 90-day period.

(2) At the hearing, the agency shall present evidence on any contested issue.

(3)(A) The court shall presume that the agency's determination of the necessity for and public purpose of a project is correct, unless a party demonstrates bad faith or abuse of discretion on the part of the agency.

(B) The court shall review de novo the agency's determination of the need to take a particular property and to take it to the extent proposed.

(b) If the land proposed to be acquired extends into two or more counties, then a single hearing to determine necessity may be held in one of the counties. In fixing the place for hearing, the superior judge to whom the petition is presented shall take into consideration the needs of the parties. Discovery. Absent a showing of unfair prejudice, the right to discovery on the issues of necessity and public purpose shall be limited to the plans, surveys, studies, reports, data, decisions, and analyses relating to approving and designing the highway project.

(c) Judgment. If the court finds a proposed taking lawful, it shall issue a judgment of condemnation describing the property authorized to be taken, declaring the right of the agency to take the property by eminent domain, and declaring that title to the property will be transferred to the agency after the agency, in accordance with section 506 of this chapter, has recorded the judgment, tendered or deposited payment, and notified the owner of the recording and payment. The court may in its judgment modify the extent of a proposed taking.

(d) Litigation expenses. The court shall award the property owner his or her costs and reasonable litigation expenses, including reasonable attorney, appraisal, and engineering fees actually incurred because of the proceeding, if the final judgment of the court is that the agency cannot acquire all of the property proposed to be taken by condemnation, or if the agency abandons the condemnation proceeding other than under a settlement. If the final judgment of the court substantially reduces the scope of the agency's proposed taking, the court shall award the owner a share of his or her costs and reasonable litigation expenses that is proportional to the reduction in the proposed taking.

(e) Appeal, stay. A judgment of condemnation may be appealed or stayed as a final judgment for possession of real estate under the Vermont Rules of Civil Procedure and the Vermont Rules of Appellate Procedure. A judgment that that the agency cannot acquire the property by condemnation likewise may be appealed.

§ 506. SERVICE AND PUBLICATION OF NECESSITY PETITION AND NOTICE OF HEARING; ANSWER RECORDING OF JUDGMENT OR NOTICE OF CONDEMNATION; PAYMENT; VESTING OF TITLE

(a)(1) The agency shall prepare a notice of the necessity hearing. The notice shall include the names of the municipalities in which the lands to be taken or affected are located; the names of all interested persons within the meaning of subdivision 501(2) of this chapter; and a brief statement identifying

~~the proposed project and its location, and the date, time and place of the necessity hearing. The agency shall make service of copies of the petition, the notice of hearing and the survey (for the purposes of this section, "survey" means a plan, profile, or cross section of the proposed project) as follows:~~

~~(1) Upon interested persons in accordance with the Vermont Rules of Civil Procedure for service of process, except as stated in subsection (b) of this section and in section 519 of this title or, with respect to interested parties with no known residence or place of business within the state, by certified mail, return receipt requested. The copy of the survey that is served upon interested persons need include only the particular property in which those persons have an interest.~~

~~(2) One copy each upon the clerk, legislative body, and board of listers of each affected municipality by certified mail. The clerk shall record the notice of hearing in the municipal land records, at the agency's expense, and shall enter the names of the interested persons in the general index of transactions affecting the title to real estate. Within 15 business days of the issuance of a judgment of condemnation by the court or of the preparation of a notice of condemnation by the agency in accordance with subdivision 503(e)(2) of this chapter, the agency shall:~~

~~(A) record the judgment or notice, including the description of the property taken, in the office of the clerk of the town where the land is situated; and~~

~~(B) tender to the property owner, or deposit with the court, the amount of the offer of just compensation prepared under subsection 503(b) of this chapter or any other amount agreed to by the owner.~~

~~(2) For the purposes of this chapter, if an interested person has not provided the agency identification information necessary to process payment, or if an interested person refuses an offer of payment, payment shall be deemed to be tendered when the agency makes payment into an escrow account that is accessible by the interested person upon his or her providing any necessary identification information.~~

~~(b) The agency also shall publish the notice of hearing in a newspaper of general circulation in the municipalities in which the proposed project lies. Publication shall be made once a week for three consecutive weeks on the same day of the week, the last publication to be not less than five days before the hearing. When service on an interested person cannot with due diligence be made within or outside the state, upon affidavit of the secretary of transportation or the secretary's designee that diligent inquiry has been made to find the interested person, the publication shall be deemed sufficient service on~~

~~that person. The affidavit shall be accompanied by an affidavit of the person attempting service that the location of the interested person is unknown and that the interested person has no known agent upon whom service can be made. Title in the property shall vest in the state, and the agency may proceed with the project, upon the later of:~~

~~(1) the agency's complying with the requirements of subsection (a) of this section; and~~

~~(2) the agency's mailing or delivering to the owner a notice of taking stating that it has complied with the requirements of subsection (a) of this section.~~

~~(c) Compliance with these provisions of this title shall constitute sufficient notice to and service upon all interested persons and municipalities. Except in the case of agreed compensation, an owner's acceptance and use of a payment under this section does not affect his or her right to contest or appeal damages under sections 511-513 of this chapter, but shall bar the owner's right to contest necessity and public purpose.~~

~~(d) No service need be made upon any interested person or municipality that has stipulated to necessity in accordance with section 508 of this chapter. Upon the agency's recording of the judgment or notice of condemnation, the clerk with responsibility over land records shall enter the name of each property owner named in the judgment or notice as a grantor in the general index of transactions affecting the title to real estate. The agency shall comply with the provisions of 27 V.S.A. chapter 17 governing the composition and recording of project layout plats.~~

~~(e) Unless an answer denying the necessity or propriety of the proposed taking is filed by one or more parties served or appearing in the proceedings on or before the date set in the notice of hearing on the petition, the necessity and propriety shall be deemed to be conceded, and the court shall so find. [Repealed.]~~

~~§ 507. HEARING AND ORDER OF NECESSITY CATTLE-PASSES~~

~~(a) At the time and place appointed for the hearing, the court, consisting of the superior judge signing the order or the other superior judge as may be assigned and, if available within the meaning of 4 V.S.A. § 112, the assistant judges of the county in which the hearing is held shall hear all persons interested and wishing to be heard. If any person owning or having an interest in the land to be taken or affected appears and objects to the necessity of taking the land included within the survey or any part of the survey, then the court shall require the agency of transportation to proceed with the introduction of~~

~~evidence of the necessity of the taking. The burden of proof of the necessity of the taking shall be upon the agency of transportation and shall be established by a fair preponderance of the evidence, and the exercise of reasonable discretion upon the part of the agency shall not be presumed. The court may cite in additional parties including other property owners whose interest may be concerned or affected and shall cause to be notified, the legislative body of all adjoining cities, towns, villages, or other municipal corporations affected by any taking of land or interest in land based on any ultimate order of the court. The court shall make findings of fact and file them and any party in interest may appeal under the Vermont Rules of Appellate Procedure adopted by the supreme court. The court shall, by its order, determine whether the necessity of the state requires the taking of the land and rights as set forth in the petition and may find from the evidence that another route or routes are preferable in which case the agency shall proceed in accordance with section 502 of this title and this section and may modify or alter the proposed taking in such respects as to the court may seem proper.~~

(b) ~~By~~ In its order of condemnation, the court may also direct the agency ~~of transportation~~ to install passes under the highway as ~~specified in this chapter~~ for the benefit of the large modern farm properties, the fee title of which is owned by any party to the proceedings, where a reasonable need is shown by the owner. The court may consider evidence relative to present and anticipated future highway traffic volume, future land development in the area, and the amount and type of acreage separated by the highway in determining the need for an underpass of larger dimensions than a standard cattle-pass of reinforced concrete, metal, or other suitable material which provides usable dimensions five feet wide by six feet three inches high. Where a herd of greater than 50 milking cows is consistently maintained on the property, the court may direct that the dimensions of the larger underpass shall be eight feet in width and six feet three inches in height to be constructed of reinforced concrete, and the owner of the farm property shall pay one-fourth of the difference in overall cost between the standard cattle-pass and the larger underpass. Where the owner of the farm property desires an underpass of dimensions greater than eight feet in width and six feet three inches in height, the underpass may be constructed if feasible and in accordance with acceptable design standards, and the total additional costs over the dimensions specified shall be paid by the owner. The provisions of this section shall not be interpreted to prohibit the agency ~~of transportation~~ and the property owner from determining the specifications of a cattle-pass or underpass by mutual agreement at any time, either prior or subsequent to the date of the court's order. The owner of a fee title shall be interpreted to include lessees of so-called lease land.

§ 508. STIPULATION OF NECESSITY

~~(a) A person or municipality owning or having an interest in lands or rights to be taken or affected, a municipality in which the land is to be taken or affected, and other interested persons may stipulate as to the necessity of the taking.~~

~~(b) The stipulation shall be an affidavit sworn to before a person authorized to take acknowledgments, and, in the case of a municipality, shall be executed by a majority of its legislative body. The stipulation shall be in a form approved by the attorney general and shall include but not be limited to the following:~~

~~(1) a recital that the person or persons executing the stipulation have examined the applicable plan and survey of the lands or rights to be taken;~~

~~(2) an explanation of the legal and property rights affected; and~~

~~(3) that the right of the person to adequate compensation is not affected by executing the stipulation.~~

~~(c) The stipulation shall be invalid unless within two years of the date of the stipulation an order of necessity is granted. [Repealed.]~~

§ 509. PROCEDURE

~~(a) The stipulation shall be filed with the appropriate superior court, together with the petition for an order of necessity. Notice of the hearing on the petition shall be published in accordance with section 506 of this title. Other interested persons who have not stipulated to necessity shall be notified and served in accordance with section 506 of this title. The court may also cite in additional parties in accordance with section 507 of this title.~~

~~(b) If a person claiming to be affected or concerned files a notice of objection to a proposed finding of necessity prior to the date of the hearing, the court shall at the hearing determine if the person has an interest in lands or rights to be taken such as to be entitled to object to the proposed finding of necessity, and, if he is so affected or concerned, whether there is necessity for the taking, in accordance with section 507 of this title. Nothing in this section shall prohibit an interested person from consenting to necessity. The court may continue the hearing to allow proper preparation by the agency of transportation and interested parties.~~

~~(c) If all interested persons and municipalities stipulate as to the necessity of the taking, the court may immediately issue an order of necessity.~~

~~(d) Interested persons or municipalities who do not consent to necessity are entitled to a necessity hearing in accordance with the provisions of this chapter.~~

~~(e) A copy of the order finding necessity shall be mailed to each person and municipality who consented by stipulation to necessity, by certified mail, return receipt requested.~~

~~(f) The stipulation of necessity shall not affect the rights of the person with regard to fixing the amount of compensation to be paid in accordance with sections 511-514 of this title. However, the transportation board may enter into an agreement for purchase of lands or rights affected, provided the agreement is conditioned upon the issuance of an order of necessity. [Repealed.]~~

§ 510. APPEAL FROM ORDER OF NECESSITY

~~(a) If the state, municipal corporation or any owner affected by the order of the court is aggrieved by the order, an appeal may be taken to the supreme court. In the event an appeal is taken according to these provisions from an order of necessity, its effect may be stayed by the superior court or the supreme court where the person requesting the stay establishes:~~

~~(1) that he or she has a likelihood of success on the merits;~~

~~(2) that he or she will suffer irreparable harm in the absence of the requested stay;~~

~~(3) that other interested parties will not be substantially harmed if a stay is granted; and~~

~~(4) that the public interest supports a grant of the proposed stay.~~

~~(b) If no stay is granted or, if a stay is granted, upon final disposition of the appeal, a copy of the order of the court shall be recorded within 30 days in the office of the clerk of each town in which the land affected lies.~~

~~(c) Thereafter for a period of one year, the agency of transportation may request the transportation board to institute proceedings for the condemnation of the land included in the survey as finally approved by the court without further hearing or consideration of any question of the necessity of the taking. In no event shall title to or possession of the appealing landowner's property pass to the state until there is a final adjudication of the issue of the necessity and propriety of the proposed taking.~~

~~(d) If the agency of transportation is delayed in requesting the transportation board to institute condemnation proceedings within the one year period by court actions or federal procedural actions, the time lost pending~~

~~final determination shall not be counted as part of the one-year necessity period. [Repealed.]~~

§ 511. HEARING TO DETERMINE AMOUNT OF COMPENSATION
DETERMINATION OF DAMAGES

~~(a) Following a determination of the necessity of the taking as above provided, when an~~ Disputes between a property owner of land or rights and the agency of transportation are unable to agree on the amount of compensation to be paid, and if the agency of transportation desires to proceed with the taking, the transportation board as a result of a taking shall be resolved as follows:

(1) If the owner's demand exceeds the agency's offer of just compensation by \$25,000.00 or less, the owner may obtain a determination of damages by either:

(A) petitioning the transportation board, or

(B) filing a complaint or, if applicable, a motion to re-open a judgment of condemnation, in superior court.

(2) If the owner's demand exceeds the agency's offer of just compensation by more than \$25,000.00, the owner may obtain a determination of damages by filing a complaint or, if applicable, a motion to re-open a judgment of condemnation, in superior court.

(3) A property owner may file a petition, complaint, or motion under subdivisions (1) or (2) of this subsection no later than 30 days after the date of the notice of taking required under subsection 506(b) of this chapter.

(4) A petition improperly filed with the board shall be transferred to the superior court and, upon such transfer, the owner shall be responsible for applicable court filing fees.

~~(b) The board or the court shall appoint a time and place in the a county where the land is situated for examining the premises and a hearing parties interested, giving the parties at least 10 days' written notice in writing to the person owning the land or having an interest in the land. At that time and place, a member or members of the transportation board shall hear any person having an interest in the land and desiring to be heard.~~

~~(b) If the land proposed to be acquired of the hearing. If the property taken extends into two or more counties, the board or court may hold a single hearing in one of the counties to determine compensation damages. In fixing the place for the hearing, the transportation board or court shall take into consideration consider the needs of the parties.~~

(c) Unless the parties otherwise agree or unless the board or the court determines that it is in the public interest to proceed on the question of damages, any proceedings to determine damages shall be stayed pending the final disposition of any appeal of the questions of necessity or public purpose.

(d) Upon demand, a party is entitled to a jury trial in superior court on the issue of damages.

(e) The board or the court shall first determine the total damages as between the agency and all interested persons claiming an interest in a subject property, and the agency may thereafter withdraw from further proceedings with respect to that property. The board or the court shall then determine any further questions in the matter, including the apportionment of damages among interested persons. Any board decision on damages shall include findings of fact, and shall be served on the parties immediately after its issuance.

§ 512. ORDER FIXING COMPENSATION PAYMENT FOLLOWING
DECISION ON DAMAGES; INVERSE CONDEMNATION; RELOCATION
ASSISTANCE CREDIT OF STATE PLEDGED

~~(a) Within 30 days after the compensation hearing, the board shall by its order fix the compensation to be paid to each person from whom land or rights are taken. Within 30 days of the board's order a final decision on damages and the exhaustion or expiration of all appeal rights, the agency shall file and record the order in the office of the clerk of the town where the land is situated, deliver to each person a copy of that portion of the order directly affecting the person, and pay or tender the owner the amount, if any, by which the award to each the person entitled exceeds the amount previously paid or tendered by the agency. A person to whom a compensation award is paid or tendered under this subsection may accept, retain, and dispose of the award to his or her own use without prejudice to the person's right of appeal, as provided in section 513 of this title. Upon the payment or tender of the award as above provided, the agency may proceed with the work for which the land is taken.~~

~~(b) In the event the plaintiff prevails against the state in an action for inverse condemnation, arising under this title or as a result of the acquisition of real property for a program or project undertaken by a federal agency, or with federal financial assistance, the court shall determine an award or allow to the plaintiff as part of its judgment such sum as will, in the opinion of the court, reimburse the plaintiff for his or her reasonable costs, disbursements and expenses, including reasonable attorney, appraisal and engineering fees actually incurred because of the proceeding. [Repealed.]~~

~~(c) When federal funds are available to provide relocation assistance and payments to persons displaced as a result of federal and federally assisted~~

~~programs, any state agency may match the federal funds to the extent provided by federal law and grant relocation assistance and payments in the instances and on the conditions set forth by federal law and regulations. [Repealed.]~~

(d) The credit of the state of Vermont is pledged to the payment of all amounts awarded or allowed under the provisions of the chapter, and these amounts shall be lawful obligations of the state of Vermont.

§ 513. APPEAL FROM ORDER FIXING COMPENSATION OF DAMAGES DECISION; JURY TRIAL

~~(a) A person or a municipal corporation interested in the lands affected by a relocation who is party~~ (a) A party dissatisfied with ~~the a~~ a decision of the transportation board as to ~~the amount or apportionment of damages awarded for the lands,~~ the amount or apportionment of damages awarded, may appeal to ~~the a~~ a superior court where the land is situated within ~~ninety~~ 30 days after the ~~report has been filed~~ date of the decision, and any number of persons aggrieved may join in the appeal.

~~(b) Any person~~ A party appealing the award of ~~damages made by the transportation board, and the agency of transportation, shall be~~ damages made by the transportation board, and the agency of transportation, shall be is entitled to a jury trial in the superior court upon demand.

(c) A party aggrieved by a superior court decision on damages under this section or section 511 of this chapter may appeal to the supreme court in accordance with the Vermont Rules of Appellate Procedure.

§ 514. AWARD OF COSTS IN DAMAGES ACTION; LITIGATION EXPENSES IN INVERSE CONDEMNATION ACTION

~~(a) When the appellant is allowed a sum greater than was awarded by the transportation board, the court shall tax costs against the agency of transportation. When the award fixed by the transportation board is upheld, the court shall tax costs against the appellant. The court shall fix the time for paying the damages awarded. If a damages award by a court is more than the agency's offer of just compensation or offer of judgment, whichever is greater, the court shall award the property owner his or her reasonable costs. If the damages award is less than or equal to the greater of the agency's offer of just compensation or offer of judgment, the court shall award the agency its reasonable costs.~~

(b) If a court renders judgment in favor of a property owner in an inverse condemnation action or if the agency effects a settlement of an inverse condemnation action, the court shall award the owner his or her reasonable costs and other litigation expenses, including reasonable attorney, appraisal, and engineering fees actually incurred because of the proceeding.

§ 515a. ~~EVIDENCE OF HIGHWAY COMPLETION~~

~~The lack of a certificate of completion of a highway shall not alone constitute conclusive evidence that a highway is not public. [Repealed.]~~

* * *

§ 517. ~~VESTING OF TITLE~~

~~Title to the lands taken, or other rights acquired, under this chapter, shall vest in the state upon the filing for record with the town clerk of the transportation board's order as provided in section 512 of this chapter, unless previously acquired by deed or other appropriate instrument. [Repealed.]~~

* * *

§ 519. CONDOMINIUMS; COMMON AREAS AND FACILITIES

(a) For purposes of this section, the terms "apartment owner," "association of owners," "common areas and ~~facilities~~" facilities," and "declaration" shall have the same meanings as in the Condominium Ownership Act, 27 V.S.A. chapter 15.

(b) Notwithstanding any other provision of law, whenever the agency under this chapter ~~5 of this title~~ proposes to acquire any common areas and facilities of a condominium, the association of owners shall constitute the interested person or persons interested in lands in lieu of the individual apartment owners for purposes of the necessity hearing, the compensation hearing, and any appeals therefrom.

(c) The agency shall serve one copy of the ~~necessity petition~~ complaint and summons upon the association of owners through one of its officers or agents, instead of upon the individual apartment owners.

(d) The agency shall make the compensation check payable to the association of owners, which shall then make proportional payments to the apartment owners as their interests appear in the declaration.

Sec. 3. 19 V.S.A. § 1(12) is amended to read:

(12) "Highways" are only such as are laid out in the manner prescribed by statute; or roads which have been constructed for public travel over land which has been conveyed to and accepted by a municipal corporation or to the state by deed of a fee or easement interest; or roads which have been dedicated to the public use and accepted by the city or town in which such roads are located; or such as may be from time to time laid out by the agency or town. However, the lack of a certificate of completion of a state or town highway shall not alone constitute conclusive evidence that the highway is not public.

The term "highway" includes rights-of-way, bridges, drainage structures, signs, guardrails, areas to accommodate utilities authorized by law to locate within highway limits, areas used to mitigate the environmental impacts of highway construction, vegetation, scenic enhancements, and structures. The term "highway" does not include state forest highways, management roads, easements, or rights-of-way owned by or under the control of the agency of natural resources, the department of forests, parks and recreation, the department of fish and wildlife, or the department of environmental conservation.

* * * Conforming Changes * * *

Sec. 4. 5 V.S.A. § 652 is amended to read:

§ 652. ~~PETITION TO SUPERIOR COURT~~

The secretary of transportation or the legislative body of a municipality, as defined in 24 V.S.A. § 2001, or the committee representing two or more municipalities, when authorized by vote of their legislative bodies, may ~~petition a~~ proceed in superior ~~judge~~ court as provided in 19 V.S.A. chapter 5, except as otherwise provided in this subchapter.

Sec. 5. REPEAL

5 V.S.A. § 654 (answer in airport condemnation proceedings) and 10 V.S.A. § 959 (determination of damages for taking of land for flood control project) are repealed.

Sec. 6. 10 V.S.A. §§ 958 and 960 are amended to read:

§ 958. EMINENT DOMAIN; DETERMINING NECESSITY

(a) The commissioner of the department of environmental conservation may ~~petition~~ file a complaint in the superior court for any county in which a portion of the real estate lies to determine that necessity requires that the state acquire real estate within the state, including real estate held for public use in the name of the state or any municipality, for the purpose of flood control projects.

* * *

(c) The ~~petition~~ complaint, the service thereof and the proceedings in relation thereto, including rights of appeal, shall conform with and be controlled by ~~chapter 5 of Title 19~~ chapter 5.

§ 960. ENTRY AUTHORIZED

The commissioner of the department of environmental conservation or his or her authorized agents may enter upon any real estate at reasonable times and

places for the purpose of making surveys or other investigations under this section, subsection 952(b) and sections 953, ~~957-959~~ 957-958, and 961 of this title. The owners of damaged real estate may recover for damages sustained by reason of the preliminary entry authorized by this section in an action at law against the commissioner.

Sec. 7. 24 V.S.A. § 4012 is amended to read:

§ 4012. EMINENT DOMAIN; EXEMPTION OF PROPERTY FROM EXECUTION

(a) An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided for the condemnation of land or rights therein ~~by the state transportation board~~ as set forth in 19 V.S.A. §§ ~~501-514~~ 500-514 and 519 and acts amendatory thereof or supplementary thereto. Property already devoted to a public use may be acquired, provided that no real property belonging to the city, county, state, or any political subdivision thereof may be acquired without its consent.

* * *

Sec. 8. 24 V.S.A. § 5104 is amended to read:

§ 5104. PURPOSES AND POWERS

(a) The authority may purchase, own, operate₁, or provide for the operation of land transportation facilities, and may contract for transit services, conduct studies₂, and contract with other governmental agencies, private companies₁, and individuals.

(b) The authority shall be a body politic and corporate with the powers incident to a municipal corporation under the laws of the state of Vermont consistent with the purposes of the authority, and may exercise all powers necessary, appurtenant, convenient₁, or incidental to the carrying out of its functions, including, ~~but not limited to,~~ the following:

* * *

(11) within its area of operation, to acquire by the exercise of the power of eminent domain any real property which it may have found necessary for its purposes, in the manner provided for the condemnation of land or rights therein as set forth in 19 V.S.A. §§ ~~501-514~~ 500-514 and 519.

* * *

* * * Transition Provision * * *

Sec. 9. TRANSITION

(a) The state highway condemnation procedures of 19 V.S.A. chapter 5 in effect prior to July 1, 2012 shall continue to apply to all superior court and transportation board proceedings brought by the agency prior to July 1, 2012.

(b) With respect to any superior court proceeding brought by the agency on or after July 1, 2012 under 19 V.S.A. chapter 5, as amended by this act, the agency shall be required to demonstrate that it has satisfied the requirements of this act with respect to precondemnation appraisals, offers of just compensation, and negotiations with property owners.

Sec. 10. REPORT

By October 15, 2013, the agency shall submit to the house and senate committees on judiciary and on transportation a report listing:

(1) every acquisition of property, whether by agreement or through condemnation, for which the agency prepared a waiver valuation in fiscal year 2013;

(2) the value of the property estimated in the waiver valuation;

(3) whether an appraisal of the property was obtained by the agency or the property owner and, if so, the appraised value of the property;

(4) the date and the amount of the first offer made to the property owner;

(5) the date and the amount of the final payment to the property owner for the property; and

(6) whether the final payment to the property owner resulted from an agreement prior to the filing of a condemnation action, an agreement following the filing of a condemnation action, or a board or court decision on compensation.

Sec. 11. TRAINING OF TRANSPORTATION BOARD MEMBERS

(a) Within 30 days after the effective date of this act, the executive secretary of the transportation board shall arrange for transportation board members to be trained on:

(1) the methodology of condemnation appraisals;

(2) the law of Vermont, including court decisions, governing the determination of damages resulting from a condemnation for a state highway project; and

(3) provisions of the Uniform Relocation Assistance and Real Property Acquisition Properties Act related to the determination of damages.

(b) Within 30 days of a new member joining the board, the executive secretary of the board shall arrange for the new member to be trained as described in subsection (a) of this section.

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATES

(a) This section, Sec. 9 (transition provision), and Sec. 11 (training of board members) of this act shall take effect on passage.

(b) All other sections shall take effect on July 1, 2012.

Thereupon, **Rep. Koch of Barre Town** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 2, in subdivisions 503(d)(7) and 511(a)(3), by striking “30” each place it appears and inserting in lieu thereof “90”

Second: In Sec. 2, by striking subsection 505(d) in its entirety and inserting in lieu thereof a new subsection (d) to read:

(d) Litigation expenses.

(1) If the court finds a proposed taking to be unlawful, or if the agency abandons the condemnation proceeding other than under a settlement, the court shall dismiss the complaint and award the property owner his or her costs and reasonable litigation expenses, including reasonable attorney, appraisal, and engineering fees actually incurred because of the proceeding.

(2) If the court issues a judgment of condemnation that substantially reduces the scope of the agency’s proposed taking, the court shall award the property owner a share of his or her costs and reasonable litigation expenses that is proportional to the reduction in the proposed taking.

Which was agreed to.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 556

On motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to creating a private activity bond advisory committee

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill as follows:

In Sec. 3, in 10 V.S.A. § 219(d), wherever it appears, by striking out the following: “or the governor-elect”

Which proposal of amendment was considered and concurred in.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Savage of Swanton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

S. 99

Senate bill, entitled

An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing;

S. 95

Senate bill, entitled

An act relating to exemptions for newspaper deliverers from the unemployment statutes; relieving an employer’s experience rating record of charges; studying the receipt of unemployment compensation between academic terms; allowing school employees to be paid wages over the course of a year; and requiring employers to furnish required work apparel

J.R.S. 54

Joint resolution, entitled

Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc

H. 485

House bill, entitled

An act relating to establishing universal recycling of solid waste

H. 523

House bill, entitled

An act relating to revising the state highway condemnation law

Recess

At three o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until five o'clock in the afternoon.

At five o'clock in the afternoon, the Speaker called the House to order.

**Rules Suspended; Bill Read Third Time; Passed in Concurrence
With Proposal of Amendment; Rules Suspended and Bill was Ordered
Messaged to the Senate Forthwith**

S. 226

Senate bill, entitled

An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Proposal of Amendment Agreed to; Third Reading
Ordered; Rules Suspended; Bill Read Third Time and Passed in
Concurrence with Proposal of Amendment**

S. 93

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to labeling maple products

Was taken up for immediate consideration.

Rep. McAllister of Highgate, for the committee on Agriculture, to which had been referred the bill, recommended that the House propose to the Senate to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Labeling of Maple Products * * *

Sec. 1. FINDINGS

The general assembly finds and declares that for the purposes of the maple products labeling part of this act:

(1) Maple syrup production capacity has increased significantly in recent years.

(2) There is increased interest in maple syrup that is certified for food safety.

(3) The Vermont sugaring industry has requested the creation of a voluntary certification program.

Sec. 2. 6 V.S.A. § 488a is added to read:

§ 488a. VOLUNTARY CERTIFICATION

The secretary may establish by rule a voluntary program for maple syrup production certification which shall be made available upon the request of a person engaged in producing maple syrup or maple products, a dealer, or a processor. The secretary may obtain from the person engaged in producing maple syrup or maple products, the dealer, or the processor reimbursement for the cost of the inspection certification incurred by the agency. The reimbursement fee charged for certification shall be reasonably proportionate to the cost of performing the inspection.

* * * Vermont's Working Landscape * * *

Sec. 3. 6 V.S.A. chapter 207 is amended to read:

CHAPTER 207. PROMOTION AND MARKETING OF VERMONT
FOODS AND PRODUCTS

Subchapter 1. Agricultural Practices and Production

* * *

Subchapter 2. The Vermont Working Lands Enterprise Program

§ 4603. LEGISLATIVE FINDINGS

The general assembly finds:

(1) The report issued by the Council on the Future of Vermont indicates that over 97 percent of Vermonters polled endorsed the value of the "working landscape" as key to our future.

(2) Vermont's unique agricultural and forest assets—its working landscape—are crucial to the state's economy, communities, character, and culture. These assets provide jobs, food and fiber, energy, security, tourism and recreational opportunities, and a sense of well-being. They contribute to Vermont's reputation for quality, resilience, and self-reliance.

(3) Human activity involving Vermont's agricultural and forestland has been integral to the development of Vermont's economy, culture, and image. Sustainable land use will need to balance economic development demands with the other services the land provides, many of which have economic

benefits beyond the agriculture and forest product sectors. Some of these benefits include clean air and water, recreational opportunities, ecosystem restoration, scenic vistas, and wildlife habitat.

(4) The agriculture and forest product sectors are similar and share many of the same challenges. There are potential benefits to be realized by the joining of these sectors in development planning and coordination, making policy decisions, and leveraging economic opportunities.

(5) The agriculture and forest product sectors provide renewable and harvestable products that form the basis of Vermont's land-based economy. The conversion of these raw commodities into value-added products within our borders represents further economic and employment opportunities.

(6) Vermont is in the midst of an agricultural renaissance and is at the forefront of the local foods movement. The success has been due to the efforts of skilled and dedicated farmers, creative entrepreneurs, and the strategic investment of private and public funds.

(7) State investment in a given industry or economic sector is often essential to stimulate and attract additional private and philanthropic investment. The combination of public, private, and foundation support can create enterprise opportunities that any one of them alone cannot. Grants issued as a result of No. 52 of the Acts of 2011 helped create jobs and economic activity in the agricultural sector. They also leveraged private and foundation investments.

(8) Vermont's land-based economy has proven to be a driver for Vermont's ongoing economic recovery.

(9) Value-added and specialty Vermont products are a growing source of revenue for Vermont's agricultural producers, many of whom have benefited from the existing infrastructure requirements of commodity producers. Both export and instate markets are necessary options for the agriculture and forest product sectors' economic development.

(10) The Vermont brand is highly regarded both nationally and internationally. Forest management is seen as crop management by those active in the forest product industry. An actively managed forest is a healthy and productive one.

(11) Vermont's agriculture and forest product sectors have not been perceived or treated as businesses by the traditional business and lending communities. They often lack available capital and financial package options that match their stage of development.

(12) Financial service and workforce development programs need to be customized to meet the unique needs of Vermont's agriculture and forest product sectors. Landowner education and labor skills training are also important for future productive management of forestlands.

(13) Scale is an important determining factor for the successful development of businesses that utilize Vermont's agriculture and forest products. Other limiting factors include labor and transportation costs, support services, resource base, and the regulatory environment.

(14) Workers' compensation, health care, energy costs, and regulatory requirements are a major concern to the agriculture and forest product sectors. For example, workers' compensation premiums for loggers may run as high as 48 percent of each dollar of wages.

(15) The amount of land in Vermont is finite, and part of its community and economic value is tied to the way it is used. Farmland and forestland that are developed for other uses affect the future viability of remaining farms and forest enterprises.

(16) A forestland owner is often not the person actively engaged in the business of land management, such as planning, harvesting, or marketing the raw product, whereas in agricultural operations, the farmer often owns both the land and the business. Many farm operations have woodlots that have traditionally been used for syrup, timber, and firewood production.

(17) Vermonters' perception of and support for local wood and forest products is not at the same level as it is for local food. Public outreach and education efforts need to be created to address the public's perception of actively managed working lands and the people who perpetuate them. Over the last decade, consumers of wood products have become more interested in production and management methods, certification programs, and the source of the raw materials.

(18) Vermont's forest products industry has been in decline for many years, in part due to rising costs, a poor housing market, and a lack of manufacturing. The total value of the forest product industry has dropped from \$1.8 billion to \$1.3 billion since 2007. If wood chips were priced at the equivalent BTU replacement value of oil, they would command a higher price. The number of active sawmills has also declined to fewer than 20 today.

(19) The average age of Vermont's farmers and loggers is over 55 years and the average age of forestland owners is over 65. Attention needs to be brought to efforts that will ensure intergenerational succession and lower those averages. Economically viable farm and forest-based operations are critical to

that goal. “Legacy” skills such as farming and logging are disappearing, as the children of those making a living from those skills often aspire to different employment opportunities.

(20) Access to land is a challenge for many, especially younger, people who want the opportunity to make a living from productive use of the land. Farm and forestland ownership is often out of reach for young people who do not have some sort of assistance.

(21) The Vermont forest product sector contains approximately 7,000 jobs, and approximately 57,000 jobs are in Vermont’s food system.

(22) Regulations for forest product enterprises need to reflect a balance between economic development and responsible land use practices. There is a need to assess regulations involving the primary processing and transportation elements of the forest product sector.

(23) Seventy-six percent of Vermont’s 4.5 million acres is forested, 84 percent of which is privately owned. Sustainable management of state-owned forestlands represents an opportunity for private sector forest businesses.

(24) Forest product sector representatives have identified needs for their industry including market development, additional secondary processing facilities, lower energy and transportation costs, and capital for growth enterprises as well as research and development for new and improved value-added products that make use of Vermont’s forest resources. Factors such as health care, labor, and energy policies in Canada contribute to the northward flow of Vermont logs. Research is needed in order to develop strategies that will help keep Vermont’s forest product sector competitive.

(25) Vermont’s use value appraisal (current use) program is critically important to every component of Vermont’s agriculture and forest product sectors. It also helps keep Vermont forestland productive and healthy through the requirement of active forest management plans.

(26) Dairy enterprises remain Vermont’s leading source of agricultural revenues, with an estimated annual economic impact of over \$2 billion or approximately 75 percent of total gross agricultural output.

(27) Recent grants and educational programs have started to address the lack of slaughter and meat-processing facilities in the state; however, there continues to be a strong need to further these efforts.

§ 4604. LEGISLATIVE INTENT

It is the intent of the general assembly in adopting this subchapter to:

(1) stimulate a concerted economic development effort on behalf of Vermont's agriculture and forest product sectors by systematically advancing entrepreneurship, business development, and job creation;

(2) recognize and build on the similarities and unique qualities of Vermont's agriculture and forest product sectors;

(3) increase the value of Vermont's raw and value-added products through the development of in-state and export markets;

(4) attract a new generation of entrepreneurs to Vermont's farm, food system, forest, and value-added chain by facilitating more affordable access to the working landscape;

(5) provide assistance to agricultural and forest product businesses in navigating the regulatory process;

(6) use Vermont's brand recognition and reputation as a national leader in food systems development, innovative entrepreneurship, and as a "green" state to leverage economic development and opportunity in the agriculture and forest product sectors;

(7) promote the benefits of Vermont's working lands, from the economic value of raw and value-added products to the public value of ecological stability, land stewardship, recreational opportunities, and quality of life;

(8) increase the amount of state investment in working lands enterprises, particularly when it leverages private and philanthropic funds; and

(9) support the people and businesses that depend on Vermont's renewable land-based resources and the sustainable and productive use of the land by coordinating and integrating financial products and programs.

§ 4605. VERMONT WORKING LANDS ENTERPRISE FUND

There is created a special fund in the state treasury to be known as the "Vermont working lands enterprise fund." Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5:

(1) the fund shall be administered and the monies of the funds shall be expended by the Vermont working lands enterprise board created in section 4606 of this title;

(2) the fund shall be composed of moneys from time to time appropriated to the fund by the general assembly or received from any other source, private or public, approved by the board, and unexpended balances and any earnings shall remain in the fund from year to year; and

(3) the board shall make expenditures from the fund consistent with the duties and authority of the board established by section 4607 of this title.

§ 4606. VERMONT WORKING LANDS ENTERPRISE BOARD

(a) Creation and purpose. There is created a Vermont working lands enterprise board, which for administrative purposes shall be attached to the agency of agriculture, food and markets. The board shall:

(1) serve as a driving force for working lands enterprise development in Vermont;

(2) systematically advance entrepreneurship, business development, and job creation in the agricultural and forest product sectors by:

(A) supporting development of new land-based and value-added businesses;

(B) supporting the expansion of existing businesses and potentially high-growth enterprises;

(C) providing infrastructure investments that will support cluster development and spur business success and rural prosperity;

(D) acting as a clearinghouse of support for innovation and growth in the food, farm, forest product and biomass energy sectors including:

(i) regulatory issues;

(ii) financial and investment opportunities; and

(iii) technical assistance services;

(E) supporting outreach and communication of enterprise opportunities;

(3) evaluate quality and breadth of workforce development, technical assistance, and investment service programs to the agriculture and forest product service sectors;

(4) target financial products that are in line with infrastructure investment priorities;

(5) establish and evaluate criteria and benchmarks of investments and actions; and

(6) solicit appropriate perspectives and information from experts.

(b) Organization of board. The board shall be composed of the following members:

(1) the secretary of agriculture, food and markets or designee, who shall serve as chair;

(2) the secretary of commerce and community development or designee;

(3) the commissioner of forests, parks and recreation or designee;

(4) eleven members appointed by the Vermont agriculture and forest products development board as follows:

(A) four members each representing one of the four highest-grossing agricultural commodities produced in Vermont as determined on the basis of annual gross cash sales;

(B) three members representing the forest products industry; and

(C) four members each representing one of the following four sectors:

(i) energy;

(ii) workforce development;

(iii) private capital; and

(iv) distribution and marketing;

(5) two members, one appointed by each of the two largest membership-based agricultural organizations in Vermont;

(6) the following three members, who shall serve as ex officio, non-voting members:

(A) the manager of the Vermont economic development authority or designee;

(B) the executive director of the Vermont sustainable jobs fund or designee; and

(C) the executive director of the Vermont housing conservation board or designee.

(c) Members appointed pursuant to subdivisions (b)(4) and (b)(5) of this section shall serve a term of three years or until his or her earlier resignation or removal for cause by a two-thirds vote of the sitting members of the board. A vacancy shall be filled by the appointing authority for the remainder of the unexpired term. A member shall not serve more than three consecutive three-year terms.

(d) The board may elect officers, establish one or more committees or subcommittees, and adopt such procedural rules as it shall determine necessary and appropriate to perform its work.

(e) A majority of the sitting members shall constitute a quorum, and action taken by the board may be authorized by a majority of the members present and voting at any regular or special meeting at which a quorum is present.

(f) Private-sector members shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010 for each day spent in the performance of their duties, and each member shall be reimbursed from the fund for his or her actual and necessary expenses incurred in carrying out his or her duties.

§ 4607. POWERS AND DUTIES OF THE VERMONT WORKING LANDS ENTERPRISE BOARD

The Vermont working lands enterprise board shall have the authority:

(1) to establish an application process and eligibility criteria for awarding grants, loans, incentives, and other investment in agricultural and forestry enterprises and in food and forest systems;

(2) to award grants and loans and to recommend incentives that support the purposes of the board under subsection 4606(a) of this title;

(3) to develop application criteria that will encourage individuals and enterprises that have not availed themselves of these opportunities in the past to apply for such grants, loans, and incentives;

(4) to give priority for awarding grants, loans, and incentives to applicants who have not recently received the same from the state or a state-funded entity;

(5) to establish formal public-private partnerships, coordinate the joint provision of investment and services with public or private entities, and enter into performance contracts with one or more persons in order to provide investment and services to agricultural and forestry enterprises, including:

(A) technical assistance and product research services;

(B) marketing assistance, market development, and business and financial planning;

(C) organizational, regulatory, and development assistance; and

(D) feasibility studies of facilities or capital investments to optimize construction and other cost efficiencies;

(6) to identify workforce needs and programs in order to develop training and incentive opportunities for the agriculture and forest product sectors;

(7) to identify strategic statewide infrastructure and investment priorities considering:

(A) leveraging opportunities;

(B) economic clusters;

(C) return-on-investment analysis; and

(D) other considerations the board determines appropriate;

(8) to pursue and accept grants or other funding from any public or private source and to administer such grants or funding consistent with their terms;

(9) to promote the products and services it provides to as many people and land-based enterprises as possible;

(10) to use the services and staff of the agency of agriculture, food and markets to assist in the performance of the board's duties, with the concurrence of the secretary of agriculture, food and markets; and

(11) to contract for support, technical, or other professional services necessary to perform its duties pursuant to this section.

Sec. 4. INITIAL APPOINTMENTS TO VERMONT WORKING LANDS ENTERPRISE BOARD

Notwithstanding any provision of law to the contrary:

(1) the initial members of the Vermont working lands enterprise board to be appointed pursuant to 6 V.S.A. § 4606(b)(4)–(5) shall be appointed as follows:

(A) of the eleven members of the board appointed by the Vermont agriculture and forest products development board:

(i) four members shall be appointed to an initial term of one year;

(ii) four members shall be appointed to an initial term of two years; and

(iii) three members shall be appointed to an initial term of three years; and

(B) of the two members appointed by the two largest membership-based agricultural organizations in Vermont:

(i) the member representing the organization with the largest membership shall be appointed for an initial term of two years; and

(ii) the member representing the organization with the second largest membership shall be appointed for an initial term of three years; and

(2) the initial one-year and two-year member terms authorized in subdivisions (1)(A) and (1)(B) of this section shall not qualify as a full-term for purposes of the three-term limit established in 6 V.S.A. § 4606(c).

Sec. 5. REPEAL

6 V.S.A. chapter 162, subchapter 1 (Vermont agricultural innovation center) is repealed.

Sec. 6. 6 V.S.A. § 2966 is amended to read:

§ 2966. AGRICULTURAL AND FOREST PRODUCTS DEVELOPMENT BOARD; ORGANIZATION; DUTIES AND AUTHORITY

(a) Purpose. The purpose of this section is to create a permanent Vermont agricultural and forest products development board that is authorized and empowered as the state's primary agricultural and forest products development entity.

(1) The board is charged with:

(A) optimizing the agricultural and forestry use of Vermont lands and other agricultural resources;

* * *

(2) The board shall:

(A) review existing strategies and plans and develop, ~~implement~~, and continually update a comprehensive statewide plan to guide and encourage agricultural and forest products development and new and expanded markets for agricultural and forest products;

(B) advise and make recommendations to the secretaries of relevant state agencies, the governor, the director of the state experiment station, the University of Vermont extension service, and the general assembly on the adoption and amendment of laws, regulations, and governmental policies that affect agricultural development, land use, access to capital, the economic opportunities provided by Vermont agriculture and forest products, and the well-being of the people of Vermont;

(C) monitor and report on Vermont's progress in achieving the agricultural economic development goals identified by the board; ~~and~~

(D) balance the needs of production methods with the opportunities to market products that enhance Vermont agriculture and forest products; and

(E) prepare a comprehensive report, in consultation with the agency of agriculture, food and markets, indicating the progress made by the working lands enterprise board with regard to all activities authorized by this section. The report shall be presented to the senate and house committees on agriculture, the senate committee on economic development, housing and general affairs, and the house committee on commerce and economic development on or before January 15, 2013.

(b) Board created. The Vermont agricultural and forest products development board is hereby created. The exercise by the board of the powers conferred upon it in this section constitutes the performance of essential governmental functions.

(c) Powers and duties. The board shall have the authority and duty to:

* * *

(5) obtain information from other planning entities, including the ~~farm-to-plate~~ farm to plate investment program;

* * *

(d) Comprehensive agricultural and forest products economic development plan.

(1) Using information available from previous and ongoing agricultural and forest products development planning efforts, such as the ~~farm-to-plate~~ farm to plate investment program's strategic plan, and the board's own data and assumptions, the board shall develop and implement a comprehensive agricultural and forest products economic development plan for the state of Vermont. The plan shall include, at minimum, the following:

(A) an assessment of the current status of agriculture and forestry in Vermont;

(B) current and projected workforce composition and needs;

(C) a profile of emerging business and industry sectors projected to present future agricultural and forest products economic development opportunities, and a cost-benefit analysis of strategies and resources necessary to capitalize on these opportunities;

(D) a profile of current components of physical and social infrastructure affecting agricultural and forest products economic development;

(E) a profile of government-sponsored programs, agricultural and forest products economic development resources, and financial incentives designed to promote and support agricultural and forest products economic development, and a cost-benefit analysis of continued support, expansion, or abandonment of these programs, resources, and incentives;

(F) the use of the Vermont brand to further agricultural and forest products economic development;

* * *

(2) Based on its research and analysis, the board shall establish in the plan a set of clear strategies with defined and measurable outcomes for agricultural and forest products economic development, the purpose of which shall be to guide long-term agricultural and forest products economic development policymaking and planning.

* * *

(4) The board shall conduct a periodic review and revision of the comprehensive agricultural and forest products economic development plan as often as is necessary in its discretion, but at minimum every five years, to ensure the plan remains current, relevant, and effective for guiding and evaluating agricultural and forest products economic development policy.

* * *

(e) Annual report. The board shall make available a report, at least annually, to the administration, the house committee on agriculture, the senate committee on agriculture, the house committee on commerce and economic development, the senate committee on economic development, housing and general affairs, and the people of Vermont on the state's progress toward attaining the goals and outcomes identified in the comprehensive agricultural and forest products economic development plan.

(f) Composition of board.

(1) The board shall be composed of ~~12~~ 16 members. In making appointments to the board pursuant to this section, the governor, the speaker of the house, and the president pro tempore of the senate shall coordinate their selections to ensure, to the greatest extent possible, that the board members selected by them reflect the following qualities:

(A) proven leadership in a broad range of efforts and activities to promote and improve the Vermont agricultural and forest products economy and the quality of life of Vermonters;

(B) demonstrated innovation, creativity, collaboration, pragmatism, and willingness to make long-term commitments of time, energy, and effort;

(C) geographic, gender, ethnic, social, political, and economic diversity;

(D) diversity of agricultural and forest products enterprise location, size, and sector of the for-profit agricultural and forest products business community members; and

(E) diversity of interest of the nonprofit or nongovernmental organization community members.

(2) Members of the board shall include the following:

(A) ~~four~~ five members appointed by the governor:

(i) a person with expertise in rural economic development issues;

(ii) an employee of a Vermont postsecondary institution experienced in researching issues related to agriculture;

(iii) a person familiar with the agricultural tourism industry; ~~and~~

(iv) an agricultural lender; and

(v) a person with expertise and professional experience in forest products manufacturing.

(B) ~~four~~ six members appointed by the speaker of the house of representatives:

(i) a person who produces an agricultural commodity other than dairy products;

(ii) a person who creates a value-added product using ingredients substantially produced on Vermont farms;

(iii) a person with expertise in sales and marketing; ~~and~~

(iv) a person representing the feed, seed, fertilizer, or equipment enterprises;

(v) a forester; and

(vi) a sawmill operator.

(C) ~~four~~ five members appointed by the committee on committees of the senate:

(i) a representative of Vermont's dairy industry who is also a dairy farmer;

(ii) a person with expertise in land planning and conservation efforts that support Vermont's working landscape;

(iii) a representative from a Vermont agricultural advocacy organization; ~~and~~

(iv) a person with experience in providing youth with educational opportunities enhancing understanding of agriculture; and

(v) a logger.

(3) The secretary of agriculture, food and markets or his or her designee shall be a nonvoting, ex officio member. The secretary may provide staff support from the agency of agriculture, food and markets as resources permit.

(4) The secretary of commerce and community development or his or her designee shall be a nonvoting, ex officio member.

* * *

Sec. 7. APPROPRIATIONS

(a) The amount of \$1,700,000.00 is appropriated from the general fund to the Vermont working lands enterprise fund established in 6 V.S.A. § 4605 in the amounts and for the purposes as follow:

(1) \$550,000.00 for enterprise grants to entrepreneurs, including grants to leverage private capital, jump-start new businesses, help beginning farmers access land, and support diversification projects that add value to farm and forest commodities. This initial sum is intended to fund an enterprise grant pilot program, and it is the intent of the general assembly to commit additional investment in subsequent years upon demonstration of success of the program.

(2) \$350,000.00 for wraparound services to growth companies, including technical assistance, business planning, financial packaging, and other services required by companies ready to transition to the next stage of growth. This initial sum is intended to fund a growth company services pilot program, and it is the intent of the general assembly to commit additional investment in subsequent years upon demonstration of success of the program.

(3) \$800,000.00 for state infrastructure investments, including investment in private and nonprofit sectors for creative diversification projects, value-added manufacturing, processing, storage, distribution, and collaborative ventures. This initial sum is intended to fund an infrastructure investment pilot program, and it is the intent of the general assembly to commit additional investment in subsequent years upon demonstration of success of the program.

(b) The amount of \$382,400.00 is appropriated from the general fund to the agency of agriculture, food and markets to provide funding for support staff, including a wraparound services advisor and regulatory ombudsman, and for fiscal management and operations costs. The agency shall utilize the funds appropriated to perform its full duties to the Vermont working lands enterprise board.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage, except that Sec. 5 (repeal of agriculture innovation center) shall take effect on March 31, 2013.

and that after passage, the title of the bill be amended to read: "An act relating to miscellaneous agricultural subjects"

Rep. Toll of Danville, for the committee on Appropriations, recommended that the bill ought to pass in concurrence with proposal of amendment as recommended by the committee on Agriculture.

Thereupon, the bill was read the second time and the report of the committees on Agriculture and Appropriations agreed to and third reading ordered.

On motion of **Rep. Savage of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment.

**Rules Suspended Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 780

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to compensation for certain state employees

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Exempt Employees in the Executive Branch * * *

Sec. 1. RESTORATION OF SALARY

(a) The amount equal to the three-percent reduction in salaries taken on July 1, 2010 by exempt employees in the executive branch who earned less than \$60,000.00 annually may be restored to those salaries in fiscal year 2013.

(b) The amount equal to the five-percent reduction in salaries taken on January 1, 2009 by exempt employees in the executive branch who earned \$60,000.00 or more annually may be restored to those salaries in fiscal year 2013.

(c) If the secretary of administration determines that the salary of an exempt employee in the executive branch who earns less than \$60,000.00 annually and was hired or promoted after July 1, 2010 reflects a three-percent reduction in pay, the secretary may restore the amount equal to the three-percent reduction to that salary in fiscal year 2013.

(d) If the secretary of administration determines that the salary of an exempt employee in the executive branch who earns \$60,000.00 or more annually and was hired or promoted after January 1, 2009 reflects a five-percent reduction in pay, the secretary may restore the amount equal to the five-percent reduction to that salary in fiscal year 2013.

Sec. 2. COST-OF-LIVING ADJUSTMENTS

(a) Exempt employees in the executive branch earning less than \$60,000.00 annually may receive a cost-of-living adjustment in fiscal year 2013 of two percent.

(b) Exempt employees in the executive branch earning \$60,000.00 or more annually may or may not receive a cost-of-living adjustment in fiscal year 2013.

(c) Exempt employees in the executive branch may receive a cost-of-living adjustment in fiscal year 2014.

Sec. 3. RATE OF ADJUSTMENT

For purposes of determining annual salary adjustments, special salary increases, and bonuses under 32 V.S.A. §§ 1003(b) and 1020(b), the "total rate of adjustment available to classified employees under the collective bargaining agreement" shall be deemed to be 2.85 percent in fiscal year 2013 and 3.7 percent in fiscal year 2014.

* * * Veterans' Home * * *

Sec. 4. 32 V.S.A. § 1003(b)(1) is amended to read:

(1) Heads of the following departments, ~~offices~~ and agencies:

	<u>Base</u>	<u>Base</u>
	<u>Salary</u>	<u>Salary</u>
	<u>as of</u>	<u>as of</u>
	<u>July 8,</u>	<u>July 1,</u>
	<u>2007</u>	<u>2012</u>
(A) Administration	~~\$90,745~~	<u>\$90,745</u>
(B) Agriculture, food and markets	~~90,745~~	<u>90,745</u>
(C) ~~Banking, insurance, securities,~~ ~~and health care administration~~ <u>Financial</u> <u>regulation</u>	~~84,834~~	<u>84,834</u>
(D) Buildings and general services	~~84,834~~	<u>84,834</u>
(E) Children and families	~~84,834~~	<u>84,834</u>
(F) Commerce and community development	~~90,745~~	<u>90,745</u>
(G) Corrections	~~84,834~~	<u>84,834</u>
(H) Defender general	~~76,953~~	<u>84,834</u>
(I) Disabilities, aging, and independent living	~~84,834~~	<u>84,834</u>
(J) <u>Economic, housing, and community</u> development	~~76,953~~	<u>76,953</u>
(K) Education	~~84,834~~	<u>84,834</u>
(L) Environmental conservation	~~84,834~~	<u>84,834</u>
(M) Finance and management	~~84,834~~	<u>84,834</u>
(N) Fish and wildlife	~~76,953~~	<u>76,953</u>
(O) Forests, parks and recreation	~~76,953~~	<u>76,953</u>
(P) Health	~~84,834~~	<u>84,834</u>
(Q) ~~Housing and community affairs~~	~~76,953~~ [Repealed.]	
(R) Human resources	~~84,834~~	<u>84,834</u>
(S) Human services	~~90,745~~	<u>90,745</u>
(T) Information and innovation	~~84,834~~	<u>84,834</u>
(U) Labor	~~84,834~~	<u>84,834</u>

(V) Libraries	76,953	<u>76,953</u>
(W) Liquor control	76,953	<u>76,953</u>
(X) Lottery	76,953	<u>76,953</u>
(Y) Mental Health	84,834	<u>84,834</u>
(Z) Military	84,834	<u>84,834</u>
(AA) Motor vehicles	76,953	<u>76,953</u>
(BB) Natural resources	90,745	<u>90,745</u>
(CC) Natural resources board chairperson	76,953	<u>76,953</u>
(DD) Public Safety	84,834	<u>84,834</u>
(EE) Public service	84,834	<u>84,834</u>
(FF) Taxes	84,834	<u>84,834</u>
(GG) Tourism and marketing	76,953	<u>76,953</u>
(HH) Transportation	90,745	<u>90,745</u>
(II) Vermont health access	84,834	<u>84,834</u>
(JJ) ~~Veterans~~ Veterans' home	76,953	<u>84,834</u>

* * * Judicial Branch * * *

Sec. 5. 32 V.S.A. § 1003(c) is amended to read:

(c) The annual salaries of the officers of the judicial branch named below shall be as follows:

	~~Annual~~	<u>Annual</u>	<u>Annual</u>
	~~Salary~~	<u>Salary</u>	<u>Salary</u>
	~~as of~~	<u>as of</u>	<u>as of</u>
	~~July 8,~~	<u>July 1,</u>	<u>July 14,</u>
	~~2007~~	<u>2012</u>	<u>2013</u>
(1) Chief justice of supreme court	~~\$135,421~~	<u>\$139,280</u>	<u>\$144,434</u>
(2) Each associate justice	~~129,245~~	<u>132,928</u>	<u>137,847</u>
(3) Administrative judge	~~129,245~~	<u>132,928</u>	<u>137,847</u>
(4) Each superior judge	~~122,867~~	<u>126,369</u>	<u>131,045</u>
(5) ~~Each district judge~~	~~122,867~~	<u>[Repealed.]</u>	

(6) Each magistrate	~~92,641~~	<u>95,281</u>	<u>98,807</u>
(7) Each judicial bureau hearing officer	~~92,641~~	<u>92,641</u>	<u>92,641</u>

Sec. 6. 32 V.S.A. § 1141 is amended to read:

§ 1141. ASSISTANT JUDGES

(a)(1) The compensation of each assistant judge of the superior court shall be ~~\$142.04~~ \$146.09 a day as of ~~July 8, 2007~~, July 1, 2012 and \$151.49 a day as of July 14, 2013 for time spent in the performance of official duties and necessary expenses as allowed to classified state employees. Compensation under this section shall be based on a two-hour minimum and hourly thereafter.

* * *

Sec. 7. 32 V.S.A. § 1142 is amended to read:

§ 1142. PROBATE JUDGES

(a) The annual salaries of the probate judges in the several probate districts, which shall be paid by the state in lieu of all fees or other compensation, shall be as follows:

		<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 1,</u> <u>2012</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 14,</u> <u>2013</u>
(1) Addison	~~\$48,439~~	<u>\$49,820</u>	<u>\$51,663</u>
(2) Bennington	~~61,235~~	<u>62,980</u>	<u>65,310</u>
(3) Caledonia	~~42,956~~	<u>44,180</u>	<u>45,815</u>
(4) Chittenden	~~91,395~~	<u>105,104</u>	<u>108,993</u>
(5) Essex	~~12,000~~	<u>12,342</u>	<u>12,799</u>
(6) Franklin	~~48,439~~	<u>49,820</u>	<u>51,663</u>
(7) Grand Isle	~~12,000~~	<u>12,342</u>	<u>12,799</u>
(8) Lamoille	~~33,816~~	<u>34,780</u>	<u>36,067</u>
(9) Orange	~~40,214~~	<u>41,360</u>	<u>42,890</u>
(10) Orleans	~~39,300~~	<u>40,420</u>	<u>41,916</u>

(11) Rutland	86,825	<u>89,300</u>	<u>92,604</u>
(12) Washington	66,718	<u>68,619</u>	<u>71,158</u>
(13) Windham	53,923	<u>55,460</u>	<u>57,512</u>
(14) Windsor	73,116	<u>75,200</u>	<u>77,982</u>

* * *

~~(c) A probate judge whose salary is less than 50 percent of the salary of the most highly paid probate judge shall be eligible only for the least expensive medical benefit plan option available to state employees or may apply the state share of the premium for which the judge is eligible toward the purchase of another state or private health insurance plan. A probate judge whose salary is less than 50 percent of the salary of the most highly paid probate judge may participate in other state employee benefit plans.~~ All probate judges, regardless of the number of hours worked annually, shall be eligible to participate in all employee benefits that are available to exempt employees of the judicial department.

Sec. 8. COURT ADMINISTRATOR; WEIGHTED CASELOAD STUDY

The court administrator shall conduct a weighted caseload study of the probate division and report its findings to the senate and house committees on government operations by January 31, 2013.

* * * Sheriffs * * *

Sec. 9. 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The annual salaries of the sheriffs of all counties except Chittenden shall be ~~\$65,812.00~~ \$67,688.00 as of ~~July 8, 2007~~ July 1, 2012 and \$70,192.00 as of July 14, 2013. The annual salary of the sheriff of Chittenden County shall be ~~\$69,646.00~~ \$71,631.00 as of ~~July 8, 2007~~ July 1, 2012 and \$74,281.00 as of July 14, 2013.

(b) Compensation under subsection (a) of this section shall be reduced by 10 percent for any sheriff who has not completed the full-time training requirements under 20 V.S.A. § 2358.

* * * State's Attorneys * * *

Sec. 10. 32 V.S.A. § 1183 is amended to read:

§ 1183. STATE'S ATTORNEYS

(a) The annual salaries of state's attorneys shall be:

	<u>Annual</u> <u>Salary</u>	<u>Annual</u> <u>Salary</u>	<u>Annual</u> <u>Salary</u>
	<u>as of</u>	<u>as of</u>	<u>as of</u>
	<u>July 8,</u>	<u>July 1,</u>	<u>July 14,</u>
	<u>2007</u>	<u>2012</u>	<u>2013</u>
(1) Addison County	~~\$89,020~~	<u>\$91,557</u>	<u>\$94,945</u>
(2) Bennington County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(3) Caledonia County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(4) Chittenden County	~~93,069~~	<u>95,721</u>	<u>99,263</u>
(5) Essex County	~~66,766~~	<u>68,669</u>	<u>71,210</u>
(6) Franklin County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(7) Grand Isle County	~~66,766~~	<u>68,669</u>	<u>71,210</u>
(8) Lamoille County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(9) Orange County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(10) Orleans County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(11) Rutland County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(12) Washington County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(13) Windham County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(14) Windsor County	~~89,020~~	<u>91,557</u>	<u>94,945</u>

(b) In settlement of their accounts the commissioner of finance and management shall allow the state's attorneys the expense of printing briefs in cases in which the state's attorney has represented the state and their necessary and actual expenses under the rules and regulations pertaining to classified state employees.

* * * Appropriations * * *

Sec. 11. PAY ACT FUNDING

The compensation provided in this act shall be funded by appropriations made in H.781 of the 2011–2012 session of the general assembly in Sec. B.1200 for fiscal year 2013 and in Sec. BB.1200 for fiscal year 2014.

* * * Study * * *

Sec. 12. COMMISSIONER OF HUMAN RESOURCES; JUSTICE SYSTEM; PAY PARITY REVIEW

(a) The commissioner of human resources, in consultation with the defender general, state's attorneys, and the court administrator, shall review and compare the annual salaries and professional duties of employees within the justice system, including the judicial bureau hearing officers and magistrates; the attorney general and assistant attorneys general; the defender general and public defenders; and the state's attorneys and deputy state's attorneys. Pursuant to the review and comparison, the commissioner shall specifically determine whether the salaries of the defender general, public defenders, and deputy state's attorneys should be increased relative to other employees within the justice system in light of the following factors: the complexity of their professional duties; the volume of their work, including, among other duties, court caseload; the quality of professional judgment and temperament expected by the public; and the rising cost of legal education and resulting loan debt.

(b) By March 15, 2013, the commissioner shall report his or her findings to the senate and house committees on appropriations and on government operations.

Sec. 13. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Atkins of Winooski** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Atkins of Winooski

Rep. Devereux of Mount Holly

Rep. Martin of Wolcott

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 771

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to making technical corrections and other miscellaneous changes to education law

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Technical Corrections * * *

Sec. 1. 16 V.S.A. § 212 is amended to read:

§ 212. COMMISSIONER'S DUTIES GENERALLY

The commissioner shall execute those policies adopted by the state board in the legal exercise of its powers and shall:

* * *

(12) Distribute at his or her discretion upon request to approved independent schools appropriate forms and materials relating to the ~~Vermont state basic competency program~~ school quality standards for elementary and secondary pupils.

* * *

Sec. 2. 16 V.S.A. § 261a(a) is amended to read:

§ 261a. DUTIES OF SUPERVISORY UNION BOARD

(a) Duties. The board of each supervisory union shall:

* * *

(7) employ a person or persons qualified to provide financial and student data management services for the supervisory union and the member districts;

* * *

Sec. 3. 16 V.S.A. § 429 is amended to read:

§ 429. LOANS

~~The Notwithstanding subsection 4029(b) of this title, a school board may draw orders for loans without interest to the town town's general fund and the board of selectmen town selectboard may draw orders for loans without interest to the town school district fund, the loans to be secured by notes signed by the board of selectmen or the school directors as the case may be and stipulating the terms agreed upon between the board of school directors and the board of selectmen. The notes shall be payable on demand or mature within three months from date of issue~~ a note signed by both the selectboard and the school board that stipulates mutually agreeable terms and conditions. A note shall be payable not more than 90 days after its issuance and shall be payable on demand anytime within the 90-day term. The school board shall report all loans to the department pursuant to subsection 4029(f) of this title. For

purposes of this section, "town" and "selectboard" shall have the same meaning as they have in 1 V.S.A. § 139.

Sec. 4. 16 V.S.A. § 821 is amended to read:

§ 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY SCHOOLS OR PAY TUITION

(a) Elementary school. Each school district shall ~~provide, furnish, and~~ maintain one or more approved schools within the district in which elementary education for its resident pupils in kindergarten through grade six is provided unless:

(1) ~~The~~ the electorate authorizes the school board to provide for the elementary education of the pupils ~~residing in the district~~ by paying tuition in accordance with law to one or more public elementary schools in one or more school districts;

(2) ~~The~~ the school district is organized to provide only high school education for its pupils; or

(3) ~~Otherwise provided for by the general assembly~~ provides otherwise.

(b) ~~Kindergarten program. Each school district shall provide public kindergarten education within the district. However, a school district may pay tuition for the kindergarten education of its pupils:~~

~~(1) at one or more public schools under subdivision (a)(1) of this section; or~~

~~(2) if the electorate authorizes the school board to pay tuition to one or more approved independent schools or independent schools meeting school quality standards, but only if the school district did not operate a kindergarten on September 1, 1984, and has not done so afterward. [Repealed.]~~

(c) Notwithstanding subsection (a) of this section, without previous authorization by the electorate, a school board ~~without previous authorization by the electorate~~ in a district that operates an elementary school may pay tuition for elementary pupils who reside near a public elementary school in an adjacent district upon request of the pupil's parent or guardian, if in the board's judgment the pupil's education can be more conveniently furnished there due to geographic considerations. Within 30 days of the board's decision, a parent or guardian who is dissatisfied with the decision of the board under this subsection may request a determination by the commissioner, who shall have authority to direct the school board to pay all, some, or none of the pupil's tuition and whose decision shall be final.

(d) Notwithstanding ~~subsection (a)~~ subdivision (a)(1) of this section, the electorate of a school district that does not maintain an elementary school may grant general authority to the school board to pay tuition for an elementary pupil at an approved independent elementary school or an independent school meeting school quality standards pursuant to sections 823 and 828 of this chapter upon notice given by the pupil's parent or legal guardian before April 15 for the next academic year.

Sec. 5. REPEAL

16 V.S.A. §§ 1381–1385 (appointment of medical inspectors; appropriation to state board of education) are repealed.

* * * Joint Contract Schools; Technical Corrections * * *

Sec. 6. 16 V.S.A. § 3447 is amended to read:

§ 3447. SCHOOL BUILDING CONSTRUCTION-STATE BONDS; CITY AS SCHOOL DISTRICT

The state treasurer may issue bonds under 32 V.S.A. chapter 13 ~~of Title 32~~ in such amount as may from time to time be appropriated to assist incorporated school districts, joint contract ~~school districts~~ schools, town school districts, union school districts, regional technical center school districts, and independent schools meeting school quality standards which serve as the public high school for one or more towns or cities, or combination thereof, and which both receive their principal support from public funds and are conducted within the state under the authority and supervision of a board of trustees, not less than two-thirds of whose membership is appointed by the selectboard of a town or by the city council of a city or in part by such selectboard and the remaining part by such council under the conditions and for the purpose set forth in sections 3447-3456 of this title. A city shall be deemed to be an incorporated school district within the meaning of sections 3447-3456 of this title.

Sec. 7. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

* * *

(6) "School district" means a town, city, incorporated, interstate, or union school district or a joint contract school district established under subchapter 1 of chapter 11 of this title.

* * *

Sec. 8. 16 V.S.A. § 572(d) is amended to read:

(d) Unless the school districts ~~which~~ that are parties to the contract have agreed upon a different method of allocating board members that is consistent with law, the allocation of the board members shall be as ~~follows~~ provided in this subsection. The school district ~~having~~ with the largest number of pupils attending the joint, contract, or consolidated school shall have three members on the joint board. Each other school district shall have at least one member on the joint board, and its total membership shall be determined by dividing the number of pupils from the school district with the largest enrollment by three, rounding off the quotient to the nearest whole number, which shall be called the “factor” and by then dividing the pupil enrollment of each of the other school districts by the “factor,” rounding off this quotient to the nearest whole number, this number being the number of school directors on the joint board from each of the other school districts. Pupil enrollment for the purpose of determining the number of members on the joint board to which each school district is entitled shall be taken from the school registers on January 1 of the calendar year in which the school year starts. ~~Such~~ The joint board shall annually select from among ~~the its~~ members ~~thereof a chairman~~ a chair and a clerk and shall also select a treasurer from among the treasurers of the contracting districts.

* * * Prekindergarten Rules * * *

Sec. 9. 16 V.S.A. § 829(1) is amended to read:

(1) To ensure that, before a school district begins or expands a prekindergarten education program that intends to enroll students who are included in its average daily membership, the district engage the community in a collaborative process that includes an assessment of the need for the program in the community and an inventory of the existing service providers; provided, however, if a district needs to expand a prekindergarten education program in order to satisfy federal law relating to the ratio of special needs children to children without special needs and if the law cannot be satisfied by any one or more qualified service providers with which the district may already contract, then the district may expand an existing school-based program without engaging in a community needs assessment.

Sec. 10. PREKINDERGARTEN EDUCATION; RULES

The state board of education shall amend its rules before January 1, 2013 to reflect the requirements of Sec. 10 of this act.

* * * Harassment, Hazing, and Bullying * * *

Sec. 11. REPEAL

16 V.S.A. 565 (harassment and hazing prevention policies) is repealed.

Sec. 12. 16 V.S.A. chapter 9, subchapter 5 is added to read:

Subchapter 5. Harassment, Hazing, and Bullying

§ 570. HARASSMENT, HAZING, AND BULLYING PREVENTION POLICIES

(a) State policy. It is the policy of the state of Vermont that all Vermont educational institutions provide safe, orderly, civil, and positive learning environments. Harassment, hazing, and bullying have no place and will not be tolerated in Vermont schools. No Vermont student should feel threatened or be discriminated against while enrolled in a Vermont school.

(b) Prevention policies. Each school board shall develop, adopt, ensure the enforcement of and make available in the manner described under subdivision 563(1) of this title harassment, hazing, and bullying prevention policies that shall be at least as stringent as model policies developed by the commissioner. Any school board that fails to adopt one or more of these policies shall be presumed to have adopted the most current model policy or policies published by the commissioner.

(c) Notice. Annually, prior to the commencement of curricular and cocurricular activities, the school board shall provide notice of the policy and procedures developed under this subchapter to students, custodial parents or guardians of students, and staff members, including reference to the consequences of misbehavior contained in the plan required by section 1161a of this title. Notice to students shall be in age-appropriate language and should include examples of harassment, hazing, and bullying. At a minimum, this notice shall appear in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for the school. The school board shall use its discretion in developing and initiating age-appropriate programs to inform students about the substance of the policy and procedures in order to help prevent harassment, hazing, and bullying. School boards are encouraged to foster opportunities for conversations between and among students regarding tolerance and respect.

(d) Duties of the commissioner. The commissioner shall:

(1) develop and, from time to time, update model harassment, hazing, and bullying prevention policies; and

(2) establish an advisory council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The council shall report annually in January to the state

board and the house and senate committees on education. The council shall include:

(A) the executive director of the Vermont Principals' Association or designee;

(B) the executive director of the Vermont School Boards Association or designee;

(C) the executive director of the Vermont Superintendents Association or designee;

(D) the president of the Vermont-National Education Association or designee;

(E) the executive director of the Vermont Human Rights Commission or designee;

(F) the executive director of the Vermont Independent Schools Association or designee; and

(G) other members selected by the commissioner.

(e) Definitions. In this subchapter:

(1) "Educational institution" and "school" mean a public school or an approved or recognized independent school as defined in section 11 of this title.

(2) "Organization," "pledging," and "student" have the same meanings as in subdivisions 140a(2), (3), and (4) of this title.

(3) "Harassment," "hazing," and "bullying" have the same meanings as in subdivisions 11(a)(26), (30), and (32) of this title.

(4) "School board" means the board of directors or other governing body of an educational institution when referring to an independent school.

§ 570a. HARASSMENT

(a) Policies and plan. The harassment prevention policy required by section 570 of this title and its plan for implementation shall include:

(1) A statement that harassment, as defined in subdivision 11(a)(26) of this title, is prohibited and may constitute a violation of the public accommodations act as more fully described in section 14 of this title.

(2) Consequences and appropriate remedial action for staff or students who commit harassment. At all stages of the investigation and determination process, school officials are encouraged to make available to complainants

alternative dispute resolution methods, such as mediation, for resolving complaints.

(3) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints.

(4) A description of the circumstances under which harassment may be reported to a law enforcement agency.

(5) A procedure for investigating reports of violations and complaints. The procedure shall provide that, unless special circumstances are present and documented by the school officials, an investigation is initiated no later than one school day from the filing of a complaint and the investigation and determination by school officials are concluded no later than five school days from the filing of the complaint with a person designated to receive complaints under subdivision (7) of this section. All internal reviews of the school's initial determination, including the issuance of a final decision, shall, unless special circumstances are present and documented by the school officials, be completed within 30 days after the review is requested.

(6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to harassment.

(7) Annual designation of two or more people at each school campus to receive complaints and a procedure for publicizing those people's availability.

(8) A procedure for publicizing the availability of the Vermont human rights commission and the federal Department of Education's Office of Civil Rights and other appropriate state and federal agencies to receive complaints of harassment.

(9) A statement that acts of retaliation for the reporting of harassment or for cooperating in an investigation of harassment are unlawful pursuant to 9 V.S.A. § 4503.

(b) Independent review.

(1) A student who desires independent review under this subsection because the student is either dissatisfied with the final determination of the school officials as to whether harassment occurred or believes that, although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem shall make such request in writing to the headmaster or superintendent of schools. Upon such request, the headmaster or superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the commissioner of education and the

human rights commission and maintained by the commissioner. Individuals shall be placed on the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience.

(2) The independent review shall proceed expeditiously and shall consist of an interview of the student and the relevant school officials and review of written materials involving the complaint maintained by the school or others.

(3) Upon the conclusion of the review, the reviewer shall advise the student and the school officials as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and any future steps the school should take. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

(4) The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records.

(5) The costs of the independent review shall be borne by the public school district or independent school.

(6) Nothing in this subsection shall prohibit the school board from requesting an independent review at any stage of the process.

(7) Evidence of conduct or statements made in connection with an independent review shall not be admissible in any court proceeding. This subdivision shall not require exclusion of any evidence otherwise obtainable from independent sources merely because it is presented in the course of an independent review.

(8) The commissioner may adopt rules implementing this subsection.

§ 570b. HAZING

The hazing prevention policy required by section 570 of this title and its plan for implementation shall include:

(1) A statement that hazing, as defined in subdivision 11(a)(30) of this title, is prohibited and may be subject to civil penalties pursuant to subchapter 9 of chapter 1 of this title.

(2) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints.

(3) A procedure for investigating reports of violations and complaints.

(4) A description of the circumstances under which hazing may be reported to a law enforcement agency.

(5) Appropriate penalties or sanctions or both for organizations that or individuals who engage in hazing and revocation or suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing.

(6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to hazing.

(7) Annual designation of two or more people at each school campus to receive complaints and a procedure for publicizing those people's availability.

§ 570c. BULLYING

The bullying prevention policy required by section 570 of this title and its plan for implementation shall include:

(1) A statement that bullying, as defined in subdivision 11(a)(32) of this title, is prohibited.

(2) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints.

(3) A procedure for investigating reports of violations and complaints.

(4) A description of the circumstances under which bullying may be reported to a law enforcement agency.

(5) Consequences and appropriate remedial action for students who commit bullying.

(6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to bullying.

(7) Annual designation of two or more people at each school campus to receive complaints and a procedure both for publicizing the availability of those people and clarifying that their designation does not preclude a student from bringing a complaint to any adult in the building.

Sec. 13. IMPLEMENTATION

School boards shall adopt and implement bullying prevention policies as required by Sec. 12 of this act no later than January 1, 2013.

* * * Special Education Advisory Council * * *

Sec. 14. 16 V.S.A. § 2945(a) is amended to read:

(a) There is created an advisory council on special education that shall consist of ~~17~~ 19 members. All members of the council shall serve for a term of three years or until their successors are appointed. Terms shall begin on April 1 of the year of appointment. A majority of the members shall be either individuals with disabilities or parents of children with disabilities.

(1) ~~Fifteen~~ Seventeen of the members shall be appointed by the governor with the advice of the commissioner of education. Among the gubernatorial appointees shall be:

* * *

(J) a representative from the state child welfare department responsible for foster care; ~~and~~

(K) special education administrators; and

(L) two at-large members.

(2) In addition, two members of the general assembly shall be appointed, one from the house of representatives and one from the senate. The speaker shall appoint the house member and the committee on committees shall appoint the senate member.

Sec. 15. IMPLEMENTATION

The governor shall appoint the two at-large members required by Sec. 14, 16 V.S.A. § 2945(a)(1)(L), of this act on or before July 1, 2012, provided that the initial term of one member shall end on March 31, 2014 and the initial term of the other member shall end on March 31, 2015.

* * * Prekindergarten-16 Council; Afterschool Programs * * *

Sec. 16. 16 V.S.A. § 2905(b) is amended to read:

(b) The council shall be composed of:

* * *

(15) a member of the senate, who shall be selected by the committee on committees and shall serve until the beginning of the biennium immediately after the one in which the member is appointed; ~~and~~

(16) a member of the faculty of the Vermont State Colleges, the University of Vermont, or a Vermont independent college selected by United Professions AFT Vermont, Inc.; and

(17) a representative of after-school, summer, and expanded learning programs selected by the Vermont Center for Afterschool Excellence.

* * * Regional Technical Center School Districts;
Unorganized Towns, Grants, and Gores * * *

Sec. 17. 16 V.S.A. § 1572(b)(1) is amended to read:

(1) The makeup of the governing board. At least 60 percent of the board members shall be elected by direct vote of the voters, or chosen from member school district boards by the member school district boards, or a combination of the two. If the board is to have additional members, who may constitute up to 40 percent of the board, the additional members shall be appointed by the elected and chosen members from member school district boards for the purpose of acquiring expertise in areas they consider desirable. The appointed members may be selected from nominations submitted by the regional workforce investment board or other workforce organizations, or may be chosen without nomination by an organization. Notwithstanding any provision of law to the contrary, a resident of an unorganized town, grant, or gore that sits within the regional technical center school district who is otherwise eligible to vote under 17 V.S.A. § 2121 may vote for the board members and may be elected to or appointed as a member of the governing board;

* * * Audits * * *

Sec. 18. 16 V.S.A. § 261a(a) is amended to read:

§ 261a. DUTIES OF SUPERVISORY UNION BOARD

(a) Duties. The board of each supervisory union shall:

* * *

(10) ~~submit to the town auditors board of each member school district or to the person authorized to perform the duties of an auditor for the school district,~~ on or before January 15 of each year, a summary report of financial operations of the supervisory union for the preceding school year, an estimate of its financial operations for the current school year, and a preliminary budget for the supervisory union for the ensuing school year. This requirement shall not apply to a supervisory district. For each school year, the report shall show the actual or estimated amount expended by the supervisory union for special education-related services, including:

(A) A ~~a~~ breakdown of that figure showing the amount paid by each school district within the supervisory union; and

(B) A ~~a~~ summary of the services provided by the supervisory union's use of the expended funds;

* * *

Sec. 19. 16 V.S.A. § 323 is amended to read:

§ 323. AUDIT BY PUBLIC ACCOUNTANT

Annually, the supervisory union board shall employ a one or more public accountant accountants to audit the financial ~~statement~~ statements of the supervisory union and its member districts. The ~~audit~~ audits shall be conducted in accordance with generally accepted government auditing standards, including the issuance of a report of internal controls over financial reporting ~~that shall to~~ to be provided to recipients of the financial statements. Any annual report of the supervisory union to member districts shall include notice that ~~an audit has~~ the audits have been performed and the time and place where the full report of the public accountant will be available for inspection and for copying at cost.

Sec. 20. 16 V.S.A. § 425 is amended to read:

§ 425. OTHER TOWN SCHOOL DISTRICT OFFICERS

Unless otherwise voted, the town clerk ~~and town auditors~~ shall by virtue of ~~their offices~~ the office perform the same duties for the town school district in addition to other duties assigned by this title.

Sec. 21. 16 V.S.A. § 491 is amended to read:

§ 491. ELECTION; NOTICE TO CLERK

At each annual meeting, an incorporated school district shall elect from among the legal voters of such district a moderator, collector, and treasurer; ~~one or three auditors~~ and may elect a clerk. All school officers shall enter upon their duties on July 1, following their election or appointment, ~~and~~. If a clerk is elected or appointed, then the clerk shall, within ten days after his election or appointment, give notice thereof to notify the town clerk within ten days of the election or appointment.

Sec. 22. 16 V.S.A. § 492(a) is amended to read:

(a) The powers, duties, and liabilities of the collector, treasurer, ~~auditors~~, prudential committee, and clerk shall be like those of a town collector, treasurer, ~~auditors~~, and board of school directors, and the school board clerk of same, respectively.

Sec. 23. 16 V.S.A. § 563(10) is amended to read:

(10) Shall prepare and distribute to the electorate, not less than ten days prior to the district's annual meeting, a report of the conditions and needs of the district school system, including the superintendent's, supervisory union treasurer's, and school district treasurer's annual report for the previous school

year; and the balance of any reserve funds established pursuant to 24 V.S.A. § 2804, ~~a summary of the town auditor's report as to fiscal years which are audited by town auditors as required by 24 V.S.A. § 1681, a summary of the public accountant's report as to fiscal years which are audited by a public accountant, and a notice of the time and place where the full report of the town auditor or the public accountant will be available for inspection and copying at cost. Each town auditor's and public accountant's report shall comply with 24 V.S.A. § 1683(a).~~ At a school district's annual meeting, the electorate may vote to provide notice of availability of the report required by this subdivision to the electorate in lieu of distributing the report. If the electorate of the school district votes to provide notice of availability, it must specify how notice of availability shall be given, and such notice of availability shall be provided to the electorate at least 30 days before the district's annual or special meeting.

Sec. 24. REPEAL

16 V.S.A. § 563(17) (responsibility of school boards for audits of school district finances) is repealed.

Sec. 25. 16 V.S.A. § 706m is amended to read:

§ 706m. TERMS OF OFFICE; ~~ELIMINATION OF OFFICE OF AUDITOR~~

(a) The terms of office of directors ~~and auditors~~ shall be three years after the first term and of all other officers shall be one year. ~~At the first annual meeting, one auditor shall be elected for a term of one year, one auditor for a term of two years, and one for a term of three years, or until their successors are chosen and qualified.~~

(b) ~~At any annual or special meeting warned for the purpose, the electorate may vote to eliminate the office of auditor and to employ instead a public accountant annually to audit the financial statements of the union school district.~~

Sec. 26. 16 V.S.A. § 706q(a) is amended to read:

(a) The powers, duties, and liabilities of the treasurer, ~~auditor~~, board of directors, and clerk shall be like those of a treasurer, ~~auditor~~, board of school directors, and clerk of a town school district.

Sec. 27. 16 V.S.A. § 706q(c) is amended to read:

(c) The board of directors shall prepare an annual report concerning the affairs of the union district and have it printed and distributed to the legal voters of the union at least ten days prior to the annual union district meeting. The report shall be filed with the clerk of the union district, and the town clerk of each member district. It shall include:

- (1) A statement of the board concerning the affairs of the union district;
- (2) The budget proposed for the next year;
- (3) A statement of the superintendent of schools for the union district concerning the affairs of the union;
- (4) A treasurer's report;
- (5) ~~A summary of an auditor's report prepared pursuant to subchapter 5 of chapter 51 of Title 24. The summary shall include a list of the fiscal years which are audited by the auditors and a notice of the time when and the place where the full report of the auditor will be available for inspection and copying at cost. The union district clerk shall distribute copies of the annual report as provided by 24 V.S.A. § 1173. [Repealed.]~~

Sec. 28. 17 V.S.A. § 2651b(a) is amended to read:

(a) A town may vote by ballot at an annual meeting to eliminate the office of town auditor. If a town votes to eliminate the office of town auditor, the selectboard shall contract with a public accountant, licensed in this state, to perform an annual financial audit of all funds of the town except the funds audited pursuant to 16 V.S.A. § 323. Unless otherwise provided by law, the selectboard shall provide for all other auditor duties to be performed. A vote to eliminate the office of town auditor shall remain in effect until rescinded by majority vote of the legal voters present and voting, by ballot, at an annual meeting duly warned for that purpose.

Sec. 29. 24 V.S.A. § 1681 is amended to read:

§ 1681. AUDITORS; DUTIES; MEETING

Town auditors shall meet at least ~~twenty-five~~ 25 days before each annual town meeting, to examine and adjust the accounts of all town ~~and town school district~~ officers and all other persons authorized by law to draw orders on the town treasurer. Such auditing shall include the account ~~which~~ that the treasurer is required to keep with the collector, the tax accounts of the collector, trust accounts where the town or any town officer, as such officer, is trustee or where the town is sole beneficiary, accounts relating to the town ~~and town school district~~ indebtedness, and accounts of any special funds in the care of any town ~~or town school district~~ official. Notice of such meeting shall be given by posting or publication ten days in advance of such meeting. ~~However, if the town has not elected to eliminate the office of auditor, and town auditors and the school board concur, the town auditors need not conduct an audit of school district accounts as to school district fiscal years which are audited by a public accountant.~~

Sec. 30. 24 V.S.A. § 1683 is amended to read:

§ 1683. CONTENTS OF REPORT

(a) The report shall show a detailed statement of the financial condition of such town ~~and school district~~ for ~~their~~ its fiscal year, a classified summary of receipts and expenditures, a list of all outstanding orders and payables more than 30 days past due, and show deficit, if any, pursuant to section 1523 of this title and such other information as the municipality shall direct. Individuals who are exempt from penalty, fees and interest by virtue of 32 V.S.A. § 4609 shall not be listed or identified in any such report, provided that they notify or cause to be notified in writing the municipal or district treasurer that they should not be so listed or identified.

(b) The fiscal year of all school districts, charter provisions notwithstanding, shall end on June 30.

(c) The fiscal year of other municipalities shall end on December 31, unless the municipality votes at an annual or special meeting duly warned for that purpose to have a different fiscal year, in which case the fiscal year so voted shall remain in effect until amended.

(d) ~~The annual report of the town auditors or the selectboard, if the town has voted to eliminate the office of auditor, shall include the report and budget of the supervisory union as required by 16 V.S.A. § 261a(10). [Repealed.]~~

Sec. 31. 24 V.S.A. § 1686 is amended to read:

§ 1686. PENALTY

(a) At any time in their discretion, town auditors may, and if requested by the selectboard, shall, examine and adjust the accounts of any town officer authorized by law to receive money belonging to the town.

(b) If the town has voted to eliminate the office of auditor, the public accountant employed by the selectboard shall perform the duties of the town auditors under subsection (a) of this section upon request of the selectboard.

(c) Any town officer who wilfully refuses or neglects to submit his or her books, accounts, vouchers, or tax bills to the auditors or the public accountant upon request, or to furnish all necessary information in relation thereto, shall be ineligible to reelection for the year ensuing and be subject to the penalties otherwise prescribed by law.

(d) As used in this section, the term "town officer" shall not include an officer subject to the provisions of 16 V.S.A. § 323.

* * * Definitions * * *

Sec. 32. 16 V.S.A. § 11(a)(7), (10), and (18) are amended to read:

(7) “Public school” means an elementary school or secondary school ~~for which the governing board is publicly elected~~ operated by a school district. A public school may maintain evening or summer schools for its pupils and it shall be considered a public school.

(10) “School district” means town school districts, union school districts, interstate school districts, city school districts, unified union districts, and incorporated school districts, each of which is governed by a publicly elected board.

(18) ~~“Approved public school” means a public school which is approved under section 165 of this title. [Repealed.]~~

* * * Public High School Choice * * *

Sec. 33. 16 V.S.A. § 822 is amended to read:

§ 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS ~~OR PAY TUITION; TUITION~~

(a) Each school district shall ~~provide, furnish, and~~ maintain one or more approved ~~high~~ schools in which it provides high school education ~~is provided~~ for its resident pupils unless:

(1) ~~The~~ the electorate authorizes the school board to ~~close an existing high school and to~~ provide for the high school education of its resident pupils solely by paying tuition ~~in accordance with law~~. Tuition for its pupils shall be ~~paid pursuant to this chapter~~ to a public high school, an approved independent high school, or an independent school meeting school quality standards, to be selected by the parents or guardians of the pupil, within or ~~without~~ outside the state; or

(2) ~~The~~ the school district is organized to provide only elementary education for its pupils.

(b) ~~For purposes of this section, a school district which provides, furnishes and maintains a program of education for the first eight years of compulsory school attendance shall be obligated to pay tuition for its pupils for at least four additional years. [Repealed.]~~

(c) ~~The school board may both maintain a high school and furnish high school education by paying tuition to a public school as in the judgment of the board may best serve the interests of the pupils, or~~ A district that maintains a high school may pay tuition pursuant to this chapter to an approved independent school or an independent school meeting school quality standards

on behalf of one or more pupils if the school board judges that a pupil has unique educational needs that cannot be served within the district or at a nearby another public school. Its judgment shall be final in regard to the institution the pupils may attend at public cost.

Sec. 34. 16 V.S.A. § 822a is added to read:

§ 822a. PUBLIC HIGH SCHOOL CHOICE

(a) Definitions. In this section:

(1) "High school" means a public school or that portion of a public school that offers grades 7 through 12 or some subset of those grades.

(2) "Student" means a student's parent or guardian if the student is a minor or under guardianship and means a student himself or herself if the student is not a minor.

(b) Limits on transferring students. A sending high school board may limit the number of resident students who transfer to another high school under this section in each year; provided that in no case shall it limit the potential number of new transferring students to fewer than five percent of the resident students enrolled in the sending high school as of October 1 of the academic year in which the calculation is made or 10 students, whichever is fewer; and further provided that in no case shall the total number of transferring students in any year exceed 10 percent of all resident high school students or 40 students, whichever is fewer.

(c) Capacity. On or before February 1 each year, the board of a high school district shall define and announce its capacity to accept students under this section. The commissioner shall develop, review, and update guidelines to assist high school district boards to define capacity limits. Guidelines may include limits based on the capacity of the program, class, grade, school building, measurable adverse financial impact, or other factors, but shall not be based on the need to provide special education services.

(d) Lottery.

(1) Subject to the provisions of subsection (f) of this section, if more than the allowable number of students wish to transfer to a school under this section, then the board of the receiving high school district shall devise a nondiscriminatory lottery system for determining which students may transfer.

(2) Subject to the provisions of subsection (f) of this section, if more than the allowable number of students wish to transfer from a school under this section, then the board of the sending high school district shall devise a

nondiscriminatory lottery system for determining which students may transfer; provided, however:

(A) a board shall give preference to the transfer request of a student whose request to transfer from the school was denied in a prior year; and

(B) a board that has established limits under subsection (b) of this section may choose to waive those limits in any year.

(e) Application and notification.

(1) A high school district shall accept applications for enrollment until March 1 of the school year preceding the school year for which the student is applying.

(2) A high school district shall notify each student of acceptance or rejection of the application by April 1 of the school year preceding the school year for which the student is applying.

(3) An accepted student shall notify both the sending and the receiving high schools of his or her decision to enroll or not to enroll in the receiving high school by April 15 of the school year preceding the school year for which the student has applied.

(4) After sending notification of enrollment, a student may enroll in a school other than the receiving high school only if the student, the receiving high school, and the high school in which the student wishes to enroll agree. If the student becomes a resident of a different school district, the student may enroll in the high school maintained by the new district of residence.

(5) If a student who is enrolled in a high school other than in the school district of residence notifies the school district of residence by July 15 of the intent to return to that school for the following school year, the student shall be permitted to return to the high school in the school district of residence without requiring agreement of the receiving district or the sending district.

(f) Continued enrollment. An enrolled nonresident student shall be permitted to remain enrolled in the receiving high school without renewed applications in subsequent years unless:

(1) the student graduates;

(2) the student is no longer a Vermont resident; or

(3) the student is expelled from school in accordance with adopted school policy.

(g) Tuition and other costs.

(1) Unless the sending and receiving schools agree to a different arrangement, no tuition or other cost shall be charged by the receiving district or paid by the sending district for a student transferring to a different high school under this section; provided, however, a sending high school district shall pay special education and technical education costs for resident students pursuant to the provisions of this title.

(2) A student transferring to a different high school under this section shall pay no tuition, fee, or other cost that is not also paid by students residing in the receiving district.

(3) A district of residence shall include within its average daily membership any student who transfers to another high school under this section; a receiving school district shall not include any student who transfers to it under this section.

(h) Special education. If a student who is eligible for and receiving special education services chooses to enroll in a high school other than in the high school district of residence, then the receiving high school shall carry out the individualized education plan, including placement, developed by the sending high school district. If the receiving high school believes that a student not on an individualized education plan may be eligible for special education services or that an existing individualized education plan should be altered, it shall notify the sending high school district. When a sending high school district considers eligibility, development of an individualized education plan, or changes to a plan, it shall give notice of meetings to the receiving high school district and provide an opportunity for representatives of that district to attend the meetings and participate in making decisions.

(i) Suspension and expulsion. A sending high school district is not required to provide services to a resident student during a period of suspension or expulsion imposed by another high school district.

(j) Transportation. Jointly, the superintendent of each supervisory union shall establish and update a statewide clearinghouse providing information to students about transportation options among the high school districts.

(k) Nonapplicability of other laws. The provisions of subsections 824(b) and (c) (amount of tuition), 825(b) and (c) (maximum tuition rate), and 826(a) (notice of tuition change) and section 836 (tuition overcharge and undercharge) of this chapter shall not apply to enrollment in a high school pursuant to this section.

(l) Waiver. If a high school board determines that participation under this section would adversely affect students in its high school, then it may petition

the commissioner for an exemption. The commissioner's decision shall be final.

(m) Report. Annually, on or before January 15, the commissioner shall report to the senate and house committees on education on the implementation of public high school choice as provided in this section, including a quantitative and qualitative evaluation of the program's impact on the quality of educational services available to students and the expansion of educational opportunities.

Sec. 35. 16 V.S.A. § 4001(1) is amended to read:

(1) "Average daily membership" of a school district, or if needed in order to calculate the appropriate homestead tax rate, of the municipality as defined in 32 V.S.A. § 5401(9), in any year means:

(A) The full-time equivalent enrollment of pupils, as defined by the state board by rule, who are legal residents of the district or municipality attending a school owned and operated by the district, attending a public school outside the district under ~~an interdistrict agreement~~ section 822a of this title, or for whom the district pays tuition to one or more approved independent schools or public schools outside the district during the annual census period. The census period consists of the 11th day through the 30th day of the school year in which school is actually in session.

* * *

Sec. 36. REPEAL

16 V.S.A. §§ 1621 and 1622 (public high school choice regions) are repealed.

Sec. 37. REPORT

On or before January 15, 2013, the department of education shall evaluate the funding system set forth in Sec. 34 of this act at 16 V.S.A. § 822a(g) and present to the senate and house committees on education its recommendations for changes, if any.

* * * Effective Dates * * *

Sec. 38. EFFECTIVE DATES

Secs. 18–31 (audits) shall take effect on July 1, 2013. This section and all other sections of this act shall take effect on passage; provided, however, that Secs. 33–37 (school choice) of this act shall apply to enrollment in academic year 2013–2014 and after.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Peltz of Woodbury** moved that the House refuse to concur

and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Donovan of Burlington

Rep. Crawford of Burke

Rep. Peltz of Woodbury

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

S. 93

Senate bill, entitled

An act relating to labeling maple products

H. 771

House bill, entitled

An act relating to making technical corrections and other miscellaneous changes to education law

H. 780

House bill, entitled

An act relating to compensation for certain state employees

Adjournment

At five o'clock and thirty minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Tuesday, May 1, 2012

Rep. Leriche of Hardwick in Chair.

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Pledge of Allegiance

Page Lalya Paine of Bristol led the House in the Pledge of Allegiance.

Message from the Senate No. 63

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 747. An act relating to cigarette manufacturers.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 761. An act relating to executive branch fees, including motor vehicle and fish and wildlife fees.

And has concurred therein.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 61. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Joint Resolution Placed on Calendar**J.R.S. 58**

By Senator Pollina,

J.R.S. 58. Joint resolution relating to respectful language in the Vermont Statutes Annotated.

Whereas, the State of Vermont is committed to eliminating all forms of abuse and harassment and to protecting the civil rights of all Vermonters, and

Whereas, this commitment includes achieving long-term systemic change to end discrimination against people with disabilities, and

Whereas, deliberate use of disrespectful language directed at people with disabilities is a form of harassment and abuse, and

Whereas, even if a word or phrase was not originally used with discriminatory intent, evolving societal perceptions may now cause the word or phrase to be viewed as showing disrespect to persons with disabilities, and

Whereas, the general assembly enacted Act No. 24 of 2011 directing that a working group under the supervision of the agency of human services identify instances in the Vermont Statutes Annotated of language that is now viewed as disrespectful to persons with disabilities, and

Whereas, the working group prepared a comprehensive inventory of instances where disrespectful language appears in the Vermont Statutes Annotated and recommended alternative words and phrases as replacements, and

Whereas, the general assembly desires that respectful language be used when referring to persons with disabilities, both in legislative deliberations and in the Vermont Statutes Annotated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly requests that the legislative council prepare a bill that will propose to amend the Vermont Statutes Annotated by replacing words and phrases as recommended by the study group created pursuant to Act No. 24 of 2011.

Which was read and, in the Speaker's discretion, placed on the Calendar for action on the next legislative day under Rule 52.

House Resolution Adopted

H.R. 21

House resolution, entitled

House resolution urging the U.S. Department of Health and Human Services to reconsider its lifetime deferral on blood donation from men who have sex with other men;

Pending the question, Shall the House adopt the resolution in its part? **Rep. Trieber of Rockingham** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the resolution in its part? was decided in the affirmative. Yeas, 129. Nays, 2.

Those who voted in the affirmative are:

Acinapura of Brandon
Ancel of Calais
Andrews of Rutland City
Aswad of Burlington

Atkins of Winooski
Bartholomew of Hartland
Batchelor of Derby
Bissonnette of Winooski

Bohi of Hartford
Botzow of Pownal
Bouchard of Colchester
Branagan of Georgia

Browning of Arlington	Helm of Fair Haven	Munger of South Burlington
Burditt of West Rutland	Higley of Lowell	Myers of Essex
Burke of Brattleboro	Hooper of Montpelier	Nuovo of Middlebury
Buxton of Tunbridge	Howard of Cambridge	Olsen of Jamaica
Campion of Bennington	Howrigan of Fairfield	O'Sullivan of Burlington
Canfield of Fair Haven	Hubert of Milton	Partridge of Windham
Cheney of Norwich	Jerman of Essex	Pearce of Richford
Christie of Hartford	Jewett of Ripton	Peltz of Woodbury
Clark of Vergennes	Johnson of South Hero	Perley of Enosburgh
Clarkson of Woodstock	Johnson of Canaan	Poirier of Barre City
Conquest of Newbury	Kilmartin of Newport City	Potter of Clarendon
Consejo of Sheldon	Klein of East Montpelier	Pugh of South Burlington
Copeland-Hanzas of Bradford	Koch of Barre Town	Ram of Burlington
Courcelle of Rutland City	Komline of Dorset	Reis of St. Johnsbury
Crawford of Burke	Krebs of South Hero	Russell of Rutland City
Dakin of Chester	Krowinski of Burlington	Savage of Swanton
Davis of Washington	Kupersmith of South Burlington	Scheuermann of Stowe
Deen of Westminster	Lanpher of Vergennes	Shand of Weathersfield
Devereux of Mount Holly	Larocque of Barnet	Sharpe of Bristol
Dickinson of St. Albans Town	Lawrence of Lyndon	Shaw of Pittsford
Donahue of Northfield	Lenes of Shelburne	Smith of New Haven
Donovan of Burlington	Lewis of Berlin	South of St. Johnsbury
Eckhardt of Chittenden	Lippert of Hinesburg	Stevens of Waterbury
Edwards of Brattleboro	Lorber of Burlington *	Stevens of Shoreham
Ellis of Waterbury	Macaig of Williston	Strong of Albany
Emmons of Springfield	Malcolm of Pawlet	Stuart of Brattleboro
Evans of Essex	Manwaring of Wilmington	Sweaney of Windsor
Fagan of Rutland City	Marcotte of Coventry	Taylor of Barre City
Fisher of Lincoln	Marek of Newfane	Till of Jericho
Frank of Underhill	Martin of Springfield	Toll of Danville
French of Shrewsbury	Martin of Wolcott	Trieber of Rockingham
French of Randolph	Masland of Thetford	Turner of Milton
Gilbert of Fairfax	McAllister of Highgate	Waite-Simpson of Essex
Grad of Moretown	McCullough of Williston	Wilson of Manchester
Haas of Rochester	McFaun of Barre Town	Wizowaty of Burlington
Head of South Burlington	Miller of Shaftsbury	Woodward of Johnson
Heath of Westford	Mook of Bennington	Wright of Burlington
Hebert of Vernon	Moran of Wardsboro	Yantachka of Charlotte
	Mrowicki of Putney	Young of Glover
		Zagar of Barnard

Those who voted in the negative are:

Donaghy of Poultney Winters of Williamstown

Those members absent with leave of the House and not voting are:

Brennan of Colchester	Degree of St. Albans City	Kitzmiller of Montpelier
Condon of Colchester	Greshin of Warren	Lewis of Derby
Corcoran of Bennington	Keenan of St. Albans City	McNeil of Rutland Town

Morrissey of Bennington
O'Brien of Richmond
Pearson of Burlington

Peaslee of Guildhall
Ralston of Middlebury
Smith of Morristown

Spengler of Colchester
Townsend of Randolph
Webb of Shelburne

Rep. Lorber of Burlington explained his vote as follows:

“Mr. Speaker:

We are a stronger society when science prevails over bias.”

Senate Proposal of Amendment Concurred in

H. 475

The Senate proposed to the House to amend House bill, entitled

An act relating to net metering and definitions of capacity

First: In Sec. 2 (implementation; solar registration), by striking out “30 days” and inserting in lieu thereof 21 days

Second: In Sec. 3, 30 V.S.A. § 219a(e) (net metering systems; electric energy measurement), after subdivision (3), by striking out subdivision (4) and inserting in lieu thereof a new subdivision (4) to read:

(4) For a net metering systems using time-of-day system serving a customer on a demand or other types of metering time-of-use rate schedule, the board shall specify the manner of measurement and the application of bill credits for the electric energy produced or consumed in a manner shall be substantially similar to that specified in this subsection for use with a single nondemand meter. However, if such a net metering system is interconnected directly to the electric company through a separate meter whose primary purpose is to measure the energy generated by the system:

(A) The bill credits shall apply to all kWh generated by the net metering system and shall be calculated as if the customer were charged the kWh rate component of the interconnecting company’s general residential rate schedule that consists of two rate components: a service charge and a kWh rate, excluding time-of-use rates and demand rates.

(B) If a company’s general residential rate schedule includes inclining block rates, the residential rate used for this calculation shall be the highest of those block rates.

Third: By striking out Sec. 4 (30 V.S.A. § 219a(f)(2) and (3)) and inserting in lieu thereof a new Sec. 4 to read:

Sec. 4. 30 V.S.A. § 219a(f) is amended to read:

(f) Consistent with the other provisions of this title, electric energy measurement for group net metering systems shall be calculated in the following manner:

* * *

(2) Electric energy measurement for group net metering systems shall be calculated by subtracting total usage of all meters included in the group net metering system from total generation by the group net metering system. If the electricity generated by the group net metering system is less than the total usage of all meters included in the group net metering system during the billing period, the group net metering system shall be credited for any accumulated ~~kilowatt-hour~~ credit and then billed for the net electricity supplied by the electric company, in accordance with the procedures in subsection (g)(group net metering) of this section.

* * *

(4) The board shall apply the provisions of subdivision (e)(4) of this section (measurement and credits; nonstandard meters) to group net metering systems that serve one or more customers who are on a demand or time-of-use rate schedule.

Fourth: By striking out Sec. 7 (net metering; study; report) and inserting in lieu thereof a new Sec. 7 to read:

Sec. 7. NET METERING; STUDY; REPORT

No later than January 15, 2013, the department of public service (the department) shall perform a general evaluation of Vermont's net metering statute, rules, and procedures and shall submit the evaluation and any accompanying recommendations to the general assembly. Among any other issues related to net metering that the department may deem relevant, the report shall include an analysis of whether and to what extent customers using net metering systems under 30 V.S.A. § 219a are subsidized by other retail electric customers who do not employ net metering. The analysis also shall include an examination of any benefits or costs of net metering systems to Vermont's electric distribution and transmission systems and the extent to which customers owning net metering systems do or do not contribute to the fixed costs of Vermont's retail electric utilities. Prior to completing the evaluation and submitting the report, the department shall offer an opportunity for interested persons such as the retail electric utilities and renewable energy developers and advocates to submit information and comment.

Fifth: In Sec. 9 (effective dates; retroactive application), by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Notwithstanding 1 V.S.A. §§ 213 and 214, Sec. 8 of this act (amending the definition of plant capacity) shall apply to solar energy plants that:

(1) have executed a standard offer contract under 30 V.S.A. chapter 89; and

(2) are commissioned, within the meaning of 30 V.S.A. § 8002(11), on or after January 1, 2012.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 745

The Senate proposed to the House to amend House bill, entitled

An act relating to the Vermont prescription monitoring system

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

It is the purpose of this act to maximize the effectiveness and appropriate utilization of the Vermont prescription monitoring system, which serves as an important tool in promoting public health by providing opportunities for treatment for and prevention of abuse of controlled substances without interfering with the legal medical use of those substances.

Sec. 1a. 18 V.S.A. § 4201~~(26)~~ is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

(26) "Prescription" means an order for a regulated drug made by a physician, advanced practice registered nurse, dentist, or veterinarian licensed under this chapter to prescribe such a drug which shall be in writing except as otherwise specified ~~herein~~ in this subdivision. Prescriptions for such drugs shall be made to the order of an individual patient, dated as of the day of issue and signed by the prescriber. The prescription shall bear the full name ~~and~~, address, and date of birth of the patient, or if the patient is an animal, the name and address of the owner of the animal and the species of the animal. Such

prescription shall also bear the full name, address, and registry number of the prescriber and shall be written with ink, indelible pencil, or typewriter; if typewritten, it shall be signed by the ~~physician~~ prescriber. A written or typewritten prescription for a controlled substance, as defined in 21 C.F.R. Part 1308, shall contain the quantity of the drug written both in numeric and word form.

* * *

Sec. 2. 18 V.S.A. § 4215b is added to read:

§ 4215b. IDENTIFICATION

Prior to dispensing a prescription for a Schedule II, III, or IV controlled substance, a pharmacist shall require the individual receiving the drug to provide a signature and show valid and current government-issued photographic identification as evidence that the individual is the patient for whom the prescription was written, the owner of the animal for which the prescription was written, or the bona fide representative of the patient or animal owner. If the individual does not have valid, current government-issued photographic identification, the pharmacist may request alternative evidence of the individual's identity, as appropriate.

Sec. 3. 18 V.S.A. § 4218 is amended to read:

§ 4218. ENFORCEMENT

* * *

(d) Nothing in this section shall authorize the department of public safety and other authorities described in subsection (a) of this section to have access to VPMS (Vermont prescription monitoring system) created pursuant to chapter 84A of this title, except as provided in that chapter.

(e) Notwithstanding subsection (d) of this section, a drug diversion investigator, as defined in section 4282 of this title, may request VPMS data from the department of health pursuant to subdivision 4284(b)(3) of this title.

(f) The department of public safety shall adopt standard operating guidelines for accessing pharmacy records through the authority granted in this section. Any person authorized to access pharmacy records pursuant to subsection (a) of this section shall follow the department of public safety's guidelines. These guidelines shall be a public record.

Sec. 3a. DEPARTMENT OF PUBLIC SAFETY; REPORTING STANDARD OPERATING GUIDELINES

No later than December 15, 2012, the commissioner of public safety shall submit to the house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare the department's written standard operating guidelines used to access pharmacy records at individual pharmacies pursuant to 18 V.S.A. § 4218. Subsequently, if the guidelines are substantively amended by the department, it shall submit the amended guidelines to the same committees as soon as practicable.

Sec. 4. [Deleted.]

Sec. 5. 18 V.S.A. § 4282 is amended to read:

§ 4282. DEFINITIONS

As used in this chapter:

* * *

(5) "Delegate" means an individual employed by a health care facility or pharmacy, in the office of the chief medical examiner, or in the office of the medical director of the department of Vermont health access and authorized by a health care provider or dispenser, the chief medical examiner, or the medical director to request information from the VPMS relating to a bona fide current patient of the health care provider or dispenser, to a bona fide investigation or inquiry into an individual's death, or to a patient for whom a Medicaid claim for a Schedule II, III, or IV controlled substance has been submitted.

(6) "Department" means the department of health.

(7) "Drug diversion investigator" means an employee of the department of public safety whose primary duties include investigations involving violations of laws regarding prescription drugs or the diversion of prescribed controlled substances, and who has completed a training program established by the department of health by rule that is designed to ensure that officers have the training necessary to use responsibly and properly any information that they receive from the VPMS.

(8) "Evidence-based" means based on criteria and guidelines that reflect high-quality, cost-effective care. The methodology used to determine such guidelines shall meet recognized standards for systematic evaluation of all available research and shall be free from conflicts of interest. Consideration of the best available scientific evidence does not preclude consideration of experimental or investigational treatment or services under a clinical investigation approved by an institutional review board.

Sec. 6. 18 V.S.A. § 4283 is amended to read:

§ 4283. CREATION; IMPLEMENTATION

(a) ~~Contingent upon the receipt of funding, the~~ The department ~~may establish~~ shall maintain an electronic database and reporting system for monitoring Schedules II, III, and IV controlled substances, as defined in 21 C.F.R. Part 1308, as amended and as may be amended, that are dispensed within the state of Vermont by a health care provider or dispenser or dispensed to an address within the state by a pharmacy licensed by the Vermont board of pharmacy.

* * *

(e) It is not the intention of the department that a health care provider or a dispenser shall have to pay a fee or tax or purchase hardware or proprietary software required by the department specifically for the use, establishment, maintenance, or transmission of the data. The department shall seek grant funds and take any other action within its financial capability to minimize any cost impact to health care providers and dispensers.

* * *

Sec. 7. 18 V.S.A. § 4284 is amended to read:

§ 4284. PROTECTION AND DISCLOSURE OF INFORMATION

(a) The data collected pursuant to this chapter and all related information and records shall be confidential, except as provided in this chapter, and shall not be subject to public records law. The department shall maintain procedures to protect patient privacy, ensure the confidentiality of patient information collected, recorded, transmitted, and maintained, and ensure that information is not disclosed to any person except as provided in this section.

(b)(1) The department shall ~~be authorized to provide data to only~~ provide only the following persons with access to query the VPMS:

(1) ~~A patient or that person's health care provider, or both, when VPMS reveals that a patient may be receiving more than a therapeutic amount of one or more regulated substances.~~

(2)(A) A health care provider ~~or~~ dispenser, or delegate who ~~requests information~~ is registered with the VPMS and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide current patient.

(B) Personnel or contractors, as necessary for establishing and maintaining the VPMS.

(C) The medical director of the department of Vermont health access, for the purposes of Medicaid quality assurance, utilization, and federal monitoring requirements with respect to Medicaid recipients for whom a Medicaid claim for a Schedule II, III, or IV controlled substance has been submitted.

(D) A medical examiner from the office of the chief medical examiner, for the purpose of conducting an investigation or inquiry into the cause, manner, and circumstances of an individual's death.

(E) A health care provider or medical examiner licensed to practice in another state, to the extent necessary to provide appropriate medical care to a Vermont resident or to investigate the death of a Vermont resident.

(2) The department shall provide reports of data available to the department through the VPMS only to the following persons:

(A) A patient or that person's health care provider, or both, when VPMS reveals that a patient may be receiving more than a therapeutic amount of one or more regulated substances.

(3)(B) A designated representative of a board responsible for the licensure, regulation, or discipline of health care providers or dispensers pursuant to a bona fide specific investigation.

(4)(C) A patient for whom a prescription is written, insofar as the information relates to that patient.

(5)(D) The relevant occupational licensing or certification authority if the commissioner reasonably suspects fraudulent or illegal activity by a health care provider. The licensing or certification authority may report the data that are the evidence for the suspected fraudulent or illegal activity to a ~~trained law enforcement officer~~ drug diversion investigator.

(6)(E)(i) The commissioner of public safety, personally, or the deputy commissioner of public safety, personally, if the commissioner of health, personally, or the deputy commissioner for alcohol and drug abuse programs, personally, makes the disclosure, has consulted with at least one of the patient's health care providers, and believes that the disclosure is necessary to avert a serious and imminent threat to a person or the public.

(ii) The commissioner of public safety, personally, or the deputy commissioner of public safety, personally, when he or she requests data from the commissioner of health, and the commissioner of health believes, after consultation with at least one of the patient's health care providers, that disclosure is necessary to avert a serious and imminent threat to a person or the public.

(iii) The commissioner or deputy commissioner of public safety may disclose such data received pursuant to this subdivision (E) as is necessary, in his or her discretion, to avert the serious and imminent threat.

~~(7) Personnel or contractors, as necessary for establishing and maintaining the VPMS.~~

(F) A prescription monitoring system or similar entity in another state pursuant to a reciprocal agreement to share prescription monitoring information with the Vermont department of health as described in section 4288 of this title.

(3)(A) The department shall provide data available to the department through the VPMS to a drug diversion investigator in accordance with this subdivision (3). The department shall release data pursuant to a request by an officer conducting:

(i) an investigation with a reasonable, good faith belief that it could lead to the filing of criminal proceedings related to a violation of this title; or

(ii) an investigation that is ongoing and continuing and for which there is a reasonable, good faith anticipation of securing an arrest or prosecution related to a violation of this title in the foreseeable future.

(B) An investigation under subdivision (A) of this subdivision (3) shall be based upon a report from a pharmacist or a health care provider.

(C) Upon a request in compliance with subdivision (A) of this subdivision (3), the department shall provide the officer with only the following information:

(i) Name and date of birth of the subject of the request.

(ii) The name and address of any pharmacy that has provided a Schedule II, III, or IV regulated drug to the subject of the request.

(iii) The name and address of any health care provider who has prescribed a Schedule II, III, or IV regulated drug to the subject of the request.

(D) An investigation under this subdivision shall be identified by a law enforcement case number for tracking and documentation purposes.

(c) A person who receives data or a report from VPMS or from the department shall not share that data or report with any other person or entity not eligible to receive that data pursuant to subsection (b) of this section, except as necessary and consistent with the purpose of the disclosure and in the

normal course of business. Nothing shall restrict the right of a patient to share his or her own data.

(d) The commissioner shall offer health care providers and dispensers training in the proper use of information they may receive from VPMS. Training may be provided in collaboration with professional associations representing health care providers and dispensers.

(e) ~~A trained law enforcement officer who may receive information pursuant to this section shall not have access to VPMS except for information provided to the officer by the licensing or certification authority. [Deleted.]~~

(f) The department is authorized to use information from VPMS for research, trend analysis, and other public health promotion purposes provided that data are aggregated or otherwise de-identified. The department shall post the results of trend analyses on its website for use by health care providers, dispensers, and the general public. When appropriate, the department shall send alerts relating to identified trends to health care providers and dispensers by electronic mail.

(g) Knowing disclosure of transmitted data to a person not authorized by subsection (b) of this section, or obtaining information under this section not relating to a bona fide specific investigation, shall be punishable by imprisonment for not more than one year or a fine of not more than \$1,000.00, or both, in addition to any penalties under federal law.

(h) All information and correspondence relating to the disclosure of information by the commissioner to a patient's health care provider pursuant to subdivision (b)(2)(A) of this section shall be confidential and privileged, exempt from the public access to records law, immune from subpoena or other disclosure, and not subject to discovery or introduction into evidence.

(i) Each request for disclosure of data pursuant to subdivision (b)(2)(B) of this section shall document a bona fide specific investigation and shall specify the name of the person who is the subject of the investigation.

Sec. 8. 18 V.S.A. § 4286 is amended to read:

§ 4286. ADVISORY COMMITTEE

(a)(1) The commissioner shall establish an advisory committee to assist in the implementation and periodic evaluation of VPMS.

(2) The department shall consult with the committee concerning any potential operational or economic impacts on dispensers and health care providers related to transmission system equipment and software requirements.

(3) The committee shall develop guidelines for use of VPMS by dispensers ~~and~~, health care providers, ~~and delegates~~, and shall make recommendations concerning under what circumstances, if any, the department shall or may give VPMS data, including data thresholds for such disclosures, to law enforcement personnel. The committee shall also review and approve advisory notices prior to publication.

(4) The committee shall make recommendations regarding ways to improve the utility of the VPMS and its data.

(5) The committee shall have access to aggregated, de-identified data from the VPMS.

* * *

(d) The committee shall issue a report to the senate and house committees on judiciary, the senate committee on health and welfare, and the house committee on human services no later than January 15th in 2008, 2010, ~~and 2012, and 2014.~~

(e) This section shall sunset on July 1, ~~2012~~ 2014 and thereafter the committee shall cease to exist.

Sec. 9. 18 V.S.A. § 4287 is amended to read:

§ 4287. RULEMAKING

The department shall adopt rules for the implementation of VPMS as defined in this chapter consistent with 45 C.F.R. Part 164, as amended and as may be amended, that limit the disclosure to the minimum information necessary for purposes of this act ~~and shall keep the senate and house committees on judiciary, the senate committee on health and welfare, and the house committee on human services advised of the substance and progress of initial rulemaking pursuant to this section.~~

Sec. 10. 18 V.S.A. § 4288 is added to read:

§ 4288. RECIPROCAL AGREEMENTS

The department of health may enter into reciprocal agreements with other states that have prescription monitoring programs so long as access under such agreement is consistent with the privacy, security, and disclosure protections in this chapter.

Sec. 11. 18 V.S.A. § 4289 is added to read:

§ 4289. STANDARDS AND GUIDELINES FOR HEALTH CARE PROVIDERS AND DISPENSERS

(a) Each professional licensing authority for health care providers shall develop evidence-based standards to guide health care providers in the appropriate prescription of Schedules II, III, and IV controlled substances for treatment of chronic pain and for other medical conditions to be determined by the licensing authority.

(b)(1) Each health care provider who prescribes any Schedule II, III, or IV controlled substances shall register with the VPMS.

(2) If the VPMS shows that a patient has filled a prescription for a controlled substance written by a health care provider who is not a registered user of VPMS, the commissioner of health shall notify such provider by mail of the provider's registration requirement pursuant to subdivision (1) of this subsection.

(3) The commissioner of health shall develop additional procedures to ensure that all health care providers who prescribe controlled substances are registered in compliance with subdivision (1) of this subsection.

(c) Each dispenser who dispenses any Schedule II, III, or IV controlled substances shall register with the VPMS.

(d)(1) Each professional licensing authority for health care providers and dispensers authorized to prescribe or dispense Schedules II, III, and IV controlled substances shall adopt standards regarding the frequency and circumstances under which their respective licensees shall query the VPMS.

(2) Each professional licensing authority for dispensers shall adopt standards regarding the frequency and circumstances under which its licensees shall report to the VPMS, which shall be no less than once every seven days.

(3) Each professional licensing authority for health care providers and dispensers shall consider the standards adopted pursuant to this section in disciplinary proceedings when determining whether a licensee has complied with the applicable standard of care.

(4) No later than January 15, 2013, each professional licensing authority subject to this subsection shall submit its standards to the VPMS advisory committee established in section 4286 of this title.

Sec. 12. 18 V.S.A. § 4290 is added to read:

§ 4290. REPLACEMENT PRESCRIPTIONS AND MEDICATIONS

(a) As used in this section, “replacement prescription” means an unscheduled prescription request in the event that the document on which a patient’s prescription was written or the patient’s prescribed medication is reported to the prescriber as having been lost or stolen.

(b) When a patient or a patient’s parent or guardian requests a replacement prescription for a Schedule II, III, or IV controlled substance, the patient’s health care provider shall query the VPMS prior to writing the replacement prescription to determine whether the patient may be receiving more than a therapeutic dosage of the controlled substance.

(c) When a health care provider writes a replacement prescription pursuant to this section, the provider shall clearly indicate as much by writing the word “REPLACEMENT” on the face of the prescription.

(d) When a dispenser fills a replacement prescription, the dispenser shall report the required information to the VPMS and shall indicate that the prescription is a replacement by completing the VPMS field provided for such purpose. In addition, the dispenser shall report to the VPMS the name of the person picking up the replacement prescription, if not the patient.

(e) The VPMS shall create a mechanism by which individuals authorized to access the system pursuant to section 4284 of this title may search the database for information on all or a subset of all replacement prescriptions.

Sec. 13. UNIFIED PAIN MANAGEMENT SYSTEM ADVISORY COUNCIL

(a) There is hereby created a unified pain management system advisory council for the purpose of advising the commissioner of health on matters relating to the appropriate use of controlled substances in treating chronic pain and addiction and in preventing prescription drug abuse.

(b) The unified pain management system advisory council shall consist of the following members:

(1) the commissioner of health or designee, who shall serve as chair;

(2) the deputy commissioner of health for alcohol and drug abuse programs or designee;

(3) the commissioner of mental health or designee;

(4) the director of the Blueprint for Health or designee;

(5) the chair of the board of medical practice or designee, who shall be a clinician;

(6) a representative of the Vermont state dental society, who shall be a dentist;

(7) a representative of the Vermont board of pharmacy, who shall be a pharmacist;

(8) a faculty member from the academic detailing program at the University of Vermont's College of Medicine;

(9) a faculty member from the University of Vermont's College of Medicine with expertise in the treatment of addiction or chronic pain management;

(10) a representative of the Vermont Medical Society, who shall be a primary care clinician;

(11) a representative of the American Academy of Family Physicians, Vermont chapter, who shall be a primary care clinician;

(12) a representative of the federally qualified health centers, who shall be a primary care clinician selected by the Bi-State Primary Care Association;

(13) a representative of the Vermont Ethics Network;

(14) a representative of the Hospice and Palliative Care Council of Vermont;

(15) a representative of the office of the health care ombudsman;

(16) the medical director for the department of Vermont health access;

(17) a clinician who works in the emergency department of a hospital, to be selected by the Vermont Association of Hospitals and Health Systems in consultation with any nonmember hospitals;

(18) a member of the Vermont board of nursing subcommittee on APRN practice, who shall be an advanced practice registered nurse;

(19) a representative from the Vermont Assembly of Home Health and Hospice Agencies;

(20) a psychologist licensed pursuant to 26 V.S.A. chapter 55 who has experience in treating chronic pain, to be selected by the board of psychological examiners;

(21) a drug and alcohol abuse counselor licensed pursuant to 33 V.S.A. chapter 8, to be selected by the deputy commissioner of health for alcohol and drug abuse programs; and

(22) a consumer representative who is either a consumer in recovery from prescription drug abuse or a consumer receiving medical treatment for chronic noncancer-related pain.

(c) Advisory council members who are not employed by the state or whose participation is not supported through their employment or association shall be entitled to per diem and expenses as provided by 32 V.S.A. § 1010.

(d) A majority of the members of the advisory council shall constitute a quorum. The advisory council shall act only by a majority vote of the members present and voting and only at meetings called by the chair or by any three of the members.

(e) To the extent funds are available, the advisory council shall have the following duties:

(1) to develop and recommend principles and components of a unified pain management system, including the appropriate use of controlled substances in treating noncancer-related chronic pain and addiction and in preventing prescription drug abuse;

(2) to identify and recommend components of evidence-based training modules and minimum requirements for the continuing education of all licensed health care providers in the state who treat chronic pain or addiction or prescribe controlled substances in Schedule II, III, or IV consistent with a unified pain management system;

(3) to identify and recommend evidence-based training modules for all employees of the agency of human services who have direct contact with recipients of services provided by the agency or any of its departments; and

(4) to identify and recommend system goals and planned assessment tools to ensure that the initiative's progress can be monitored and adapted as needed.

(f) The commissioner of health may designate subcommittees as appropriate to carry out the work of the advisory council.

(g) On or before January 15, 2013, the advisory council shall submit its recommendations to the senate committee on health and welfare, the house committee on human services, and the house committee on health care.

Sec. 14. UNUSED DRUG DISPOSAL PROGRAM PROPOSAL

(a) No later than October 15, 2012, the commissioners of health and of public safety shall provide recommendations to the house and senate committees on judiciary, the house committee on human services, and the

senate committee on health and welfare regarding implementation of a statewide drug disposal program for unused over-the-counter and prescription drugs at no charge to the consumer. In preparing their recommendations, the commissioners shall consider successful unused drug disposal programs in Vermont, including the Bennington County sheriff's department's program, and in other states.

(b) The commissioners of health and of public safety shall take steps toward implementing a program prior to October 15, 2012, if practicable.

Sec. 14a. TRACK AND TRACE PILOT PROJECT

(a) The departments of health and of Vermont health access shall establish a track and trace pilot project with one or more manufacturers of buprenorphine to create a high-integrity monitoring tool capable of use across disciplines. The tool shall be designed to identify irregularities related to dosing and quality in a manner that disrupts practice operations to the least extent possible. The departments shall work with all willing Medicaid-enrolled prescribing practices and pharmacies to utilize the tool.

(b) No later than January 15, 2013, the commissioners of health and of Vermont health access shall provide testimony on the status of the pilot project established pursuant to this section to the house committees on human services and on judiciary and the senate committees on health and welfare and on judiciary.

Sec. 14b. DEPARTMENT OF HEALTH REPORT; OPIOID ANTAGONISTS

No later than November 15, 2012, the department of health shall report to the general assembly detailed recommendations for permitting a practitioner to lawfully prescribe and dispense naloxone or another opioid antagonist to a person at risk of experiencing an opiate-related overdose or to a family member, friend, or other person in a position to assist a person at risk of experiencing an opiate-related overdose.

Sec. 15. ADVISORY COMMITTEE REPORT

No later than January 15, 2013, the VPMS advisory committee established in 18 V.S.A. § 4286 shall provide recommendations to the house committee on human services and the senate committee on health and welfare regarding ways to maximize the effectiveness and appropriate use of the VPMS database, including adding new reporting capabilities, in order to improve patient outcomes and avoid prescription drug diversion.

Sec. 16. SPENDING AUTHORITY

Providing financial support for the unified pain management system advisory council established in Sec. 13 of this act, upgrading the VPMS software, and implementing enhancements to the VPMS shall all be acceptable uses of the monies in the evidence-based education and advertising fund established in 33 V.S.A. § 2004a. The commissioner of health shall seek excess receipts authority to make expenditures as needed from the evidence-based education and advertising fund for these purposes.

Sec. 17. INTEGRATION; LEGISLATIVE INTENT

It is the intent of the general assembly that the initiatives described in this act should be integrated to the extent possible with the Blueprint for Health and the mental health system of care.

Sec. 17a. INTEGRATED TREATMENT CONTINUUM FOR OPIATE DEPENDENCE (HUB AND SPOKE INITIATIVE)

(a) Prescription drug abuse is Vermont's fastest growing drug problem, with treatment demand growing over 500 percent since 2005 for medication-assisted treatment from physicians and methadone programs.

(b) Increased crime is a community by-product of the increase in untreated addiction. Reducing demand for drugs is an essential component of Vermont's strategy to decrease the crime and health-related problems stemming from prescription drug abuse and opiate addiction.

(c) Current capacity for methadone and buprenorphine treatment for opiate addiction is not sufficient to meet the demand. As a component of the development of health homes, availability of these treatments should be expanded to meet the escalating demand.

(d) The integrated treatment continuum for opiate dependence, also known as the hub and spoke model, that is being developed by the agency of human services in collaboration with community providers will create a coordinated, systemic response to the complex issues of opiate addiction and the use of medication-assisted treatment, including counseling and behavioral therapy, will provide a holistic approach to address the component of demand reduction.

Sec. 17b. 13 V.S.A. § 1404 is amended to read:

§ 1404. CONSPIRACY

(a) A person is guilty of conspiracy if, with the purpose that an offense listed in subsection (c) of this section be committed, that person agrees with

one or more persons to commit or cause the commission of that offense, and at least two of the co-conspirators are persons who are neither law enforcement officials acting in official capacity nor persons acting in cooperation with a law enforcement official.

(b) No person shall be convicted of conspiracy unless a substantial overt act in furtherance of the conspiracy is alleged and proved to have been done by the defendant or by a co-conspirator, other than a law enforcement official acting in an official capacity or a person acting in cooperation with a law enforcement official, and subsequent to the defendant's entrance into the conspiracy. Speech alone may not constitute an overt act.

(c) This section applies only to a conspiracy to commit or cause the commission of one or more of the following offenses:

(1) Murder in the first or second degree.

(2) Arson under sections 501-504 and 506 of this title.

(3) Sexual exploitation of children under sections 7822, 2822, and 2824 of this title.

(4) Receiving stolen property under sections 2561-2564 of this title.

(5) An offense involving the sale, delivery, manufacture, or cultivation of a regulated drug or an offense under ~~section 4237, subdivision 4231(c)(1), or subsection 4233(c) or 4234a(c) of Title 18:~~

(A) 18 V.S.A. § 4230(c), relating to trafficking in marijuana.

(B) 18 V.S.A. § 4231(c), relating to trafficking in cocaine.

(C) 18 V.S.A. § 4233(c), relating to trafficking in heroin.

(D) 18 V.S.A. § 4234(b)(3), relating to unlawful selling or dispensing of a depressant, stimulant, or narcotic drug, other than heroin or cocaine.

(E) 18 V.S.A. § 4234a(c), relating to trafficking in methamphetamine.

Sec. 17c. 13 V.S.A. § 1409 is amended to read:

§ 1409. PENALTIES

The penalty for conspiracy is the same as that authorized for the crime which is the object of the conspiracy, ~~except that no term of imprisonment shall exceed five years, and no fine shall exceed \$10,000.00.~~ A sentence imposed under this section shall be concurrent with any sentence imposed for an offense which was an object of the conspiracy.

Sec. 17d. 13 V.S.A. § 4005 is amended to read:

§ 4005. WHILE COMMITTING A CRIME

A Except as otherwise provided in 18 V.S.A. § 4253, a person who carries a dangerous or deadly weapon, openly or concealed, while committing a felony or while committing an offense under section 667 of Title 7, or while committing the crime of smuggling of an alien as defined by the laws of the United States, shall be imprisoned not more than five years or fined not more than \$500.00, or both.

Sec. 17e. 18 V.S.A. § 4253 is added to read:

§ 4253. USE OF A FIREARM WHILE SELLING OR DISPENSING A REGULATED DRUG

(a) A person who uses a firearm during and in relation to selling or dispensing a regulated drug in violation of subdivision 4230(b)(3), 4231(b)(3), 4232(b)(3), 4233(b)(3), 4234(b)(3), 4234a(b)(3), 4235(c)(3), or 4235a(b)(3) of this title shall be imprisoned not more than three years or fined not more than \$5,000.00, or both, in addition to the penalty for the underlying crime.

(b) A person who uses a firearm during and in relation to trafficking a regulated drug in violation of subsection 4230(c), 4231(c), 4233(c), or 4234a(c) of this title shall be imprisoned not more than five years or fined not more than \$10,000.00, or both, in addition to the penalty for the underlying crime.

(c) For purposes of this section, “use of a firearm” shall include the exchange of firearms for drugs, and this section shall apply to the person who trades his or her firearms for drugs and the person who trades his or her drugs for firearms.

Sec. 17f. MOBILE ENFORCEMENT TEAM TO COMBAT GANG ACTIVITY

(a) The Vermont drug task force (task force) was established in 1987 as a multi-jurisdictional, collaborative law enforcement approach to combating drug crime. The task force is composed of state, local, and county officers who are assigned to work undercover as full-time drug investigators. These investigators receive specialized training, equipment, and resources that enable them to conduct covert drug investigations. There are four units of the task force geographically located to cover all areas of the state. The drug investigators of each of the units are supervised by a state police sergeant. State police commanders of the special investigation section are responsible for overall supervision and oversight of the task force.

(b) Working closely with state, local, county, and federal law enforcement agencies, the task force strives to investigate and apprehend those individuals directly involved in the distribution of dangerous drugs and illegal diversion of prescription opiates. The task force focuses on mid- to upper-level dealers, but also targets street level dealers who are negatively impacting Vermont's communities.

(c) To address the growing concern regarding gang involvement in the illegal drug trade as well as other gang-related criminal activity in Vermont's communities, a mobile enforcement team (team) shall be established consistent with the task force model. According to the U.S. Department of Justice, a gang is defined as a group or association of three or more persons who may have a common identifying sign, symbol, or name and who individually or collectively engage in or have engaged in criminal activity which creates an atmosphere of fear and intimidation.

(d) The team shall be made up of state and local investigators to include uniformed troopers and shall focus on gangs and organized criminal activity to include drug and gun trafficking and associated crimes. The team shall work closely with federal law enforcement agencies, state and federal prosecutors, the Vermont information and analysis center, and the department of corrections in collecting intelligence on gangs and organized criminal groups, to be shared with law enforcement partners throughout Vermont. The team shall not be assigned to a specific geographical area of Vermont but shall act as a rapid response team to specific identified problem areas.

Sec. 17g. GANG ACTIVITY TASK FORCE

(a) The gang activity task force is established for the purpose of raising public awareness about gang activity and organized crime in Vermont and across state and international borders, identifying resources for local, county, and state law enforcement officials, recommending to the public ways to identify and report acts of gang activity and organized crime, and making findings and recommendations regarding those efforts to the general assembly.

(b) The task force shall be composed of the following members:

(1) The commissioner of public safety or his or her designee, who shall serve as chair.

(2) The commissioner of liquor control or his or her designee.

(3) Representatives, appointed by the governor, from the following:

(A) a municipal police department;

(B) a sheriff's department;

-
- (C) the department of corrections;
 - (D) the department of education;
 - (E) the business community; and
 - (F) the health care community.
 - (4) The United States' attorney for Vermont.
 - (5) A representative of the Vermont crime victims services.
 - (6) An attorney appointed by the criminal law section of the Vermont Bar Association.
 - (7) A state's attorney appointed by the executive committee of the department of state's attorneys and sheriffs.
 - (8) A senator appointed by the president pro tempore.
 - (9) A representative appointed by the speaker of the house.
 - (c) The task force shall perform the following duties:
 - (1) Identify ways to raise public awareness about gang activity, including the distribution of dangerous drugs and illegal diversion of prescription opiates.
 - (2) Recommend how the Vermont public, business community, local and state government, and health and education providers can best identify, report, and prevent acts of gang activity in Vermont.
 - (3) Identify the services needed by victims of gang activity and their families and recommend ways to provide those services.
 - (d) The task force shall have the assistance and cooperation of all state and local agencies and departments.
 - (e) For attendance at meetings, members of the committee who are not employees of the state of Vermont shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010, plus mileage.
 - (f) On or before November 15, 2012, the task force shall report to the members of the senate and house committees on judiciary and to the legislative council its recommendations and legislative proposals, if any, relating to its findings.
 - (g) The task force may meet no more than six times and shall cease to exist on January 15, 2013.

Sec. 17h. ATTORNEY GENERAL REPORT; RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT

The attorney general shall examine the issue of gang activity, including the distribution of dangerous drugs and illegal diversion of prescription opiates, and assess whether Vermont would benefit from a state Racketeer Influenced and Corrupt Organizations Act. The attorney general shall consult with the gang activity task force and the defender general in his or her deliberations. The report shall identify existing Vermont and federal law that addresses organized crime and recommendations for enhancing these laws, including any legislation necessary to implement the recommendations. The attorney general shall issue the report to the general assembly no later than January 15, 2013.

Sec. 17i. APPROPRIATION; MOBILE ENFORCEMENT TEAM TO COMBAT GANG ACTIVITY

(a) The amount of \$150,000.00 is appropriated from the general fund to the department of public safety to provide funding for the mobile enforcement team established in Sec. 17f of this act.

(b) The commissioner of public safety may, at his or her discretion, utilize grants dedicated to fund the work of the drug task force to support the efforts of the gang task force and mobile enforcement team.

Sec. 18. EFFECTIVE DATES

(a) This section and Sec. 8 of this act (18 V.S.A. § 4286) shall take effect on passage and shall apply retroactively as of January 15, 2012.

(b) Secs. 10 (18 V.S.A. § 4288; reciprocal agreements), 11 (18 V.S.A. § 4289; standards and guidelines), and 12 (18 V.S.A. § 4290; replacement prescriptions) and Sec. 7(b)(2)(G) (18 V.S.A. § 4284(b)(2)(G); interstate data sharing) shall take effect on October 1, 2012.

(c) The remaining sections of this act shall take effect on July 1, 2012.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Trieber of Rockingham** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Pugh of South Burlington
Rep. Lippert of Hinesburg
Rep. Burditt of West Rutland

**Senate Proposal of Amendment Concurred in with
A Further Amendment Thereto**

H. 751

The Senate proposed to the House to amend House bill, entitled

An act relating to jurisdiction of delinquency proceedings

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 5103 is amended to read:

§ 5103. JURISDICTION

(a) The family division of the superior court shall have exclusive jurisdiction over all proceedings concerning a child who is or who is alleged to be a delinquent child or a child in need of care or supervision brought under the authority of the juvenile judicial proceedings chapters, except as otherwise provided in such chapters.

(b) Orders issued under the authority of the juvenile judicial proceedings chapters shall take precedence over orders in other family division proceedings and any order of another court of this state, to the extent they are inconsistent. This section shall not apply to child support orders in a divorce, parentage, or relief from abuse proceedings until a child support order has been issued in the juvenile proceeding.

(c)(1) Except as otherwise provided by this title and by subdivision (2) of this subsection, jurisdiction over a child shall not be extended beyond the child's 18th birthday.

(2)(A) Jurisdiction over a child who has been adjudicated delinquent may be extended until six months beyond the child's 18th birthday if the offense for which the child has been adjudicated delinquent is a nonviolent misdemeanor and the child was 17 years old when he or she committed the offense.

(B) In no case shall custody of a child aged 18 years or older be retained by or transferred to the commissioner for children and families.

(C) Jurisdiction over a child in need of care or supervision shall not be extended beyond the child's 18th birthday.

(D) As used in this subdivision, "nonviolent misdemeanor" means a misdemeanor offense which is not a listed crime as defined in 13 V.S.A. § 5301(7), an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64, or an offense involving violation of a protection order in

violation of 13 V.S.A. § 1030.

(d) The court may terminate its jurisdiction over a child prior to the child's 18th birthday by order of the court. If the child is not subject to another juvenile proceeding, jurisdiction shall terminate automatically in the following circumstances:

(1) Upon the discharge of a child from juvenile probation, providing the child is not in the legal custody of the commissioner.

(2) Upon an order of the court transferring legal custody to a parent, guardian, or custodian without conditions or protective supervision.

(3) Upon the adoption of a child following a termination of parental rights proceeding.

Sec. 2. 33 V.S.A. § 5201 is amended to read:

§ 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

* * *

(c) Consistent with applicable provisions of Title 4, any proceeding concerning a child who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining the age of 14, but not the age of 18, shall originate in ~~district or~~ the criminal division of the superior court, provided that jurisdiction may be transferred in accordance with this chapter.

* * *

Sec. 3. 33 V.S.A. § 5203 is amended to read:

§ 5203. TRANSFER FROM OTHER COURTS

(a) If it appears to a criminal division of the superior court that the defendant was under the age of 16 years at the time the offense charged was alleged to have been committed and the offense charged is not one of those specified in subsection 5204(a) of this title, that court shall forthwith transfer the case to the ~~juvenile~~ family division of the superior court under the authority of this chapter.

(b) If it appears to a criminal division of the superior court that the defendant was over the age of 16 years and under the age of 18 years at the time the offense charged was alleged to have been committed, or that the defendant had attained the age of 14 but not the age of 16 at the time an offense specified in subsection 5204(a) of this title was alleged to have been committed, that court may forthwith transfer the proceeding to the ~~juvenile~~ family division of the superior court under the authority of this chapter, and the minor shall thereupon be considered to be subject to this chapter as a child charged with a delinquent act.

(c) If it appears to the state's attorney that the defendant was over the age of 16 and under the age of 18 at the time the offense charged was alleged to have been committed and the offense charged is not an offense specified in subsection 5204(a) of this title, the state's attorney may file charges in a ~~juvenile court or the~~ family or criminal division of the superior court. If charges in such a matter are filed in the criminal division of the superior court, the criminal division of the superior court may forthwith transfer the proceeding to the ~~juvenile~~ family division of the superior court under the authority of this chapter, and the person shall thereupon be considered to be subject to this chapter as a child charged with a delinquent act.

* * *

Sec. 4. 33 V.S.A. § 5204 is amended to read:

§ 5204. TRANSFER FROM JUVENILE COURT

(a) After a petition has been filed alleging delinquency, upon motion of the state's attorney and after hearing, the ~~juvenile~~ family division of the superior court may transfer jurisdiction of the proceeding to the criminal division of the superior court, if the child had attained the age of 16 but not the age of 18 at the time the act was alleged to have occurred and the delinquent act set forth in the petition was not one of those specified in subdivision (1)–(12) of this subsection or if the child had attained the age of 10 but not the age of 14 at the time the act was alleged to have occurred, and if the delinquent act set forth in the petition was any of the following:

- (1) arson causing death as defined in 13 V.S.A. § 501;
- (2) assault and robbery with a dangerous weapon as defined in 13 V.S.A. § 608(b);
- (3) assault and robbery causing bodily injury as defined in 13 V.S.A. 608(c);
- (4) aggravated assault as defined in 13 V.S.A. § 1024;
- (5) murder as defined in 13 V.S.A. § 2301;
- (6) manslaughter as defined in 13 V.S.A. § 2304;
- (7) kidnapping as defined in 13 V.S.A. § 2405;
- (8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;
- (9) maiming as defined in 13 V.S.A. § 2701;
- (10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);
- (11) aggravated sexual assault as defined in 13 V.S.A. § 3253; or

(12) burglary into an occupied dwelling as defined in 13 V.S.A. § 1201(c).

(b) The state's attorney of the county where the juvenile petition is pending may move in the ~~juvenile~~ family division of the superior court for an order transferring jurisdiction under subsection (a) of this section ~~within 10 days of the filing of the petition alleging delinquency at any time prior to adjudication on the merits.~~ The filing of the motion to transfer jurisdiction shall automatically stay the time for the hearing provided for in section 5225 of this title, which stay shall remain in effect until such time as the juvenile court may deny the motion to transfer jurisdiction.

(c) Upon the filing of a motion to transfer jurisdiction under subsection (b) of this section, the juvenile court shall conduct a hearing in accordance with procedures specified in subchapter 2 of this chapter to determine whether:

(1) there is probable cause to believe that the child committed an act listed in subsection (a) of this section; and

(2) public safety and the interests of the community would not be served by treatment of the child under the provisions of law relating to juvenile courts and delinquent children.

(d) In making its determination as required under subsection (c) of this section, the court may consider, among other matters:

(1) The maturity of the child as determined by consideration of his or her age, home, environment; emotional, psychological and physical maturity; and relationship with and adjustment to school and the community.

(2) The extent and nature of the child's prior record of delinquency.

(3) The nature of past treatment efforts and the nature of the child's response to them.

(4) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

(5) The nature of any personal injuries resulting from or intended to be caused by the alleged act.

(6) The prospects for rehabilitation of the child by use of procedures, services, and facilities available through juvenile proceedings.

(7) Whether the protection of the community would be better served by transferring jurisdiction from the ~~juvenile court~~ family division to the criminal division of the superior court.

(e) A transfer under this section shall terminate the jurisdiction of the juvenile court over the child only with respect to those delinquent acts alleged in the petition with respect to which transfer was sought.

(f)(1) The ~~juvenile court~~ family division, following completion of the transfer hearing, shall make ~~written~~ findings and, if the court orders transfer of jurisdiction from the ~~juvenile court~~ family division, shall state the reasons for that order. If the ~~juvenile court~~ family division orders transfer of jurisdiction, the child shall be treated as an adult. The state's attorney shall commence criminal proceedings as in cases commenced against adults.

(2) Notwithstanding subdivision (1) of this subsection, the parties may stipulate to a transfer of jurisdiction from the family division at any time after a motion to transfer is made pursuant to subsection (b) of this section. The court shall not be required to make findings if the parties stipulate to a transfer pursuant to this subdivision. Upon acceptance of the stipulation to transfer jurisdiction, the court shall transfer the proceedings to the criminal division and the child shall be treated as an adult. The state's attorney shall commence criminal proceedings as in cases commenced against adults.

(g) The order granting or denying transfer of jurisdiction shall not constitute a final judgment or order within the meaning of Rules 3 and 4 of the Vermont Rules of Appellate Procedure.

(h) If a person who has not attained the age of 16 at the time of the alleged offense has been prosecuted as an adult and is not convicted of one of the acts listed in subsection (a) of this section but is convicted only of one or more lesser offenses, jurisdiction shall be transferred to the ~~juvenile~~ family division of the superior court for disposition. A conviction under this subsection shall be considered an adjudication of delinquency and not a conviction of crime, and the entire matter shall be treated as if it had remained in ~~juvenile court~~ the family division throughout. In case of an acquittal for a matter specified in this subsection and in case of a transfer to ~~juvenile court~~ the family division under this subsection, the court shall order the sealing of all applicable files and records of the court, and such order shall be carried out as provided in subsection 5119(e) of this title.

(i) The record of a hearing conducted under subsection (c) of this section and any related files shall be open to inspection only by persons specified in subsections 5117(b) and (c) of this title in accordance with section 5119 of this title and by the attorney for the child.

Sec. 5. 33 V.S.A. § 5232 is amended to read:

§ 5232. DISPOSITION ORDER

* * *

(b) In carrying out the purposes outlined in subsection (a) of this section, the court may:

* * *

(7) Refer a child directly to a youth-appropriate community-based provider that has been approved by the department, which may include a community justice center or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subdivision shall not require the court to place the child on probation. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child shall return to the court for disposition.

* * *

Sec. 6. 33 V.S.A. § 4913 is amended to read:

§ 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL ACTION

(a) Any physician, surgeon, osteopath, chiropractor, or physician's assistant licensed, certified, or registered under the provisions of Title 26, any resident physician, intern, or any hospital administrator in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, emergency medical personnel as defined in 24 V.S.A. § 2651(6), dentist, psychologist, pharmacist, any other health care provider, child care worker, school superintendent, school teacher, student teacher, school librarian, school principal, school guidance counselor, and any other individual who is regularly employed by a school district, or who is contracted and paid by a school district to provide student services for five or more hours per week during the school year, mental health professional, social worker, probation officer, any employee, contractor, and grantee of the agency of human services who have contact with clients, police officer, camp owner, camp administrator, camp counselor, or member of the clergy who has reasonable cause to believe that any child has been abused or neglected shall report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours. As used in this subsection, "camp" includes any residential or nonresidential recreational program.

* * *

Sec. 7. REPORT

(a)(1) A committee is established to study the effectiveness of the juvenile justice system in reducing crime and recidivism. The committee shall study

changes to the juvenile justice system that could result in reducing recidivism, including the extension of jurisdiction beyond the age of 18 for the purposes of juvenile probation and the automatic expungement of criminal convictions for nonviolent offenses committed by children under 18.

(2) If funding is available, the study shall include consideration of:

(A) the number of 16- and 17-year-olds adjudicated delinquent in the family division during fiscal year 2009 who have been subsequently convicted of an adult offense within three years of the date of disposition of the delinquency;

(B) the number of 16- and 17-year-olds convicted of an adult offense in the criminal division during fiscal year 2009 who have been subsequently convicted of another adult offense; and

(C) the number of children adjudicated delinquent during fiscal year 2009 who are placed in the custody of the department for children and families at disposition, remain in the department's custody for 30 or more days after disposition, and who within three years of the date of sentencing on the first offense become incarcerated or subject to supervision by the department of corrections as a result of another offense.

(b)(1) The committee shall be composed of the following members:

(A) The commissioner for children and families or designee.

(B) The commissioner of corrections or designee.

(C) The administrative judge or designee.

(D) The executive director of state's attorneys and sheriffs or designee.

(E) The defender general or designee.

(2) The committee shall consult with the joint fiscal office regarding the costs and savings associated with the juvenile justice system and monitor the impact on those costs and savings that result from the extension of jurisdiction authorized in this section.

(c) On or before December 1, 2012, the committee shall report its findings, together with any recommendations for changes in law, to the senate and house committees on judiciary, the house committee on human services, and the senate committee on health and welfare.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Wizowaty of Burlington** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By adding a new Sec. 6 to read as follows:

Sec. 6. 33 V.S.A. § 5225 is amended to read:

§ 5225. PRELIMINARY HEARING; RISK ASSESSMENT

(a) A preliminary hearing shall be held at the time and date specified on the citation or as otherwise ordered by the court. If a child is taken into custody prior to the preliminary hearing, the preliminary hearing shall be at the time of the temporary care hearing.

(b) Prior to the preliminary hearing, the child shall be afforded an opportunity to undergo a risk and needs screening, which shall be conducted by the department or by a community provider that has contracted with the department to provide risk and need screenings for children alleged to have committed delinquent acts. If the child participates in such a screening, the department or the community provider shall report the risk level result of the screening to the state's attorney. If a charge is brought in the family division, the risk level result shall be provided to the child's attorney. Except on agreement of the parties, the results shall not be provided to the court until after a merits finding has been made.

(c) Counsel for the child shall be assigned prior to the preliminary hearing.

(c)(d) At the preliminary hearing, the court shall appoint a guardian ad litem for the child. The guardian ad litem may be the child's parent, guardian, or custodian. On its own motion or motion by the child's attorney, the court may appoint a guardian ad litem other than a parent, guardian or custodian.

(d)(e) At the preliminary hearing, a denial shall be entered to the allegations of the petition, unless the juvenile, after adequate consultation with the guardian ad litem and counsel, enters an admission. If the juvenile enters an admission, the disposition case plan required by section 5230 of this title may be waived and the court may proceed directly to disposition, provided that the juvenile, the custodial parent, the state's attorney, the guardian ad litem, and the department agree.

(e)(f) The court may order the child to abide by conditions of release pending a merits or disposition hearing.

and by renumbering the remaining sections to be numerically correct.

Which was agreed to.

**Senate Proposal of Amendment Concurred in with
a Further Amendment Thereto**

H. 778

The Senate proposed to the House to amend House bill, entitled
An act relating to structured settlements

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 63, subchapter 5 is added to read:

Subchapter 5. Transfers of Structured Settlements

§ 2480aa. DEFINITIONS

In this subchapter:

(1) “Annuity issuer” means an insurer that has issued a contract to fund periodic payments under a structured settlement.

(2) “Dependents” include a payee’s spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including alimony.

(3) “Discounted present value” means the present value of future payments determined by discounting such payments to the present using the most recently published Applicable Federal Rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service.

(4) “Gross advance amount” means the sum payable to the payee or for the payee’s account as consideration for a transfer of structured settlement payment rights before any reductions for transfer expenses or other deductions to be made from such consideration.

(5) “Independent professional advice” means advice of an attorney, certified public accountant, actuary, or other licensed professional adviser meeting all of the following requirements:

(A) The advisor is engaged by the payee to render advice concerning the legal, tax, or financial implications of a structured settlement or a transfer of structured settlement payment rights;

(B) The adviser’s compensation for rendering independent professional advice is not affected by occurrence or lack of occurrence of a settlement transfer; and

(C) A particular adviser is not referred to the payee by the transferee or its agent, except that the transferee may refer the payee to a lawyer referral service or agency operated by a state or local bar association.

(6) "Interested parties" means, with respect to any structured settlement, the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death, the annuity issuer, the structured settlement obligor, and any other party that has continuing rights or obligations relating to the structured settlement payment rights which are the subject of the proposed transfer.

(7) "Net advance amount" means the gross advance amount less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under subdivision 2480bb(5) of this title.

(8) "Payee" means an individual who is receiving tax-free payments under a structured settlement and proposes to make a transfer of payment rights thereunder.

(9) "Periodic payments" includes both recurring payments and scheduled future lump sum payments.

(10) "Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of section 130 of the United States Internal Revenue Code, United States Code Title 26, as amended from time to time.

(11) "Settled claim" means the original tort claim resolved by a structured settlement.

(12) "Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim but does not refer to periodic payments in settlement of a workers' compensation claim.

(13) "Structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

(14) "Structured settlement obligor" means, with respect to any structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or a qualified assignment agreement.

(15) "Structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, where:

(A) the payee is domiciled in this state; or

(B) the structured settlement agreement was approved by a court in this state.

(16) "Terms of the structured settlement" include, with respect to any structured settlement, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement and any order or other approval of any court or other government authority that authorized or approved such structured settlement.

(17) "Transfer" means any sale, assignment, pledge, hypothecation, or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration.

(18) "Transfer agreement" means the agreement providing for a transfer of structured settlement payment rights.

(19) "Transfer expenses" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorney's fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions, and other payments to a broker or other intermediary.

(20) "Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

§ 2480bb. REQUIRED DISCLOSURES TO PAYEE

Not less than ten days prior to the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement in bold type in a size no smaller than 14 points setting forth:

(1) the amounts and due dates of the structured settlement payments to be transferred;

(2) the aggregate amount of such payments;

(3) the discounted present value of the payments to be transferred, which shall be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities," and the amount of the Applicable Federal Rate used in calculating such discounted present value;

(4) the gross advance amount and the annual discount rate, compounded monthly, used to determine such figure;

(5) an itemized listing of all applicable transfer expenses, other than attorneys' fees and related disbursements payable by the payee in connection

with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such fees and disbursements;

(6) the net advance amount;

(7) the amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee as well as a description of any other financial penalties the payee might incur with the transferee as a result of such a breach; and

(8) a statement that the payee has the right to cancel the transfer agreement, without penalty or further obligation, at any time before either the date on which the transferee files for court approval of the transfer, or ten business days after the payee receives independent professional advice, whichever comes later.

§ 2480cc. APPROVAL OF TRANSFERS OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

(a) No direct or indirect transfer of structured settlement payment rights shall be effective and no structured settlement obligor or annuity issuer shall be required to make any payment directly or indirectly to any transferee of structured settlement payment rights unless the transfer has been approved in advance in a final court order based on express findings by such court that:

(1) the transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents, considering all relevant factors, including:

(A) the payee's ability to understand the financial terms and consequences of the transfer;

(B) the payee's capacity to meet his or her financial obligations, including the potential need for future medical treatment;

(C) the need, purpose, or reason for the transfer; and

(D) whether the transfer is fair and reasonable, considering the discount rate used to calculate the gross advance amount, the fees and expenses imposed on the payee, and whether the payee obtained more than one quote for the same or a substantially similar transfer.

(2) the payee has been advised in writing by the transferee to seek independent professional advice regarding the financial advisability of the transfer and the other financial options available to the payee, if any, and has either received such advice or knowingly waived the opportunity to seek and receive such advice in writing; and

(3) the transfer does not contravene any applicable statute or the order of any court or other government authority.

(b) Any agreement to transfer future payments arising under a workers' compensation claim is prohibited.

(c) At the hearing on the transfer, if the payee has waived in writing the opportunity to seek and receive independent professional advice regarding the transfer, the court may, in its sole discretion, continue the hearing and require the payee to seek independent professional advice if the court determines that obtaining such advice should be required based on the circumstances of the payee or the terms of the transaction. If the court determines that independent professional advice should be required, the court may order that the costs incurred by a payee for independent professional advice be paid by the transferee, the payee, or another party, provided that the amount to be paid by the transferee shall not exceed \$1,500.00.

§ 2480dd. EFFECTS OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

Following a transfer of structured settlement payment rights under this subchapter:

(1) The structured settlement obligor and the annuity issuer shall, as to all parties except the transferee, be discharged and released from any and all liability for the transferred payments;

(2) The transferee shall be liable to the structured settlement obligor and the annuity issuer:

(A) if the transfer contravenes the terms of the structured settlement for any taxes incurred by such parties as a consequence of the transfer; and

(B) for any other liabilities or costs, including reasonable costs and attorney's fees, arising from compliance by such parties with the order of the court or arising as a consequence of the transferee's failure to comply with this subchapter;

(3) Neither the annuity issuer nor the structured settlement obligor may be required to divide any periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees; and

(4) Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of this subchapter.

§ 2480ee. PROCEDURE FOR APPROVAL OF TRANSFERS

(a) An application under this subchapter for approval of a transfer of structured settlement payment rights shall be made by the transferee and may be brought in the superior court, civil division, of the county in which the payee resides or in which the structured settlement obligor or the annuity issuer maintains its principal place of business or in any court that approved the structured settlement agreement.

(b) Not less than 20 days prior to the scheduled hearing on any application for approval of a transfer of structured settlement payment rights under section 2480cc of this title, the transferee shall file with the court and serve on all interested parties a notice of the proposed transfer and the application for its authorization, including with such notice:

(1) a copy of any court order approving the settlement;

(2) a written description of the underlying basis for the settlement;

(3) a copy of the transferee's application;

(4) a copy of the transfer agreement;

(5) a copy of the disclosure statement required under section 2480bb of this title;

(6) a listing of each of the payee's dependents, together with each dependent's age;

(7) a statement setting forth whether, to the best of the transferee's knowledge after making a reasonable inquiry to the payee, the structured settlement obligor, and the annuity issuer, there have been any previous transfers or applications for transfer of any structured settlement payment rights of the payee and giving details of all such transfers or applications for transfer;

(8) if available to the transferee after making a good faith request of the payee, the structured settlement obligor and the annuity issuer, the following documents, which shall be filed under seal:

(A) a copy of the annuity contract;

(B) a copy of any qualified assignment agreement;

(C) a copy of the underlying structured settlement agreement;

(9) notification that any interested party is entitled to support, oppose, or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or by participating in the hearing; and

(10) notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, which shall be not less than 15 days after service of the transferee's notice, in order to be considered by the court.

(c) The transferee shall file a copy of the application with the attorney general's office and a copy of the application and the payee's Social Security number with the office of child support, the department of taxes, and the department of financial regulation. The offices and departments receiving copies pursuant to this section shall permit the copies to be filed electronically.

(d) The payee shall attend the hearing unless attendance is excused for good cause.

§ 2480ff. GENERAL PROVISIONS; CONSTRUCTION

(a) The provisions of this subchapter may not be waived by any payee.

(b) Any transfer agreement entered into on or after the effective date of this subchapter by a payee who resides in this state shall provide that disputes under such transfer agreement, including any claim that the payee has breached the agreement, shall be determined in and under the laws of this state. No such transfer agreement shall authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

(c) No transfer of structured settlement payment rights shall extend to any payments that are life-contingent unless, prior to the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for:

(1) periodically confirming the payee's survival; and

(2) giving the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.

(d) No payee who proposes to make a transfer of structured settlement payment rights shall incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee or any assignee based on any failure of such transfer to satisfy the conditions of this subchapter.

(e) Nothing contained in this subchapter shall be construed to authorize any transfer of structured settlement payment rights in contravention of any law or to imply that any transfer under a transfer agreement entered into prior to the effective date of this subchapter is valid or invalid.

(f) Compliance with the requirements set forth in section 2480bb of this title and fulfillment of the conditions set forth in section 2480cc of this title shall be solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer shall bear any responsibility for or any liability arising from noncompliance with such requirements or failure to fulfill such conditions.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Pending the question, Shall the House concur in the Senate proposal of amendmet? **Rep. Koch of Barre Town** moved to that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 4. 9 V.S.A. chapter 63, subchapter 5 is added to read:

Subchapter 5. Transfers of Structured Settlements

§ 2480AA. LEGISLATIVE INTENT; PUBLIC POLICY

Structured settlement agreements, which provide for payments to a person over a period of time, are often used in the settlement of actions such as personal injury or medical claims and serve a number of valid purposes, including protection of persons from economic victimization and assuring a person's ability to provide for his or her future needs and obligations. It is the policy of this state that such agreements, which have often been approved by a court, should not be set aside lightly or without good reason.

§ 2480BB. DEFINITIONS

In this subchapter:

(1) "Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.

(2) "Dependents" include a payee's spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including alimony.

(3) "Discounted present value" means the present value of future payments determined by discounting such payments to the present using the most recently published Applicable Federal Rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service.

(4) "Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement

payment rights before any reductions for transfer expenses or other deductions to be made from such consideration.

(5) "Independent professional advice" means advice of an attorney, certified public accountant, actuary, or other licensed professional adviser meeting all of the following requirements:

(A) The advisor is engaged by the payee to render advice concerning the legal, tax, or financial implications of a structured settlement or a transfer of structured settlement payment rights;

(B) The adviser's compensation for rendering independent professional advice is not affected by occurrence or lack of occurrence of a settlement transfer; and

(C) A particular adviser is not referred to the payee by the transferee or its agent, except that the transferee may refer the payee to a lawyer referral service or agency operated by a state or local bar association.

(6) "Interested parties" means, with respect to any structured settlement, the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death, the annuity issuer, the structured settlement obligor, and any other party that has continuing rights or obligations relating to the structured settlement payment rights which are the subject of the proposed transfer.

(7) "Net advance amount" means the gross advance amount less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under subdivision 2480cc(5) of this title.

(8) "Payee" means an individual who is receiving tax-free payments under a structured settlement and proposes to make a transfer of payment rights thereunder.

(9) "Periodic payments" includes both recurring payments and scheduled future lump sum payments.

(10) "Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of section 130 of the United States Internal Revenue Code, United States Code Title 26, as amended from time to time.

(11) "Settled claim" means the original tort claim resolved by a structured settlement.

(12) "Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement

or judgment in resolution of a tort claim but does not refer to periodic payments in settlement of a workers' compensation claim.

(13) "Structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

(14) "Structured settlement obligor" means, with respect to any structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or a qualified assignment agreement.

(15) "Structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, where:

(A) the payee is domiciled in this state; or

(B) the structured settlement agreement was approved by a court in this state.

(16) "Terms of the structured settlement" include, with respect to any structured settlement, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement and any order or other approval of any court or other government authority that authorized or approved such structured settlement.

(17) "Transfer" means any sale, assignment, pledge, hypothecation, or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration.

(18) "Transfer agreement" means the agreement providing for a transfer of structured settlement payment rights.

(19) "Transfer expenses" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorney's fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions, and other payments to a broker or other intermediary.

(20) "Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

§ 2480CC. REQUIRED DISCLOSURES TO PAYEE

Not less than ten days prior to the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement in bold type in a size no smaller than 14 points setting forth:

(1) the amounts and due dates of the structured settlement payments to be transferred;

(2) the aggregate amount of such payments;

(3) the discounted present value of the payments to be transferred, which shall be identified as the “calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities,” and the amount of the applicable federal rate used in calculating such discounted present value;

(4) the gross advance amount and the annual discount rate, compounded monthly, used to determine such figure;

(5) an itemized listing of all applicable transfer expenses, other than attorneys’ fees and related disbursements payable by the payee in connection with the transferee’s application for approval of the transfer, and the transferee’s best estimate of the amount of any such fees and disbursements;

(6) the net advance amount;

(7) the amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee, as well as a description of any other financial penalties the payee might incur with the transferee as a result of such a breach; and

(8) a statement that the payee has the right to cancel the transfer agreement, without penalty or further obligation, at any time before the date on which a court enters a final order approving the transfer agreement

§ 2480DD. APPROVAL OF TRANSFERS OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

(a) No direct or indirect transfer of structured settlement payment rights shall be effective and no structured settlement obligor or annuity issuer shall be required to make any payment directly or indirectly to any transferee of structured settlement payment rights unless the transfer has been approved in advance in a final court order based on express findings by such court that:

(1) the transfer is in the best interest of the payee taking into account the welfare and support of the payee’s dependents, considering all relevant factors, including:

(A) the payee’s maturity, responsibility, and ability to understand the financial terms and consequences of the transfer;

(B) the payee’s capacity to meet his or her financial obligations, including the potential need for future medical treatment;

(C) the need, purpose, or reason for the transfer; and

(D) whether the transfer is fair and reasonable, considering the discount rate used to calculate the gross advance amount, the fees and expenses imposed on the payee, and whether the payee obtained more than one quote for the same or a substantially similar transfer.

(2)(A) the payee has been advised in writing by the transferee to seek independent professional advice regarding the financial advisability of the transfer and the other financial options available to the payee and

(B)(i) that the payee has in fact received such advice; or

(ii) that such advice is unnecessary for good cause shown.

(3) the transfer does not contravene any applicable statute or the order of any court or other government authority.

(b) Any agreement to transfer future payments arising under a workers' compensation claim is prohibited.

(c) At the hearing on the transfer, if the payee has waived in writing the opportunity to seek and receive independent professional advice regarding the transfer, the court may, in its sole discretion, continue the hearing and require the payee to seek independent professional advice if the court determines that obtaining such advice should be required based on the circumstances of the payee or the terms of the transaction. If the court determines that independent professional advice should be required, the court may order that the costs incurred by a payee for independent professional advice be paid by the transferee, the payee, or another party.

§ 2480EE. EFFECTS OF TRANSFER OF STRUCTURED SETTLEMENT

PAYMENT RIGHTS

Following a transfer of structured settlement payment rights under this subchapter:

(1) The structured settlement obligor and the annuity issuer shall, as to all parties except the transferee, be discharged and released from any and all liability for the transferred payments;

(2) The transferee shall be liable to the structured settlement obligor and the annuity issuer:

(A) if the transfer contravenes the terms of the structured settlement for any taxes incurred by such parties as a consequence of the transfer; and

(B) for any other liabilities or costs, including reasonable costs and attorney's fees, arising from compliance by such parties with the order of the

court or arising as a consequence of the transferee's failure to comply with this subchapter;

(3) Neither the annuity issuer nor the structured settlement obligor may be required to divide any periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees; and

(4) Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of this subchapter.

§ 2480FF. PROCEDURE FOR APPROVAL OF TRANSFERS

(a) An application under this subchapter for approval of a transfer of structured settlement payment rights shall be made by the transferee and may be brought in the superior court, civil division, of the county in which the payee resides or in which the structured settlement obligor or the annuity issuer maintains its principal place of business or in any court that approved the structured settlement agreement.

(b) Not less than 20 days prior to the scheduled hearing on any application for approval of a transfer of structured settlement payment rights under section 2480dd of this title, the transferee shall file with the court and serve on all interested parties a notice of the proposed transfer and the application for its authorization, including with such notice:

(1) a copy of any court order approving the settlement;

(2) a written description of the underlying basis for the settlement;

(3) a copy of the transferee's application;

(4) a copy of the transfer agreement;

(5) a copy of the disclosure statement required under section 2481n of this title;

(6) a listing of each of the payee's dependents, together with each dependent's age;

(7) a statement setting forth whether, to the best of the transferee's knowledge after making a reasonable inquiry to the payee, the structured settlement obligor, and the annuity issuer, there have been any previous transfers or applications for transfer of any structured settlement payment rights of the payee and giving details of all such transfers or applications for transfer;

(8) if available to the transferee after making a good faith request of the payee, the structured settlement obligor and the annuity issuer, the following documents, which shall be filed under seal:

(A) a copy of the annuity contract;

(B) a copy of any qualified assignment agreement;

(C) a copy of the underlying structured settlement agreement;

(9) either a certification from an independent professional advisor establishing that the advisor has given advice to the payee on the financial advisability of the transfer and the other financial options available to the payee or a written request that the court determine that such advice is unnecessary pursuant to subdivision 2480dd(a)(2) of this title; and

(10) notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, which shall be not less than 15 days after service of the transferee's notice, in order to be considered by the court.

(c) The transferee shall file a copy of the application with the attorney general's office and a copy of the application and the payee's social security number with the office of child support, the department of taxes, and the department of financial regulation. The offices and departments receiving copies pursuant to this section shall permit the copies to be filed electronically.

(d) The payee shall attend the hearing unless attendance is excused for good cause.

§ 2480GG. GENERAL PROVISIONS; CONSTRUCTION

(a) The provisions of this subchapter may not be waived by any payee.

(b) Any transfer agreement entered into on or after the effective date of this subchapter by a payee who resides in this state shall provide that disputes under such transfer agreement, including any claim that the payee has breached the agreement, shall be determined in and under the laws of this state. No such transfer agreement shall authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

(c) No transfer of structured settlement payment rights shall extend to any payments that are life-contingent unless, prior to the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for:

(1) periodically confirming the payee's survival; and

(2) giving the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.

(d) No payee who proposes to make a transfer of structured settlement payment rights shall incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee or any assignee based on any failure of such transfer to satisfy the conditions of this subchapter.

(e) Nothing contained in this subchapter shall be construed to authorize any transfer of structured settlement payment rights in contravention of any law or to imply that any transfer under a transfer agreement entered into prior to the effective date of this subchapter is valid or invalid.

(f) Compliance with the requirements set forth in section 2480cc of this title and fulfillment of the conditions set forth in section 2480dd of this title shall be solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer shall bear any responsibility for or any liability arising from noncompliance with such requirements or failure to fulfill such conditions.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto? **Rep. Lippert of Hinesburg** moved to amend the proposal of amendment offered by Rep. Koch of Barre Town, as follows:

By adding new Secs. 2, 3, 4, and 5 to read as follows:

Sec. 2. 9 V.S.A. § 2451 is amended to read:

§ 2451. PURPOSE

The purpose of this chapter is to complement the enforcement of federal statutes and decisions governing unfair methods of competition, ~~and~~ unfair or deceptive acts or practices, and anti-competitive practices in order to protect the public, and to encourage fair and honest competition.

Sec. 3. 9 V.S.A. § 2451a is amended to read:

§ 2451a. DEFINITIONS

For the purposes of this chapter:

(a) "Consumer" means any person who purchases, leases, contracts for, or otherwise agrees to pay consideration for goods or services not for resale in the

ordinary course of his or her trade or business but for his or her use or benefit or the use or benefit of a member of his or her household, or in connection with the operation of his or her household or a farm whether or not the farm is conducted as a trade or business, or a person who purchases, leases, contracts for, or otherwise agrees to pay consideration for goods or services not for resale in the ordinary course of his or her trade or business but for the use or benefit of his or her business or in connection with the operation of his or her business.

(b) "Goods" or "services" shall include any objects, wares, goods, commodities, work, labor, intangibles, courses of instruction or training, securities, bonds, debentures, stocks, real estate, or other property or services of any kind. The term also includes bottled liquified petroleum (LP or propane) gas.

* * *

(h) "Collusion" means an agreement, contract, combination in the form of trusts or otherwise, or conspiracy to engage in price fixing, bid rigging, or market division or allocation of goods or services between or among persons.

Sec. 4. 9 V.S.A. § 2453a is added to read:

§ 2453a. PRACTICES PROHIBITED; CRIMINAL ANTITRUST VIOLATIONS

(a) Collusion is hereby declared to be a crime.

(b) Subsection (a) of this section shall not be construed to apply to activities of or arrangements between or among persons which are permitted, authorized, approved, or required by federal or state statutes or regulations.

(c) It is the intent of the general assembly that in construing this section and subsection 2451a(h) of this title, the courts of this state shall be guided by the construction of federal antitrust law and the Sherman Act, as amended, as interpreted by the courts of the United States.

(d) Nothing in this section limits the power of the attorney general or a state's attorney to bring civil actions for antitrust violations under section 2453 of this title.

(e) A violation of this section shall be punished by a fine of not more than \$100,000.00 for an individual or \$1,000,000.00 for any other person or by imprisonment not to exceed five years or both.

Sec. 5. 9 V.S.A. § 2453b is added to read:

§ 2453b. RETALIATION PROHIBITED

No person shall retaliate against, coerce, intimidate, threaten, or interfere with any other person who:

(1) has opposed any act or practice of the person which is collusive or in restraint of trade;

(2) has lodged a complaint or has testified, assisted, or participated in any manner with the attorney general or a state's attorney in an investigation of acts or practices which are collusive or in restraint of trade;

(3) is known by the person to be about to lodge a complaint or testify, assist, or participate in any manner in an investigation of acts or practices which are collusive or in restraint of trade; or

(4) is believed by the person to have acted as described in subdivision (1), (2), or (3) of this subsection.

and by renumbering the remaining sections to be numerically correct.

Thereupon, **Rep. Bouchard of Colchester** raised a Point of Order that the amendment offered by Rep. Lippert of Hinesburg was not germane to the recommendation of proposal of amendment offered by Rep. Koch of Barre Town.

Which Point of Order the Speaker ruled not well taken in that both amendments deal with forms of fraud and consumer protection.

Thereupon, the recommendation of amendment offered by Rep. Lippert of Hinesburg was agreed to and the recommendation of proposal of amendment offered by Rep. Koch of Barre Town, as amended, was agreed to.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 745

House bill, entitled

An act relating to the Vermont prescription monitoring system

H. 751

House bill, entitled

An act relating to jurisdiction of delinquency proceedings

H. 778

House bill, entitled

An act relating to structured settlements

Recess

At ten o'clock and fifty minutes in the forenoon, the Speaker declared a recess until two o'clock and thirty minutes in the afternoon.

At two o'clock and thirty minutes in the afternoon, the Speaker called the House to order.

Recess

At two o'clock and thirty-five minutes in the afternoon, the Speaker declared a recess until five o'clock in the afternoon.

At five o'clock and five minutes in the afternoon, the Speaker called the House to order.

Recess

At five o'clock and ten minutes in the afternoon, the Speaker declared a recess until five o'clock and thirty minutes in the afternoon.

At five o'clock and thirty minutes in the afternoon, the Speaker called the House to order.

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the first day of May, 2012, he approved and signed bills originating in the House of the following titles:

H. 752 An act relating to permitting stormwater discharges in impaired watersheds

H. 758 An act relating to divorce and dissolution proceedings

H. 789 An act relating to reapportioning the final representative districts of the House of Representatives and the senatorial districts of the Senate

Message from the Senate No. 64

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The President announced a change by the Committee on Committees in the members on the part of the Senate of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 559. An act relating to health care reform implementation.

Senator Ayer
Senator Mullin
Senator Fox

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 113. An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Mullin
Senator Baruth
Senator Kittell

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 200. An act relating to the reporting requirements of health insurers.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator McCormack
Senator Westman
Senator Pollina

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 217. An act relating to closely held benefit corporations.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Brock
Senator McCormack
Senator Carris.

Message from the Senate No. 65

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered the request of the House that the Senate recede from its proposal of amendment to House bill of the following title:

H. 759. An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment.

And has receded from its proposal of amendment.

Message from the Senate No. 66

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 152. An act relating to the definition of line of duty in the workers' compensation statutes.

And has refused to concur therein.

**Senate Proposal of Amendment Concurred in with
A Further Amendment Thereto**

H. 506

The Senate proposed to the House to amend House bill, entitled

An act relating to vinous beverages

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(6) “Caterer’s ~~permit~~ license”: a ~~permit~~ license issued by the liquor control board authorizing the holder of a first class license or first and third class licenses for a cabaret, restaurant, or hotel premises to serve malt or vinous beverages or spirituous liquors at a function located on premises other than those occupied by a first, first and third, or second class licensee to sell alcoholic beverages.

* * *

(7) “Club”: an unincorporated association or a corporation authorized to do business in this state, that has been in existence for at least two consecutive years prior to the date of application for license under this title and owns, hires, or leases a building or space in a building that is suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and contains suitable and adequate kitchen and dining room space and equipment implements and facilities. A club may be used or leased by a nonmember as a location for a social event as if it were any other licensed commercial establishment. Such club shall file with the liquor control board, before May 1 of each year, a list of the names and residences of its members and a list of its officers. Its affairs and management shall be conducted by a board of directors, executive committee, or similar body chosen by the members at its annual meeting, and no member or any officer, agent, or employee of the club shall be paid, or directly or indirectly receive, in the form of salary or other compensation, any profits from the disposition or sale of alcoholic liquors to the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at annual meetings by the members or by its directors or other governing body, and as reported by the club to the liquor control board. An auxiliary member of a club may invite one guest at any one time. An officer or director of a club may perform the duties of a bartender without receiving any payment for that service, provided the officer or director is in compliance with the requirements of this title that relate to service of alcoholic beverages. An officer, member, or director of a club may volunteer to perform services at the club other than serving alcoholic beverages, including seating patrons and checking identification, without receiving payment for those services. An officer, member, or director of a club who volunteers his or her services shall not be considered to be an employee of the club. A bona fide unincorporated

association or corporation whose officers and members consist solely of veterans of the armed forces of the United States, or a subordinate lodge or local chapter of any national fraternal order, and which fulfills all requirements of this subdivision, except that it has not been in existence for two years, shall come within the terms of this definition six months after the completion of its organization. A club located on and integrally associated with at least a regulation nine-hole golf course need only be in existence for six months prior to the date of application for license under this title.

* * *

(19) “Second class license”: a license granted by the control commissioners permitting the licensee to export vinous beverages and to sell malt or vinous beverages to the public for consumption off the premises for which the license is granted.

* * *

(28) “Fourth class license” or “farmers’ market license”: the license granted by the liquor control board permitting a manufacturer or rectifier of malt or vinous beverages or spirits to sell by the unopened container and distribute, by the glass with or without charge, beverages manufactured by the licensee. No more than a combined total of ten fourth class and farmers’ market licenses may be granted to a licensed manufacturer or rectifier. At only one fourth class license location, a manufacturer or rectifier of vinous beverages may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages produced by no more than ~~three~~ five additional manufacturers or rectifiers, provided these beverages are purchased on invoice from the manufacturer or rectifier. A manufacturer or rectifier of vinous beverages may sell its product to no more than ~~three~~ five additional manufacturers or rectifiers. A fourth class licensee may distribute by the glass no more than two ounces of malt or vinous beverage with a total of eight ounces to each retail customer and no more than one-quarter ounce of spirits with a total of one ounce to each retail customer for consumption on the manufacturer’s premises or at a farmers’ market. A farmers’ market license is valid for all dates of operation for a specific farmers’ market location.

* * *

(33) “Commercial catering license”: A license granted by the board permitting a business licensed by the department of health as a commercial caterer and having a commercial kitchen facility in the home or place of business to sell malt, vinous, or spirituous liquors at a function previously approved by the local licensing authority.

Sec. 1a. 7 V.S.A. § 222 is amended to read:

§ 222. FIRST AND SECOND CLASS LICENSES, GRANTING OF; SALE TO MINORS; CONTRACTING FOR FOOD SERVICE

With the approval of the liquor control board, the control commissioners may grant to a retail dealer for the premises where the dealer carries on business the following:

* * *

(2) Upon making application and paying the license fee provided in section 231 of this title, a second class license for the premises where such dealer shall carry on the business which shall authorize such dealer to export vinous beverages and to sell malt and vinous beverages to the public from such premises for consumption off the premises and upon satisfying the liquor control board that such premises are leased, rented or owned by such retail dealers and are safe, sanitary and a proper place from which to sell malt and vinous beverages. A retail dealer carrying on business in more than one place shall be required to acquire a second class license for each place where he shall so sell malt and vinous beverages. No malt or vinous beverages shall be sold by a second class licensee to a minor.

* * *

Sec. 2. 7 V.S.A. § 66 is amended to read:

§ 66. VINOUS BEVERAGE SHIPPING LICENSE; IN STATE; OUT OF STATE; PROHIBITIONS; PENALTIES

* * *

(c) A manufacturer or rectifier of vinous beverages that is licensed in-state or out-of-state and holds valid state and federal permits and operates a winery in the United States may apply for a retail shipping license by filing with the department of liquor control an application in a form required by the department accompanied by a copy of their in-state or out of state license and the fee as required by subdivision 231(7)(C) of this title. The retail shipping license may be renewed annually by filing the renewal fee as required by subdivision 231(7)(C) of this title accompanied by the licensee's current in-state or out-of-state manufacturer's license. This license permits the holder, which includes the holder's affiliates, franchises, and subsidiaries, to sell up to ~~2,000~~ 5,000 gallons of vinous beverages a year directly to first or second class licensees and deliver the beverages by common carrier or the manufacturer's or rectifier's own vehicles or the vehicle of an employee of a manufacturer or rectifier, provided that the beverages are sold on invoice, and no more than ~~40~~ 100 gallons per month are sold to any single first or second class licensee. The

retail shipping license holder shall ~~provide~~ report to the department documentation of the annual and monthly number of gallons sold.

* * *

(e) A holder of any shipping license granted pursuant to this section shall:

* * *

(4) Report at least twice a year to the department of liquor control if the holder of a direct consumer shipping license and once a year if the holder of a retail shipping license in a manner and form required by the department all the following information:

(A) The total amount of vinous beverages shipped into or within the state for the preceding six months if a holder of a direct consumer shipping license or every twelve months if a holder of a retail shipping license.

(B) The names and addresses of the purchasers to whom the vinous beverages were shipped.

(C) The date purchased, if appropriate, the name of the common carrier used to make each delivery, and the quantity and value of each shipment.

* * *

Sec. 3. 7 V.S.A. § 67 is amended to read:

§ 67. ALCOHOLIC BEVERAGE TASTINGS; PERMIT; PENALTIES

* * *

(b) A wine or beer tasting event held pursuant to subdivisions (a)(1) and (2) of this section, not including an alcohol beverage tasting conducted on the premises of the manufacturer or rectifier, shall comply with the following:

(1) Continue for no more than six hours, with no more than six beverages to be offered at a single event, and no more than two ounces of any single beverage and no more than a total of eight ounces of various vinous or malt beverages to be dispensed to a customer. No more than eight customers may be served at one time.

(2) Be conducted totally within ~~an area that is clearly cordoned off by barriers that extend~~ a designated area that extends no further than 10 feet from the point of service, and ~~a that is marked by a clearly visible sign that clearly states that no one under the age of 21 may participate in the tasting shall be placed in a visible location at the entrance to the tasting area.~~

* * *

Sec. 4. 7 V.S.A. § 238 is amended to read:

§ 238. CATERER'S ~~PERMIT~~ LICENSE, GRANTING OF; SALE TO MINORS

(a) The liquor control board may issue a caterer's ~~permit~~ license only to those persons who hold a current first ~~and third~~ class license or current first and third class licenses for a restaurant or hotel premises.

(b) The board may issue a commercial catering license only to those persons who hold a first class license or current first and third class licenses.

(c) The liquor control board shall promulgate rules or regulations as it deems necessary to effectuate the purposes of this section.

~~(e)~~(d) No malt or vinous beverages or spirituous liquors shall be sold or served to a minor by a holder of a caterer's ~~permit~~ license.

~~(d)~~(e) Notwithstanding the provisions of subsection (a) of this section, the liquor control board may issue a caterer's ~~permit~~ license to a licensed manufacturer or rectifier who holds a current first class license.

Sec. 5. 7 V.S.A. § 238a is amended to read:

§ 238a. OUTSIDE CONSUMPTION PERMITS; ~~GOLF COURSES; WINERIES~~ FIRST, THIRD, AND FOURTH CLASS LICENSEES

Pursuant to regulations of the liquor control board, an outside consumption permit may be granted to the holder of a first or first and third class ~~license~~ licenses for all or part of the outside premises of a golf course or to the holder of a fourth class license for all or part of the outside premises ~~of a winery for consumption of wine produced on the premises of the license holder~~, provided that such permit is first obtained from the local control commissioners and approved by the board.

Sec. 6. 7 V.S.A. § 231 is amended to read:

§ 231. FEES FOR LICENSES; DISPOSITION OF FEES

(a) The following fees shall be paid:

* * *

(8)(A) For a caterer's ~~permit~~ license, \$200.00.

(B) For a commercial catering license, \$200.00.

* * *

Sec. 7. 7 V.S.A. § 104 is amended to read:

§ 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

The board shall have supervision and management of the sale of spirituous liquors within the state in accordance with the provisions of this title, and through the commissioner of liquor control shall:

(1) See that the laws relating to intoxicating liquor and to the manufacture, sale, transportation, barter, furnishing, importation, exportation, delivery, prescription and possession of malt and vinous beverages, spirituous liquors and alcohol by licensees and others are enforced, using for that purpose such of the moneys annually available to the liquor control board as may be necessary. However, the liquor control board and its agents and inspectors shall act in this respect in collaboration with sheriffs, deputy sheriffs, constables, officers and members of village and city police forces, control commissioners, the attorney general, state's attorneys, and town and city grand jurors. When the board acts to enforce any section of this title or any administrative rule or regulation relating to sale to minors, its investigation on the alleged violation shall be forwarded to the attorney general or the appropriate state's attorney whether or not there is an administrative finding of wrongdoing. Nothing in this section shall be deemed to affect the responsibility or duties of such enforcement officers or agencies with respect to the enforcement of such laws. The commissioner or his or her designee is authorized to prosecute administrative matters under this section and shall have the authority to enter into direct negotiations with a licensee to reach a proposed resolution or settlement of an alleged violation, subject to board approval, or dismissal with or without prejudice.

* * *

and that after passage the title of the bill be amended to read: "An act relating to commercial catering licenses, the export of malt and vinous beverages, and outside consumption permits".

Thereupon, **Rep. Smith of New Haven** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By adding Secs. 8, 9, and 10 to read:

Sec. 8. 7 V.S.A. § 101 is amended to read:

§ 101. COMPOSITION OF DEPARTMENT; COMMISSIONER OF LIQUOR CONTROL; LIQUOR CONTROL BOARD

(a) The department of liquor control, created by ~~section 3~~ 3 V.S.A. § 212 of Title 3, shall include the commissioner of liquor control and the liquor control board.

(b) The liquor control board shall consist of ~~three~~ five persons, not more than ~~two~~ three members of which shall belong to the same political party. Biennially, with the advice and consent of the senate, the governor shall appoint a person as a member of such board for ~~the term of six years~~ a staggered five-year term, whose term of office shall commence on February 1 of the year in which such appointment is made. The governor shall biennially designate a member of such board to be its ~~chairman~~ chair.

Sec. 9. TRANSITIONAL PROVISIONS

Of the two new member positions on the liquor control board, the governor shall appoint one member for a three-year term and one member for a five-year term.

Sec. 10. EFFECTIVE DATE

This section and Secs. 8 and 9 of this act shall take effect on passage.

Which was agreed to.

Action on Bill Postponed

H. 535

House bill, entitled

An act relating to racial disparities in the Vermont criminal justice system

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until the next legislative day.

Committee of Conference Appointed

S. 200

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to the reporting requirements of health insurers

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Copeland-Hanzas of Bradford

Rep. Pearson of Burlington

Rep. Komline of Dorset

Committee of Conference Appointed

S. 217

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to closely held benefit corporations

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Kupersmith of South Burlington

Rep. Dickinson of St. Albans Town

Rep. Young of Glover

Committee of Conference Appointed

S. 113

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Donovan of Burlington

Rep. Gilbert of Fairfax

Rep. Buxton of Tunbridge

Member Replaced on Committee of Conference

H. 745

The Speaker announced that he has appointed **Rep. Trieber of Rockingham** to replace **Rep. Lippert of Hinesburg** on the Committee of Conference on House bill, entitled

An act relating to the Vermont prescription monitoring system

Rules Suspended; Bill Messaged to Senate Forthwith

H. 506

House bill, entitled

An act relating to vinous beverages

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Message from the Senate No. 67

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 577. An act relating to public water systems.

H. 600. An act relating to mandatory mediation in foreclosure proceedings.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

Adjournment

At five o'clock and forty-five minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Wednesday, May 2, 2012

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Sergeant-at-Arms, Francis Brooks of Montpelier, VT.

Joint Resolution Placed on Calendar

J.R.H. 38

Joint resolution expressing concern over the *Reader's Digest* portrayal of mental illness

Offered by: Committee on Human Services

Whereas, the *Reader's Digest* has published a series of articles on the theme "Normal or Nuts," most recently in March 2012, and

Whereas, the text of this latest article clearly intends to educate the public concerning the distinction between personal behaviors that may and may not require mental health intervention or support, and

Whereas, educating the public on mental health issues enables readers to assess episodes of personal behavior that they may find too embarrassing to discuss with others, and

Whereas, the articles' flippant references to "nuts" in contrast to "normal" seems intended to attract public attention, and

Whereas, the March 2012 article contains illustrations and text that promote a negative view of mental illness by referring to persons with a symptom of mental illness as “nuts” and using the term “certifiable,” which carries the stigmatizing connotation that persons with a mental illness frequently require court-ordered involuntary treatment, and

Whereas, according to the World Health Organization, “mental illnesses (including depression, bipolar disorder, and schizophrenia) account for nearly 25% of all disability across major industrialized countries,” and

Whereas, there is broad recognition by such national organizations as the National Alliance for Mental Illness that humorous references to the trauma of mental illness are detrimental to the goal of supporting those who may need psychiatric treatment, and

Whereas, the Vermont general assembly has heard testimony from groups such as the Vermont Psychiatric Survivors regarding the hurt experienced by those with a mental illness when the illness is minimized by derogatory comments, and

Whereas, as stated on the website of the federal Substance Abuse and Mental Health Services Administration (SAMHSA), “words have power to teach . . . to wound . . . to shape the way people think, feel, and act toward others . . . [and] when a stigmatized group of people, such as those with mental illnesses, is struggling for increased understanding and acceptance, attention to the language used in talking and writing about them is particularly important,” and

Whereas, SAMHSA has stated that “stigma impedes people from getting the care they need” and “is a pervasive barrier to understanding the gravity of mental illnesses,” and

Whereas, the state has striven to address the barriers preventing persons from receiving treatment through the enactment of Act 25 of 1997, which mandated that mental health treatment receive insurance coverage equal to other areas of health care, and

Whereas, in 2011, Act 24 provided for a study to “recommend guidelines for using respectful language when referring to people with disabilities” in order to eliminate in state law any negative terms used to describe individuals with a mental health condition, and

Whereas, this legislative body wishes to stand beside those persons who are hurt by negative portrayals of mental illness and to reinforce this state’s commitment as a national leader in the effort to establish equality for mental health as part of the robustness of our health care system, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly encourages the *Reader's Digest* to consider the harm and pain that derogatory or flippant language regarding disabilities can cause to millions of Americans, and be it further

Resolved: That the General Assembly urges *Reader's Digest* to reconsider the language used in its series titled "Are You Normal or Nuts?" in order that its public awareness efforts are not unintentionally hurtful, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Reader's Digest Association President and Chief Executive Officer Robert E. Guth in New York.

Which was read and, in the Speaker's discretion, placed on the Calendar for action on the next legislative day under Rule 52.

**Committee of Conference Appointed, Rules Suspended
and Bill Ordered Messaged to the Senate Forthwith**

S. 152

Senate bill, entitled

An act relating to the definition of line of duty in the workers' compensation statutes

Was taken up and because the Senate refused to concur in the House proposal of amendment, **Rep. Botzow of Pownal** moved that the House appoint a Committee of Conference, which was agreed to.

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Botzow of Pownal
Rep. Marcotte of Coventry
Rep. Shand of Weathersfield

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Joint Resolution Adopted

J.R.H. 38

On motion of **Rep. Savage of Swanton**, the rules were suspended and Joint resolution, entitled

Joint resolution expressing concern over the *Reader's Digest* portrayal of mental illness;

Appearing on the Calendar for Action, was taken up for immediate consideration.

Thereupon, the resolution was adopted on the part of the House.

Joint Resolution Adopted in Concurrence

J.R.S. 58

Joint resolution, entitled

Joint resolution relating to respectful language in the Vermont Statutes Annotated

Was taken up and adopted in concurrence.

Recess

At ten o'clock and five minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

At one o'clock in the afternoon, the Speaker called the House to order.

Message from the Senate No. 68

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 784. An act relating to approval of the adoption and codification of the charter of the town of Williamstown.

H. 787. An act relating to approval of amendments to the charter of the city of Montpelier.

H. 788. An act relating to approval of amendments to the charter of the town of Richmond.

H. 790. An act relating to approval of amendments to the charter of the town of Hartford.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 78. An act relating to wages for laid-off employees.

H. 524. An act relating to the regulation of professions and occupations.

H. 699. An act relating to scrap metal processors.

H. 786. An act relating to approval of amendments to the charter of the town of Windsor.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bills of the following titles:

S. 99. An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing.

S. 106. An act relating to miscellaneous changes to municipal government law.

S. 226. An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bills of the following titles:

S. 202. An act relating to regulation of flood hazard areas, river corridors, and stream alteration.

S. 252. An act relating to the repeal or revision of reporting requirements.

And has concurred therein.

The Senate has considered House proposals of amendment to Senate proposals of amendment to House bills of the following titles:

H. 506. An act relating to vinous beverages.

H. 523. An act relating to revising the state highway condemnation law.

H. 751. An act relating to jurisdiction of delinquency proceedings.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 485. An act relating to establishing universal recycling of solid waste.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 770. An act relating to the state's transportation program.

And has accepted and adopted the same on its part.

Pursuant to the request of the House for Committees of Conference on the disagreeing votes of the two Houses on the following House bills the President announced the appointment as members of such Committees on the part of the Senate:

H. 745. An act relating to the Vermont prescription monitoring system.

Senator Sears
Senator Ayer
Senator Mullin

H. 780. An act relating to compensation for certain state employees.

Senator Flory
Senator Nitka
Senator White

The Senate has considered House proposal of amendment to joint resolution entitled:

J.R.S. 54. Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Hartwell
Senator Mazza
Senator Benning

The Governor has informed the Senate that on the first day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

S. 122. An act relating to human trafficking and prostitution.

S. 128. An act relating to recognition of the Missisquoi, St. Francis-Sokoki Band as a Native American Indian tribe.

Action on Bill Postponed

S. 199

Senate bill, entitled

An act relating to immunization exemptions and the immunization pilot program

Was taken up and pending the question, Shall the report of the Committee of Conference be adopted? on motion of **Rep. Fisher of Lincoln**, action on the bill was postponed until the next legislative day on a Division vote: Yeas, 81. Nays, 38.

Rules Suspended; Report of Committee of Conference Adopted

H. 770

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to the state's transportation program

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill recommended that the Senate recede from its proposal of amendment and that the bill be amended by striking all after the enacting clause and by inserting in lieu thereof the following:

Sec. 1. TRANSPORTATION PROGRAM

(a) The state's proposed fiscal year 2013 transportation program appended to the agency of transportation's proposed fiscal year 2013 budget, as amended by this act, is adopted to the extent federal, state, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "Agency" means the agency of transportation.

(2) "Secretary" means the secretary of transportation.

(3) The table heading "As Proposed" means the transportation program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the term "change" or "changes" in the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading.

(4) “TIB funds” or “TIB” refers to monies deposited in the transportation infrastructure bond fund in accordance with 19 V.S.A. § 11f.

* * * Program Development Funding Sources * * *

Sec. 2. PROGRAM DEVELOPMENT – FUNDING

Spending authority in program development is modified as follows:

(1) Among eligible projects selected in the secretary’s discretion, the secretary shall reduce project spending authority in the total amount of \$502,437.00 in transportation funds and \$25,000.00 in federal funds, and increase project spending authority in the total amount of \$484,745.00 in TIB funds.

* * * Program Development – Paving * * *

Sec. 3. PORTABLE HOT MIX PLANT

(a) A new project is added to the development and evaluation list of the program development – paving program within the fiscal year 2013 transportation program for the acquisition of a portable hot mix plant.

(b) As soon as practicable, the secretary shall study the feasibility and evaluate the costs and benefits of acquiring a portable hot mix plant, and necessary associated equipment, for use on paving projects throughout the state.

(c) Prior to expending funds other than development and evaluation funds on the portable hot mix plant project pursuant to 19 V.S.A. § 10g(h), the secretary shall notify the house and senate committees on transportation if the general assembly is in session, and if not in session, the joint transportation oversight committee.

* * * Program Development – Roadway * * *

Sec. 4. PROGRAM DEVELOPMENT – ROADWAY

(a) The following project is added to the development and evaluation list of the program development – roadway program within the fiscal year 2012 transportation program:

CIRC Alternatives – Phase 1 Alternative Projects.

(b) In light of the destruction caused by Tropical Storm Irene to the village of Waterbury, and the plans to reconstruct portions of the Waterbury Complex in the village, the agency of transportation shall review existing plans for the Waterbury – Reconstruct Main Street project (FEGC F 013-4(13)) as soon as is practicable:

(1) to ensure that project infrastructure will be resilient in the event of future flooding;

(2) to ensure, if feasible, that construction of the project is coordinated with Waterbury Complex reconstruction activities so as to minimize disruption to and impacts on residents and road users, and to maximize potential cost savings; and

(3) to determine whether the project plans need to be updated in light of the damage caused by Tropical Storm Irene and the planned configuration of the Waterbury Complex.

* * * Program Development – State Highway Bridge * * *

Sec. 5. PROGRAM DEVELOPMENT – STATE HIGHWAY BRIDGE

(a) The STP SCTT(1) – Townshend – State-owned Historic Sites – Scott Covered Bridge project is added to the fiscal year 2013 transportation program – program development – state highway bridge development and evaluation (D&E) list.

(b) Funds may be expended on the project as necessary from authorized statewide – state highway bridges D&E spending, provided the expenditure does not delay other programmed D&E expenditures.

* * * Vermont Local Roads * * *

Sec. 6. TOWN HIGHWAY VERMONT LOCAL ROADS

Authorized spending on the Vermont local roads program is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	375,000	400,000	25,000
Total	375,000	400,000	25,000

Sources of funds

State	235,000	235,000	0
Federal	140,000	165,000	25,000
Total	375,000	400,000	25,000

* * * State Aid for Federal and Nonfederal Disasters * * *

Sec. 7. STATE AID FOR NONFEDERAL DISASTERS

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	4,750,000	1,150,000	-3,600,000

Total	4,750,000	1,150,000	-3,600,000
<u>Sources of funds</u>			
State	1,550,000	1,150,000	-400,000
Federal	3,200,000	0	-3,200,000
Total	4,750,000	1,150,000	-3,600,000

Sec. 8. STATE AID FOR FEDERAL DISASTERS

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	0	3,600,000	3,600,000
Total	0	3,600,000	3,600,000

Sources of funds

State	0	400,000	400,000
Federal	0	3,200,000	3,200,000
Total	0	3,600,000	3,600,000

Sec. 9. TOWN HIGHWAY STRUCTURES

Authorized spending on the town highway structures program is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	5,833,500	6,333,500	500,000
Total	5,833,500	6,333,500	500,000

Sources of funds

State	5,833,500	6,333,500	500,000
Federal	0	0	0
Total	5,833,500	6,333,500	500,000

Sec. 10. TOWN HIGHWAY AID

(a) Authorized spending on the town highway aid program is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	26,482,744	25,982,744	-500,000
Total	26,482,744	25,982,744	-500,000

Sources of funds

State	26,482,744	25,982,744	-500,000
Federal	0	0	0
Total	26,482,744	25,982,744	-500,000

(b) The secretary shall review the permissible uses of general state aid for town highways under 19 V.S.A. § 306(a), and shall report back to the house and senate committees on transportation by January 15, 2013, with any recommendations for further specifying the permissible uses, and overseeing the use, of general state aid for town highways.

* * * Rail * * *

Sec. 11. RAIL

The following modifications are made to the rail program:

(1) The “Rutland–Burlington crossings project” is renamed the “Rutland–Burlington rail and crossings project,” and the scope of the project is amended to include the installation of continuously welded rail.

(2) Spending authority for the Pittsford Bridge 219 project (HPP ABRB(9)) is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	6,600,000	1,500,000	-5,100,000
Total	6,600,000	1,500,000	-5,100,000

Sources of funds

State	0	0	0
TIB	1,320,000	300,000	-1,020,000
Federal	5,280,000	1,200,000	-4,080,000
Local	0	0	0
Total	6,600,000	1,500,000	-5,100,000

(3) Spending authority for the Rutland–Burlington rail and crossings project is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	600,000	600,000	0
Construction	900,000	6,000,000	5,100,000

Total	1,500,000	6,600,000	5,100,000
<u>Sources of funds</u>			
State	300,000	300,000	0
TIB	0	1,020,000	1,020,000
Federal	1,200,000	5,280,000	4,080,000
Local	0	0	0
Total	1,500,000	6,600,000	5,100,000

Sec. 12. RUTLAND-BURLINGTON RAIL AND CROSSINGS PROJECT

The “Rutland-Burlington rail and crossings project” is added to the fiscal year 2012 transportation program – rail program. The project includes the installation of continuously welded rail and the reconstruction of several rail-highway grade crossings along the Vermont Railway line between Rutland and Burlington.

Sec. 13. PURCHASE OF RAIL BRIDGE INSPECTION VEHICLE

(a) A new project is added to the fiscal year 2012 and 2013 transportation program – rail programs for the purchase of a servi-lift rail bridge inspection vehicle (“inspection vehicle”).

(b) Notwithstanding the authorized program spending within the fiscal year 2012 and 2013 transportation program – rail programs, the secretary is authorized to purchase an inspection vehicle using any federal grant funds received for its purchase.

(c) If a federal grant for the purchase of the inspection vehicle is not received or is not pending, notwithstanding the authorized project or activity spending within the fiscal year 2012 and 2013 transportation program – rail programs, the secretary is authorized to use up to a total of \$500,000.00 in transportation funds appropriated to the rail program for the purchase of the inspection vehicle, provided that the purchase does not delay the work schedule of a project or activity programmed in the fiscal year 2012 or 2013 rail programs.

(d) The agency shall promptly report any action taken under the authority granted in subsection (b) or (c) of this section to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, to the joint transportation oversight committee.

Sec. 14. ANTICIPATION OF FEDERAL RECEIPTS – RAIL PROGRAM

As authorized by 32 V.S.A. § 510, the secretary, with the prior approval of the commissioner of finance and management, may anticipate federal receipts into the transportation – rail program.

* * * Transportation Buildings * * *

Sec. 15. TRANSPORTATION BUILDINGS

The following modifications are made to the transportation buildings program:

(1) Spending authority for the Mendon District 3/Southwest Regional Construction Office Building project is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	50,000	0	-50,000
Construction	150,000	0	-150,000
Total	200,000	0	-200,000

Sources of funds

State	200,000	0	-200,000
TIB	0	0	0
Federal	0	0	0
Local	0	0	0
Total	200,000	0	-200,000

(2) Spending authority for the Statewide – Brine-Making Facilities project is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	3,000	3,000	0
Construction	0	80,000	80,000
Total	3,000	83,000	80,000

Sources of funds

State	3,000	83,000	80,000
TIB	0	0	0
Federal	0	0	0
Local	0	0	0

Total	3,000	83,000	80,000

(3) Spending authority for the Middlebury – Design, Permit, and Construct 1–Bay Addition project is amended to read:

<u>FY13</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	5,000	0	-5,000
Construction	175,000	0	-175,000
Total	180,000	0	-180,000

Sources of funds

State	180,000	0	-180,000
TIB	0	0	0
Federal	0	0	0
Local	0	0	0
Total	180,000	0	-180,000

Sec. 16. VTRANS TRAINING CENTER FACILITY

(a) The “VTrans Learning Campus” project within the fiscal year 2013 transportation buildings program is renamed the “VTrans Training Center” project, and the scope of the project is amended to read, “Renovation of existing materials & research building for use by the VTrans Training Center and the traffic research section.”

(b) The agency shall rename the VTrans Learning Campus program to be the VTrans Training Center program.

(c) After the effective date of this act, the agency shall:

(1) continue to pursue the acquisition or construction of a facility, not located in a flood hazard area, that is suitable to satisfy the agency’s long-term objectives for the VTrans Training Center program; and

(2) create a plan for the development of a VTrans Training Center facility that will satisfy the long-term objectives of the program.

* * * Public Transit * * *

Sec. 17. PUBLIC TRANSIT

The scope of the Public Transit – Statewide Capital project is amended to include the construction of transit facilities.

Sec. 18. 24 V.S.A. § 5094 is added to read:

§ 5094. POWERS OF SECRETARY OF TRANSPORTATION

On behalf of the state and to carry out the purposes of this chapter and 19 V.S.A. § 10f, the secretary of transportation may:

(1) Execute and file an application with the Federal Transit Administration for federal assistance authorized by Titles 23 and 49 of the United States Code or other federal law.

(2) Execute and file certifications, assurances, or other documents the Federal Transit Administration may require before awarding a federal assistance grant or cooperative agreement.

(3) Execute grant and cooperative agreements with the Federal Transit Administration.

* * * Fiscal Year 2013 Transportation Infrastructure Bonds * * *

Sec. 19. AUTHORITY TO ISSUE TRANSPORTATION INFRASTRUCTURE BONDS

Pursuant to 32 V.S.A. § 972, the state treasurer is authorized to issue transportation infrastructure bonds up to a total amount of \$11,500,000.00 for the purpose of funding:

(1) the spending authorized in Sec. 20 of this act;

(2) a debt service reserve to support the successful issuance of transportation infrastructure bonds; and

(3) the cost of preparing, issuing, and marketing the bonds as authorized under 32 V.S.A. § 975.

Sec. 20. TRANSPORTATION INFRASTRUCTURE BONDS; SPENDING AUTHORITY

The amount of \$10,000,000.00 from the issuance of transportation infrastructure bonds is authorized for expenditure in fiscal year 2013 on eligible projects as defined in 32 V.S.A. § 972(d) in the state's fiscal year 2013 transportation program as follows:

(1) \$9,000,000.00 on projects in program development.

(2) \$1,000,000.00 on projects in the town highway bridge program.

* * * Agency of Transportation Positions * * *

Sec. 21. AGENCY OF TRANSPORTATION POSITIONS

(a) The agency may establish 17 new limited service positions related to the response to Tropical Storm Irene and the spring 2011 flooding. This authority shall expire on June 30, 2014, and the positions shall terminate by June 30, 2014.

(b) The establishment of three new permanent classified positions is authorized in the agency of transportation – rail program.

(c) The establishment of three new permanent classified positions is authorized in the agency of transportation – program development program.

(d) The positions authorized in this section are not subject to the restriction in Sec. A.108 of No. 63 of the Acts of 2011, and are in addition to the positions authorized in Sec. 87(e) of No. 75 of the Acts of the 2011 Adj. Sess. (2012).

* * * Central Garage * * *

Sec. 22. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2013, the amount of \$1,120,000.00 is transferred from the transportation fund to the central garage fund created in 19 V.S.A. § 13.

* * * Relinquishment of State Highway Segment to Municipal Control * * *

Sec. 23. RELINQUISHMENT OF VERMONT ROUTE 207 EXTENSION IN THE TOWN OF ST. ALBANS

(a) Pursuant to 19 V.S.A. § 15(2), the general assembly approves the secretary of transportation to enter into an agreement with the town of St. Albans to relinquish to the town's jurisdiction a segment of state highway right-of-way in the town of St. Albans which has not been constructed to be a traveled road, and which was to be known as the Vermont Route 207 Extension. This authority shall expire on June 30, 2022. The segment authorized to be relinquished measures approximately 1.7 acres, is approximately 160 feet in width, and starts at a point 200 feet west of the intersection of the U.S. Route 7/Vermont Route 207 centerline of highway project S0297(2), and continues westerly for 463 feet.

(b) Following relinquishment, the former state highway segment shall become a town highway and shall retain its limited access designation under 19 V.S.A. chapter 17 (limited access facilities).

(c) Following relinquishment, the state of Vermont shall retain ownership of the underlying fee interest in the former state highway segment. The town of St. Albans shall not sell or abandon any portion of the relinquishment area or allow any encroachments within the relinquishment area without the written permission of the agency of transportation.

* * * Enhancement Grant Program Priorities * * *

Sec. 24. ENHANCEMENT GRANT PROGRAM PRIORITIES

In addition to the priorities for salt and sand shed projects and bicycle or pedestrian facility projects specified in 19 V.S.A. § 38(g), in evaluating applications for enhancement grants in fiscal years 2013, 2014, and 2015, the transportation enhancement grant committee shall give preferential weighting to projects involving a municipality implementing eligible environmental mitigation projects under a river corridor plan that has been adopted by the agency of natural resources as part of a basin plan, under a municipal plan adopted pursuant to 24 V.S.A. § 4385, or under a mitigation plan adopted by the municipality and approved by the Federal Emergency Management Agency. The degree of preferential weighting afforded shall be in the complete discretion of the transportation enhancement grant committee.

* * * State Aid for Town Highways * * *

Sec. 25. 19 V.S.A. § 306(e) and (f) are amended to read:

(e) State aid for town highway structures.

(1) There shall be an annual appropriation for grants to municipalities for maintenance, (including actions to extend life expectancy,) and for construction of bridges, and culverts, and; for maintenance and construction of other structures, including causeways and retaining walls, intended to preserve the integrity of the traveled portion of class 1, 2, and 3 town highways; and for alternatives that eliminate the need for a bridge, culvert, or other structure, such as the construction or reconstruction of a highway, the purchase of parcels of land that would be landlocked by closure of a bridge, the payment of damages for loss of highway access, and the substitution of other means of access.

(2) Each fiscal year, the agency shall approve qualifying projects with a total estimated state share cost of \$5,833,500.00 at a minimum as new grants. The agency's proposed appropriation for the program shall take into account the estimated amount of qualifying invoices submitted to the agency with respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year. In a given fiscal year, should expenditures in the town highway structures program exceed the amount appropriated, the agency shall advise the governor of the need to request a supplemental appropriation from the general assembly to fund the additional project cost, provided that the agency has previously committed to completing those projects.

(3) Funds received as grants for state aid for town highway structures may be used by a municipality to satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.

(f) ~~{Deleted.}~~ State aid for federal disasters.

(1) Towns receiving assistance under the Federal Highway Administration's emergency relief program for federal-aid highways shall be eligible for state aid when a nonfederal match is required. Eligibility for aid under this subsection shall be subject to the following criteria:

(A) Towns shall be responsible for up to 10 percent of the total eligible project costs.

(B) For towns that have adopted road and bridge standards, eligibility for reimbursement for repair or replacement of infrastructure shall be to those standards. For towns that have not adopted these standards, eligibility for reimbursement for repair or replacement of infrastructure shall be limited to the specifications of the infrastructure that preexisted the emergency event; however, the repair or replacement shall be to standards approved by the agency.

(C) Such additional criteria as may be adopted by the agency through rulemaking under 3 V.S.A. chapter 25.

(2) Notwithstanding 32 V.S.A. § 706 and the limits on authorized program spending in an approved transportation program, the secretary may transfer appropriations between the program created in this subsection and the state aid for nonfederal disasters program created in subsection (d) of this section.

* * * Town Highway Bridges; Local Match * * *

Sec. 26. 19 V.S.A. § 309a is amended to read:

§ 309a. LOCAL HIGHWAY WORK; UNIFORM LOCAL SHARE; EXCEPTIONS

(a) Except as provided in subsection (b) or (c) of this section or in sections 309b and 309c of this title, in any case of highway or bridge construction in which a federal/state/local or state/local funding match is authorized, the municipality's share shall be ten percent of the project costs.

(b) This section shall not apply to:

(1) any project phase, preliminary engineering, right-of-way acquisition or construction, which was included in the transportation construction program submitted by the agency in February 1987 and approved by the general assembly in Act No. 91 of the Acts of 1987 any bridge replacement project in the town highway bridge program during the construction of which the municipality closes the bridge and does not construct a temporary bridge for

the duration of the project, in which event the local match shall cover five percent of the project costs; or

(2) any project phase for which a municipality already has provided for payment of its share by issuing bonds or funding a reserve established under a capital improvement plan; ~~or~~

(3) any project on a town highway for which the general assembly has authorized a different federal/state/local funding match; and any project which serves an "economic growth center" as defined in 23 U.S.C. § 143, and for which the general assembly has authorized a different federal/state/local funding match;

(4) any project involving a bridge, including the approaches to a bridge, that extends between this state and an adjacent state;

(5) any bridge or roadway project involving a local financial share in which the municipality, after its review of the conceptual project plans, chooses not to proceed with the proposed project; in such circumstances, the agency shall pay 100 percent of the project costs incurred through the date it receives such notification from the municipality;

(6) any project where, by the mutual agreement of the municipality and agency, rehabilitation of an existing bridge is the preferred alternative, in which case the agency shall use the appropriate combination of state and federal funding to pay either 95 percent of the cost of rehabilitation, or 97.5 percent if the municipality closes the bridge and does not construct a temporary bridge for the duration of the project; or

(7) any project or portion of a project involving a structure that is part of the historic bridge program, where the agency shall use the appropriate combination of state and federal funding to pay 100 percent of the cost of rehabilitation.

* * *

* * * Tendering Payment in Condemnation Matters * * *

Sec. 27. 19 V.S.A. § 512 is amended to read:

§ 512. ORDER FIXING COMPENSATION; INVERSE CONDEMNATION; RELOCATION ASSISTANCE

(a) Within 30 days after the compensation hearing, the board shall by its order fix the compensation to be paid to each person from whom land or rights are taken. Within 30 days of the board's order, the agency shall file and record the order in the office of the clerk of the town where the land is situated,

deliver to each person a copy of that portion of the order directly affecting the person, and pay or tender the award to each person entitled. If an interested person has not provided the agency identification information necessary to process payment of the award, or if an interested person refuses an offer of payment, payment shall be deemed to be tendered for the purposes of this subsection when the agency pays the award into an escrow account that is accessible by the interested person upon his or her providing any necessary identification information. A person to whom a compensation award is paid or tendered under this subsection may accept, retain, and dispose of the award to his or her own use without prejudice to the person's right of appeal, as provided in section 513 of this title. Upon the payment or tender of the award as above provided, the agency may proceed with the work for which the land is taken.

* * *

* * * Van Pool Program within State Infrastructure Bank * * *

Sec. 28. REPEAL

10 V.S.A. § 280g(a)(10) and (d) (state infrastructure bank van pool loan program) are repealed.

* * * Elimination, Modification, and Retention of Reports * * *

Sec. 29. ELIMINATION OF REPORTS

10 V.S.A. § 445(b) (report regarding expenditures and income relating to Vermont trails system); 19 V.S.A. § 10g(d)(1) (analysis of state's commitment to transportation projects); 19 V.S.A. § 10g(d)(2) (agency's plan to bring resources and cost into balance); 19 V.S.A. § 317(f) (report regarding the classification, number, and location of historic bridges); 32 V.S.A. § 706(4) (report of transfers of appropriations to cover federally reimbursable construction projects); and Sec. 50 of No. 175 of the Acts of the 2005 Adj. Sess. (2006), as amended by Sec. 61 of No. 164 of the Acts of the 2007 Adj. Sess. (2008) (report on general condition of town assets in the bridge and culvert database), are repealed.

Sec. 30. 19 V.S.A. § 12b(d) is amended to read:

(d)(1) In coordination with the regular meetings of the joint fiscal committee in ~~mid-July, mid-September, and mid-November~~, the secretary shall prepare a report on the status of the state's transportation finances and transportation programs. If a meeting of the committee is not convened on the scheduled dates of the joint fiscal committee meetings, the secretary in advance shall transmit the report electronically to the joint fiscal office for distribution to committee members. The report shall ~~include a report on list~~

contract bid awards versus project estimates ~~and a detailed report on~~ and all known or projected cost overruns, project savings, and funding availability from delayed projects; ~~and the agency's actions taken or planned to cover the cost overruns and to reallocate the project savings and delayed project funds~~ with respect to:

(A) all paving projects other than statewide maintenance programs; and

(B) all projects in the roadway, state bridge, interstate bridge, or town bridge programs with authorized spending in the fiscal year of \$500,000.00 or more with a cost overrun equal to 20 percent or more of the authorized spending or generating project savings or delayed project available funding equal to 20 percent or more of the authorized spending.

(2) ~~In addition, with respect to the July meeting of the joint fiscal committee, the secretary's report~~ The report required under subdivision (1) of this subsection also shall describe the agency's actions taken or planned to cover the cost overruns and to reallocate the project savings and delayed project funds, and shall discuss the agency's plans to adjust spending to any changes in the consensus forecast for transportation fund revenues.

(3) If and when applicable, the secretary shall submit electronically to the joint fiscal office for distribution to members of the joint transportation oversight committee a report summarizing any plans or actions taken to delay project schedules as a result of:

(A) a generalized increase in bids relative to project estimates;

(B) changes in the consensus revenue forecast of the transportation fund or transportation infrastructure bond fund; or

(C) changes in the availability of federal funds.

Sec. 31. 23 V.S.A. § 304b(a) is amended to read:

(a) The commissioner shall, upon application, issue conservation registration plates for use only on vehicles registered at the pleasure car rate ~~and~~, on trucks registered for less than 26,001 pounds, and on vehicles registered to state agencies under section 376 of this title ~~and, but~~ excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The commissioner of motor vehicles and the commissioner of fish and wildlife shall determine the graphic design of the special plates in a manner which serves to enhance the public awareness of the state's interest in restoring and protecting its wildlife and major watershed areas. The commissioner of motor

vehicles and the commissioner of fish and wildlife may alter the graphic design of these special plates provided that plates in use at the time of a design alteration shall remain valid subject to the operator's payment of the annual registration fee. Applicants shall apply on forms prescribed by the commissioner and shall pay an initial fee of \$23.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a conservation plate shall pay a renewal fee of \$23.00. The commissioner ~~shall~~ may adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection. ~~The commissioner of motor vehicles and the commissioner of fish and wildlife shall annually submit to the members of the house committees on transportation and fish, wildlife and water resources, and the members of the senate committees on transportation and natural resources and energy a report detailing, over a three year period, the revenue generated, the number of new conservation plates sold and the number of renewals, and recommendations for program enhancements.~~

Sec. 32. 24 V.S.A. § 5083(b) is amended to read:

(b) ~~The public transit advisory council~~ agency of transportation shall ~~annually evaluate existing services based on the goals established in subsection (a) of this section. Proposals~~ proposals for new public transit service ~~shall be evaluated~~ submitted by providers in response to a notice of funding availability, by examining feasibility studies submitted by providers. ~~These~~ The feasibility studies shall address criteria set forth in the most recent public transit policy plan ~~of January 15, 2000.~~

Sec. 33. 19 V.S.A. § 42 is added to read:

§ 42. REPORTS PRESERVED

Notwithstanding 2 V.S.A. § 20(d), the reports or reporting requirements of sections 7(k), 10b(d), 10c(k), 10c(l), 10e(c), 10g, 11f(i), 12a, 12b(d), and 38(e)(2) of this title shall be preserved absent specific action by the general assembly repealing the reports or reporting requirements.

Sec. 34. 24 V.S.A. § 5092 is amended to read:

§ 5092. REPORTS

The agency of transportation, in cooperation with the public transit advisory council, shall develop an annual report of financial and performance data of all public transit systems that receive operating subsidies in any form from the state or federal government, including but not limited to subsidies related to the elders and persons with disabilities transportation program for service and capital equipment. Financial and performance data on the elders and persons with disabilities transportation program shall be a separate category in the report. The report shall be modeled on the Federal Transit Administration's

national transit database program with such modifications as appropriate for the various services and guidance found in the most current state policy plan. The report shall describe any action taken by the agency pursuant to contractual authority to terminate funding for routes or to request service changes for failure to meet performance standards. ~~The report agency shall be available~~ deliver the report to the general assembly by January 15 of each year. Notwithstanding 2 V.S.A. § 20(d), this annual report shall be produced indefinitely absent specific action by the general assembly repealing the report.

* * * Technical Corrections * * *

Sec. 35. 5 V.S.A. § 3403 is amended to read:

§ 3403. ACQUISITION AND MODERNIZATION

(a) The agency of transportation, as agent for the state, and with the specific prior approval of the general assembly, is authorized to acquire by purchase or condemnation, after the approval of the ~~Interstate Commerce Commission~~ Surface Transportation Board, if necessary, any portion or portions of the line of any railroad directly affecting the state, including rails and ties, rights-of-way, land, buildings, appurtenances, and other facilities required for the operation of the line or to facilitate its sale or lease for continued operation. This action may be taken in concert with another state or states as necessary to insure continued railroad service in this state.

* * *

Sec. 36. 5 V.S.A. § 3404 is amended to read:

§ 3404. RIGHT OF FIRST REFUSAL

(a) All railroad operating properties within the state offered for sale by a railroad, other than to another railroad for continued operation, shall also be offered to the state of Vermont. The offer shall be made in writing and shall be sent by certified mail to the agency. The offer shall include a map and a description of the property, the price, if available, a description of the present and past railroad use of the property, and any terms, reservations, or conditions the railroad proposes to include as part of the sale. Within 365 days, less any period of time that has elapsed because of the pendency of abandonment proceedings before the ~~Interstate Commerce Commission~~ Surface Transportation Board or the imposition of public use conditions under 49 U.S.C. § 10905, the agency shall accept or reject the offer. If the agency either rejects or fails to accept the offer in a timely manner, the state's preferential right under this section shall terminate, but in no event shall the railroad offer to sell the property, or any portion of it, to any other person on terms more favorable than the final terms offered to the agency.

* * *

* * * Copies of Municipal Reports* * *

Sec. 37. 24 V.S.A. § 1173 is amended to read:

§ 1173. TOWN OR VILLAGE REPORTS

The clerk of a municipality shall supply annually each library in such municipality with two copies of the municipal report, upon its publication. The clerk shall also mail to the state library two copies thereof, and one copy each to the secretary of state, commissioner of taxes, ~~highway board~~, state board of health, commissioner for children and families, commissioner of Vermont health access, auditor of accounts, and board of education. Officers making these reports shall supply the clerk of the municipality with the printed copies necessary for him or her to comply with the provisions of this section and section 1174 of this title.

* * * Transportation Funding and Expenditures * * *

Sec. 38. TRAFFIC SAFETY ENFORCEMENT COSTS

The joint fiscal office, in consultation with the commissioner of public safety or designee, shall analyze and estimate the costs incurred by the state in enforcing the state's traffic safety laws, and study how these state police costs could be apportioned between the general fund and the transportation fund. The joint fiscal office shall submit a report of its findings to the joint transportation oversight committee and the joint fiscal committee prior to the joint fiscal committee's November 2012 meeting.

Sec. 39. ALTERNATIVE FUEL VEHICLES; USER PAY PRINCIPLE

The secretary of transportation or designee, in consultation with the joint fiscal office and the commissioner of motor vehicles, commissioner of taxes, and commissioner of public service or their designees, shall analyze options for user fees and fee collection mechanisms for motor vehicles that use energy sources not currently taxed so as to contribute to the transportation fund. The secretary shall submit a report of his or her findings, and of options for user fees and fee collection mechanisms, to the joint transportation oversight committee and the joint fiscal committee prior to the joint fiscal committee's November 2012 meeting.

Sec. 40. COMMITTEE ON TRANSPORTATION FUNDING

(a) Findings.

(1) Annual gasoline and diesel tax revenues are currently at the same level generated in 1999–2000, while vehicle miles traveled and consequent wear and tear on the state's highway system has increased by 13.2 percent.

(2) As fuel efficiency continues to improve and vehicles using fuel sources not taxed so as to contribute to the transportation fund become more common, the gap between the payments collected from system users and the wear and tear users impose on the system will continue to grow.

(3) New revenue sources and consistent revenue streams will be needed to sustain Vermont's transportation infrastructure and support economic prosperity.

(b) Composition of committee. A committee on transportation funding is established, composed of the following members:

(1) the secretary of transportation or designee, who shall serve as chair;

(2) the commissioner of motor vehicles or designee;

(3) one member appointed by the senate committee on committees;

(4) one member appointed by the speaker of the house;

(5) one member designated by the Vermont League of Cities and Towns;

(6) one member designated by the Vermont Association of Planning and Development Agencies, Inc.; and

(7) one member designated by the James M. Jeffords Center for Policy Research.

(c) Purpose and charge. The committee shall:

(1) estimate transportation and TIB fund revenues over the next five years, taking into account motor vehicle fuel efficiency mandates and trends, and identify and analyze factors likely to impact transportation and TIB fund revenues and transportation infrastructure spending in the future;

(2) estimate the gap between costs and projected revenues over the next five years (the "five-year funding gap") based on the cost of maintaining the state's existing infrastructure, and under any other cost scenario the committee deems appropriate;

(3) evaluate potential new state revenue sources, including a vehicle miles traveled tax, and how existing state revenue sources could optimally be modified to address the five-year and longer term expected transportation funding gaps. The committee shall estimate the amount of funds that would be generated from each new and modified revenue source, and identify implementation structures, requirements, and challenges.

(d) The secretary of transportation shall call the first meeting of the committee by June 15, 2012. The committee shall deliver a written report of its findings, and of any legislative options for consideration, to the house and senate committees on transportation by January 15, 2013. The committee shall terminate on January 15, 2013.

(e) Assistance. Upon the request of the committee, the agency may contract with consultants to provide expert assistance to the committee. Any consultant fees shall be paid out of the transportation – policy and planning appropriation. Upon request, the committee shall receive administrative support from the agency of transportation and assistance from the joint fiscal office, the office of legislative council, and any unit of the executive branch the committee deems appropriate.

(f) For attendance at a meeting when the general assembly is not in session, legislative members of the committee shall be entitled to compensation for services and reimbursement of expenses as provided under 2 V.S.A. § 406(a). Other committee members who are not otherwise compensated or reimbursed by their employer shall be entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010. Funds disbursed under this subsection shall be paid out of the transportation – policy and planning appropriation.

* * * Vermont Strong Motor Vehicle Plates * * *

Sec. 41. VERMONT STRONG MOTOR VEHICLE PLATES

The agency is authorized to expend up to \$12,000.00 from the central garage appropriation for the purchase of Vermont Strong motor vehicle plates for installation on agency vehicles in conformance with No. 71 of the Acts of the 2011 Adj. Sess. (2012).

* * * Natural Gas-Powered Motor Vehicles; Tax Proceeds * * *

Sec. 42. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title.

* * *

(7) Sales of motor fuels taxed or exempted under 23 V.S.A. chapter 28 of Title 23; provided, however, that aviation jet fuel and natural gas used to propel a motor vehicle shall be taxed under this chapter with the proceeds to be allocated to the transportation fund in accordance with 19 V.S.A. § 11.

* * *

Sec. 43. 19 V.S.A. § 11 is amended to read:

§ 11. TRANSPORTATION FUND

The transportation fund shall be comprised of the following:

* * *

(4) moneys received from the sales and use tax on aviation jet fuel and on natural gas used to propel a motor vehicle under 32 V.S.A. chapter 233;

* * *

Sec. 44. 23 V.S.A. § 3101 is amended to read:

§ 3101. DEFINITIONS

(a) The term “distributor” as used in this subchapter shall mean a person, firm, or corporation who imports or causes to be imported gasoline or other motor fuel for use, distribution, or sale within the state, or any person, firm, or corporation who produces, refines, manufactures, or compounds gasoline or other motor fuel within the state for use, distribution, or sale. ~~Kerosene, diesel oil, and aircraft jet fuel shall not be considered to be motor fuel under this subchapter.~~

~~(b)~~ When a person receives motor fuel in circumstances which preclude the collection of the tax from the distributor by reason of the provisions of the constitution and laws of the United States, and ~~shall thereafter sell~~ sells or ~~use~~ uses the motor fuel in the state in a manner and under circumstances as may subject the sale to the taxing power of the state, the person shall be considered a distributor and shall make the same reports, pay the same taxes, and be subject to all provisions of this subchapter relating to distributors of motor fuel.

~~(c)~~(b) “Dealer” means any person who sells or delivers motor fuel into the fuel supply tanks of motor vehicles owned or operated by others.

(c) As used in this subchapter, “gasoline or other motor fuel” or “motor fuel” shall not include kerosene, diesel oil, aircraft jet fuel, or natural gas in any form.

(d) “Motor vehicle” means any self-propelled vehicle using motor fuel on the public highways and registered or required to be registered for operation on these highways.

* * * State Highway Closures * * *

Sec. 45. 19 V.S.A. § 43 is added to read:

§ 43. STATE HIGHWAY CLOSURES

(a) Before the planned closure of a state highway, the agency shall convene a regional public meeting for the purpose of listening to public concerns. The agency shall consult with other state agencies and departments, regional chambers of commerce, regional planning commissions, local legislative bodies, emergency medical service organizations, school officials, and area businesses to develop mitigation strategies to reduce the impact of the planned closure on the local and regional economies.

(b) In developing mitigation strategies, the agency shall consider the need to provide a level of safety for the traveling public comparable to that available on the segment of state highway affected by the planned closure. If the agency finds town highways unsuitable for a signed detour, the agency will advise local legislative bodies of the reasons for its determination.

* * * Plaque Honoring Richard W. Hube Jr. * * *

Sec. 46. PLAQUE ON VERMONT ROUTE 30 BRIDGE

(a) Prior to or as soon as possible after the reopening of bridge #30 on Vermont Route 30 in the town of Jamaica, the agency of transportation shall install commemorative plaques on both sides of the bridge that read:

“Richard W. Hube Jr. Memorial Bridge

Vermont State Representative, 1999–2009

In recognition of his service and dedication to the people of Vermont”

(b) The plaques and their placement shall conform to the Federal Highway Administration’s Manual on Uniform Traffic Control Devices.

* * * Approval of Acquisitions and Transfers of Property * * *

Sec. 47. 19 V.S.A. § 26 is amended to read:

§ 26. PURCHASE AND SALE OF PROPERTY

(a)(1) Subject to subsection (b) of this section:

(A) The agency may purchase or lease any land, taking conveyance in the name of the state, when land is needed in connection with the layout, construction, repair, and maintenance of any state highway, or the reconstruction of the highway.

(B) The agency may acquire or construct buildings necessary for use in connection with this work.

(C) When any of the land or the buildings acquired or the buildings constructed become no longer necessary for these purposes, the agency may sell or lease the property.

(2) The proceeds from any sale or lease shall be deposited in the transportation fund and, unless otherwise required by federal law or regulation, shall be credited to transportation buildings to be used for transportation building projects previously authorized by the general assembly.

(b) An acquisition or transfer or the construction under this section of property or rights in property with an appraised or other estimated value of \$500,000.00 or above, or the acquisition or transfer of an option to acquire property with an appraised or other estimated value of \$500,000.00 or above, shall be made with the specific prior approval of the general assembly of the acquisition, transfer, or construction and its terms or, if the general assembly is not in session, with the specific prior approval of the joint transportation oversight committee. The requirement of this subsection shall not apply, however, if the general assembly has approved a specific project described in the annual transportation program and the scope of the project includes the acquisition or transfer of property.

Sec. 48. 5 V.S.A. § 204 is amended to read:

§ 204. POWERS OF AGENCY GENERALLY

(a) To carry out the purposes of this part, the transportation agency shall have power, subject to subsection (b) of this section:

(1) to contract in the name of the state with individuals, firms, or corporations, with officials of a town, city, or village, with officials of a group of either or both of such governmental units, with officials of another state, or with officials or agencies of the federal government to carry out the purposes of this part;

(2) to receive, manage, use, or expend, for purposes directed by the donor, gifts, grants, or contributions of any name or nature made to the state for the promotion or development of aeronautics or for aeronautics facilities;

(3) to operate, manage, use, exchange, lease, or otherwise deal with or dispose of, in whole or in part, land and rights in land acquired in the name of the state by purchase, gift, or otherwise, under authorization of this part, and to charge reasonable fees for such use or the use of landing areas, parking areas, buildings, and other facilities, or for services rendered. Moneys received from the fees shall be paid into the state treasury and credited to the transportation fund;

(4) to acquire on behalf of the state, acting either alone or with local governmental units or the federal government, by purchase or by the exercise of the right of eminent domain, property, easements, or other rights in property needed to carry out the purposes of this part. In taking property, easements, or rights in property located in this state, the right of eminent domain shall be exercised in the manner and subject to the limitations provided for in 19 V.S.A. chapter 5, except as otherwise provided in chapter 15, subchapter 2 of this part.

(b) An acquisition or transfer under this section of property or rights in property with an appraised or other estimated value of \$500,000.00 or above, or of an option to acquire property with an appraised or other estimated value of \$500,000.00 or above, shall be made with the specific prior approval of the general assembly of the acquisition or transfer and its terms or, if the general assembly is not in session, with the specific prior approval of the joint transportation oversight committee. The requirement of this subsection shall not apply, however, if the general assembly has approved a specific project described in the annual transportation program and the scope of the project includes the acquisition or transfer of property.

Sec. 49. 5 V.S.A. § 3002 is amended to read:

§ 3002. POWERS OF AGENCY

(a) To carry out the purposes of 19 V.S.A. § 10e, the agency of transportation may, subject to subsection (b) of this section:

(1) Contract in the name of the state with federal agencies, the National Railroad Passenger Corporation (Amtrak), railroads, municipalities, adjacent states, or other responsible persons to carry out the purposes of this chapter.

(2) Receive, manage, use, or expend, for the purposes of this chapter, federal and state funds appropriated to the agency for the promotion or development of intercity rail passenger service or for intercity rail passenger service facilities.

(3) Operate, manage, use, exchange, lease, or otherwise deal with or dispose of, in whole or in part, land and rights in land acquired in the name of the state under authorization of this chapter, and to charge reasonable fees for such use or the use of land, buildings, and other facilities, or for services rendered. Moneys received from the fees shall be credited to the transportation fund.

(4) Acquire on behalf of the state, acting either alone or with municipalities or the federal government, land and rights in land needed to carry out the purposes of this chapter.

(b) An acquisition or transfer under this section of property or rights in property with an appraised or other estimated value of \$500,000.00 or above, or of an option to acquire property with an appraised or other estimated value of \$500,000.00 or above, shall be made with the specific prior approval of the general assembly of the acquisition or transfer and its terms or, if the general assembly is not in session, with the specific prior approval of the joint transportation oversight committee. The requirement of this subsection shall not apply, however, if the general assembly has approved a specific project described in the annual transportation program and the scope of the project includes the acquisition or transfer of property.

* * * Effective Dates * * *

Sec. 50. EFFECTIVE DATES

(a) This section and Secs. 3 (portable hot mix plant), 4 (program development – roadway), 12 (Rutland–Burlington rail and crossings project), 13 (purchase of rail bridge inspection vehicle), 14 (anticipation of federal receipts – rail program), 16 (VTrans training center facility), 18 (powers of secretary of transportation), 19 (authority to issue transportation infrastructure bonds), 21 (agency of transportation positions), 25 (state aid for town highways), 37 (copies of municipal reports), 38 (traffic safety enforcement cost study), 39 (alternative fuel vehicles; user pay study), 40 (committee on transportation funding), and 41 (Vermont Strong plates) of this act shall take effect on passage. The authority granted by Sec. 25(f) of this act (state aid for federal disasters) shall be retroactive to March 1, 2011.

(b) Secs. 42–44 of this act shall take effect on July 1, 2013.

(c) Sec. 27 (tendering payment in condemnation matters) of this act shall take effect on July 2, 2012, if H.523 (introduced on January 11, 2012) as passed by the house and senate does not become law on or before July 1, 2012. If H.523 becomes law on or before July 1, 2012, Sec. 27 shall not take effect.

(d) All other sections of this act shall take effect on July 1, 2012.

RICHARD T. MAZZA

M. JANE KITCHEL

RICHARD A. WESTMAN

Committee on the part of the Senate

PATRICK M. BRENNAN

DAVID E. POTTER

TIMOTHY R. CORCORAN

Committee on the part of the House

Which was considered and adopted on the part of the House.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 577

On motion of **Rep. Savage of Milton**, the rules were suspended and House bill, entitled

An act relating to public water systems

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking Sec. 5 in its entirety and inserting in lieu thereof the following:

Sec. 5. 10 V.S.A. § 1973 is amended to read:

§ 1973. PERMITS

* * *

(j)(1) When an applicant for a permit under this section proposes a water supply or wastewater system with isolation distances that extend onto property other than the property for which the permit is sought, the permit applicant shall ~~send a copy of the complete permit application~~ by certified mail, on a form provided by the secretary, a notice of an intent to file a permit application, including any plans the site plan that accurately depicts all isolation distances, to any landowner affected by the proposed isolation distances ~~no later than~~ at least seven calendar days prior to the date that the permit application is submitted to the secretary.

(2) If, during the course of the secretary's review of an application for a permit under this section, the location of a water supply or wastewater system permit is revised and the isolation distances of the revised system extend onto property other than the property for which the permit is sought, the permit applicant shall ~~provide~~ send by certified mail a copy of any revised plan to any landowner affected by the isolation distances.

(3) If, after a permit has been issued under this section, a water supply or wastewater system is not installed according to the permitted plan and the record drawings submitted under subsection (e) of this section indicate that the isolation distances of the ~~as-built~~ system as constructed extend onto property other than the property on which the ~~as-built~~ system is located, the permittee shall ~~provide~~ send by certified mail a notification form provided by the secretary with a copy of the record drawings showing all isolation distances to any landowner affected by the isolation distances.

(4) A permit applicant or permittee subject to the requirements of subdivisions (1) through (3) of this subsection shall certify to the secretary that the ~~notice~~ notices and information required by this subsection have been sent to affected landowners and shall include in the certification the name and address of all affected landowners. If the secretary approves a permit application under this section, the permit shall not be issued to a permit applicant subject to the requirements of ~~subdivisions~~ subdivision (1) and (2) of this subsection until seven calendar days after the permit applicant certifies to the secretary that the notice required under this subsection has been sent to affected landowners.

Sec. 6. EFFECTIVE DATE

(a) This section and Secs. 1 (combined sewer overflows; awards), 2 (public water systems permits), 3 (repeal of temporary permits for public water systems), and 4 (awards from special environmental revolving loan fund) of this act shall take effect on July 1, 2012.

(b) Sec. 5 (notice of isolation distances) shall take effect on September 1, 2012.

and that after passage the title of the bill be amended to read: "An act relating to public water systems and potable water supply and wastewater system isolation distances"

Which proposal of amendment was considered and concurred in.

Rules Suspended; Report of Committee of Conference Adopted

S. 189

On motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to expanding confidentiality of cases accepted by the court diversion project

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses recommended that the House recede from its proposal of amendment and that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 164(c)(1) is amended to read:

(c) All adult court diversion projects receiving financial assistance from the attorney general shall adhere to the following provisions:

(1) The diversion project shall accept only persons against whom charges have been filed and the court has found probable cause, but are not yet adjudicated. The prosecuting attorney shall notify in writing the diversion program and the court of his or her intention to refer the person to diversion. If the prosecuting attorney refers a case to diversion, the ~~information and affidavit~~ prosecuting attorney may release information to the victim upon a showing of legitimate need and subject to an appropriate protective agreement defining the purpose for which the information is being released and in all other respects maintaining the confidentiality of the information; otherwise files held by the court, the prosecuting attorney, and the law enforcement agency related to the charges shall be confidential and shall remain confidential unless:

(A) the board declines to accept the case;

(B) the person declines to participate in diversion; ~~or~~

(C) the board accepts the case, but the person does not successfully complete diversion;

(D) the prosecuting attorney recalls the referral to diversion.

Sec. 2. 3 V.S.A. § 164a is added to read:

§ 164a. RESTITUTION

(a) A diversion program may refer an individual who has suffered a pecuniary loss as a direct result of a delinquent act or crime alleged to have been committed by a juvenile or adult accepted to its program to the restitution unit established by 13 V.S.A. § 5362 for the purpose of application for an advance payment pursuant to 13 V.S.A. § 5363(d)(1). The restitution unit may enter into a repayment contract with a juvenile or adult accepted into diversion and shall have the authority to bring a civil action to enforce the repayment contract in the event that the juvenile or adult defaults in performing the terms of the contract.

(b) The restitution unit and the diversion program shall develop a process for documenting victim loss, information sharing between the unit and diversion programs regarding the amount of restitution paid by the unit and diversion participants' contractual agreements to reimburse the unit, transmittal of payments from participants to the unit, and maintenance of the confidentiality of diversion information.

Sec. 3. 13 V.S.A. § 5362 is amended to read:

§ 5362. RESTITUTION UNIT

* * *

(c) The restitution unit shall have the authority to:

* * *

(7) Enter into a repayment contract with a juvenile or adult accepted into a diversion program and to bring a civil action to enforce the contract when a diversion program has referred an individual pursuant to 3 V.S.A. § 164a.

Sec. 4. 13 V.S.A. § 5363 is amended to read:

§ 5363. CRIME VICTIMS' RESTITUTION SPECIAL FUND

(a) There is hereby established in the state treasury a fund to be known as the crime victims' restitution special fund, to be administered by the restitution unit established by section 5362 of this title, and from which payments may be made to provide restitution to crime victims.

(b)(1) There shall be deposited into the fund:

(A) All monies collected by the restitution unit pursuant to section 7043 and subdivision 5362(c)(7) of this title.

(B) All fees imposed by the clerk of court and designated for deposit into the fund pursuant to section 7282 of this title.

(C) All monies donated to the restitution unit or the crime victims' restitution special fund.

(D) Such sums as may be appropriated to the fund by the general assembly.

* * *

(d)(1) The restitution unit is authorized to advance up to \$10,000.00 to a victim or to a deceased victim's heir or legal representative if the victim:

(A) was first ordered by the court to receive restitution on or after July 1, 2004;

(B) is a natural person or the natural person's legal representative; and

(C) has not been reimbursed under subdivision (2) of this subsection;

(D) is a natural person and has been referred to the restitution unit by a diversion program pursuant to 3 V.S.A. § 164a.

* * *

Sec. 5. 13 V.S.A. § 7043(n) is amended to read:

(n) After restitution is ordered and prior to sentencing, the court shall order the offender to provide the court with full financial disclosure on a form approved by the court administrator. The disclosure of an offender aged 18 or older shall include copies of the offender's most recent state and federal tax returns. The court shall provide copies of the form and the tax returns to the restitution unit.

Sec. 6. 13 V.S.A. § 5360 is added to read:

§ 5360. APPLICATION INFORMATION; CONFIDENTIALITY

(a) All documents reviewed by the victims' compensation board for purposes of approving an application for compensation shall be confidential and shall not be disclosed without the consent of the victim except as provided in this section and subsection 7043(c) of this title.

(b) For the purpose of requesting restitution, the amount of assistance provided by the victim's compensation board shall be established by copies of bills submitted to the victim's compensation board reflecting the amount paid by the board and stating that the services for which payment was made were for uninsured pecuniary losses.

(c) The following shall be confidential and shall be redacted by the victim's compensation board for any purpose including restitution: the victim's residential address, telephone number, and other contact information and the victim's social security number. In cases involving stalking, sexual offenses, and domestic violence, the following information shall also be confidential and shall not be disclosed by the victim's compensation board for any purpose, including restitution, absent a court order:

(1) the victim's employer's name, telephone number, address, or any other contact information; and

(2) the victim's medical or mental health provider's name, telephone number, address, or any other contact information.

Sec. 7. 13 V.S.A. § 7043 is amended to read:

§ 7043. RESTITUTION

* * *

(b)(1) When ordered, restitution may include:

(A) return of property wrongfully taken from the victim;

(B) cash, credit card, or installment payments paid to the restitution unit; or

(C) payments in kind, if acceptable to the victim.

(2) In the event of a victim's crime-related death, the court may, at the request of the restitution unit, direct the unit to pay up to \$10,000.00 from the restitution fund to the victim's estate to cover future uninsured material losses caused by the death.

(c) Restitution hearing.

(1) Unless the amount of restitution is agreed to by the parties at the time of sentencing, the court shall set the matter for a restitution hearing.

(2) Prior to the date of the hearing, the prosecuting attorney shall provide the defendant with a statement of the amount of restitution claimed together with copies of bills that support the claim for restitution. If any amount of the restitution claim has been paid by the victim's compensation fund, the prosecuting attorney shall provide the defendant with copies of bills submitted by the victim's compensation board pursuant to section 5360 of this title.

(3) Absent consent of the victim, medical and mental health records submitted to the victim's compensation board shall not be discoverable for the purposes of restitution except by order of the court. If the defendant files a motion to view copies of such records, the prosecuting attorney shall file the records with the court under seal. The court shall conduct an in camera review of the records to determine what records, if any, are relevant to the parties' dispute with respect to restitution. If the court orders disclosure of the documents, the court shall issue a protective order defining the extent of dissemination of the documents to any person other than the defendant, the defendant's attorney, and the prosecuting attorney.

~~(e)~~(d) In awarding restitution, the court shall make findings with respect to:

(1) The total amount of the material loss incurred by the victim. If sufficient documentation of the material loss is not available at the time of sentencing, the court shall set a hearing on the issue, and notice thereof shall be provided to the offender.

(2) The offender's current ability to pay restitution, based on all financial information available to the court, including information provided by the offender.

~~(d)~~(e)(1) An order of restitution shall establish the amount of the material loss incurred by the victim, which shall be the restitution judgment order. In

the event the offender is unable to pay the restitution judgment order at the time of sentencing, the court shall establish a restitution payment schedule for the offender based upon the offender's current and reasonably foreseeable ability to pay, subject to modification under subsection (k) of this section. Notwithstanding 12 V.S.A. chapter 113 ~~of Title 12~~ or any other provision of law, interest shall not accrue on a restitution judgment.

* * *

~~(e)~~(f)(1) If not paid at the time of sentencing, restitution may be ordered as a condition of probation, supervised community sentence, furlough, preapproved furlough, or parole if the convicted person is sentenced to preapproved furlough, probation, or supervised community sentence, or is sentenced to imprisonment and later placed on parole. A person shall not be placed on probation solely for purposes of paying restitution. An offender may not be charged with a violation of probation, furlough, or parole for nonpayment of a restitution obligation incurred after July 1, 2004.

* * *

~~(f)~~(g)(1) When restitution is requested but not ordered, the court shall set forth on the record its reasons for not ordering restitution.

* * *

~~(g)~~(h) Restitution ordered under this section shall not preclude a person from pursuing an independent civil action for all claims not covered by the restitution order.

~~(h)~~(i)(1) The court shall transmit a copy of a restitution order to the restitution unit, which shall make payment to the victim in accordance with section 5363 of this title.

* * *

~~(i)~~(j) The restitution unit may bring an action, including a small claims procedure, to enforce a restitution order against an offender in the civil division of the superior court of the unit where the offender resides or in the unit where the order was issued. In an action under this subsection, a restitution order issued by the criminal division of the superior court shall be enforceable in the civil division of the superior court or in a small claims procedure in the same manner as a civil judgment. Superior and small claims filing fees shall be waived for an action under this subsection, and for an action to renew a restitution judgment.

~~(j)~~(k) All restitution payments shall be made to the restitution unit, with the exception of restitution relating to a conviction for welfare fraud ordered under this section and recouped by the economic services division. The economic

services division shall provide the restitution unit with a monthly report of all restitution collected through recoupment. This subsection shall have no effect upon the collection or recoupment of restitution ordered under Title 33.

~~(k)~~(l) The sentencing court may modify the payment schedule of a restitution order if, upon motion by the restitution unit or the offender, the court finds that modification is warranted by a substantial change in circumstances.

~~(h)~~(m) If the offender fails to pay restitution as ordered by the court, the restitution unit may file an action to enforce the restitution order in superior or small claims court. After an enforcement action is filed, any further proceedings related to the action shall be heard in the court where it was filed. The court shall set the matter for hearing and shall provide notice to the restitution unit, the victim, and the offender. If the court determines the offender has failed to comply with the restitution order, the court may take any action the court deems necessary to ensure the offender will make the required restitution payment, including:

* * *

~~(m)~~(n)(1) Any monies owed by the state to an offender who is under a restitution order, including lottery winnings and tax refunds, shall be used to discharge the restitution order to the full extent of the unpaid total financial losses, regardless of the payment schedule established by the courts.

* * *

~~(n)~~(o) After restitution is ordered and prior to sentencing, the court shall order the offender to provide the court with full financial disclosure on a form approved by the court administrator. The disclosure shall include copies of the offender's most recent state and federal tax returns. The court shall provide copies of the form and the tax returns to the restitution unit.

~~(o)~~(p) An obligation to pay restitution is part of a criminal sentence and is:

* * *

~~(p)~~(q) A transfer of property made with the intent to avoid a restitution obligation shall be deemed a fraudulent conveyance for purposes of 9 V.S.A. chapter 57 of Title 9, and the restitution unit shall be entitled to the remedies of creditors provided under 9 V.S.A. § 2291.

Sec. 8. 1 V.S.A. § 317 is amended to read:

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND
DOCUMENTS

* * *

(c) The following public records are exempt from public inspection and copying:

* * *

(40) ~~Records~~ records of genealogy provided in support of an application for tribal recognition pursuant to chapter 23 of this title;

(41) documents reviewed by the victim's compensation board for purposes of approving an application for compensation pursuant to 13 V.S.A. chapter 167, except as provided by 13 V.S.A. §§ 5360 and 7043(c).

Sec. 9. EFFECTIVE DATE

(a) Sections 1, 2, 3, 4, and 5 shall take effect on July 1, 2012.

(b) Sections 6, 7, 8, and this section shall take effect on passage.

COMMITTEE ON THE PART OF
THE SENATE

SEN. ALICE W. NITKA
SEN. RICHARD W. SEARS
SEN. DIANE B. SNELLING

COMMITTEE ON THE PART OF
THE HOUSE

REP. MAXINE JO GRAD
REP. LINDA J. WAITE-SIMPSON
REP. GERALD W. REIS

Which was considered and adopted on the part of the House.

Report of Committee of Conference Adopted

S. 244

On motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to referral to court diversion for driving with a suspended license

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill recommended that the House recede from its proposal of amendment and that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE PURPOSE

(a) The Vermont general assembly established the Nonviolent Misdemeanor Review Committee (committee) in No. 41 of the Acts of 2011, an act relating to effective strategies to reduce criminal recidivism, to propose alternatives to incarceration for nonviolent, low-risk misdemeanor offenses. The committee began its work by looking at the most common nonviolent misdemeanors. Driving without a license (DLS), both criminal and civil, was cited by witnesses as a significant driver of costs to the justice system.

(b) Currently, over 38,000 motor vehicle licenses are suspended in Vermont. There are a number of reasons that a person's motor vehicle operator's license can be suspended, including failure to pay civil fines, accumulation of points for moving violations, failure to pay child support, procurement of alcohol by a minor, and automatic suspensions for serious violations such as driving while intoxicated. The majority of licenses (60 percent) are suspended for failure to pay a traffic ticket, followed by accumulation of points for moving violations (24 percent).

(c) The committee determined that many otherwise law-abiding citizens become caught in a cycle of suspensions due to an inability to meet the financial obligations of fees, fines, and subsequent increases to insurance rates. The committee believes it is in the public interest to assist people under civil license suspension to regain their license and avoid the spiral that may eventually result in a criminal suspension.

(d) Court diversion is an existing preadjudication option for many people who have been charged with a crime. The diversion program offers willing offenders the opportunity to take responsibility for their actions and make amends to victims and the community.

Sec. 2. DIVERSION PROGRAM FOR DRIVING WITH A SUSPENDED LICENSE

(a) The court administrator, the court diversion program, and the department of motor vehicles shall work cooperatively in an effort to assist Vermonters who have a suspended motor vehicle operator's license to regain their license through participation in the DLS diversion program, as provided in this section.

(b)(1) Except as provided in subdivision (2) of this subsection, the court administrator shall notify a person who has had his or her operator's license suspended that he or she is eligible to participate in the DLS diversion program, which is intended to assist people in regaining their operator's license. A person shall be eligible to participate in the DLS diversion program

if the person completes all the requirements of the underlying violation and the suspension and if, as a result, the person would otherwise be eligible to regain his or her license if not for unmet financial obligations.

(2) A person whose operator's license is suspended for a violation of 23 V.S.A. §§ 1091(b), 1094(b), 1128(b) or (c), or 1201 or 1205 shall not be eligible to participate in the DLS diversion program with respect to the suspension for such violation.

(3) The notice shall provide that:

(A) The program is designed to assist the person to get his or her driver's license reinstated prior to completion of payment of any debt related to the suspension.

(B) The person may be eligible for a reduction in the amount of the person's financial obligation to the state or may be permitted to establish a reasonable payment plan to discharge the debt.

(C) The program is voluntary but agreeing to participate would include certain requirements including:

(i) meeting with diversion staff to assess the person's risks and to identify factors that contributed to previous violations leading to license suspension.

(ii) completing all conditions related to the offense and indicated by the screening process that are imposed by the diversion program.

(4) The court administrator may charge the cost of preparing and sending the notice against revenues collected pursuant to this subsection.

(c) Upon receiving a request from a person who has been issued a notice pursuant to subsection (b) of this section, the diversion program shall register the person in the DLS diversion program. The program staff shall meet with the person to assess the person's risks and to identify factors that contributed to previous violations leading to license suspension. Based upon the assessment, the program shall develop a contract with the person that may include:

(1) Adherence to a plan to pay fines and fees required to reinstate a driver's license.

(2) Acquiring and showing proof of auto insurance.

(3) Performance of community service.

(4) Completion of a driving education program.

(5) Any other conditions related to the reasons for the violation that led to license suspension.

(d) A person with fewer than five violations of 23 V.S.A. § 676 may apply to the DLS diversion program. Upon receipt of an application and determination of eligibility, the diversion program shall send the person a notice to report to the diversion program. The notice to report shall provide that the person is required to meet with diversion staff for the purposes of assessment and to complete all conditions of the diversion contract as provided in subsection (c) of this section.

(e) The diversion program shall notify the judicial bureau of acceptance of a person into the DLS diversion program and that a contract has been agreed to by the parties. Upon approval of the contract and any related payment plan, the judicial bureau shall notify the department of motor vehicles of compliance with the contract and the person shall be eligible to have his or her license reinstated, provided the person remains in compliance with the diversion contract. The department of motor vehicles may suspend a person's license for failure to comply with the diversion contract.

(f) The DLS diversion program shall work cooperatively with the judicial bureau to establish a reasonable payment plan for fines and fees owed by a person enrolled in the program. In addition to any remedies already provided, the judicial bureau may do the following in cases involving a person enrolled in the DLS diversion program:

(1) Reduce the amount of fines or fees owed in exchange for community service or education, or both, as provided in a diversion contract.

(2) Withdraw any debt placed for collection with a collection agency or the department of taxes.

(g) The court diversion program, in cooperation with the judiciary, shall adopt standards for operating the DLS diversion program, including determining whether a person is in compliance with conditions as set forth in this section. The standards shall specifically identify circumstances, such as additional violations or accumulation of points, which shall require additional contract conditions and circumstances that will result in dismissal from the program. Such standards shall be applicable in all county diversion programs.

(h) Each participant shall pay a fee to the local adult court diversion project. The amount of the fee shall be determined by the program using a sliding-scale fee based on financial means of the participant. The fee shall not exceed \$300.00. Notwithstanding 32 V.S.A. § 502(a), fees collected under this subsection shall be retained and used solely for the purpose of the DLS diversion program.

(i) The court administrator shall begin notification as provided in subsection (b) of this section by January 15, 2013, at which time the DLS diversion program shall be operational. Priority shall be given to persons determined to be at highest risk of acquiring a criminal DLS pursuant to 23 V.S.A. § 674 due to an accumulation of civil suspensions violation pursuant to 23 V.S.A. § 674.

(j) The department of motor vehicles and the court administrator shall coordinate a method for determining the appropriate mechanism to inform people about the DLS diversion program.

(k) The court administrator, the director of the court diversion program, and the commissioner of motor vehicles shall jointly report to the general assembly on or before December 15, 2014 on the following:

- (1) implementation of the DLS diversion program;
- (2) the number of people enrolled in the program;
- (3) the number of people who have successfully completed the program;
- (4) the number of licenses reinstated;
- (5) the number of fines and amounts modified;
- (6) additional money collected by the state as a result of the program;
- (7) the advisability of implementing the program through roadside stops for driving without a license; and
- (8) extending the program to persons who are currently prohibited from participation pursuant to subdivision (b)(2) of this section.

Sec. 3. 23 V.S.A. § 674(a)(3) is added to read:

(3) Violations of section 676 of this title that occurred prior to the date a person successfully completes the driving with license suspended diversion program shall not be counted as prior offenses under subdivision (2) of this subsection.

Sec. 4. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Any person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

* * *

- (4) Five points assessed for:

SEN. RICHARD SEARS

REP. MAXINE GRAD

SEN. MARGARET FLORY

REP. LINDA WAITE-SIMPSON

SEN. ALICE NITKA

REP. GERALD REIS

Which was considered and adopted on the part of the House.

**Rules Suspended; Senate Proposal of Amendment Concurred in
with a Further Amendment Thereto**

H. 600

On motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to mandatory mediation in foreclosure proceedings

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill as follows:

First: By adding a Sec. 4a to read follows:

Sec. 4a. 12 V.S.A. § 4633(e) is amended to read:

(e) The mediator may permit a party identified in subdivision (d)(1) of this section to participate in mediation by telephone or teleconferencing, provided that the court shall not find that the requirements of this subchapter have been met unless the following parties have been physically present at the mediation:

(1) the mortgagor, or a person with decision-making authority for the mortgagor; and

(2) the mortgagee, or a person with decision-making authority for the mortgagee.

Second: In Sec. 6, in subsection (a) and (c), by striking out the following: “December 3, 2013” where it twice appears and inserting in lieu thereof the following: December 31, 2013

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

Sec. 7. EFFECTIVE DATES

(a) This section and Secs. 1, 5, and 6 of this act shall take effect on passage.

(b) Secs. 2, 3, and 4 of this act shall take effect on July 1, 2012.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Koch of Barre Town** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 2, 12 V.S.A. § 4631, in subsection (c), by striking the words “a randomized” and inserting in lieu thereof the words “an objective and neutral”

Second: By striking Sec. 4a in its entirety

Which was agreed to.

Message from the Senate No. 69

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 753. An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 771. An act relating to making technical corrections and other miscellaneous changes to education law.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

S. 189

Senate bill, entitled

An act relating to expanding confidentiality of cases accepted by the court diversion project

S. 244

Senate bill, entitled

An act relating to referral to court diversion for driving with a suspended license

H. 600

House bill, entitled

An act relating to mandatory mediation in foreclosure proceedings

Recess

At one o'clock and fifty-five minutes in the afternoon, the Speaker declared a recess until five o'clock in the afternoon.

At five o'clock in the afternoon, the Speaker called the House to order.

Message from the Senate No. 70

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 290. An act relating to adult protective services.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered the reports of the Committees of Conference upon the disagreeing votes of the two Houses upon House bills of the following titles:

H. 464. An act relating to a moratorium on hydraulic fracturing wells for natural gas and oil production.

H. 559. An act relating to health care reform implementation.

And has accepted and adopted the same on its part.

Action Postponed**H. 747**

The Senate proposed to the House to amend House bill, entitled

An act relating to cigarette manufacturers

In Sec. 1, 7 V.S.A. § 1003, by striking out subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) to read:

(g) As used in this section, "little cigars" means any rolls of tobacco wrapped in leaf tobacco or any substance containing tobacco, other than any

roll of tobacco which is a cigarette within the meaning of 32 V.S.A. § 7202(1) and as to which 1,000 units weigh not more than three pounds.

Second: By striking out Sec. 5 and inserting in lieu thereof a new Sec. 5 to read:

Sec. 5. 33 V.S.A. § 1920 is amended to read:

§ 1920. AGENT FOR SERVICE OF PROCESS

(a) Any nonresident or foreign nonparticipating manufacturer that has not registered to do business in the state as a foreign corporation or other business entity shall, as a condition precedent to having its brand families included or retained in the directory, appoint and continually engage without interruption the services of an agent in this state to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of this subchapter or subchapter 1A of this chapter, or both, may be served in any manner authorized by law. Such service shall constitute legal and valid service of process on the nonparticipating manufacturer. The nonparticipating manufacturer shall provide the name, address, telephone number, and satisfactory proof of the appointment and availability of such agent to the attorney general. The secretary of state shall be designated as agent for service of process for importers of nonparticipating manufacturers located outside the United States. Service shall be made upon the secretary of state in accordance with the provisions of 12 V.S.A. §§ 851 and 852.

* * *

Third: By adding Secs. 9 and 10 to read:

Sec. 9. 6 V.S.A. § 561 is amended to read:

§ 561. INTENT

The intent of this act is to establish policy and procedures for growing industrial hemp in Vermont so that farmers and other businesses in the Vermont agricultural industry can take advantage of this market opportunity ~~when federal regulations permit.~~

Sec. 10. REPEAL

Sec. 3 of No. 212 of the Acts of the 2007 Adj. Sess. (2008) (delayed effective date of industrial hemp cultivation program) is repealed.

and that after passage the title of the bill be amended to read: “An act relating to cigarette manufacturers, commercial cigarette rolling machines, and industrial hemp”

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Donaghy of Poultney** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By striking the third instance of amendment in its entirety.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto? **Rep. Donaghy of Poultney** asked and was granted leave of the House to withdraw his amendment.

Thereupon, **Rep. Krowinski of Burlington** moved to postpone action for one legislative day, which was agreed to.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 699

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to scrap metal processors

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 82 is amended to read:

CHAPTER 82. SCRAP METAL PROCESSORS

§ 3021. DEFINITIONS

As used in this chapter:

(1) ~~“Authorized scrap seller” means a licensed plumber, electrician, HVAC contractor, building or construction contractor, demolition contractor, construction and demolition debris contractor, public utility, transportation company, licensed peddler or broker, an industrial and manufacturing company; marine, automobile, or aircraft salvage and wrecking company, or a government entity. [Repealed.]~~

* * *

(7) “Scrap metal processor” means:

(A) a salvage yard, as defined in 24 V.S.A. § 2241(7); or

(B) a person authorized to conduct a business that processes and manufactures scrap metal into prepared grades for sale as raw material to mills, foundries, and other manufacturing facilities engaged in the business of purchasing ferrous scrap, nonferrous scrap, metal articles, or proprietary articles, whether for resale or for processing into raw material products consisting of prepared grades.

(C) "Scrap metal processor" does not include:

(i) a salvage yard described in 24 V.S.A. § 2248(e); or

(ii) a salvage yard or salvage dealer that only accepts or dismantles motor vehicles and flattens or crushes the motor vehicles for transportation to a scrap metal processor.

§ 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES, AND PROPRIETARY ARTICLES

(a) ~~A scrap metal processor may purchase nonferrous scrap, metal articles, and proprietary articles directly from an authorized scrap metal seller or the seller's authorized agent or employee. [Repealed.]~~

(b) A scrap metal processor may purchase nonferrous scrap, metal articles, and proprietary articles ~~from a person who is not an authorized scrap metal seller or the seller's authorized agent or employee, provided~~ only if the scrap metal processor complies with all the following procedures:

(1) At the time of sale, the processor:

(A) ~~requires~~ Requires the seller to provide a current government-issued photographic identification that indicates the seller's full name, current address, and date of birth, and records in a permanent ledger the identification information of the seller, the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller. ~~This information shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.~~

(2)(B) ~~Requests~~ and, if available, collects documentation from the seller of the items offered for sale, such as a bill of sale, receipt, letter of authorization, or similar evidence that establishes that the seller lawfully owns the items to be sold.

(3)(2) After purchasing an item from a person who fails to provide documentation pursuant to subdivision (2)(1)(B) of this subsection ~~(b) of this section,~~ the processor:

(A) ~~submits~~ Submits to the ~~local law enforcement agency~~ department of public safety no later than the close of the following business day a report that describes the item and the seller's identifying information required in subdivision (1)(A) of this subsection, ~~and~~.

~~(B) holds~~ Holds the proprietary article item for at least 15 10 days following purchase.

(c) The information collected by a scrap metal processor pursuant to this section shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.

* * *

Sec. 2. REPORTING SCRAP METAL SALES

The department of public safety, in collaboration with the department of environmental conservation, shall develop:

(1) a uniform form for the report required for purchases pursuant to 9 V.S.A. § 3022(b)(2)(A);

(2) an electronic form and reporting system through which scrap metal processors may submit to the department of public safety the report required for purchases pursuant to 9 V.S.A. § 3022(b)(2)(A); and

(3) an implementation and public outreach process to inform scrap metal processors that the electronic form and reporting system are available for use.

Sec. 3. POSSESSION OF STOLEN PROPERTY; STUDY; NONVIOLENT MISDEMEANOR SENTENCE REVIEW COMMITTEE

The nonviolent misdemeanor sentence review committee created by Sec. 4 of No. 41 of the Acts of 2011 shall study the feasibility and advisability of broadening the scope of Vermont's possession and receipt of stolen property statute, 13 V.S.A. § 2561. The study shall consider the practical and policy implications of amending 13 V.S.A. § 2561 to apply to reckless conduct or of otherwise amending state stolen property law to limit the likelihood that stolen property will be purchased and resold by pawnbrokers and other persons engaged in the business of reselling property.

Sec. 4. 9 V.S.A. § 3865 is amended to read:

§ 3865. ~~PAWNBROKER'S RECORD BOOK~~ RECORDS OF A PAWNBROKER OR SECONDHAND DEALER

(a) A pawnbroker shall keep a book in which shall be fairly written in the English language, at the time of making a loan, an account and description of the goods, articles or things pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such

~~loan, and the name and residence of the person pawning or pledging such property~~ In each year a pawnbroker or secondhand dealer resells over \$500.00 of items pawned, pledged, or sold to the pawnbroker or secondhand dealer, he or she shall maintain the following records for each transaction in that year:

(1) a legible statement written at the time of the transaction stating the amount of money lent or paid for the items pawned, pledged, or sold, the time of the transaction, and the rate of interest to be paid on the loan, as applicable;

(2) a legible statement of the name, current address, telephone number, and vehicle license number of the person pawning, pledging, or selling the items;

(3) a legible written description and photograph, or alternatively a video, of the items pawned, pledged, or sold;

(4) a photocopy of a government-issued identification card issued to the person pawning, pledging, or selling the items, if available.

(b) At all reasonable times, ~~such book~~ the records required under subsection (a) of this section shall be open to the inspection of the town or city authorities, all courts, the chief of police, or of any person who is duly authorized in writing for that purpose by such authority, court, or chief of police and who exhibits such written authority to such pawnbroker law enforcement.

(c) In this section:

(1) "Precious metal" means gold, silver, platinum, or palladium.

(2) "Secondhand dealer" means a person engaged in the business of purchasing used or estate precious metal, coins, antiques, furniture, jewelry, or similar items for the purpose of resale.

Sec. 5. 9 V.S.A. § 3872 is added to read:

§ 3872. SECONDHAND DEALERS; RETENTION OF GOODS

A pawnbroker or secondhand dealer, as defined in section 3865 of this title, shall retain purchased property for no fewer than 10 days before offering it for sale or for scrap.

and that after passage the title of the bill be amended to read: "An act relating to scrap metal processors, pawnbrokers, and secondhand dealers"

Which proposal of amendment was considered and concurred in.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 786

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to approval of amendments to the charter of the town of Windsor

Was taken up for immediate consideration.

The Senate proposed to the House to the bill by striking Sec. 3 (effective date) and inserting in lieu thereof the following:

Sec. 3. 16 App. V.S.A. chapter 15 is amended to read:

CHAPTER 15. NORTH BENNINGTON GRADED
SCHOOL DISTRICT

* * *

§ 15-2. PRUDENTIAL COMMITTEE

The prudential committee shall consist of ~~three~~ five persons, and at the annual meeting of the district, vacancies occasioned by the expiration of the term of office of members of the committee shall be filled by the election of members for the term of three years each; and ~~that~~ all vacancies on the committee caused by resignation, death, removal from the district, or other cause shall be filled at an annual or special meeting warned for that purpose for the unexpired term of such members only.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to approval of amendments to the charter of the town of Windsor and to an amendment to the charter of the North Bennington graded school district.

Which proposal of amendment was considered and concurred in.

Committee of Conference Appointed

J.R.S. 54

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Joint resolution, entitled

Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Macaig of Williston

Rep. Emmons of Springfield

Rep. Myers of Essex

**Rules Suspended; Senate Proposal of Amendment Concurred in
with a Further Amendment Thereto; Rules Suspended
and Bill Messaged to Senate Forthwith**

H. 524

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the regulation of professions and occupations

Was taken up for immediate consideration.

The Senate proposed to the House to the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * General Provisions * * *

Sec. 1. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

An office of professional regulation is created within the office of the secretary of state. The office shall have a director who shall be appointed by the secretary of state and shall be an exempt employee. The following boards or professions are attached to the office of professional regulation:

* * *

(41) Audiologists and speech-language pathologists

(42) Landscape architects.

Sec. 2. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

(a) ~~Upon request, the~~ The office shall provide administrative, secretarial, financial, investigatory, inspection, and legal services to the boards. The administrative services provided by the office shall include:

* * *

(12) With the assistance of the boards, establishing a schedule of license renewal and termination dates so as to distribute the renewal work in the office

as effectively as possible. Licenses may be issued and renewed according to that schedule for periods of up to two years with an appropriate pro rata adjustment of fees. A person whose initial license is issued within 90 days prior to the set renewal date shall not be required to renew the license until the end of the first full biennial licensing period following initial licensure.

* * *

Sec. 3. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board may charge the following fees:

* * *

(6) ~~Licenses granted under rules adopted pursuant to subdivision 129(a)(10) of this title, \$20.00.~~

* * *

Sec. 4. 3 V.S.A. § 129 is amended to read:

§ 129. POWERS OF BOARDS; DISCIPLINE PROCESS

(a) In addition to any other provisions of law, a board may exercise the following powers:

* * *

(10) Issue temporary licenses ~~to health care providers and veterinarians~~ during a declared state of emergency. ~~The health care provider or veterinarian~~ person to be issued a temporary license must be currently licensed, in good standing, and not subject to disciplinary proceedings in any other jurisdiction. The temporary license shall authorize the holder to practice in Vermont until the termination of the declared state of emergency or 90 days, whichever occurs first, as long as the licensee remains in good standing. Fees shall be waived when a license is required to provide services under this subdivision.

* * *

Sec. 5. 3 V.S.A. § 129a is amended to read:

§ 129a. UNPROFESSIONAL CONDUCT

(a) In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following

items, or any combination of items, whether or not the conduct at issue was committed within or outside the state, shall constitute unprofessional conduct:

* * *

(8) Failing to make available promptly to a person using professional health care services, that person's representative, or succeeding health care professionals or institutions, upon written request and direction of the person using professional health care services, copies of that person's records in the possession or under the control of the licensed practitioner, or failing to notify patients or clients how to obtain their records when a practice closes.

* * *

Sec. 6. Sec. F4 of No. 146 of the Acts of 2009 (2010) Adj. Sess. is amended to read:

Sec. F4. SECRETARY OF STATE; PUBLICATION OF PROPOSED RULES

(a) The secretary of state shall arrange for one formal publication, in a consolidated advertisement in newspapers having general circulation in different parts of the state as newspapers of record approved by the secretary of state, of information relating to all proposed rules that includes the following information:

(1) the name of the agency and its Internet address;

(2) the title or subject and a concise summary of the rule; and

(3) the office name, office telephone number, and office mailing address of an agency official able to answer questions and receive comments on the proposal.

(b) The secretary of state shall be reimbursed by agencies making publication so that all costs are prorated among agencies publishing at the same time.

Sec. 7. LEGISLATIVE COUNCIL; STATUTORY REVIEW AND CATALOG; "PHYSICIAN" AND "DOCTOR"

The legislative council is directed to prepare a catalog of the use of the words "physician" and "doctor" in the Vermont Statutes Annotated and to deliver the catalog to the general assembly no later than November 1, 2012.

* * * Chiropractic * * *

Sec. 8. 26 V.S.A. § 528 is amended to read:

§ 528. BOARD PROCEDURES

(a) Annually the board shall elect from among its members a chair ~~and a~~ vice chair, and secretary, each to serve for one year. No person shall serve as chair or vice chair for more than three consecutive years.

(b) ~~The board shall meet at least semiannually for the purpose of examining applicants, if applications are pending. Meetings may be called by the chair or upon the request of three other members. [Repealed.]~~

(c) ~~Meetings shall be warned and conducted in accordance with the provisions of chapter 5 of Title 1. [Repealed.]~~

(d) A majority of the members of the board constitutes a quorum for transacting business and all action shall be taken upon a majority vote of the members present and voting.

Sec. 9. 26 V.S.A. § 532 is amended to read:

§ 532. EXAMINATIONS

(a) The board, or an examination service selected by the board, shall examine applicants for licensure. The examinations may include the following subjects: anatomy, physiology, physiotherapy, diagnosis, hygiene, orthopedics, histology, pathology, neurology, chemistry, bacteriology, x-ray interpretation, x-ray technic and radiation protection, and principles of chiropractic. The board may use a standardized national examination.

* * *

Sec. 10. 26 V.S.A. § 534 is amended to read:

§ 534. LICENSE RENEWAL ~~AND REINSTATEMENT~~

(a) Licenses shall be renewed every two years upon application and payment of the required fee. Failure to comply with the provisions of this section shall result in suspension of all privileges granted by the license beginning on the expiration date of the license. A license which has lapsed shall be ~~reinstated~~ renewed upon payment of the biennial renewal fee and the late renewal penalty.

(b) The board may adopt rules necessary for the protection of the public to assure the board that an applicant whose license has lapsed for more than three years is professionally qualified before the license is ~~reinstated~~ renewed. Conditions imposed under this subsection shall be in addition to the requirements of subsection (a) of this section.

(c) In addition to the provisions of subsection (a) of this section, an applicant for renewal shall have satisfactorily completed continuing education as required by the board. For purposes of this subsection, the board may

require, by rule, not more than 24 hours of approved continuing education as a condition of renewal.

Sec. 11. 26 V.S.A. § 541 is amended to read:

§ 541. DISCIPLINARY PROCEEDINGS; UNPROFESSIONAL CONDUCT

~~(a) A person licensed or registered under this chapter or a person applying for a license or reinstatement of a license shall not engage in unprofessional conduct.~~

~~(b)~~ Unprofessional conduct means the following conduct and the conduct set forth in section 129a of Title 3 V.S.A. § 129a:

* * *

~~(14) Notwithstanding the provisions of 3 V.S.A. § 129a(a)(10), in the course of practice, failure to use and exercise that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, careful and prudent chiropractor engaged in similar practice under the same or similar conditions, whether or not actual injury to a patient has occurred. [Repealed.]~~

(15) Failing to inform a patient verbally and to obtain signed written consent from a patient before proceeding from advertised chiropractic services for which no payment is required to chiropractic services for which payment is required.

~~(c) In connection with a disciplinary action, the board may refuse to accept the return of a license or registration tendered by the subject of a disciplinary investigation.~~

~~(d) The burden of proof in a disciplinary action shall be on the state to show by a preponderance of the evidence that the person has engaged in unprofessional conduct.~~

~~(e) After hearing and upon a finding of unprofessional conduct, or upon approval of a negotiated agreement, the board may take disciplinary action against the licensee, registrant or applicant. That action may include any of the following conditions or restrictions which may be in addition to or in lieu of suspension:~~

~~(1) A requirement that the person submit to care or counseling.~~

~~(2) A restriction that a licensee practice only under supervision of a named individual or an individual with specified credentials.~~

~~(3) A requirement that a licensee participate in continuing education as defined by the board, in order to overcome specified deficiencies.~~

~~(4) A requirement that the licensee's scope of practice be restricted to a specified extent.~~

~~(f) The board may reinstate a revoked license on terms and conditions it deems proper.~~

* * * Dental * * *

Sec. 12. REPEAL

26 V.S.A. chapter 13 (dentists and dental hygienists) is repealed.

Sec. 13. 26 V.S.A. chapter 12 is added to read:

CHAPTER 12. DENTISTS, DENTAL HYGIENISTS, AND
DENTAL ASSISTANTS

Subchapter 1. General Provisions

§ 561. DEFINITIONS

As used in this chapter:

(1) "Board" means the board of dental examiners.

(2) "Director" means the director of the office of professional regulation.

(3) "Practicing dentistry" means an activity in which a person:

(A) undertakes by any means or method to diagnose or profess to diagnose or to treat or profess to treat or to prescribe for or profess to prescribe for any lesions, diseases, disorders, for deficiencies of the human oral cavity, teeth, gingiva, maxilla, or mandible or adjacent associated structures;

(B) extracts human teeth or corrects malpositions of the teeth or jaws;

(C) furnishes, supplies, constructs, reproduces, or repairs prosthetic dentures, bridges, appliances, or other structures to be used or worn as substitutes for natural teeth or adjusts those structures, except on the written prescription of a duly licensed dentist and by the use of impressions or casts made by a duly licensed and practicing dentist;

(D) administers general dental anesthetics;

(E) administers local dental anesthetics, except dental hygienists as authorized by board rule; or

(F) engages in any of the practices included in the curricula of recognized dental colleges.

(4) "Dental hygienist" means an individual licensed under this chapter.

(5) "Dental assistant" means an individual registered under this chapter.

(6) "Direct supervision" means supervision by a licensed dentist who is readily available at the dental facility for consultation or intervention.

§ 562. PROHIBITIONS

(a) No person may use in connection with a name any words, including "Doctor of Dental Surgery" or "Doctor of Dental Medicine," or any letters, signs, or figures, including the letters "D.D.S." or "D.M.D.," which imply that a person is a licensed dentist when not authorized under this chapter;

(b) No person may practice as a dentist or dental hygienist unless currently licensed to do so under the provisions of this chapter.

(c) No person may practice as a dental assistant unless currently registered under the provisions of this chapter.

(d) A person who violates this section shall be subject to the penalties provided in 3 V.S.A. § 127.

§ 563. EXEMPTIONS

The provisions of this chapter shall not apply to the following:

(1) the rights and privileges of physicians licensed under the laws of this state.

(2) an unlicensed person from performing merely mechanical work upon inert matter in a dental office or laboratory.

(3) a dental student currently enrolled in a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association who:

(A) provides dental treatment under the supervision of a licensed dentist at a state hospital or under licensed instructors within a dental school, college, or dental department of a university recognized by the board;

(B) serves as an intern in any hospital approved by the board; or

(C) participates in a supervised externship program authorized by a dental school recognized by the board in order to provide dental treatment under the direct supervision of a dentist licensed under the provisions of this chapter.

(4) upon prior application and approval by the board, a student of a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association who provides dental treatment for purposes of clinical study under the direct supervision and instruction and in the office of a licensed dentist.

(5) a dentist licensed in another state from consulting with a dentist licensed under the provisions of this chapter.

§ 564. OWNERSHIP AND OPERATION OF A DENTAL OFFICE OR BUSINESS

(a) A dental practice may be owned and operated by the following individuals or entities, either alone or in a combination thereof:

(1) a dentist licensed under the provisions of this chapter;

(2) a health department or clinic of this state or of a local government agency;

(3) a federally qualified health center or community health center designated by the United States department of health and human services to provide dental services;

(4) a 501(c)(3) nonprofit or charitable dental organization;

(5) a hospital licensed under the laws of this state;

(6) an institution or program accredited by the Commission on Dental Accreditation of the American Dental Association to provide education and training.

(b) The surviving spouse, the executor, or the administrator of the estate of a licensed dentist or the spouse of an incapacitated licensed dentist may employ a dentist licensed under the provisions of this chapter to terminate the practice of the deceased or incapacitated dentist within a reasonable length of time.

§ 565. DISPLAY OF LICENSE OR REGISTRATION

Every dentist, dental hygienist, and dental assistant shall display a copy of his or her current license or registration at each place of practice and in such a manner so as to be easily seen and read.

§ 566. NONDENTAL ANESTHESIA

(a) A dentist may administer nondental anesthesia if he or she meets the following requirements:

(1) The administration of anesthesia occurs only in a hospital where the dentist is credentialed to perform nondental anesthesiology;

(2) The dentist holds an academic appointment in anesthesiology at an accredited medical school;

(3) The dentist has successfully completed a full anesthesiology residency in a program approved by the Accreditation Council for Graduate Medical Education;

(4) The dentist has a diploma from the National Board of Anesthesiology; and

(5) The dentist practicing nondental anesthesia is held to the same standard of care as a physician administering anesthesia under the same or similar circumstances.

(b) The board shall refer a complaint or disciplinary proceeding about a dentist arising from his or her administration of nondental anesthesiology to the board of medical practice, which shall have jurisdiction to investigate and sanction and limit or revoke the dentist's license to the same extent that it may for physicians licensed under chapter 23 of this title.

Subchapter 2. Board of Dental Examiners

§ 581. CREATION; QUALIFICATIONS

(a) The state board of dental examiners is created and shall consist of six licensed dentists in good standing who have practiced in this state for a period of five years or more and are in active practice; two licensed dental hygienists who have practiced in this state for a period of at least three years immediately preceding the appointment and are in active practice; one registered dental assistant who has practiced in this state for a period of at least three years immediately preceding the appointment and is in active practice; and two members of the public who are not associated with the practice of dentistry.

(b) Board members shall be appointed by the governor pursuant to 3 V.S.A. §§ 129b and 2004.

(c) No member of the board may be an officer or serve on a committee of his or her respective state or local professional dental, dental hygiene, or dental assisting organization, nor shall any member of the board be on the faculty of a school of dentistry, dental hygiene, or dental assisting.

§ 582. AUTHORITY OF THE BOARD

In addition to any other provisions of law, the board shall have the authority to:

(1) provide general information to applicants;

(2) explain complaint and appeal procedures to applicants, licensees, registrants, and the public;

(3) adopt rules pursuant to the Vermont Administrative Procedure Act as set forth in 3 V.S.A. chapter 25:

(A) as necessary to carry out the provisions of this chapter;

(B) relating to qualifications of applicants, examinations, and granting and renewal of licenses and registrations;

(C) relating to the granting or renewal of a license to those who do not meet active practice requirements;

(D) setting standards for the continuing education of persons licensed or registered under this chapter;

(E) establishing requirements for licensing dental hygienists with five years of regulated practice experience;

(F) setting educational standards and standards of practice for the administration of anesthetics in the dental office;

(G) for the administration of local anesthetics by dental hygienists, including minimum education requirements and procedures for administration of local anesthetics;

(H) setting guidelines for general supervision of dental hygienists with no less than three years of experience by dentists with no less than three years of experience to perform tasks in public or private schools or institutions; and

(I) prescribing minimum educational, training, experience, and supervision requirements and professional standards necessary for practice pursuant to this chapter as a dental assistant; and

(4) undertake any other actions or procedures specified in, required by, or appropriate to carry out the provisions of this chapter.

§ 583. MEETINGS

The board shall meet at least annually on the call of the chair or two members.

§ 584. UNPROFESSIONAL CONDUCT

The board may refuse to give an examination or issue a license to practice dentistry or dental hygiene or to register an applicant to be a dental assistant and may suspend or revoke any such license or registration or otherwise discipline an applicant, licensee, or registrant for unprofessional conduct. Unprofessional conduct means the following conduct and the conduct set forth in 3 V.S.A. § 129a by an applicant or person licensed or registered under this chapter:

-
- (1) abandonment of a patient;
 - (2) rendering professional services to a patient if the dentist, dental hygienist, or dental assistant is intoxicated or under the influence of drugs;
 - (3) promotion of the sale of drugs, devices, appliances, goods, or services provided for a patient in a manner to exploit the patient for financial gain or selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes;
 - (4) division of or agreeing to divide with any person for bringing or referring a patient the fees received for providing professional services to the patient;
 - (5) willful misrepresentation in treatments;
 - (6) practicing a profession regulated under this chapter with a dentist, dental hygienist, or dental assistant who is not legally practicing within the state or aiding or abetting such practice;
 - (7) gross and deceptive overcharging for professional services on single or multiple occasions, including filing of false statements for collection of fees for which services are not rendered;
 - (8) permitting one's name, license, or registration to be used by a person, group, or corporation when not actually in charge of or responsible for the treatment given;
 - (9) practicing dentistry or maintaining a dental office in a manner so as to endanger the health or safety of the public; or
 - (10) holding out to the public as being specially qualified or announcing specialization in any branch of dentistry by using terms such as "specialist in" or "practice limited to" unless:
 - (A) the American Dental Association has formally recognized the specialty and an appropriate certifying board for the specialty;
 - (B) the dentist has met the educational requirements and standards set forth by the Commission on Dental Accreditation for the specialty; or
 - (C) the dentist is a diplomate of the specialty certifying board recognized by the American Dental Association.

Subchapter 3. Dentists

§ 601. LICENSE BY EXAMINATION

To be eligible for licensure as a dentist, an applicant shall:

(1) have attained the age of majority;

(2) be a graduate of a dental college accredited by the Commission on Dental Accreditation of the American Dental Association; and

(3) meet the certificate, examination, and training requirements established by the board by rule.

§ 602. LICENSE BY ENDORSEMENT

(a) The board may grant a license to practice dentistry to an applicant who is a graduate of a dental college accredited by the Commission on Dental Accreditation of the American Dental Association and who:

(1) is currently licensed in good standing to practice dentistry in any jurisdiction of the United States or Canada which has licensing requirements deemed by the board to be substantially equivalent to those of this state;

(2) has successfully completed an approved emergency office procedures course;

(3) has successfully completed the dentist jurisprudence examination; and

(4) has met active practice requirements and any other requirements established by the board by rule.

(b) The board may grant a license to an applicant who is a graduate of a dental college accredited by the Commission on Dental Accreditation of the American Dental Association and who is licensed and in good standing to practice dentistry in a jurisdiction of the United States or Canada which has licensing requirements deemed by the board to be not substantially equivalent to those of this state if:

(1) the board has determined that the applicant's practice experience or education overcomes any lesser licensing requirement of the other jurisdiction in which the applicant is licensed; and

(2) the applicant:

(A) has been in full-time licensed practice of at least 1,200 hours per year for a minimum of five years preceding the application;

(B) is in good standing in all jurisdictions in which licensed;

(C) has successfully completed an approved emergency office procedures course;

(D) has successfully completed the dentist jurisprudence examination; and

(E) has met active practice requirements and any other requirements established by the board by rule.

Subchapter 4. Dental Hygienists

§ 621. LICENSE BY EXAMINATION

To be eligible for licensure as a dental hygienist, an applicant shall:

- (1) have attained the age of majority;
- (2) be a graduate of a program of dental hygiene accredited by the Commission on Dental Accreditation of the American Dental Association;
- (3) present to the board a certificate of the National Board of Dental Examiners;
- (4) have completed an approved emergency office procedure course;
- (5) have passed the American Board of Dental Examiners (ADEX) examination or other examination approved by the board; and
- (6) have passed the dental hygienist jurisprudence examination.

§ 622. LICENSURE BY ENDORSEMENT

The board may grant a license to practice dental hygiene to an applicant who is a graduate of a program of dental hygiene accredited by the Commission on Dental Accreditation of the American Dental Association and who:

- (1) is currently licensed in good standing to practice dental hygiene in any jurisdiction of the United States or Canada which has licensing requirements deemed by the board to be substantially equivalent to those of this state;
- (2) has successfully completed an approved emergency office procedures course;
- (3) has successfully completed the dental hygienist jurisprudence examination; and
- (4) has met active practice and any other requirements established by the board by rule.

§ 623. LICENSURE BY ENDORSEMENT BASED ON TRAINING AND EXPERIENCE

The board may grant a license to an applicant who has met the training and experience requirements established by the board by rule under its authority provided in this chapter.

§ 624. PRACTICE

(a) A dental hygienist may perform duties for which the dental hygienist has been qualified by successful completion of the normal curriculum offered by programs of dental hygiene accredited by the American Dental Association or in continuing education courses approved by the board. A dental hygienist may perform tasks in the office of any licensed dentist consistent with the rules adopted by the board.

(b) In public or private schools or institutions, a dental hygienist with no less than three years of experience may perform tasks under the general supervision of a licensed dentist with no less than three years of experience as prescribed in guidelines adopted by the board by rule.

(c)(1) A dental hygienist, when authorized by the board by rule, may administer for dental hygiene purposes local anesthetics under the direct supervision and by the prescription of a licensed dentist.

(2) The license of a dental hygienist authorized by board rule to administer local anesthetics shall have a special endorsement to that effect.

Subchapter 5. Dental Assistants§ 641. REGISTRATION

(a) No person shall practice as a dental assistant in this state unless registered for that purpose by the board.

(b) On a form prepared and provided by the board, each applicant shall state, under oath, that the dental assistant shall practice only under the supervision of a dentist.

(c) The supervising dentist shall be responsible for the professional acts of dental assistants under his or her supervision.

§ 642. PRACTICE

(a) Except as provided in subsection (b) of this section, a dental assistant may perform duties in the office of any licensed dentist consistent with rules adopted by the board and in public or private schools or institutions under the supervision of a licensed dentist or other dentist approved for the purpose by the board. The performance of any intraoral tasks shall be under the direct supervision of a dentist.

(b) The following tasks may not be assigned to a dental assistant:

(1) Diagnosis, treatment planning, and prescribing, including for drugs and medicaments or authorization for restorative, prosthodontic, or orthodontic appliances; or

(2) Surgical procedures on hard or soft tissues within the oral cavity or any other intraoral procedure that contributes to or results in an irremediable alteration of the oral anatomy.

Subchapter 6. Renewals, Continuing Education, and Fees

§ 661. RENEWAL OF LICENSE

(a) Licenses and registrations shall be renewed every two years on a schedule determined by the office of professional regulation.

(b) No continuing education reporting is required at the first biennial license renewal date following licensure.

(c) The board may waive continuing education requirements for licensees who are on active duty in the armed forces of the United States.

(d) Dentists.

(1) To renew a license, a dentist shall meet active practice requirements established by the board by rule and document completion of no fewer than 30 hours of board-approved continuing professional education which shall include an emergency office procedures course during the two-year licensing period preceding renewal.

(2) Any dentist who has not been in active practice for a period of five years or more shall be required to meet the renewal requirements established by the board by rule.

(e) Dental hygienists. To renew a license, a dental hygienist shall meet active practice requirements established by the board by rule and document completion of no fewer than 18 hours of board-approved continuing professional education which shall include an emergency office procedures course during the two-year licensing period preceding renewal.

(f) Dental assistants. To renew a registration, a dental assistant shall meet the requirements established by the board by rule.

§ 662. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application

<u>(A) Dentist</u>	<u>\$ 225.00</u>
<u>(B) Dental hygienist</u>	<u>\$ 150.00</u>
<u>(C) Dental assistant</u>	<u>\$ 60.00</u>

(2) Biennial renewal

<u>(A) Dentist</u>	<u>\$ 355.00</u>
<u>(B) Dental hygienist</u>	<u>\$ 125.00</u>
<u>(C) Dental assistant</u>	<u>\$ 75.00</u>

(b) The licensing fee for a dentist or dental hygienist or the registration fee for a dental assistant who is otherwise eligible for licensure or registration and whose practice in this state will be limited to providing pro bono services at a free or reduced-fee clinic or similar setting approved by the board shall be waived.

§ 663. LAPSED LICENSES OR REGISTRATIONS

(a) Failure to renew a license by the renewal date shall result in a lapsed license subject to late renewal penalties pursuant to 3 V.S.A. § 125(a)(1).

(b) A person whose license or registration has lapsed may not practice and may be subject to disciplinary action.

(c) Notwithstanding the provisions of subsection (a) of this section, a person shall not be required to pay renewal fees or late renewal penalties for years spent on active duty in the armed forces of the United States. A person who returns from active duty shall be required to pay only the most current biennial renewal fee.

* * * Nursing * * *

Sec. 14. 26 V.S.A. § 1591 is amended to read:

§ 1591. REGISTRY

The board of nursing shall establish, implement, and maintain a registry of nursing assistants and medication nursing assistants.

Sec. 15. 26 V.S.A. § 1592 is amended to read:

§ 1592. DEFINITIONS

As used in this subchapter:

(1) "Nursing assistant" means an individual, regardless of title, who performs nursing or nursing related functions under the supervision of a licensed nurse.

(2) "Nursing and nursing related functions" means nursing related activities as defined by rule which include basic nursing and restorative duties for which the nursing assistant is prepared by education and supervised practice.

(3) "Medication nursing assistant" means a licensed nursing assistant holding a currently valid endorsement authorizing the delegation to the nursing assistant of tasks of medication administration performed in a nursing home.

Sec. 16. 26 V.S.A. § 1592a is added to read:

§ 1592a. ENDORSEMENT OF MEDICATION ADMINISTRATION FOR LICENSED NURSING ASSISTANTS

(a) The board may issue an endorsement of medication administration to a current licensed nursing assistant who:

(1) has participated in and completed a board-approved medication administration education and competency evaluation program;

(2) has passed an examination approved by the board; and

(3) has paid the application fee.

(b) The endorsement shall be renewed by the medication nursing assistant according to a schedule established by the board and pursuant to any other requirements as the board may establish by rule.

Sec. 17. 26 V.S.A. § 1595 is amended to read:

§ 1595. ~~GROUND FOR DISCIPLINE~~ REGULATORY AUTHORITY; UNPROFESSIONAL CONDUCT

The board may deny an application for licensure or renewal or revoke, suspend, discipline, or otherwise condition the license of a nursing assistant who engages in the following conduct or the conduct set forth in ~~section 129a of Title 3 V.S.A. § 129a:~~

(1) has been convicted of a crime that evinces an unfitness to act as a nursing assistant; ~~or~~

(2) has been disciplined as a registered or licensed practical nurse or nursing assistant by competent authority in any jurisdiction; ~~or~~

(3) has been fraudulent or deceitful in procuring or attempting to procure a license, in filing or completing patient records, in signing reports or records or in submitting any information or records to the board; ~~or~~

(4) has abused or neglected a patient or misappropriated patient property; ~~or~~

(5) is unfit or incompetent to function as a nursing assistant by reason of any cause; ~~or~~

(6) has diverted or attempted to divert drugs for unauthorized use; ~~or~~

(7) is habitually intemperate or is addicted to the use of habit-forming substances; or

(8) has failed to report to the board any violation of this chapter or of the board's rules; or

~~(9) has engaged in any act which before it was committed had been determined to be beyond the approved scope of practice of the nursing assistant.~~

Sec. 18. 26 V.S.A. § 1596 is amended to read:

§ 1596. APPROVAL OF PROGRAMS

(a) The board shall adopt standards for nursing assistant and medication nursing assistant education and competency evaluation programs and shall survey and approve those programs which meet the standards.

(b) After an opportunity for a hearing, the board may deny or withdraw approval or take lesser action when a program fails to meet the standards.

(c) A program whose approval has been denied or withdrawn may be reinstated upon satisfying the board that deficiencies have been remedied and the standards have been met.

Sec. 19. 26 V.S.A. § 1601 is amended to read:

§ 1601. EXEMPTIONS

* * *

(d) Nothing in this subchapter shall be construed to conflict with the administration of medication by nonlicensees pursuant to the residential care home licensing regulations promulgated by the department of disabilities, aging, and independent living.

Sec. 20. NURSING SUPERVISION LIMITATION; MEDICATION NURSING ASSISTANTS

No provision in 26 V.S.A. chapter 28 shall prohibit the refusal by a nurse practicing nursing in a nursing home on the effective date of this act to supervise a medication nursing assistant, as that term is defined in 26 V.S.A. § 1592, in that nursing home until the earliest date on which the nurse ceases to be employed by the nursing home.

Sec. 21. 26 V.S.A. § 1612 is amended to read:

§ 1612. PRACTICE GUIDELINES

(a) APRN licensees shall submit for review individual practice guidelines and receive board approval of the practice guidelines. Practice guidelines shall

reflect current standards of advanced nursing practice specific to the APRN's role, population focus, and specialty.

(b) Licensees shall submit for review individual practice guidelines and receive board approval of the practice guidelines:

(1) prior to initial employment;

(2) if employed or practicing as an APRN, upon application for renewal of an APRN's registered nurse license; and

(3) prior to a change in the APRN's employment or clinical role, population focus, or specialty.

Sec. 22. Sec. 41 of No. 35 of the Acts of 2009 is amended to read:

Sec. 41. REPEAL

* * *

(c) ~~Sec. 26a~~ Sec. 26 (nursing education programs; faculty; educational experience) of this act shall be repealed on July 1, 2013.

* * * Optometry * * *

Sec. 23. 26 V.S.A. § 1703 is amended to read:

§ 1703. DEFINITIONS

As used in this chapter:

* * *

(5) "Contact lenses" means those lenses ~~with prescription power and those lenses without prescription power which~~ that are worn for cosmetic, therapeutic, or refractive purposes.

Sec. 24. 26 V.S.A. § 1719 is amended to read:

§ 1719. UNPROFESSIONAL CONDUCT

(a) Unprofessional conduct is the conduct prohibited by this section and by 3 V.S.A. § 129a, whether or not taken by a license holder.

(b) Unprofessional conduct means:

* * *

(3) Any of the following with regard to the buyer's prescription or purchase of ophthalmic goods:

(A) ~~Failure to give to the buyer a copy of the buyer's spectacle lens prescription immediately after the eye examination is completed. Provided, an~~

~~optometrist may refuse to give the buyer a copy of the buyer's prescription until the buyer has paid for the eye examination but only if that optometrist would have required immediate payment from that buyer had the examination revealed that no ophthalmic goods were required. If the buyer requests his or her contact lens prescription before the prescription is complete, the optometrist shall furnish a copy of the buyer's contact lens prescription to the buyer, clearly marked to indicate that it is not a complete contact lens prescription. [Repealed.]~~

* * *

(E) Failure to comply with prescription-released requirements established in the Federal Ophthalmic Practice Rule (~~CFR~~ 16 C.F.R. Part 456) or the Fairness to Contact Lens Consumers Act (~~USCA~~ 15 U.S.C.A. §§ 7601–7610).

(c) After hearing, the board may take disciplinary action against a licensee or applicant found guilty of unprofessional conduct.

Sec. 25. 26 V.S.A. § 1727 is amended to read:

§ 1727. EXPIRATION DATE

An optometrist shall state the expiration date on the face of every prescription written by that optometrist for contact lenses. The expiration date shall be ~~no earlier than~~ one year after the examination date unless a medical or refractive problem affecting vision requires an earlier expiration date. An optometrist may not refuse to give the buyer a copy of the buyer's prescription after the expiration date; however, the copy shall be clearly marked to indicate that it is an expired prescription.

Sec. 26. 26 V.S.A. § 1728d is redesignated to read:

§ 1728d. DURATION OF GLAUCOMA TREATMENT WITHOUT REFERRAL

Sec. 27. 26 V.S.A. § 1729a is amended to read:

§ 1729a. PREREQUISITES TO TREATING GLAUCOMA

A licensee who is already certified to use therapeutic pharmaceutical agents and who graduated from a school of optometry prior to 2003 and is not certified in another jurisdiction having substantially similar prerequisites to treating glaucoma shall, in addition to being certified to use therapeutic pharmaceutical agents, provide to the board verification of successful completion of an 18-hour course and examination offered by the State University of New York State College of Optometry or similar accredited institution. Successful completion shall include passing an examination

substantially equivalent to the relevant portions on glaucoma and orals of the examination given to current graduates of optometry school and shall require the same passing grade. The course shall cover the diagnosis and treatment of glaucoma and the use of oral medications and shall be taught by both optometrists and ophthalmologists. In addition, the licensee shall collaborate with an optometrist who has been licensed to treat glaucoma for at least two years or an ophthalmologist regarding his or her current glaucoma patients for six months and at least five new glaucoma patients before treating glaucoma patients independently. These five new glaucoma patients shall be seen at least once by the collaborating glaucoma-licensed optometrist or ophthalmologist.

* * * Pharmacy * * *

Sec. 28. 26 V.S.A. § 2044 is amended to read:

§ 2044. RENEWAL OF LICENSES

Each ~~pharmacist and pharmacy technician~~ person or entity licensed or regulated under the provisions of this chapter shall apply for renewal biennially by a date established by the director of the office of professional regulation. ~~The board shall renew the license or registration of each pharmacist and pharmacy technician who is qualified.~~

* * * Veterinary * * *

Sec. 29. 26 V.S.A. § 2414 is amended to read:

§ 2414. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application	\$ 100.00
(2) Biennial renewal	\$ 250.00
(3) ~~Temporary license~~	~~\$ 25.00~~

* * * Land Surveying * * *

Sec. 30. 26 V.S.A. § 2543 is amended to read:

§ 2543. BOARD MEETINGS

(a) The board shall meet, at least two times each year, at the call of the chairperson or upon the request of any other two members.

(b) ~~Meetings shall be warned and conducted in accordance with chapter 5 of Title 1. [Repealed.]~~

(c) A majority of the members of the board shall be a quorum for transacting business, and all action shall be taken upon a majority vote of the members present and voting.

(d) The provisions of the Vermont Administrative Procedure Act, 3 V.S.A. chapter 25, relating to contested cases, shall apply to proceedings under this chapter.

(e) Fees for the service of process and attendance before the board shall be the same as the fees paid sheriffs and witnesses in superior court.

Sec. 31. 26 V.S.A. § 2592 is amended to read:

§ 2592. ~~QUALIFICATIONS~~ LICENSURE BY EXAMINATION

(a) Any person shall be eligible for licensure as a land surveyor if the person qualifies under one of the following provisions, as established by the board by rule:

~~(1) Comity or endorsement. A person holding a certificate of registration or a license to engage in the practice of land surveying issued on the basis of an examination, satisfactory to the board, by proper authority of a state, territory or possession of the United States, the District of Columbia, or another country, based on requirements and qualifications shown by the application to be equal to or greater than the requirements of this chapter, in the opinion of the board, may be examined relative to land surveying matters peculiar to Vermont and granted a license at the direction of the board~~ Bachelor's degree in land surveying, internship, portfolio, and examination. A person who has graduated with a bachelor's degree in land surveying from a program accredited by the Accreditation Board for Engineering and Technology (ABET), completed a 24-month internship, successfully completed a portfolio, and successfully completed the examinations required by the board may be granted a license.

~~(2) Graduation and examination. An applicant who has graduated from a surveying curriculum of four years or more approved by the Accreditation Board for Engineering and Technology (ABET), followed by at least 24 months of experience in land surveying, under the supervision of a land surveyor, and who has passed an examination satisfactory to the board, may be granted a license~~ Associate's degree in land surveying, internship, portfolio, and examination. A person who has graduated with an associate's degree in land surveying from a program accredited by the ABET, completed a 36-month internship, successfully completed a portfolio, and successfully completed the examinations required by the board may be granted a license.

~~(3) Education and examination. An applicant, who has attended an accredited college or school of higher education, approved by the board, who~~

~~has satisfactorily completed 30 credit hours of formal instruction in land surveying, followed by at least 36 months of experience in land surveying, under the supervision of a land surveyor, and who has passed an examination satisfactory to the board, may be granted a license.~~

~~(4) Experience Internship, portfolio, and examination examinations. An applicant who has completed four or more years of experience in land surveying, under the supervision of a land surveyor, and who has a 72-month internship, successfully completed a portfolio, and passed an examination which is satisfactory to the examinations required by the board, may be granted a license.~~

~~(b) The fundamentals of land surveying examination may be taken with board approval after an applicant for licensure submits the initial application.~~

~~(c) The principles and practice of land surveying examination may be taken before the applicant completes the educational and experience requirements established by this chapter, provided that the applicant has completed all but the final year of required practical experience. Notification of the results of such examinations shall be mailed to each candidate within 30 days of the day the results of any national examination are received by the board. A candidate failing to pass the examinations may apply for reexamination under the rules of the board and may sit for reexamination as many times as the candidate chooses to do so. If an applicant does not pass the entire examination, the applicant need not take again any portion of an examination which the applicant previously passed.~~

~~(d)(1) A person who has undertaken work in the office of a land surveyor shall notify the board:~~

~~(A) within six months of commencing work;~~

~~(B) within 30 days of making any change in the person supervising that work; and~~

~~(C) upon 30 days of completing the experience requirements for licensure.~~

~~(e) [Deleted.]~~

~~(f) License examinations may consist of a national surveying examination selected by the board plus a Vermont portion. The Vermont portion shall be limited to those subjects and skills necessary to perform land surveying.~~

~~(g) The board may conduct a personal interview of an applicant. A personal interview shall be for the limited purposes of assisting the applicant to obtain licensure and to verify the applicant's educational qualifications and~~

~~that the applicant completed the experience requirements for licensure. A personal interview shall not serve directly or indirectly as an oral examination of the applicant's substantive knowledge of surveying. An interview conducted under this section shall be taped and, at the request of the applicant, shall be transcribed. An applicant who is denied licensure shall be informed in writing of his or her right to have the interview transcribed free of charge. At least one of the public members of the board shall be present at any personal interview.~~

~~(h) When the board intends to deny an application for license, the director of the office of professional regulation shall send the applicant written notice of the decision by certified mail, return receipt requested. The notice shall include a specific statement of the reasons for the action. Within 30 days of the date that an applicant receives such notice, the applicant may file a petition with the board for review of its preliminary decision. At the hearing to review the preliminary decision, the burden shall be on the applicant to show that a license should be issued. After the hearing, the board shall affirm or reverse the preliminary denial. The applicant may appeal a final denial by the board to the appellate officer.~~

Sec. 32. 26 V.S.A. § 2592a is added to read:

§ 2592a. LICENSURE BY ENDORSEMENT

Upon an applicant's successful completion of the Vermont portion of the licensing examination, the board may issue a license to an applicant who is licensed or registered and currently in good standing in a United States or Canadian jurisdiction having licensing requirements which are substantially equivalent to the requirements of this chapter. The absence of a portfolio requirement in another jurisdiction shall not prevent the board from finding substantial equivalence.

Sec. 33. REPEAL

26 V.S.A. § 2594 (licenses generally) is repealed.

Sec. 34. 26 V.S.A. § 2595 is amended to read:

§ 2595. EXCEPTIONS

(a) The work of an employee or subordinate of a person having a license under this chapter is exempted from the licensing provisions of this chapter if such work is done under the supervision of and is verified by a licensee.

* * *

Sec. 35. 26 V.S.A. § 2598 is amended to read:

§ 2598. UNPROFESSIONAL CONDUCT

(a) Unprofessional conduct is the conduct prohibited by this section and by 3 V.S.A. § 129a.

(b) Unprofessional conduct includes the following actions by a licensee:

* * *

(4) ~~agreeing with any other person or organization, or subscribing to any code of ethics or organizational bylaws, when the intent or primary effect of that agreement, code or bylaw is to restrict or limit the flow of information concerning alleged or suspected unprofessional conduct to the board;~~
[Repealed.]

(5) ~~willfully~~ willfully acting, while serving as a board member, in any way to contravene the provisions of this chapter and thereby artificially restrict the entry of qualified persons into the profession;

(6) using the licensee's seal on documents prepared by others not in the licensee's direct ~~employ~~ supervision, or use the seal of another.

(7) [Deleted.]

Sec. 36. REPEAL

26 V.S.A. § 2599 (discipline of licensees) is repealed.

Sec. 37. 26 V.S.A. § 2601 is amended to read:

§ 2601. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the renewal fee following the procedure established by the office of professional regulation.

(b) ~~Biennially, the board shall forward a renewal form to each licensee. Upon receipt of the completed form and the renewal fee, the board shall issue a new license.~~ [Repealed.]

(c) A license which has lapsed for a period of three years or less may be renewed upon application and payment of the renewal fee and the late penalty fee.

(d) As a condition of renewal, the board shall require that a licensee establish that he or she has completed continuing education, as approved by the board not to exceed 15 hours for each year of renewal.

(e) The board may renew the license of an individual whose license has lapsed for more than three years upon payment of the required fee, and the late renewal penalty, provided the individual has satisfied all the requirements for renewal, ~~including continuing education~~ established by the board by rule.

* * * Radiologic Technology * * *

Sec. 38. 26 V.S.A. § 2801 is amended to read:

§ 2801. DEFINITIONS

As used in this chapter:

* * *

(3) “Practice of radiography” means the direct application of ionizing radiation to human beings ~~for diagnostic purposes~~.

(4) “Practice of nuclear medicine technology” means the act of giving a radioactive substance to a human being ~~for diagnostic purposes~~, or the act of performing associated imaging procedures, or both.

(5) “Practice of radiation therapy” means the direct application of ionizing radiation to human beings for therapeutic purposes or the act of performing associated imaging procedures, or both.

* * *

(11) “ARRT” means the American Registry of Radiologic Technologists.

(12) “NMTCB” means the Nuclear Medicine Technologist Certification Board.

Sec. 39. 26 V.S.A. § 2802 is amended to read:

§ 2802. PROHIBITIONS

(a) ~~For purposes of this section, the word “license” includes temporary permits under section 2825 of this title. [Repealed.]~~

(b) No person shall practice radiologic technology unless he or she is licensed in accordance with the provisions of this chapter.

(c) No person shall practice radiography without a license for radiography from the board unless exempt under section 2803 of this title.

(d) ~~No person who holds a limited radiography license from the board shall apply ionizing radiation to human beings for diagnostic or therapeutic purposes or take radiographs, except as follows:~~

~~(1) A person who holds an endorsement for chest radiography may radiograph the thorax for the purpose of demonstrating the heart or lungs; and~~

~~(2) A person who holds an endorsement for extremities radiography may radiograph the hands and arms, including the shoulder girdle, the feet, and the legs up to the mid-point of the femur. [Repealed.]~~

(e) No person shall practice nuclear medicine technology without a license for that purpose from the board unless exempt under section 2803 of this title.

(f) No person shall practice radiation therapy technology without a license for that purpose from the board unless exempt under section 2803 of this title.

Sec. 40. 26 V.S.A. § 2803 is amended to read:

§ 2803. EXEMPTIONS

The prohibitions in section 2802 of this ~~title~~ chapter shall not apply to dentists licensed under chapter ~~13~~ 12 of this title and actions within their scope of practice nor to:

* * *

~~(6) Individuals who are completing a course of training for limited radiographic licensure as required in subsection 2821(c) of this title and who work under direct personal supervision of a licensed practitioner. The exemption authorized by this subdivision shall be for one time only and for no more than six months. The licensed practitioner is professionally and legally responsible for work performed by the person completing the course of training~~ Licensees certified in one of the three primary modalities set forth in section 2821a of this chapter preparing for postprimary certification in accordance with ARRT or NMTCB under the direct personal supervision of a licensee already certified in the specific postprimary modality at issue.

(7) Researchers operating bone densitometry equipment for body composition upon successful completion of courses on body composition and radiation safety approved by the board. The board shall not require this coursework to exceed eight hours. The board may consider other exemptions from licensure for bona fide research projects subject to course and examination requirements as deemed necessary for public protection.

Sec. 41. 26 V.S.A. § 2804 is amended to read:

§ 2804. COMPETENCY REQUIREMENTS OF CERTAIN LICENSED PRACTITIONERS

Unless the requirements of subdivision 2803(1) of this title have been satisfied, no physician, as defined in chapter 23 of this title, podiatrist, as defined in chapter 7 of this title, osteopathic physician, as defined in chapter 33 of this title, naturopathic physician as defined in chapter 81 of this title, or chiropractor, as defined in chapter ~~9~~ 10 of this title, shall apply ionizing radiation to human beings ~~for diagnostic purposes~~, without first having satisfied the board of his or her competency to do so. The board shall consult with the appropriate licensing boards concerning suitable performance

standards. The board shall, by rule, provide for periodic recertification of competency. A person subject to the provisions of this section shall be subject to the fees established under subdivisions 2814(4) and (5) of this title. This section does not apply to radiologists who are certified or eligible for certification by the American Board of Radiology.

Sec. 42. 26 V.S.A. § 2811 is amended to read:

§ 2811. BOARD OF RADIOLOGIC TECHNOLOGY

(a) A board of radiologic technology is created, consisting of ~~five~~ six members. The board shall be attached to the office of professional regulation.

(b) One member of the board shall be a member of the public who has no financial interest in radiologic technology other than as a consumer or possible consumer of its services. The public member shall have no financial interest personally or through a spouse.

(c) One member of the board shall be a radiologist certified by the American Board of Radiology.

(d) ~~Two~~ Three members of the board shall be licensed under this chapter, one representing each of the three following primary modalities: radiography; nuclear medicine technology; and radiation therapy.

(e) One member of the board shall be a representative from the radiological health program of the Vermont department of health.

(f) Board members shall be appointed by the governor.

Sec. 43. 26 V.S.A. § 2812 is amended to read:

§ 2812. POWERS AND DUTIES

(a) The board shall adopt rules necessary for the performance of its duties, including:

(1) a definition of the practice of radiologic technology, interpreting section 2801 of this title;

(2) qualifications for obtaining licensure, interpreting section 2821 of this ~~title~~ chapter;

(3) explanations of appeal and other significant rights given to applicants and the public;

(4) procedures for disciplinary and reinstatement cases;

(5) ~~procedures for certifying persons using special equipment;~~
[Repealed.]

(6) procedures for mandatory reporting of unsafe radiologic conditions or practices;

(7) procedures for continued competency evaluation;

(8) procedures for radiation safety;

(9) procedures for competency standards for license applications and renewals.

(b) The board shall:

(1) ~~If applications for licensure by examination are pending, offer examinations at least twice each year and pass upon the qualifications of applicants for licensing.~~ [Repealed.]

(2) Use the administrative and legal services provided by the office of professional regulation under 3 V.S.A. chapter 5.

(3) Investigate suspected unprofessional conduct.

(4) Periodically determine whether a sufficient supply of good quality radiologic technology services is available in Vermont at a competitive and reasonable price; and take suitable action, within the scope of its powers, to solve or bring public and professional attention to any problem which it finds in this area.

(5) As a condition of renewal require that a licensee establish that he or she has completed a minimum of 24 hours of continuing education as approved by the board ~~not to exceed 24 hours in a two-year renewal.~~

* * *

Sec. 44. 26 V.S.A. § 2814 is amended to read:

§ 2814. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for ~~temporary permit and~~ primary licensure \$ 100.00

(2) Biennial renewal

(A) renewal of a single primary license \$ 110.00

(B) renewal of each additional primary license \$ 15.00

(3) Initial competency endorsement under section 2804 of this title \$ 100.00

(4) Biennial renewal of competency endorsement under section 2804 of this title \$ 110.00

(5) Evaluation \$ 125.00

Sec. 45. REPEAL

26 V.S.A. § 2821 (licensing) is repealed.

Sec. 46. TRANSITIONAL PROVISION

A person granted a limited radiography license by the board of radiologic technology under 26 V.S.A. § 2821 prior to the effective date of this act may continue to practice as permitted by that license and board rules.

Sec. 47. 26 V.S.A. § 2821a is added to read:

§ 2821a. LICENSE FOR PRIMARY MODALITIES

Common Requirements. The board shall recognize and follow the ARRT and the NMTCB primary certification process. The board shall issue a license to practice in one of the following three primary modalities to any person who in addition to the other requirements of this section, has reached the age of majority and has completed preliminary education equivalent to at least four years of high school:

(1) Radiography. The board shall issue a radiography license to any person who, in addition to meeting the general requirements of this section:

(A) has graduated from a radiologic technology training program offered by a school of radiologic technology approved by ARRT; and

(B) has obtained primary certification in radiography from ARRT.

(2) Nuclear medicine technology. The board shall issue a nuclear medicine technology license to any person who, in addition to meeting the general requirements of this section:

(A) has graduated from a nuclear medicine technology program offered by a school of nuclear medicine technology approved by ARRT or NMTCB; and

(B) has obtained primary certification in nuclear medicine technology from ARRT or NMTCB.

(3) Radiation therapy. The board shall issue a radiation therapy license to any person who, in addition to meeting the general requirements of this section:

(A) has graduated from a radiation therapy training program offered by a school of radiologic technology approved by ARRT; and

(B) has obtained primary certification in radiation therapy from the ARRT.

Sec. 48. 26 V.S.A. § 2821b is added to read:

§ 2821b. LICENSE FOR POSTPRIMARY MODALITIES

(a) The board recognizes and follows the ARRT postprimary certification process for the following postprimary practice categories: mammography, computed tomography ("CT"), cardiac-interventional radiography, and vascular-interventional radiography.

(b) In order for a licensee who has obtained one of the three primary ARRT or NMTCB certifications set forth in section 2821a of this subchapter to practice in one of the postprimary modalities set forth in subsection (a) of this section, the licensee must first obtain postprimary certification from ARRT for that category, except:

(1) a person with a primary license in radiation therapy may perform CT for treatment simulation; and

(2) a person with a primary license in nuclear medicine technology may perform CT for attenuation correction on hybrid imaging equipment, such as PET/CT and SPECT/CT scanners.

(c) In order to practice bone densitometry or apply ionizing radiation using bone densitometry equipment, a primary certification and license in radiography is required, with the exception that individuals who perform quantitative computed tomography ("QCT") bone densitometry must obtain postprimary certification in CT in addition to primary certification.

Sec. 49. 26 V.S.A. § 2823 is amended to read:

§ 2823. RENEWAL AND PROCEDURE FOR NONRENEWAL

(a) Licenses shall be renewed every two years without examination and on payment of the required fees. Each radiographer, nuclear medicine technologist, and radiation therapist licensed to practice by the board shall apply biennially for the renewal of a license. One month prior to the renewal date, the office of professional regulation shall send to each of those licensees a license renewal application form and a notice of the date on which the existing license will expire. The licensee shall file the application for license renewal and pay a renewal fee. In order to be eligible for renewal, an applicant shall document completion of no fewer than 24 hours of board-approved continuing education. Required accumulation of continuing education hours shall begin on the first day of the first full biennial licensing period following initial licensure.

~~(b) A license which has expired because a licensee has not sought renewal may be reinstated on payment of a renewal fee and a late renewal penalty. The licensee shall not be required to pay renewal fees during periods when the license was expired. However, if such a license remains expired for a period of ten years, the board shall send notice under this section to the former licensee at his last known address. Thirty days after the notice is sent, the right to renew the license without examination is suspended. Once the right to renew is suspended, it may be reinstated only by decision of the board acting on petition of the former licensee. During that proceeding, the board may require re-examination of the licensee, as well as payment of a renewal fee, late renewal penalty and a reinstatement fee. A person who practices radiography, nuclear medicine technology, or radiation therapy and who fails to renew a license or registration or fails to pay the fees required by this chapter shall be an illegal practitioner and shall forfeit the right to practice until reinstated by the board.~~

(c) The board shall adopt rules setting forth qualifications for reinstating lapsed licenses.

Sec. 50. REPEAL

26 V.S.A. § 2825 (temporary permits) is repealed.

Sec. 51. 26 V.S.A. § 2825a is added to read:

§ 2825a. LICENSURE BY ENDORSEMENT

The board may grant a license to an applicant who possesses a license in good standing in another state and possesses the applicable ARRT or NMTCB primary and postprimary certifications as set forth in sections 2821a and 2821b of this subchapter, respectively.

* * * Psychology * * *

Sec. 52. 26 V.S.A. § 3011a is amended to read:

§ 3011a. APPLICATIONS

(a) Any person desiring to obtain a license as a psychologist shall make application therefor to the board upon such form and in such manner as the board prescribes and shall furnish evidence satisfactory to the board that he or she:

(1) is at least 18 years of age;

~~(2)(A) has had two years of experience, or their equivalent, in the practice of clinical psychology under the supervision of a person who is licensed or who is qualified to be licensed under this chapter; possesses a doctoral degree in psychology and has completed 4,000 hours of supervised~~

practice as defined by the board by rule, of which no fewer than 2,000 hours were completed after the doctoral degree in psychology was received; or

~~(3) — has successfully completed each examination that is required pursuant to section 3013 of this title; and~~

~~(A) — possesses a doctoral degree in psychology obtained through a professional psychology training program awarded by an institution of higher education;~~

~~(B) possesses a master's degree in psychology obtained through a professional psychology training program awarded by an institution of higher education; and has completed 4,000 hours of supervised practice as defined by the board by rule of which no fewer than 2,000 hours were completed after the master's degree in psychology was received; and~~

~~(C) — possesses a master's degree in psychology awarded by an institution of higher education provided the person was enrolled as a candidate for the master's degree no later than December 31, 1993; or~~

~~(D) — possesses a degree in psychology awarded by an institution of higher education based on a program that the board determines to be equivalent to that required in subdivisions (A) and (B) of this subdivision (3)~~

(3) has successfully completed the examinations designated by the board.

(b) In exceptional cases, the board may waive any requirement of this section if in its judgment the applicant demonstrates appropriate qualifications.

* * * Clinical Social Work * * *

Sec. 53. 26 V.S.A. § 3201 is amended to read:

§ 3201. DEFINITIONS

As used in this chapter:

(1) "Clinical social work" is defined as providing a service, for a consideration, which is primarily drawn from the academic discipline of social work theory, in which a special knowledge of social resources, human capabilities, and the part that motivation plays in determining behavior, is directed at helping people to achieve a more adequate, satisfying, and productive psychosocial adjustment. The application of social work principles and methods includes, but is not restricted to assessment, diagnosis, prevention and amelioration of adjustment problems and emotional and mental disorders of individuals, families and groups. The scope of practice for licensed clinical social workers includes the provision of psychotherapy.

* * *

Sec. 54. 26 V.S.A. § 3205 is amended to read:

§ 3205. ELIGIBILITY

To be eligible for licensing as a clinical social worker an applicant must have:

(1) received a master's degree or doctorate from an accredited social work education program;

(2) [Deleted.]

(3) ~~had two years of post-master's experience in the practice of clinical social work or the equivalent in part-time experience~~ completed 3,000 hours of supervised practice of clinical social work as defined by rule under the supervision of a licensed physician or a licensed osteopathic physician who has completed a residency in psychiatry, a licensed psychologist, a licensed clinical mental health counselor, a person licensed or certified under this chapter, or a person licensed or certified in another state or Canada in one of these professions or their substantial equivalent. Persons engaged in post masters supervised practice in Vermont shall be entered on the roster of nonlicensed, noncertified psychotherapists;

(4) submitted the names and addresses of three persons who can attest to the applicant's professional competence. Such person shall be a licensed physician or a licensed osteopathic physician who has completed a residency in psychiatry, a licensed psychologist, a licensed clinical mental health counselor, a person licensed or certified under this chapter, or a person licensed in another state or Canada in one of these professions; and

(5) passed an examination to the satisfaction of the director of the office of professional regulation.

* * * Dietetics * * *

Sec. 55. 26 V.S.A. § 3381 is amended to read:

§ 3381. DEFINITIONS

As used in this chapter:

(1) ~~“American Dietetic Association~~ Academy of Nutrition and Dietetics” means the national professional organization of dietitians that provides direction and leadership for quality dietetic practice, education and research.

* * *

Sec. 56. 26 V.S.A. § 3385 is amended to read:

§ 3385. ELIGIBILITY

To be eligible for certification as a dietitian, an applicant:

(1) shall not be in violation of any of the provisions of this chapter or rule adopted in accordance with the provisions of the chapter; and

(2)(A) shall have proof of registration as a registered dietitian by the Commission on Dietetic Registration; or

(B) shall have:

(i) received a bachelor of arts or science or a higher degree in dietetics from an accredited college or university; and

(ii) satisfactorily completed a minimum of 900 practicum hours of supervision under an ~~American Dietetic Association~~ Academy of Nutrition and Dietetics dietitian registered by the Commission on Dietetic Registration; and

(iii) passed an examination to the satisfaction of the director.

* * * Naturopathic Medicine * * *

Sec. 57. 26 V.S.A. § 4121 is amended to read:

§ 4121. DEFINITIONS

As used in this chapter:

* * *

(7) ~~“Naturopathic formulary examination” means an examination, administered by the director or the director’s designee, which tests an applicant’s knowledge of the pharmacology, clinical use, side effects, and drug interactions of agents in the naturopathic formulary. [Repealed.]~~

(8) “Naturopathic medicine” or “the practice of naturopathic medicine” means a system of health care that utilizes education, natural medicines, and natural therapies to support and stimulate a patient’s intrinsic self-healing processes and to prevent, diagnose, and treat human health conditions, injuries, and pain. In connection with such system of health care, an individual licensed under this chapter may:

(A) Administer or provide for preventative and therapeutic purposes nonprescription medicines, topical medicines, botanical medicines, homeopathic medicines, counseling, hypnotherapy, nutritional and dietary therapy, naturopathic physical medicine, naturopathic childbirth, therapeutic devices, barrier devices for contraception, and prescription medicines

authorized by this chapter ~~or by the formulary established under subsection 4125(c) of this title.~~

(B) Use diagnostic procedures commonly used by physicians in general practice, including physical and orificial examinations, electrocardiograms, diagnostic imaging techniques, phlebotomy, clinical laboratory tests and examinations, and physiological function tests.

* * *

(13) “Naturopathic pharmacology examination” means a test administered by the director or the director’s designee, the passage of which is required to obtain the special license endorsement under subsection 4125(d) of this chapter.

Sec. 58. 26 V.S.A. § 4122 is amended to read:

§ 4122. PROHIBITIONS AND PENALTIES

(a) No person shall perform any of the following acts:

(1) Practice naturopathic medicine in this state without a valid license issued in accordance with this chapter except as provided in section 4123 of this title.

(2) Use, in connection with the person’s name any letters, words, or insignia indicating or implying that the person is a naturopathic physician unless the person is licensed in accordance with this chapter. A person licensed under this chapter may use the designations “N.D.,” “doctor of naturopathic medicine,” “naturopathic doctor,” “doctor of naturopathy,” or “naturopathic physician.”

(b) A person licensed under this chapter shall not perform any of the following acts:

(1) Prescribe, dispense, or administer any prescription medicines ~~except those medicines authorized by this chapter~~ without obtaining from the director the special license endorsement under subsection 4125(d) of this chapter.

(2) Perform surgical procedures, except for episiotomy and perineal repair associated with naturopathic childbirth.

(3) Use for therapeutic purposes, any device regulated by the United States Food and Drug Administration (FDA) that has not been approved by the FDA.

(4) Perform naturopathic childbirth without obtaining ~~an endorsement from the director~~ the special license endorsement under subsection 4125(b) of this chapter.

(c) A person who violates any of the provisions of this section shall be subject to the penalties provided in 3 V.S.A. § 127(c).

Sec. 59. 26 V.S.A. § 4123 is amended to read:

§ 4123. EXEMPTIONS

(a) Nothing in this chapter shall be construed to prohibit any of the following:

(1) The practice of a profession by a person who is licensed, certified, or registered under other laws of this state and is performing services within the authorized scope of practice of that profession.

(2) The practice of naturopathic medicine by a person duly licensed to engage in the practice of naturopathic medicine in another state, territory, or the District of Columbia who is called into this state for consultation with a naturopathic physician licensed under this chapter.

(3) The practice of naturopathic medicine by a student enrolled in an approved naturopathic medical college. The performance of services shall be pursuant to a course of instruction and under the supervision of an instructor, who shall be a naturopathic physician licensed in accordance with this chapter.

(4) The use or administration of over-the-counter medicines or other nonprescription agents, ~~regardless of whether the over-the-counter medicine or agent is on the naturopathic formulary.~~

(b) The provisions of subdivision 4122(a)(1) of this ~~title~~ chapter, relating to the practice of naturopathic medicine, shall not be construed to limit or restrict in any manner the right of a practitioner of another health care profession from carrying on in the usual manner any of the functions related to that profession.

Sec. 60. 26 V.S.A. § 4125 is amended to read:

§ 4125. DIRECTOR; DUTIES

(a) The director, with the advice of the advisor appointees, shall:

(1) Provide general information to applicants for licensure as naturopathic physicians.

(2) Administer fees collected under this chapter.

(3) Administer examinations.

(4) Explain appeal procedures to naturopathic physicians and applicants for licensure and complaint procedures to the public.

(5) Receive applications for licensure under this chapter; issue and renew licenses; and revoke, suspend, reinstate, or condition licenses as ordered by an administrative law officer.

(6) Refer all disciplinary matters to an administrative law officer.

(b) The director, with the advice of the advisor appointees, shall adopt rules necessary to perform the director's duties under this section, which shall include rules regulating ~~the naturopathic formulary, the naturopathic formulary examination, and~~ a special license endorsement to practice naturopathic childbirth.

~~(c) At least annually, in consultation with the commissioner of health and in accordance with consultation procedures adopted by the director by rule, the director with the advice of the advisor appointees, shall review and update the formulary of prescription medicines naturopathic physicians may use consistent with their scope of practice and training. Nonnatural substances found to be substantially safer in treatment or without which a patient's primary care would be compromised may be added to the formulary. The formulary shall include prescription medicines necessary for naturopathic practice and naturopathic childbirth. [Repealed.]~~

(d) The director, in consultation with the commissioner of health, shall adopt rules consistent with the commissioner's recommendations regulating a special license endorsement which shall authorize a naturopathic physician to prescribe, dispense, and administer prescription medicines. These rules shall require a naturopathic physician to pass a naturopathic pharmacology examination in order to obtain this special license endorsement. The naturopathic pharmacology examination shall be administered by the director or the director's designee and shall test an applicant's knowledge of the pharmacology, clinical use, side effects, and drug interactions of prescription medicines, including substances in the Vermont department of health's regulated drugs rule.

Sec. 60a. NATUROPATHIC PHYSICIANS; PRESCRIPTION MEDICINES; SPECIAL LICENSE ENDORSEMENT; RULES

The rules adopted pursuant to Sec. 60, 26 V.S.A. § 4125(d) of this act, regarding the regulation of a special license endorsement which shall authorize a naturopathic physician to prescribe, dispense, and administer prescription medicines, shall be consistent with the findings of the report on the education and clinical training of naturopathic physicians set forth in Sec. 64(a) of this act.

Sec. 61. 26 V.S.A. § 4127 is amended to read:

§ 4127. ELIGIBILITY FOR LICENSURE

To be eligible for licensure as a naturopathic physician, an applicant shall satisfy all the following:

(1) Have been granted a degree of doctor of naturopathic medicine, or a degree determined by the director to be essentially equivalent to such degree, from an approved naturopathic medical college.

(2) Be physically and mentally fit to practice naturopathic medicine.

(3) Pass a licensing examination approved by the director ~~pursuant to subsection 4129(a) of this title~~ by rule, unless the applicant is exempt from examination pursuant to ~~subsection 4129(b) of this title~~ section 4129 of this chapter.

(4) ~~Pass the naturopathic formulary examination administered by the director or the director's designee, unless the applicant is exempt from examination pursuant to the standards set forth in subsection 4129(b) of this title. [Repealed.]~~

Sec. 62. 26 V.S.A. § 4129 is amended to read:

§ 4129. WAIVER OF LICENSING EXAMINATION REQUIREMENT

~~(a) The director, or designee, shall administer the licensing examination to applicants at least twice each year if applications are pending. Examinations administered by the director and the procedures of administration shall be fair and reasonable and shall be designed and implemented to ensure that all applicants are granted a license if they demonstrate that they possess minimal professional qualifications which are consistent with the public health, safety and welfare. The examination shall not be designed or implemented for the purpose of limiting the number of licenses issued.~~

~~(b)~~ The director shall waive the examination requirement if the applicant is a naturopathic physician regulated under the laws of another jurisdiction who is in good standing to practice naturopathic medicine in that jurisdiction and, in the opinion of the director, the standards and qualifications required for regulation in that jurisdiction are at least equal to those required by this chapter.

Sec. 63. 26 V.S.A. § 4130 is amended to read:

§ 4130. BIENNIAL LICENSE RENEWAL; CONTINUING EDUCATION

(a) The license to practice naturopathic medicine shall be renewed every two years by filing a renewal application on a form provided by the director. The application shall be accompanied by the required fee and evidence of

compliance with subsection (b) of this section. ~~The director may require licensees who have not previously passed the naturopathic physician formulary examination to pass the examination as a condition of license renewal.~~

(b) As a condition of renewal, a naturopathic physician shall complete a program of continuing education, approved by the director, during the preceding two years. The director shall not require more than 30 hours of continuing education biennially.

Sec. 64. TRANSITIONAL PROVISIONS

(a)(1) By January 31, 2013 and prior to the adoption of the rules required by Sec. 60, 26 V.S.A. § 4125(d) of this act, regarding the regulation of a special license endorsement which shall authorize a naturopathic physician to prescribe, dispense, and administer prescription medicines, the director of the office of professional regulation, in consultation with the commissioner of health, pharmacologists, and clinical pharmacists, shall review and prepare a report on the education and clinical training of naturopathic physicians in order to determine whether naturopathic physicians receive sufficient academic training in pharmacology and clinical training in using all prescription drugs to safely:

(A) prescribe and administer without limitation all prescription drugs;

(B) prescribe all controlled substances on schedules II through IV;

(C) prescribe all prescription drugs for both FDA-approved label indications and for off-label uses; and

(D) administer all prescription drugs by all routes of administration, including oral, topical, transdermal, transmucosal, intravenous, and intramuscular.

(2) Representatives of the University of Vermont College of Medicine and naturopathic physician medical colleges shall have an opportunity to review and comment on the draft report.

(3) The report shall recommend any limitations or conditions on the authority of naturopathic physicians to prescribe and administer prescription drugs that are found to be necessary to ensure consistency with the scope of the naturopathic physicians' education and clinical training.

(b) Naturopathic pharmacology examination establishment. The naturopathic pharmacology examination set forth in 26 V.S.A. § 4125(d) shall be established and made available by July 1, 2013.

(c) Formulary authorization. Notwithstanding the provisions of 26 V.S.A. § 4122(b)(1) and except as provided in subsection (d) of this section, any

naturopathic physician licensed under 26 V.S.A. chapter 81 who is authorized to prescribe, dispense, and administer any prescription medicines pursuant to the 2009 naturopathic physician formulary prior to the establishment of the naturopathic pharmacology examination set forth in 26 V.S.A. § 4125(d) may continue to prescribe, dispense, and administer those medicines consistent with his or her scope of practice and training and without obtaining from the director of the office of professional regulation the special license endorsement required under 26 V.S.A. § 4125(d).

(d) Formulary review. In consultation with the commissioner of health and with the advice of the advisor appointees appointed pursuant to 26 V.S.A. § 4126, the director may review and eliminate or add prescription medicines on the 2009 naturopathic physician formulary that authorized naturopathic physicians are permitted to prescribe, dispense, and administer if it is determined that such a change is necessary for patient health and safety.

(e) Formulary sunset; transition to examination.

(1) Subsection (c) of this section (formulary authorization) shall be repealed on July 1, 2015.

(2) Any naturopathic physician who is authorized to prescribe, dispense, and administer any prescription medicines under subsection (c) of this section shall have until July 1, 2015 to successfully complete the naturopathic pharmacology examination set forth in 26 V.S.A. § 4125(d) in order to be able to continue to prescribe, dispense, and administer any prescription medicines.

* * * Boxing * * *

Sec. 65. 31 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

As used in this chapter:

(1) “Boxer” means an individual who participates in a boxing match.

(2) “Boxing match” or “match” means a contest or training exhibition for a prize or purse where an admission fee is charged and where individuals score points by striking the head and upper torso of an opponent with padded fists. An amateur ~~boxing~~ match is a match held under the supervision of a school, college, or university ~~or~~; under the supervision of United States Amateur Boxing, Inc. or its successor as the ~~nationally designated~~ nationally designated governing body for amateur boxing; or, for any other amateur match, under the supervision of a nationally designated governing body. All other matches shall be considered professional ~~boxing~~ matches. Kickboxing,

martial arts, and mixed martial arts, as defined in this section, shall be considered “matches” for the purposes of this chapter.

(3) “Director” means the director of the office of professional regulation.

(4) “Disciplinary action” includes any action by the administrative law officer appointed under ~~section 129 of Title 3 V.S.A. § 129~~, premised upon a finding of wrongdoing. It includes all sanctions of any kind, including denying, suspending, or revoking, a registration and issuing warnings ~~and other sanctions.~~

(5) “Health care provider” means a health care practitioner licensed in Vermont who is permitted under his or her statutory or regulatory scope of practice to conduct the types of examinations set forth in this chapter.

(6) “Kickboxing” means unarmed combat involving the use of striking techniques delivered with the upper and lower body and in which the competitors remain standing while striking;

(7) “Martial arts” means any form of unarmed combative sport or unarmed combative entertainment that allows contact striking, except boxing or wrestling;

(8) “Mixed martial arts” means unarmed combat involving the use of a combination of techniques from different disciplines of the martial arts, including grappling, submission holds, and strikes with the upper and lower body.

(9) “Manager” means a person who receives compensation for service as an agent or representative of a professional boxer.

~~(6)~~(10) “National boxer registry” means an entity certified by the Association of Boxing Commissions for the purpose of maintaining records for the identification of professional boxers and for tracking their records and suspensions.

~~(7)~~(11) “Participant” means managers, seconds, referees, and judges in a professional boxing match.

~~(8)~~(12) “Promoter” means a person that organizes, holds, advertises, or otherwise conducts a professional boxing match.

Sec. 66. 31 V.S.A. § 1102 is amended to read:

§ 1102. DIRECTOR; POWERS; DUTIES

(a) The director shall have jurisdiction over professional boxing matches. The director’s power to supervise professional boxing matches includes the

power to suspend a match immediately if there is a serious and immediate danger to the public, boxers, promoters, or participants.

(b)(1) Except as provided in this subsection, the director shall not have jurisdiction over amateur boxing matches. Amateur boxing matches shall be conducted according to the rules of United States Amateur Boxing, Inc., the national governing body for amateur boxing of the United States Olympic Committee or its successor as the nationally-designated governing body for amateur boxing. However, upon a finding that the health and safety of the boxers and participants in an amateur match are not being sufficiently safeguarded, the director shall assume jurisdiction over and supervisory responsibility for the match. The director's decision may be appealed to the administrative law officer appointed under ~~section 129 of Title 3~~ V.S.A. § 129 within 10 days of the date the finding is issued. If the director assumes jurisdiction under this subsection, the match shall continue to be conducted in accordance with the rules of United States Amateur Boxing, Inc.

(2) For the purposes of this subsection, an "amateur boxing match" means a match held under the supervision of a school, college, or university or under the supervision of United States Amateur Boxing, Inc. or its successor as the nationally designated governing body for amateur boxing.

(c) The director shall:

- (1) provide information to applicants for registration;
- (2) administer fees collected under this chapter;
- (3) explain appeal procedures to registrants and applicants and complaint procedures to the public;
- (4) receive applications for registration, grant registration under this chapter, renew registrations and deny, revoke, suspend, reinstate, or condition registrations as directed by an administrative law officer;
- (5) refer all complaints and disciplinary matters to an administrative law officer appointed under ~~section 129 of Title 3~~ V.S.A. § 129.

(d) The director may adopt rules necessary to perform his or her duties under this chapter. The uniform rules of the Association of Boxing Commissions as adopted on June 6, 1998, and as amended from time to time, shall apply to professional boxing matches conducted under this chapter to the extent those rules address matters not covered by rules adopted by the director.

Sec. 67. 31 V.S.A. § 1107 is amended to read:

§ 1107. MATCHES; MEDICAL SUSPENSIONS

Medical suspensions of professional boxers shall be determined by following the guidelines issued by the Association of Boxing Commissions as adopted and as may be amended from time to time. A boxer may be suspended for a recent knockout, a series of losses, a required medical procedure, a ~~physician's~~ health care provider's denial of certification, the failure of a drug test, or for other reasons outlined in this chapter or rules adopted under this chapter.

Sec. 68. 31 V.S.A. § 1108 is amended to read:

§ 1108. MATCHES; SPECIAL PROVISIONS

* * *

(b) Before a professional match, the promoter shall insure that each boxer is examined by a ~~physician licensed in this state~~ health care provider for the purpose of certifying that the boxer is physically fit to compete safely. Copies of the ~~physician's~~ health care provider's certificate shall be filed with the director prior to the match. In addition, at any time prior to a professional match, the director may require that a boxer undergo a physical examination, which may include neurological tests and procedures.

(c) A ~~physician~~ health care provider approved by the director must be continuously present at ringside during every professional boxing match to observe the physical condition of the boxers. The ~~physician~~ health care provider shall advise the referee on the condition of the boxers.

* * *

(e) A person under the age of 18 shall not participate in any professional match, as that term is described in subdivision 1101(2) of this chapter.

Sec. 66. EFFECTIVE DATES

This act shall take effect on July 1, 2012 except that:

(1) this section and Sec. 62(c) (transitional provision; formulary review) of this act shall take effect on passage; and

(2) Sec. 46, 26 V.S.A. § 2821b(b) (practice in postprimary modalities), of this act shall take effect on May 31, 2015.

* * * Funeral Service * * *

Sec. 69. STUDY OF LIMITED LICENSES FOR LIMITED PRACTICES OF FUNERAL SERVICE

(a)(1) The board of funeral service shall study whether it should issue limited licenses for limited practices of funeral services, including whether the

board should issue limited licenses for the following limited practices of funeral service:

- (A) removal or transportation;
- (B) refrigeration;
- (C) embalming;
- (D) cremation;
- (E) disposition;
- (F) monument sales; and
- (G) cemetery operation.

(2) During its study, the board shall consider the evolving nature of the funeral industry; changes in consumer demand; and the continuing need to track deaths and protect the public.

(b) By November 1, 2012, the committee shall report to the house committees on general, housing and military affairs and on government operations and the senate committees on economic development, housing and general affairs and on government operations its findings and any recommendations for legislative action.

* * * Director of the Office of Professional Regulation; Preliminary Assessments * * *

Sec. 70. DIRECTOR OF THE OFFICE OF PROFESSIONAL REGULATION; PRELIMINARY ASSESSMENTS

Pursuant to 26 V.S.A. § 3105, the director of the office of professional regulation shall make a preliminary assessment of whether the following professions should be regulated:

- (1) home inspection;
- (2) roofing; and
- (3) solar equipment installation.

And that after passage the title of the bill be amended to read:

An act relating to the secretary of state and to the regulation of professions and occupations.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Evans of Essex**, moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: By striking Sec. 70 (director of the office of professional regulation; preliminary assessments) in its entirety and inserting in lieu thereof the following:

Sec. 70. DIRECTOR OF THE OFFICE OF PROFESSIONAL
REGULATION; PRELIMINARY ASSESSMENT

Pursuant to 26 V.S.A. § 3105, the director of the office of professional regulation shall make a preliminary assessment of whether the profession of home inspection should be regulated.

Second: By striking Sec. 66 (effective dates) in its entirety and inserting in lieu thereof the following:

Sec. 71. EFFECTIVE DATES

This act shall take effect on July 1, 2012 except that:

(1) this section and Sec. 64(d) (transitional provisions; formulary review) of this act shall take effect on passage; and

(2) Sec. 48, 26 V.S.A. § 2821b(b) (practice in postprimary modalities), of this act shall take effect on May 31, 2015.

Which was agreed to.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Message from Governor

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

Mr Speaker:

I am directed by the Governor to inform the House that on the first day of May, 2012, he approved and signed bills originating in the House of the following titles:

H. 752 An act relating to permitting stormwater discharges in impaired watersheds

H. 758 An act relating to divorce and dissolution proceedings

H. 789 An act relating to reapportioning the final representative districts of the House of Representatives and the senatorial districts of the Senate

Adjournment

At six o'clock and ten minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Thursday, May 3, 2012

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Ann Donahue of Northfield, VT.

Bill Referred to Committee on Appropriations**S. 180**

Senate bill, entitled

An act relating to the universal service fund and establishment of a high-cost program

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Joint Resolution Adopted**J.R.H. 39**

Joint resolution requesting major lending institutions to appoint a single ombudsman to work with victims of the spring 2011 flood and Tropical Storm Irene

Offered by: Representatives Christie of Hartford, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Buxton of Tunbridge, Cheney of Norwich, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Courcelle of Rutland City, Donovan of Burlington, Fagan of Rutland City, Frank of Underhill, French of Shrewsbury, Jerman of Essex, Jewett of Ripton, Komline of Dorset, Martin of Springfield, Martin of Wolcott, McNeil of Rutland Town, Poirier of Barre City, Ralston of Middlebury, Russell of Rutland City, Savage of Swanton, Shand of Weathersfield, Stuart of Brattleboro, Till of Jericho, Webb of Shelburne, Yantachka of Charlotte and Zagar of Barnard

Whereas, 2011 marked a difficult year for Vermont homeowners, as many homes were destroyed during either the spring flooding or Tropical Storm Irene, and

Whereas, as a result of this destruction, some Vermont families have been rebuilding or purchasing new homes, and

Whereas, because payments from the Federal Emergency Management Agency and homeowner's insurance often do not cover the entire cost of housing replacement, homeowners must frequently turn to state and federally regulated lending institutions to complete their financing packages, and

Whereas, in developing their financing packages, some Vermonters have experienced frustration in working with the larger lending institutions, and

Whereas, officials from the department of financial regulation and the Vermont Bankers Association have attempted to assist Vermonters in their dealings with larger lending institutions with a degree of success, and

Whereas, one of the nation's largest lending institutions, Bank of America, has appointed a customer advocate in the office of the bank's president, and

Whereas, the Bank of America's customer advocate has worked directly with Vermonters and state officials from the department of financial regulation to solve problems associated with home reconstruction financing, and

Whereas, if more major lending institutions were to follow the lead of Bank of America and appoint a designated ombudsman to work with Vermonters developing post-flood and -Irene home reconstruction financing, it would greatly reduce the difficulties associated with this complex process, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests major lending institutions to appoint a single ombudsman to work with victims of the spring 2011 flood and Tropical Storm Irene, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the department of financial regulation, the Vermont Bankers Association, and the American Bankers Association.

Was taken up and adopted on the part of the House.

Message from the Senate No. 71

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 794. An act relating to the management of search and rescue operations.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Governor has informed the Senate that on the second day of May, 2012, he approved and signed a bill originating in the Senate of the following title:

S. 209. An act relating to naturopathic physicians.

Recess

At ten o'clock and five minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

At one o'clock and ten minutes in the afternoon, the Speaker called the House to order.

Committee of Conference Addendum Adopted

S. 199

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

An act relating to immunization exemptions and the immunization pilot program

Respectfully reported that it has met and considered the same and recommended that the House Proposal of Amendment be further amended as follows:

First: By striking Sec. 1 in its entirety and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1121 is amended to read:

§ 1121. IMMUNIZATIONS REQUIRED PRIOR TO ATTENDING
SCHOOL AND CHILD CARE FACILITIES

* * *

(c) To the extent permitted under the federal Health Insurance Portability and Accountability Act, Pub. L. 104-191, all schools and child care facilities shall make publicly available the aggregated immunization rates of the student body for each required vaccine using a standardized form that shall be created by the department of health. Each school and child care facility shall annually, on or before January 1, submit its standardized form containing the student body's aggregated immunization rates to the department of health. Notwithstanding section 1120 of this title, for the purposes of this subsection only, the term "child care facility" shall exclude a family day care home licensed or registered under 33 V.S.A. chapter 35.

Second: By striking Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. 18 V.S.A. § 1122 is amended to read:

§ 1122. EXEMPTIONS

(a) A Notwithstanding subsections 1121(a) and (b) of this title, a person may remain in school or in the child care facility without a required immunization:

(1) If the person, or, in the case of a minor, the person's parent or guardian presents a written statement, from form created by the department and signed by a licensed health care practitioner authorized to prescribe vaccines or a health clinic, or nurse stating that the person is in the process of being immunized. The person may continue to attend school or the child care facility as long as for up to six months while the immunization process is being accomplished;

(2) If a health care practitioner, licensed to practice in Vermont and authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person's health or is not appropriate; provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine; or

(3) If the person, or, in the case of a minor, the person's parent or guardian states in writing annually provides a signed statement to the school or child care facility on a form created by the Vermont department of health that the person, parent, or guardian:

(A) has holds religious beliefs or philosophical personal convictions opposed to immunization;

(B) has reviewed and understands evidence-based educational material provided by the department of health regarding immunizations, including information about the risks and benefits of immunization;

(C) understands that failure to complete the required immunization schedule increases the risk to the person and others of contracting or carrying a vaccine-preventable infectious disease; and

(D) understands that there are persons with special health needs attending schools and child care facilities who are unable to be immunized or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening.

(b) The health department may provide by rule for further exemptions to immunization based upon sound medical practice.

(c) A form signed pursuant to subdivision (a)(3) of this section and the fact that such a form was signed shall not be:

(1) construed to create or deny civil liability for any person; or

(2) admissible as evidence in any civil proceeding.

(d) In the event the immunization rate for measles, mumps, rubella (MMR); diphtheria, tetanus, pertussis (DTaP); or tetanus, diphtheria, pertussis (Tdap) drops below a threshold of 90 percent statewide, the commissioner of health shall suspend use of personal exemptions for the applicable vaccine by persons enrolled in schools in the state. The suspension shall apply beginning at the start of the academic year following the department's determination. At least two months prior to the start of an academic year in which the suspension shall apply, schools shall provide written notice of the department's determination to each current and incoming student in the state or, in the case of a minor, to the person's parent or guardian. The suspension of personal exemptions shall terminate once the immunization rate for the applicable vaccine in question has remained above a 90-percent threshold statewide for three consecutive academic years.

Third: In Sec. 3, 18 V.S.A. § 1124, subdivision (a), in the second sentence by striking the word “philosophical” and inserting in lieu thereof “personal”

Fourth: By inserting after Sec. 5, REPORT, a new section to read as follows:

Sec. 6. INTERIM WORKING GROUP ON PROTECTING

IMMUNOCOMPROMISED STUDENTS AND STUDENTS WITH
SPECIAL HEALTH NEEDS

(a) The departments of education and of health shall convene a working group on how to protect immunocompromised students and students with special health needs, which shall study the feasibility of allowing these students to enroll in a public school maintained by an adjoining school district, where the adjoining school district has a higher immunization rate than the school maintained by the student’s school district of residence. For the purpose of protecting immunocompromised students and students with special health needs, the working group shall also assess the necessity and practicability of requiring adults employed at schools to be fully immunized. The working group shall submit a report of its findings and recommendations to the senate committee on health and welfare and the house committee on health care on or before January 1, 2013.

(b) The working group shall be composed of the following members:

(1) the commissioner of education or designee, who shall serve as co-chair;

(2) the commissioner of health or designee, who shall serve as co-chair;

(3) one medical professional with training or experience treating immunocompromised patients, appointed by the commissioner of health;

(4) one medical professional specializing in pediatric care, appointed by the commissioner of health;

(5) the executive director of the Vermont Superintendents Association; and

(6) a member of the Vermont-National Education Association.

(c) For the purposes of its study, the working group shall have joint administrative support from the departments of education and of health.

(d) The working group on protecting immunocompromised students shall cease to exist on January 31, 2013.

and by renumbering Sec. 5, EFFECTIVE DATE, to be Sec. 7

Fifth: In the newly renumbered Sec. 7, EFFECTIVE DATE, in the title, by striking “DATE” and inserting in lieu thereof “DATES”, and before the period by inserting the phrase “, except that Sec. 2(d) shall take effect one year thereafter”

REP. MICHAEL FISHER

REP. KRISTY K. SPENGLER

REP. GEORGE W. TILL

COMMITTEE ON THE PART OF THE HOUSE

SEN. KEVIN J. MULLIN

SEN. CLAIRE D. AYER

COMMITTEE ON THE PART OF THE SENATE

Pending the question, Shall the House adopt the report of the Committee of Conference? **Rep. Fisher of Lincoln** moved that the House adopt the Addendum to the Committee of Conference report, as follows:

That the Report of the Committee of Conference be rescinded and the bill be amended by striking all after the enacting clause and inserting in lieu thereof:

Sec. 1. 18 V.S.A. § 1121 is amended to read:

§ 1121. IMMUNIZATIONS REQUIRED PRIOR TO ATTENDING
SCHOOL AND CHILD CARE FACILITIES

* * *

(c) To the extent permitted under the federal Health Insurance Portability and Accountability Act, Pub. L. 104-191, all schools and child care facilities shall make publicly available the aggregated immunization rates of the student body for each required vaccine using a standardized form that shall be created by the department of health. Each school and child care facility shall annually, on or before January 1, submit its standardized form containing the student body's aggregated immunization rates to the department of health. Notwithstanding section 1120 of this title, for the purposes of this subsection only, the term “child care facility” shall exclude a family day care home licensed or registered under 33 V.S.A. chapter 35.

Sec. 2. 18 V.S.A. § 1122 is amended to read:

§ 1122. EXEMPTIONS

(a) A Notwithstanding subsections 1121(a) and (b) of this title, a person may remain in school or in the child care facility without a required immunization:

(1) If the person; or, in the case of a minor, the person's parent or guardian presents a ~~written statement, from~~ form created by the department and signed by a licensed health care practitioner authorized to prescribe vaccines or a health clinic, or nurse stating that the person is in the process of being immunized. The person may continue to attend school or the child care facility ~~as long as~~ for up to six months while the immunization process is being accomplished;

(2) If a health care practitioner, licensed to practice in Vermont and authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person's health or is not appropriate; provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine; or

(3) If the person; or, in the case of a minor, the person's parent or guardian ~~states in writing~~ annually provides a signed statement to the school or child care facility on a form created by the Vermont department of health that the person, parent, or guardian:

(A) ~~has~~ holds religious beliefs or philosophical convictions opposed to immunization;

(B) has reviewed and understands evidence-based educational material provided by the department of health regarding immunizations, including information about the risks of adverse reactions to immunization;

(C) understands that failure to complete the required vaccination schedule increases risk to the person and others of contracting or carrying a vaccine-preventable infectious disease; and

(D) understands that there are persons with special health needs attending schools and child care facilities who are unable to be vaccinated or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening.

(b) The health department may provide by rule for further exemptions to immunization based upon sound medical practice.

(c) A form signed pursuant to subdivision (a)(3) of this section and the fact that such a form was signed shall not be:

(1) construed to create or deny civil liability for any person; or

(2) admissible as evidence in any civil proceeding.

Sec. 3. 18 V.S.A. § 1124 is amended as follows:

§ 1124. ACCESS TO AND REPORTING OF IMMUNIZATION RECORDS

(a) In addition to any data collected in accordance with the requirements of the Centers for Disease Control and Prevention, the Vermont department of health shall annually collect from schools the immunization rates for at least those students in the first and eighth grades for each required vaccine. The data collected by the department shall include the number of medical, philosophical, and religious exemptions filed for each required vaccine and the number of students with a provisional admittance.

(b) Appropriate health personnel, including school nurses, shall have access to immunization records of anyone enrolled in Vermont schools or child care facilities, when access is required in the performance of official duties related to the immunizations required by this subchapter. Access to student immunization records shall only be provided with the prior written consent of parents and students as required by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted thereunder.

Sec. 4. 18 V.S.A. § 1130(b)(1) is amended to read:

(b)(1) The department of health shall establish an immunization pilot program with the ultimate goal of ensuring universal access to vaccines for all Vermonters at no charge to the individual and to reduce the cost at which the state may purchase vaccines. The pilot program shall be in effect from January 1, 2010, through December 31, ~~2012~~ 2014. During the term of the pilot program, the department shall purchase, provide for the distribution of, and monitor the use of vaccines as provided for in this subsection and subsection (c) of this section. The cost of the vaccines and an administrative surcharge shall be reimbursed by health insurers as provided for in subsections (e) and (f) of this section.

Sec. 5. REPORT

The Vermont department of health shall submit a report to the general assembly on or before January 15, 2014 containing data collected pursuant to 18 V.S.A. § 1124(a) for the purpose of informing future policy discussions regarding immunization exemptions.

Sec. 6. INTERIM WORKING GROUP ON PROTECTING
IMMUNOCOMPROMISED STUDENTS AND STUDENTS WITH
SPECIAL HEALTH NEEDS

(a) The departments of education and of health shall convene a working group on how to protect immunocompromised students and students with special health needs, which shall study the feasibility of allowing these students to enroll in a public school maintained by an adjoining school district, where the adjoining school district has a higher immunization rate than the school maintained by the student's school district of residence. For the purpose of protecting immunocompromised students and students with special health needs, the working group shall also assess the necessity and practicability of requiring adults employed at schools to be fully immunized. The working group shall submit a report of its findings and recommendations to the senate committee on health and welfare and the house committee on health care on or before January 1, 2013.

(b) The working group shall be composed of the following members:

(1) the commissioner of education or designee, who shall serve as co-chair;

(2) the commissioner of health or designee, who shall serve as co-chair;

(3) one medical professional with training or experience treating immunocompromised patients, appointed by the commissioner of health;

(4) one medical professional specializing in pediatric care, appointed by the commissioner of health;

(5) the executive director of the Vermont Superintendents Association; and

(6) a member of the Vermont-National Education Association.

(c) For the purposes of its study, the working group shall have joint administrative support from the departments of education and of health.

(d) The working group on protecting immunocompromised students shall cease to exist on January 31, 2013.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

COMMITTEE ON THE PART OF
THE SENATESEN. KEVIN J. MULLIN
SEN. CLAIRE D. AYERCOMMITTEE ON THE PART OF
THE HOUSEREP. MICHAEL FISHER
REP. KRISTY K. SPENGLER
REP. GEORGE W. TILL

Pending the question, Shall the House adopt the Addendum to the Committee of Conference Report? **Rep. Sharpe of Bristol** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the Addendum to the Committee of Conference Report? was decided in the affirmative. Yeas, 133. Nays, 6.

Those who voted in the affirmative are:

Acinapura of Brandon	Devereux of Mount Holly	Kupersmith of South Burlington
Ancel of Calais	Donahue of Northfield *	Lanpher of Vergennes
Andrews of Rutland City	Donovan of Burlington	Lawrence of Lyndon
Aswad of Burlington	Eckhardt of Chittenden	Lenes of Shelburne
Atkins of Winooski	Edwards of Brattleboro	Lewis of Berlin
Bartholomew of Hartland	Emmons of Springfield	Lewis of Derby
Batchelor of Derby	Evans of Essex	Lippert of Hinesburg
Bissonnette of Winooski	Fagan of Rutland City	Lorber of Burlington
Bohi of Hartford	Fisher of Lincoln	Macaig of Williston
Botzow of Pownal	Frank of Underhill	Malcolm of Pawlet
Bouchard of Colchester	French of Shrewsbury	Manwaring of Wilmington
Branagan of Georgia	French of Randolph	Marcotte of Coventry
Burditt of West Rutland	Grad of Moretown	Marek of Newfane
Burke of Brattleboro	Greshin of Warren	Martin of Springfield
Buxton of Tunbridge	Haas of Rochester	Martin of Wolcott
Campion of Bennington	Head of South Burlington	Masland of Thetford
Canfield of Fair Haven	Heath of Westford	McAllister of Highgate
Cheney of Norwich	Hebert of Vernon	McCullough of Williston
Christie of Hartford	Helm of Fair Haven	McFaun of Barre Town
Clark of Vergennes	Higley of Lowell	Miller of Shaftsbury
Clarkson of Woodstock	Hooper of Montpelier	Mook of Bennington
Condon of Colchester	Howrigan of Fairfield	Moran of Wardsboro
Conquest of Newbury	Jerman of Essex	Morrissey of Bennington
Consejo of Sheldon	Jewett of Ripton	Mrowicki of Putney
Copeland-Hanzas of Bradford	Johnson of South Hero	Munger of South Burlington
Corcoran of Bennington	Johnson of Canaan	Myers of Essex
Courcelle of Rutland City	Keenan of St. Albans City	Nuovo of Middlebury
Crawford of Burke	Kilmartin of Newport City *	O'Brien of Richmond
Dakin of Chester	Kitzmiller of Montpelier	Olsen of Jamaica
Davis of Washington	Klein of East Montpelier	O'Sullivan of Burlington
Deen of Westminster	Koch of Barre Town	Pearce of Richford
Degree of St. Albans City	Krebs of South Hero	Pearson of Burlington
	Krowinski of Burlington	

Peaslee of Guildhall	Shand of Weathersfield	Townsend of Randolph
Peltz of Woodbury	Sharpe of Bristol	Trieber of Rockingham
Perley of Enosburgh	Shaw of Pittsford	Turner of Milton
Poirier of Barre City	Smith of New Haven	Waite-Simpson of Essex
Potter of Clarendon	South of St. Johnsbury	Webb of Shelburne
Pugh of South Burlington	Spengler of Colchester	Wilson of Manchester
Ralston of Middlebury	Stevens of Waterbury	Winters of Williamstown
Ram of Burlington	Stevens of Shoreham	Wizowaty of Burlington
Reis of St. Johnsbury	Stuart of Brattleboro	Woodward of Johnson
Russell of Rutland City *	Sweaney of Windsor	Wright of Burlington
Savage of Swanton	Till of Jericho	Yantachka of Charlotte
Scheuermann of Stowe	Toll of Danville	Zagar of Barnard

Those who voted in the negative are:

Dickinson of St. Albans	Hubert of Milton	Young of Glover
Town	Larocque of Barnet	
Howard of Cambridge	Strong of Albany *	

Those members absent with leave of the House and not voting are:

Brennan of Colchester	Gilbert of Fairfax	Smith of Morristown
Browning of Arlington	Komline of Dorset	Taylor of Barre City
Donaghy of Poultney	McNeil of Rutland Town	
Ellis of Waterbury	Partridge of Windham	

Rep. Clark of Vergennes explained his vote as follows:

“Madam Speaker:

This Legislative solution is still looking to attach itself to a problem yet unnamed.”

Rep. Clarkson of Woodstock explained her vote as follows:

“Madam Speaker:

I thank the members of the S.199 Conference Committee for getting back to the table and constructing a workable compromise.

If only our Congressional Colleagues could follow our example – work hard on a thorny problem, thrash through the policy prickles and come to a constructive compromise.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I remain highly distressed that we would both assert life-threatening risk to other children and yet agree to allow it to happen. I vote ‘yes’ because I

believe we need to gather the data to make a more informed decision in the future.”

Rep. Kilmartin of Newport City explained his vote as follows:

“Madam Speaker:

I vote ‘yes’ after much soul-searching and study. This version of S.199 strikes a fair, albeit imperfect, balance between constitutionally protected individual liberty and the needs of the community, especially its youth.

1122(a) (3) demands that the complete picture be presented to the adults and the parents of children before making a decision.

I believe that our House leadership did well to obtain this ‘fair balance’ against the Senate’s version which was likely to destroy any chance for making needed progress in this area.

Thank you to the House leadership.”

Rep. Russell of Rutland City explained his vote as follows:

“Madam Speaker:

We are fortunate to live in Vermont, where we have always come together, in the end, to find resolution. Our motto serves us well “Freedom & Unity !”

Education is key and serves us all in our quest to seek the right measure of balance. In this Committee of Conference parental rights and the right of the community as a whole have been preserved, therefore I vote ‘yes!’

Rep. Shaw of Pittsford explained his vote as follows:

“Madam Speaker:

I vote ‘yes’, but am concerned with the charge to the working group to move immune-compromised students to another school district that is deemed safer.”

Rep. Strong of Albany explained her vote as follows:

“Madam Speaker:

Thank you Madam Speaker. I am thankful that the philosophical exemption is kept in this bill, but on behalf of the many parents who are concerned about the side effects of vaccines, I support the rights of parents to fully have freedom to make their decisions on behalf of the well being of their children.”

Message from the Senate No. 72

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 679. An act relating to creating a uniform generation tax for renewable energy plants.

And has passed the same in concurrence.

The Senate has considered House proposals of amendment to Senate bills of the following titles:

S. 89. An act relating to organ and tissue donation and Medicaid for Working Persons with Disabilities.

S. 136. An act relating to vocational rehabilitation.

S. 183. An act relating to the testing of potable water supplies.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 214. An act relating to customer rights regarding smart meters.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon Senate bill of the following title:

S. 244. An act relating to referral to court diversion for driving with a suspended license.

And has accepted and adopted the same on its part.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 771. An act relating to making technical corrections and other miscellaneous changes to education law.

And has accepted and adopted the same on its part.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 730. An act relating to miscellaneous consumer protection laws.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Illuzzi
Senator Ashe
Senator Campbell

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill entitled:

H. 778. An act relating to structured settlements.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Nitka
Senator Snelling
Senator White

Committee of Conference Appointed

H. 778

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on House bill, entitled

An act relating to structured settlements

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Koch of Barre Town
Rep. Waite-Simpson of Essex
Rep. French of Shrewsbury

Senate Proposal of Amendment Concurred in With a Further Amendment Thereto

H. 535

The Senate proposed to the House to amend House bill, entitled

An act relating to racial disparities in the Vermont criminal justice system

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. DATA COLLECTION AND ANALYSIS; APPROPRIATION

(a) Research regarding sentencing practices routinely concludes that two variables drive sentencing decisions—the seriousness of the offense and the defendant’s risk to reoffend. The Vermont Center for Justice Research (“the center”) shall examine the effect of these and other variables, including the race of the defendant, on sentencing decisions in Vermont, for a five-year period. The center shall use data from the Federal Bureau of Investigation Interstate Identification Index, the department of motor vehicles, the Vermont criminal information center, the department of corrections, and the Vermont courts to explain if the disparities are based on legal or nonlegal factors. The center’s research shall focus on the following:

(1) How do the sentences of people of particular census categories, in the aggregate and by national incident-based reporting system race data fields (NIBRS), which currently include white, black, Asian, Native American or Alaskan Native, and Hispanic, compare to the sentences of white defendants with respect to sentence type, length of sentence, and level of restriction?

(2) How does the actual time spent by people of particular census categories, in the aggregate and by NIBRS race data fields, under department of corrections’ supervision (and the degree of restriction) compare to the time spent by (and the degree of restriction of) white defendants?

(3) If disparate sentencing patterns or disparate service patterns exist for people of particular census categories, in the aggregate and by NIBRS race data fields, what variables included in the study design explain the disparity?

(b) On or before December 15, 2012, results of the study shall be reported to the house and senate committees on judiciary, to the court administrator, and to each organization or entity represented on the governor’s criminal justice cabinet.

(c) The human rights commission is authorized to transfer \$20,000.00 from its existing budget to the Vermont Center for Justice Research to finance this data collection analysis and report and is authorized to apply for and receive grants for the same purpose.

Sec. 2. 20 V.S.A. § 2366 is added to read:

§ 2366. LAW ENFORCEMENT AGENCIES; BIAS-FREE POLICING POLICY; RACE DATA COLLECTION

(a) No later than January 1, 2013, every state, local, county, and municipal law enforcement agency that employs one or more certified law enforcement officers shall adopt a bias-free policing policy. The policy shall contain the essential elements of such a policy as determined by the Law Enforcement Advisory Board after its review of the current Vermont State Police Policy and the most current model policy issued by the office of the attorney general.

(b) The policy shall encourage ongoing bias-free law enforcement training for state, local, county, and municipal law enforcement agencies.

(c) State, local, county, and municipal law enforcement agencies that employ one or more certified law enforcement officers are encouraged to work with the Vermont association of chiefs of police to extend the collection of roadside-stop race data uniformly throughout state law enforcement agencies, with the goal of obtaining uniform roadside-stop race data for analysis.

Sec. 3. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS

* * *

(e) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont criminal justice training council.

Sec. 4. 24 V.S.A. § 1939 is amended as follows:

§ 1939. LAW ENFORCEMENT ADVISORY BOARD

* * *

(e) The board shall examine how individuals make complaints to law enforcement and suggest, on or before December 15, 2012, to the senate and house committees on judiciary what procedures should exist to file a complaint.

Sec. 5. CRIMINAL JUSTICE AGENCIES; BIAS-FREE CRIMINAL JUSTICE POLICY

The general assembly encourages all criminal justice entities through their professional rules of conduct to ensure that all actions taken are done in a manner that is free of bias.

Thereupon, **Rep. Lippert of Hinesburg** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

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

(c) The general assembly appropriates \$20,000.00 to the Vermont Center for Justice Research to support this data collection, analysis, and report.

Which was agreed to.

Recess

At one o'clock and forty-five minutes in the afternoon, the Speaker declared a recess until five o'clock in the afternoon.

At five o'clock and five minutes in the afternoon, the Speaker called the House to order.

Senate Proposal of Amendment Concurred in with a Further Amendment Thereto

H. 747

The Senate proposed to the House to amend House bill, entitled

An act relating to cigarette manufacturers

In Sec. 1, 7 V.S.A. § 1003, by striking subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) to read:

(g) As used in this section, "little cigars" means any rolls of tobacco wrapped in leaf tobacco or any substance containing tobacco, other than any roll of tobacco which is a cigarette within the meaning of 32 V.S.A. § 7202(1) and as to which 1,000 units weigh not more than three pounds.

Second: By striking out Sec. 5 and inserting in lieu thereof a new Sec. 5 to read:

Sec. 5. 33 V.S.A. § 1920 is amended to read:

§ 1920. AGENT FOR SERVICE OF PROCESS

(a) Any nonresident or foreign nonparticipating manufacturer that has not registered to do business in the state as a foreign corporation or other business entity shall, as a condition precedent to having its brand families included or retained in the directory, appoint and continually engage without interruption the services of an agent in this state to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of this subchapter or subchapter 1A of this chapter, or both, may be served in any manner authorized by law. Such service shall constitute legal and valid service of process on the nonparticipating manufacturer. The nonparticipating manufacturer shall provide the name, address, telephone number, and satisfactory proof of the appointment and availability of such agent to the attorney general. The secretary of state shall

be designated as agent for service of process for importers of nonparticipating manufacturers located outside the United States. Service shall be made upon the secretary of state in accordance with the provisions of 12 V.S.A. §§ 851 and 852.

* * *

Third: By adding Secs. 9 and 10 to read:

Sec. 9. 6 V.S.A. § 561 is amended to read:

§ 561. INTENT

The intent of this act is to establish policy and procedures for growing industrial hemp in Vermont so that farmers and other businesses in the Vermont agricultural industry can take advantage of this market opportunity ~~when federal regulations permit.~~

Sec. 10. REPEAL

Sec. 3 of No. 212 of the Acts of the 2007 Adj. Sess. (2008) (delayed effective date of industrial hemp cultivation program) is repealed.

and that after passage the title of the bill be amended to read: "An act relating to cigarette manufacturers, commercial cigarette rolling machines, and industrial hemp"

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Krowinski of Burlington** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By striking Secs. 9 and 10 in their entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. Sec. 3 of No. 212 of the Acts of the 2007 Adj. Sess. (2008) is amended to read:

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage, except ~~6 V.S.A. § 566, which shall take effect at such time as~~ that the secretary shall not issue a license to grow industrial hemp pursuant to Chapter 34 of Title 6 until the United States Congress amends the definition of "marihuana" for the purposes of the Controlled Substances Act (21 U.S.C. 802(16)) or the United States drug enforcement agency amends its interpretation of the existing definition in a manner affording an applicant a reasonable expectation that a permit to grow industrial hemp may be issued in accordance with part C of chapter 13 of Title 21 of the United States Code Annotated, or the drug enforcement agency takes affirmative steps to approve or deny a permit sought by the holder of a license

to grow industrial hemp in another state.

* * *

Which was agreed to.

House Resolution Referred to Committee

H.R. 22

House resolution, entitled

House resolution urging the Vermont public service board to ensure that rates charged by a regulated utility shall not include the return to shareholders of or a return to shareholders on any costs incurred in satisfying a financial obligation to ratepayers arising from any imprudent management decisions of the utility which resulted in the imposition by the public service board of a mechanism to protect against the unjust enrichment of shareholders at the expense of ratepayers

Offered by: Representatives Ralston of Middlebury, Poirier of Barre City, Komline of Dorset, Pearson of Burlington and Browning of Arlington

Whereas, in 2001, over concern about Central Vermont Public Service Corporation's (CVPS's) financial situation, the public service board approved a rate increase which allowed CVPS to recover the costs of its imprudent management decisions, and

Whereas, to address the possibility of unjust enrichment, the approved rate increase was accompanied by a windfall-sharing mechanism designed to prevent a financial windfall to shareholders as the result of a future acquisition, sale of assets, or merger at a price in excess of book value, and

Whereas, under the windfall-sharing mechanism, CVPS ratepayers are entitled to receive 50 percent of the proceeds above book value at the time of such contemplated acquisition, sale, or merger up to \$16 million (\$21 million when adjusted for inflation), and

Whereas, the public service board specified that the funds should be returned to ratepayers and stated that the repayment could be made immediately after a triggering occurrence or over time so as not to create an undue financial strain on the company, and

Whereas, the public service board provided that, at the time of a triggering event, a specific procedure would be designed by which the windfall profit would be shared with ratepayers, and

Whereas, public service board Docket No. 7770, relating to the acquisition of CVPS by Gaz Métro and the merger of CVPS and Green Mountain Power (GMP), constitutes a triggering event for the implementation of the windfall-sharing mechanism, and

Whereas, on March 26, 2012, the department of public service and the petitioners in Docket No. 7770 entered into a memorandum of understanding (MOU), and

Whereas, with respect to the windfall-sharing mechanism, the MOU proposes a \$21 million investment by GMP in a company-administered Clean Energy and Efficiency Development Fund, and

Whereas, the MOU further specifies that the \$21 million investment will be included in GMP's rate base, and therefore the company's shareholders will receive a return of and a return on that investment, and

Whereas, GMP's current rate of return on investments is approximately seven percent, and

Whereas, through investments in the fund, GMP has committed to the customers of CVPS net benefits in an amount at least equal to 1.2 times the required investment (i.e., approximately \$25 million); nonetheless, GMP should not be permitted to recover in its future rates the costs of repaying the excess rates previously charged to customers, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges the Vermont public service board to ensure that rates charged by a regulated utility shall not include the return to shareholders of or a return to shareholders on any costs incurred in satisfying a financial obligation to ratepayers arising from any imprudent management decisions of the utility which resulted in the imposition by the public service board of a mechanism to protect against the unjust enrichment of shareholders at the expense of ratepayers, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Vermont public service board.

Which was read and referred to the committee on Commerce and Economic Development.

Recess

At five o'clock and thirty minutes in the afternoon, the Speaker declared a recess until seven o'clock in the evening.

At eight o'clock and ten minutes in the evening, the Speaker called the House to order.

Message from the Senate No. 73

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 774. An act relating to meat inspection, delivery of liquid fuels, dairy operations, and animal foot baths.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon Senate bill of the following title:

S. 189. An act relating to expanding confidentiality of cases accepted by the court diversion project.

And has accepted and adopted the same on its part.

The Senate has considered the reports of the Committees of Conference upon the disagreeing votes of the two Houses upon House bills of the following titles:

H. 496. An act relating to preserving Vermont's working landscape.

H. 769. An act relating to department of environmental conservation fees.

H. 780. An act relating to compensation for certain state employees.

And has accepted and adopted the same on its part.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 524. An act relating to the regulation of professions and occupations.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill entitled:

H. 600. An act relating to mandatory mediation in foreclosure proceedings.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Campbell
Senator Sears
Senator White

The Governor has informed the Senate that on the third day of May, 2012, he approved and signed a bill originating in the Senate of the following title:

S. 115. An act relating to ineffective assistance claims against assigned counsel.

Committee of Conference Appointed; Rules Suspended

H. 600

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on House bill, entitled

An act relating to mandatory mediation in foreclosure proceedings

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Grad of Moretown
Rep. Koch of Barre Town
Rep. Marek of Newfane

Rules Suspended; Bill Messaged to Senate Forthwith

H. 747

House bill, entitled

An act relating to cigarette manufacturers

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Recess

At eight o'clock and fifteen minutes in the evening, the Speaker declared a recess until eight thirty in the evening.

At eight o'clock and forty-five minutes in the evening, the Speaker called the House to order.

Message from Governor

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

Mr Speaker:

I am directed by the Governor to inform the House that on the second day of May, 2012, he approved and signed a bill originating in the House of the following titles:

H. 484 An act relating to amendment to the Windham solid waste district charter

Message from the Governor

The Governor has informed the House that on the second day of May, 2012, he returned a bill originating in the House of the following title and allowed to become law without his signature:

H.157 An act relating to restrictions on tanning beds.

The Governor provided the following explanation:

"We all support decreasing the risks of skin cancer, particularly among Vermont's youth. The broad scope of this bill concerns me in terms of realistic enforcement, however. This bill purports to prohibit the use of all tanning beds by minors and includes all tanning facilities in Vermont, regardless of where they are located or whether they charge a fee. The Department of Health has no record of where all tanning beds are located and has not been provided any additional resources for enforcement. I fully support the public health principle behind this bill, but continue to be concerned that this is not a realistic approach. A more effective path would be consumer education of risk that allows parents to play the ultimate role in reducing teen tanning. "

Adjournment

At eight o'clock and forty-five minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, May 4, 2012

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Eldred French of Shrewsbury, VT.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Danielle Bachand of Starksboro

Ben Kaplan of Montpelier

Kirby Occaso of Kirby

Layla Paine of Bristol

Andrew Platt of Warren

Marisa Sylvester of Burlington

Alex Ventriss of South Burlington

Lily Weissogold of Burlington

Abigail Zani of Brookfield

Elise Zilius of Morrisville

Katherine Manley of Milton

Report of Committee of Conference Adopted**H. 559**

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill, entitled

An act relating to health care reform implementation

Respectfully reported that it has met and considered the same and recommended that the Senate recede from its proposal of amendment and that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1802 is amended to read:

§ 1802. DEFINITIONS

For purposes of this subchapter:

* * *

(5) "Qualified employer" ~~means an employer that:~~

(A) means an entity which employed an average of not more than 50 employees on working days during the preceding calendar year and which:

(i) has its principal place of business in this state and elects to provide coverage for its eligible employees through the Vermont health benefit exchange, regardless of where an employee resides; or

~~(B)~~(ii) elects to provide coverage through the Vermont health benefit exchange for all of its eligible employees who are principally employed in this state.

(B) on and after January 1, 2016, shall include an entity which:

(i) employed an average of not more than 100 employees on working days during the preceding calendar year; and

(ii) meets the requirements of subdivisions (A)(i) and (A)(ii) of this subdivision (5).

(C) on and after January 1, 2017, shall include all employers meeting the requirements of subdivisions (A)(i) and (ii) of this subdivision (5), regardless of size.

* * *

Sec. 2. 33 V.S.A. § 1804 is amended to read:

§ 1804. QUALIFIED EMPLOYERS

~~{Reserved.}~~

(a)(1) Until January 1, 2016, a qualified employer shall be an employer which, on at least 50 percent of its working days during the preceding calendar year, employed at least one and no more than 50 employees, and the term “qualified employer” includes self-employed persons. Calculation of the number of employees of a qualified employer shall not include a part-time employee who works fewer than 30 hours per week.

(2) An employer with 50 or fewer employees that offers a qualified health benefit plan to its employees through the Vermont health benefit exchange may continue to participate in the exchange even if the employer’s size grows beyond 50 employees as long as the employer continuously makes qualified health benefit plans in the Vermont health benefit exchange available to its employees.

(b)(1) From January 1, 2016 until January 1, 2017, a qualified employer shall be an employer which, on at least 50 percent of its working days during the preceding calendar year, employed at least one and no more than 100 employees, and the term “qualified employer” includes self-employed persons.

Calculation of the number of employees of a qualified employer shall not include a part-time employee who works fewer than 30 hours per week.

(2) An employer with 100 or fewer employees that offers a qualified health benefit plan to its employees through the Vermont health benefit exchange may continue to participate in the exchange even if the employer's size grows beyond 100 employees as long as the employer continuously makes qualified health benefit plans in the Vermont health exchange available to its employees.

(c) On and after January 1, 2017, a qualified employer shall be an employer of any size which elects to make all of its full-time employees eligible for one or more qualified health plans offered in the Vermont health benefit exchange, and the term "qualified employer" includes self-employed persons. A full-time employee shall be an employee who works more than 30 hours per week.

Sec. 2a. 33 V.S.A. § 1806(b) is amended to read:

(b) A qualified health benefit plan shall provide the following benefits:

(1)(A) The essential benefits package required by Section 1302(a) of the Affordable Care Act and any additional benefits required by the secretary of human services by rule after consultation with the advisory committee established in section 402 of this title and after approval from the Green Mountain Care board established in 18 V.S.A. chapter 220.

(B) Notwithstanding subdivision (1)(A) of this subsection, a health insurer or a stand-alone dental insurer, including a nonprofit dental service corporation, may offer a plan that provides only limited dental benefits, either separately or in conjunction with a qualified health benefit plan, if it meets the requirements of Section 9832(c)(2)(A) of the Internal Revenue Code and provides pediatric dental benefits meeting the requirements of Section 1302(b)(1)(J) of the Affordable Care Act. Said plans may include child-only policies or family policies. If permitted under federal law, a qualified health benefit plan offered in conjunction with a stand-alone dental plan providing pediatric dental benefits meeting the requirements of Section 1302(b)(1)(J) of the Affordable Care Act shall be deemed to meet the requirements of this subsection.

(2) At least the ~~silver~~ bronze level of coverage as defined by Section 1302 of the Affordable Care Act and the cost-sharing limitations for individuals provided in Section 1302 of the Affordable Care Act, as well as any more restrictive cost-sharing requirements specified by the secretary of human services by rule after consultation with the advisory committee

established in section 402 of this title and after approval from the Green Mountain Care board established in 18 V.S.A. chapter 220.

* * *

Sec. 2b. 33 V.S.A. § 1807(b) is amended to read:

(b) Navigators shall have the following duties:

* * *

(7) Provide information about and facilitate employers' establishment of cafeteria or premium-only plans under Section 125 of the Internal Revenue Code that allow employees to pay for health insurance premiums with pretax dollars.

Sec. 2c. EXCHANGE OPTIONS

In approving benefit packages for the Vermont health benefit exchange pursuant to 18 V.S.A. § 9375(b)(7), the Green Mountain Care board shall approve a full range of cost-sharing structures for each level of actuarial value. To the extent permitted under federal law, the board shall also allow health insurers to establish rewards, premium discounts, split benefit designs, rebates, or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by an insured to programs of health promotion and disease prevention pursuant to 33 V.S.A. § 1811(f)(2)(B).

Sec. 2d. 33 V.S.A. § 1805 is amended to read:

§ 1805. DUTIES AND RESPONSIBILITIES

The Vermont health benefit exchange shall have the following duties and responsibilities consistent with the Affordable Care Act:

* * *

(17) Establishing procedures, including payment mechanisms and standard fee or compensation schedules, that allow licensed insurance agents and brokers to be appropriately compensated outside the navigator program established in section 1807 of this title for:

(A) assisting with the enrollment of qualified individuals and qualified employers in any qualified health plan offered through the exchange for which the individual or employer is eligible; and

(B) assisting qualified individuals in applying for premium tax credits and cost-sharing reductions for qualified health benefit plans purchased through the exchange.

Sec. 2e. 8 V.S.A. § 4085 is amended to read:

§ 4085. REBATES AND COMMISSIONS PROHIBITED FOR NONGROUP AND SMALL GROUP POLICIES AND PLANS OFFERED THROUGH THE VERMONT HEALTH BENEFIT EXCHANGE

(a) No insurer doing business in this state and no insurance agent or broker shall offer, promise, allow, give, set off, or pay, directly or indirectly, any rebate of or part of the premium payable on ~~the policy, or on any policy or agent's commission thereon~~ a plan issued pursuant to section 4080g of this title or 33 V.S.A. § 1811 or earnings, profits, dividends, or other benefits founded, arising, accruing or to accrue thereon or therefrom, or any special advantage in date of policy or age of issue, or any paid employment or contract for services of any kind or any other valuable consideration or inducement to or for insurance on any risk in this state, now or hereafter to be written, or for or upon any renewal of any such insurance, which is not specified in the policy contract of insurance, or offer, promise, give, option, sell, purchase any stocks, bonds, securities, or property or any dividends or profits accruing or to accrue thereon, or other thing of value whatsoever as inducement to insurance or in connection therewith, or any renewal thereof, which is not specified in the policy plan.

(b) No ~~insured~~ person insured under a plan issued pursuant to section § 4080g of this title or 33 V.S.A. § 1811 or party or applicant for ~~insurance~~ such plan shall directly or indirectly receive or accept, or agree to receive or accept any rebate of premium or of any part thereof ~~or all or any part of any agent's or broker's commission thereon~~, or any favor or advantage, or share in any benefit to accrue under any ~~policy of insurance~~ plan issued pursuant to section 4080g of this title or 33 V.S.A. § 1811, or any valuable consideration or inducement, other than such as is specified in the policy plan.

(c) Nothing in this section shall be construed as prohibiting ~~the payment of commission or other compensation to any duly licensed agent or broker; or as prohibiting~~ any insurer from allowing or returning to its participating policyholders dividends, savings, or unused premium deposits; or as prohibiting any insurer from returning or otherwise abating, in full or in part, the premiums of its policyholders out of surplus accumulated from nonparticipating insurance, or as prohibiting the taking of a bona fide obligation, with interest at not exceeding six percent per annum, in payment of any premium.

(d)(1) No insurer shall pay any commission, fee, or other compensation, directly or indirectly, to a licensed or unlicensed agent, broker, or other individual in connection with the sale of a health insurance plan issued

pursuant to section 4080g of this title or 33 V.S.A. § 1811, nor shall an insurer include in an insurance rate for a health insurance plan issued pursuant to section 4080g of this title or 33 V.S.A. § 1811 any sums related to services provided by an agent, broker, or other individual. A health insurer may provide to its employees wages, salary, and other employment-related compensation in connection with the sale of health insurance plans, but may not structure any such compensation in a manner that promotes the sale of particular health insurance plans over other plans offered by that insurer.

(2) Nothing in this subsection shall be construed to prohibit the Vermont health benefit exchange established in 33 V.S.A. chapter 18, subchapter 1 from structuring compensation for agents or brokers in the form of an additional commission, fee, or other compensation outside insurance rates or from compensating agents, brokers, or other individuals through the procedures and payment mechanisms established pursuant to 33 V.S.A. § 1805(17).

Sec. 2f. 8 V.S.A. § 4085a is added to read:

§ 4085a. REBATES PROHIBITED FOR GROUP INSURANCE POLICIES

(a) As used in this section, “group insurance” means any policy described in section 4079 of this title, except that it shall not include any small group policy issued pursuant to section 4080a or 4080g of this title or to 33 V.S.A. § 1811.

(b) No insurer doing business in this state and no insurance agent or broker shall offer, promise, allow, give, set off, or pay, directly or indirectly, any rebate of or part of the premium payable on a group insurance policy, or on any group insurance policy or agent’s commission thereon or earnings, profits, dividends, or other benefits founded, arising, accruing or to accrue thereon or therefrom, or any special advantage in date of policy or age of issue, or any paid employment or contract for services of any kind or any other valuable consideration or inducement to or for insurance on any risk in this state, now or hereafter to be written, or for or upon any renewal of any such insurance, which is not specified in the policy contract of insurance, or offer, promise, give, option, sell, purchase any stocks, bonds, securities, or property or any dividends or profits accruing or to accrue thereon, or other thing of value whatsoever as inducement to insurance or in connection therewith, or any renewal thereof, which is not specified in the policy.

(c) No insured person under a group insurance policy or party or applicant for group insurance shall directly or indirectly receive or accept or agree to receive or accept any rebate of premium or of any part thereof or all or any part of any agent’s or broker’s commission thereon, or any favor or advantage, or

share in any benefit to accrue under any policy of insurance, or any valuable consideration or inducement, other than such as is specified in the policy.

(d) Nothing in this section shall be construed as prohibiting the payment of commission or other compensation to any duly licensed agent or broker; or as prohibiting any insurer from allowing or returning to its participating policyholders dividends, savings, or unused premium deposits; or as prohibiting any insurer from returning or otherwise abating, in full or in part, the premiums of its policyholders out of surplus accumulated from nonparticipating insurance, or as prohibiting the taking of a bona fide obligation, with interest not exceeding six percent per annum, in payment of any premium.

(e) An insurer that pays a commission, fee, or other compensation, directly or indirectly, to a licensed or unlicensed agent, broker, or other individual other than a bona fide employee of the insurer in connection with the sale of a group insurance policy shall clearly disclose to the purchaser of such group policy the amount of any such commission, fee, or compensation paid or to be paid.

Sec. 2g. DISCLOSURE OF COMMISSIONS FOR NONGROUP AND SMALL GROUP POLICIES

(a) An insurer that pays any commissions, fees, or other compensation, directly or indirectly, to licensed or unlicensed agents, brokers, or other individuals other than bona fide employees of the insurer in connection with the sale of nongroup or small group insurance policies, or both, shall clearly disclose to the purchaser of any nongroup or small group policy the amount of the premium for the policy attributable to the insurer's payment of commissions, fees, and other compensation.

(b) The disclosure requirement in subsection (a) of this section shall apply to all health insurers offering nongroup or small group insurance policies, or both, beginning July 1, 2012, until the insurer no longer pays any commission, fee, or other compensation in connection with the sale of a nongroup or small group insurance policy in compliance with the provisions of 8 V.S.A. § 4085.

* * * Bronze plans * * *

Sec. 2h. 33 V.S.A. § 1806(g) is added to read:

(g) The Vermont health benefit exchange shall clearly indicate to any prospective purchaser of a bronze-level plan, and of other plans as appropriate, the potential for significant out-of-pocket costs, in addition to the premium, associated with the plan.

Sec. 3. 33 V.S.A. § 1811 is added to read:

§ 1811. HEALTH BENEFIT PLANS FOR INDIVIDUALS AND SMALL EMPLOYERS

(a) As used in this section:

(1) “Health benefit plan” means a health insurance policy, a nonprofit hospital or medical service corporation service contract, or a health maintenance organization health benefit plan offered through the Vermont health benefit exchange and issued to an individual or to an employee of a small employer. The term does not include coverage only for accident or disability income insurance, liability insurance, coverage issued as a supplement to liability insurance, workers’ compensation or similar insurance, automobile medical payment insurance, credit-only insurance, coverage for on-site medical clinics, or other similar insurance coverage in which benefits for health services are secondary or incidental to other insurance benefits as provided under the Affordable Care Act. The term also does not include stand-alone dental or vision benefits; long-term care insurance; specific disease or other limited benefit coverage, Medicare supplemental health benefits, Medicare Advantage plans, and other similar benefits excluded under the Affordable Care Act.

(2) “Registered carrier” means any person, except an insurance agent, broker, appraiser, or adjuster, who issues a health benefit plan and who has a registration in effect with the commissioner of financial regulation as required by this section.

(3)(A) Until January 1, 2016, “small employer” means an employer which, on at least 50 percent of its working days during the preceding calendar year, employs at least one and no more than 50 employees. The term includes self-employed persons. Calculation of the number of employees of a small employer shall not include a part-time employee who works fewer than 30 hours per week. An employer may continue to participate in the exchange even if the employer’s size grows beyond 50 employees as long as the employer continuously makes qualified health benefit plans in the Vermont health benefit exchange available to its employees.

(B) Beginning on January 1, 2016, “small employer” means an employer which, on at least 50 percent of its working days during the preceding calendar year, employs at least one and no more than 100 employees. The term includes self-employed persons. Calculation of the number of employees of a small employer shall not include a part-time employee who works fewer than 30 hours per week. An employer may continue to participate in the exchange even if the employer’s size grows

beyond 100 employees as long as the employer continuously makes qualified health benefit plans in the Vermont health benefit exchange available to its employees.

(b) No person may provide a health benefit plan to an individual or small employer unless the plan is offered through the Vermont health benefit exchange and complies with the provisions of this subchapter.

(c) No person may provide a health benefit plan to an individual or small employer unless such person is a registered carrier. The commissioner of financial regulation shall establish, by rule, the minimum financial, marketing, service and other requirements for registration. Such registration shall be effective upon approval by the commissioner and shall remain in effect until revoked or suspended by the commissioner for cause or until withdrawn by the carrier. A carrier may withdraw its registration upon at least six months prior written notice to the commissioner. A registration filed with the commissioner shall be deemed to be approved unless it is disapproved by the commissioner within 30 days of filing.

(d) A registered carrier shall guarantee acceptance of all individuals, small employers, and employees of small employers, and each dependent of such individuals and employees, for any health benefit plan offered by the carrier.

(e) A registered carrier shall offer a health benefit plan rate structure which at least differentiates between single person, two person, and family rates.

(f)(1) A registered carrier shall use a community rating method acceptable to the commissioner of of financial regulation for determining premiums for health benefit plans. Except as provided in subdivision (2) of this subsection, the following risk classification factors are prohibited from use in rating individuals, small employers, or employees of small employers, or the dependents of such individuals or employees:

(A) demographic rating, including age and gender rating;

(B) geographic area rating;

(C) industry rating;

(D) medical underwriting and screening;

(E) experience rating;

(F) tier rating; or

(G) durational rating.

(2)(A) The commissioner shall, by rule, adopt standards and a process for permitting registered carriers to use one or more risk classifications in their

community rating method, provided that the premium charged shall not deviate above or below the community rate filed by the carrier by more than 20 percent and provided further that the commissioner's rules may not permit any medical underwriting and screening and shall give due consideration to the need for affordability and accessibility of health insurance.

(B) The commissioner's rules shall permit a carrier, including a hospital or medical service corporation and a health maintenance organization, to establish rewards, premium discounts, split benefit designs, rebates, or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by a member or subscriber to programs of health promotion and disease prevention. The commissioner shall consult with the commissioner of health, the director of the Blueprint for Health, and the commissioner of Vermont health access in the development of health promotion and disease prevention rules that are consistent with the Blueprint for Health. Such rules shall:

(i) limit any reward, discount, rebate, or waiver or modification of cost-sharing amounts to not more than a total of 15 percent of the cost of the premium for the applicable coverage tier, provided that the sum of any rate deviations under subdivision (A) of this subdivision (2) does not exceed 30 percent;

(ii) be designed to promote good health or prevent disease for individuals in the program and not be used as a subterfuge for imposing higher costs on an individual based on a health factor;

(iii) provide that the reward under the program is available to all similarly situated individuals and shall comply with the nondiscrimination provisions of the federal Health Insurance Portability and Accountability Act of 1996; and

(iv) provide a reasonable alternative standard to obtain the reward to any individual for whom it is unreasonably difficult due to a medical condition or other reasonable mitigating circumstance to satisfy the otherwise applicable standard for the discount and disclose in all plan materials that describe the discount program the availability of a reasonable alternative standard.

(C) The commissioner's rules shall include:

(i) standards and procedures for health promotion and disease prevention programs based on the best scientific, evidence-based medical practices as recommended by the commissioner of health;

(ii) standards and procedures for evaluating an individual's adherence to programs of health promotion and disease prevention; and

(iii) any other standards and procedures necessary or desirable to carry out the purposes of this subdivision (2).

(D) The commissioner may require a registered carrier to identify that percentage of a requested premium increase which is attributed to the following categories: hospital inpatient costs, hospital outpatient costs, pharmacy costs, primary care, other medical costs, administrative costs, and projected reserves or profit. Reporting of this information shall occur at the time a rate increase is sought and shall be in the manner and form directed by the commissioner. Such information shall be made available to the public in a manner that is easy to understand.

(g) A registered carrier shall file with the commissioner an annual certification by a member of the American Academy of Actuaries of the carrier's compliance with this section. The requirements for certification shall be as the commissioner prescribes by rule.

(h) A registered carrier shall provide, on forms prescribed by the commissioner, full disclosure to a small employer of all premium rates and any risk classification formulas or factors prior to acceptance of a plan by the small employer.

(i) A registered carrier shall guarantee the rates on a health benefit plan for a minimum of 12 months.

(j) The commissioner shall disapprove any rates filed by any registered carrier, whether initial or revised, for insurance policies unless the anticipated medical loss ratios for the entire period for which rates are computed are at least 80 percent, as required by the Patient Protection and Affordable Care Act (Public Law 111-148).

(k) The guaranteed acceptance provision of subsection (d) of this section shall not be construed to limit an employer's discretion in contracting with his or her employees for insurance coverage.

Sec. 4. 8 V.S.A. § 4080g is added to read:

§ 4080g. GRANDFATHERED PLANS

(a) Application. Notwithstanding the provisions of 33 V.S.A. § 1811, on and after January 1, 2014, the provisions of this section shall apply to an individual, small group, or association plan that qualifies as a grandfathered health plan under Section 1251 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the Health Care and Education

Reconciliation Act of 2010 (Public Law 111-152) ("Affordable Care Act"). In the event that a plan no longer qualifies as a grandfathered health plan under the Affordable Care Act, the provisions of this section shall not apply and the provisions of 33 V.S.A. § 1811 shall govern the plan.

(b) Small group plans.

(1) Definitions. As used in this subsection:

(A) "Small employer" means an employer who, on at least 50 percent of its working days during the preceding calendar quarter, employs at least one and no more than 50 employees. The term includes self-employed persons. Calculation of the number of employees of a small employer shall not include a part-time employee who works fewer than 30 hours per week. The provisions of this subsection shall continue to apply until the plan anniversary date following the date that the employer no longer meets the requirements of this subdivision.

(B) "Small group" means:

(i) a small employer; or

(ii) an association, trust, or other group issued a health insurance policy subject to regulation by the commissioner under subdivision 4079(2), (3), or (4) of this title.

(C) "Small group plan" means a group health insurance policy, a nonprofit hospital or medical service corporation service contract, or a health maintenance organization health benefit plan offered or issued to a small group, including but not limited to common health care plans approved by the commissioner under subdivision (5) of this subsection. The term does not include disability insurance policies, accident indemnity or expense policies, long-term care insurance policies, student or athletic expense or indemnity policies, dental policies, policies that supplement the Civilian Health and Medical Program of the Uniformed Services, or Medicare supplemental policies.

(D) "Registered small group carrier" means any person except an insurance agent, broker, appraiser, or adjuster who issues a small group plan and who has a registration in effect with the commissioner as required by this subsection.

(2) No person may provide a small group plan unless the plan complies with the provisions of this subsection.

(3) No person may provide a small group plan unless such person is a registered small group carrier. The commissioner, by rule, shall establish the

minimum financial, marketing, service and other requirements for registration. Such registration shall be effective upon approval by the commissioner and shall remain in effect until revoked or suspended by the commissioner for cause or until withdrawn by the carrier. A small group carrier may withdraw its registration upon at least six months prior written notice to the commissioner. A registration filed with the commissioner shall be deemed to be approved unless it is disapproved by the commissioner within 30 days of filing.

(4)(A) A registered small group carrier shall guarantee acceptance of all small groups for any small group plan offered by the carrier. A registered small group carrier shall also guarantee acceptance of all employees or members of a small group and each dependent of such employees or members for any small group plan it offers.

(B) Notwithstanding subdivision (A) of this subdivision (b)(4), a health maintenance organization shall not be required to cover:

(i) a small employer which is not physically located in the health maintenance organization's approved service area; or

(ii) a small employer or an employee or member of the small group located or residing within the health maintenance organization's approved service area for which the health maintenance organization:

(I) is not providing coverage; and

(II) reasonably anticipates and demonstrates to the satisfaction of the commissioner that it will not have the capacity within its network of providers to deliver adequate service because of its existing group contract obligations, including contract obligations subject to the provisions of this subsection and any other group contract obligations.

(5) A registered small group carrier shall offer one or more common health care plans approved by the commissioner. The commissioner, by rule, shall adopt standards and a process for approval of common health care plans that ensure that consumers may compare the costs of plans offered by carriers and that ensure the development of an affordable common health care plan, providing for deductibles, coinsurance arrangements, managed care, cost containment provisions, and any other term, not inconsistent with the provisions of this title, deemed useful in making the plan affordable. A health maintenance organization may add limitations to a common health care plan if the commissioner finds that the limitations do not unreasonably restrict the insured from access to the benefits covered by the plans.

(6) A registered small group carrier shall offer a small group plan rate structure which at least differentiates between single-person, two-person and family rates.

(7)(A) A registered small group carrier shall use a community rating method acceptable to the commissioner for determining premiums for small group plans. Except as provided in subdivision (B) of this subdivision (7), the following risk classification factors are prohibited from use in rating small groups, employees or members of such groups, and dependents of such employees or members:

- (i) demographic rating, including age and gender rating;
- (ii) geographic area rating;
- (iii) industry rating;
- (iv) medical underwriting and screening;
- (v) experience rating;
- (vi) tier rating; or
- (vii) durational rating.

(B)(i) The commissioner shall, by rule, adopt standards and a process for permitting registered small group carriers to use one or more risk classifications in their community rating method, provided that the premium charged shall not deviate above or below the community rate filed by the carrier by more than 20 percent and provided further that the commissioner's rules may not permit any medical underwriting and screening.

(ii) The commissioner's rules shall permit a carrier, including a hospital or medical service corporation and a health maintenance organization, to establish rewards, premium discounts, split benefit designs, rebates, or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by a member or subscriber to programs of health promotion and disease prevention. The commissioner shall consult with the commissioner of health, the director of the Blueprint for Health, and the commissioner of Vermont health access in the development of health promotion and disease prevention rules that are consistent with the Blueprint for Health. Such rules shall:

(I) limit any reward, discount, rebate, or waiver or modification of cost-sharing amounts to not more than a total of 15 percent of the cost of the premium for the applicable coverage tier, provided that the sum of any rate

deviations under subdivision (i) of this subdivision (7)(B) does not exceed 30 percent;

(II) be designed to promote good health or prevent disease for individuals in the program and not be used as a subterfuge for imposing higher costs on an individual based on a health factor;

(III) provide that the reward under the program is available to all similarly situated individuals and complies with the nondiscrimination provisions of the federal Health Insurance Portability and Accountability Act of 1996; and

(IV) provide a reasonable alternative standard to obtain the reward to any individual for whom it is unreasonably difficult due to a medical condition or other reasonable mitigating circumstance to satisfy the otherwise applicable standard for the discount and disclose in all plan materials that describe the discount program the availability of a reasonable alternative standard.

(iii) The commissioner's rules shall include:

(I) standards and procedures for health promotion and disease prevention programs based on the best scientific, evidence-based medical practices as recommended by the commissioner of health;

(II) standards and procedures for evaluating an individual's adherence to programs of health promotion and disease prevention; and

(III) any other standards and procedures necessary or desirable to carry out the purposes of this subdivision (7)(B).

(C) The commissioner may require a registered small group carrier to identify that percentage of a requested premium increase which is attributed to the following categories: hospital inpatient costs, hospital outpatient costs, pharmacy costs, primary care, other medical costs, administrative costs, and projected reserves or profit. Reporting of this information shall occur at the time a rate increase is sought and shall be in the manner and form as directed by the commissioner. Such information shall be made available to the public in a manner that is easy to understand.

(D) The commissioner may exempt from the requirements of this subsection an association as defined in subdivision 4079(2) of this title which:

(i) offers a small group plan to a member small employer which is community rated in accordance with the provisions of subdivisions (A) and (B) of this subdivision (b)(7). The plan may include risk classifications in accordance with subdivision (B) of this subdivision (7);

(ii) offers a small group plan that guarantees acceptance of all persons within the association and their dependents; and

(iii) offers one or more of the common health care plans approved by the commissioner under subdivision (5) of this subsection.

(E) The commissioner may revoke or deny the exemption set forth in subdivision (D) of this subdivision (7) if the commissioner determines that:

(i) because of the nature, size, or other characteristics of the association and its members, the employees or members are in need of the protections provided by this subsection; or

(ii) the association exemption has or would have a substantial adverse effect on the small group market.

(8) A registered small group carrier shall file with the commissioner an annual certification by a member of the American Academy of Actuaries of the carrier's compliance with this subsection. The requirements for certification shall be as the commissioner by rule prescribes.

(9) A registered small group carrier shall provide, on forms prescribed by the commissioner, full disclosure to a small group of all premium rates and any risk classification formulas or factors prior to acceptance of a small group plan by the group.

(10) A registered small group carrier shall guarantee the rates on a small group plan for a minimum of six months.

(11)(A) A registered small group carrier may require that 75 percent or less of the employees or members of a small group with more than 10 employees participate in the carrier's plan. A registered small group carrier may require that 50 percent or less of the employees or members of a small group with 10 or fewer employees or members participate in the carrier's plan. A small group carrier's rules established pursuant to this subdivision shall be applied to all small groups participating in the carrier's plans in a consistent and nondiscriminatory manner.

(B) For purposes of the requirements set forth in subdivision (A) of this subdivision (11), a registered small group carrier shall not include in its calculation an employee or member who is already covered by another group health benefit plan as a spouse or dependent or who is enrolled in Catamount Health, Medicaid, the Vermont health access plan, or Medicare. Employees or members of a small group who are enrolled in the employer's plan and receiving premium assistance under 33 V.S.A. chapter 19 shall be considered to be participating in the plan for purposes of this subsection. If the small

group is an association, trust, or other substantially similar group, the participation requirements shall be calculated on an employer-by-employer basis.

(C) A small group carrier may not require recertification of compliance with the participation requirements set forth in this subdivision (11) more often than annually at the time of renewal. If, during the recertification process, a small group is found not to be in compliance with the participation requirements, the small group shall have 120 days to become compliant prior to termination of the plan.

(12) This subsection shall apply to the provisions of small group plans. This subsection shall not be construed to prevent any person from issuing or obtaining a bona fide individual health insurance policy; provided that no person may offer a health benefit plan or insurance policy to individual employees or members of a small group as a means of circumventing the requirements of this subsection. The commissioner shall adopt, by rule, standards and a process to carry out the provisions of this subsection.

(13) The guaranteed acceptance provision of subdivision (4) of this subsection shall not be construed to limit an employer's discretion in contracting with his or her employees for insurance coverage.

(14) Registered small group carriers, except nonprofit medical and hospital service organizations and nonprofit health maintenance organizations, shall form a reinsurance pool for the purpose of reinsuring small group risks. This pool shall not become operative until the commissioner has approved a plan of operation. The commissioner shall not approve any plan which he or she determines may be inconsistent with any other provision of this subsection. Failure or delay in the formation of a reinsurance pool under this subsection shall not delay implementation of this subdivision. The participants in the plan of operation of the pool shall guarantee, without limitation, the solvency of the pool, and such guarantee shall constitute a permanent financial obligation of each participant, on a pro rata basis.

(c) Nongroup health benefit plans.

(1) Definitions. As used in this subsection:

(A) "Individual" means a person who is not eligible for coverage by group health insurance as defined by section 4079 of this title.

(B) "Nongroup plan" means a health insurance policy, a nonprofit hospital or medical service corporation service contract, or a health maintenance organization health benefit plan offered or issued to an individual, including but not limited to common health care plans approved by the

commissioner under subdivision (5) of this subsection. The term does not include disability insurance policies, accident indemnity or expense policies, long-term care insurance policies, student or athletic expense or indemnity policies, Medicare supplemental policies, and dental policies. The term also does not include hospital indemnity policies or specified disease indemnity or expense policies, provided such policies are sold only as supplemental coverage when a common health care plan or other comprehensive health care policy is in effect.

(C) "Registered nongroup carrier" means any person, except an insurance agent, broker, appraiser, or adjuster, who issues a nongroup plan and who has a registration in effect with the commissioner as required by this subsection.

(2) No person may provide a nongroup plan unless the plan complies with the provisions of this subsection.

(3) No person may provide a nongroup plan unless such person is a registered nongroup carrier. The commissioner, by rule, shall establish the minimum financial, marketing, service, and other requirements for registration. Registration under this subsection shall be effective upon approval by the commissioner and shall remain in effect until revoked or suspended by the commissioner for cause or until withdrawn by the carrier. A nongroup carrier may withdraw its registration upon at least six months' prior written notice to the commissioner. A registration filed with the commissioner shall be deemed to be approved unless it is disapproved by the commissioner within 30 days of filing.

(4)(A) A registered nongroup carrier shall guarantee acceptance of any individual for any nongroup plan offered by the carrier. A registered nongroup carrier shall also guarantee acceptance of each dependent of such individual for any nongroup plan it offers.

(B) Notwithstanding subdivision (A) of this subdivision, a health maintenance organization shall not be required to cover:

(i) an individual who is not physically located in the health maintenance organization's approved service area; or

(ii) an individual residing within the health maintenance organization's approved service area for which the health maintenance organization:

(I) is not providing coverage; and

(II) reasonably anticipates and demonstrates to the satisfaction of the commissioner that it will not have the capacity within its network of providers to deliver adequate service because of its existing contract obligations, including contract obligations subject to the provisions of this subsection and any other group contract obligations.

(5) A registered nongroup carrier shall offer two or more common health care plans approved by the commissioner. The commissioner, by rule, shall adopt standards and a process for approval of common health care plans that ensure that consumers may compare the cost of plans offered by carriers. At least one plan shall be a low-cost common health care plan that may provide for deductibles, coinsurance arrangements, managed care, cost-containment provisions, and any other term not inconsistent with the provisions of this title that are deemed useful in making the plan affordable.

A health maintenance organization may add limitations to a common health care plan if the commissioner finds that the limitations do not unreasonably restrict the insured from access to the benefits covered by the plan.

(6) A registered nongroup carrier shall offer a nongroup plan rate structure which at least differentiates between single-person, two-person and family rates.

(7) For a 12-month period from the effective date of coverage, a registered nongroup carrier may limit coverage of preexisting conditions which exist during the 12-month period before the effective date of coverage; provided that a registered nongroup carrier shall waive any preexisting condition provisions for all individuals and their dependents who produce evidence of continuous health benefit coverage during the previous nine months substantially equivalent to the carrier's common health care plan approved by the commissioner. If an individual has a preexisting condition excluded under a subsequent policy, such exclusion shall not continue longer than the period required under the original contract or 12 months, whichever is less. Credit shall be given for prior coverage that occurred without a break in coverage of 63 days or more. For an eligible individual as such term is defined in Section 2741 of Title XXVII of the Public Health Service Act, a registered nongroup carrier shall not limit coverage of preexisting conditions.

(8)(A) A registered nongroup carrier shall use a community rating method acceptable to the commissioner for determining premiums for nongroup plans. Except as provided in subdivision (B) of this subsection, the following risk classification factors are prohibited from use in rating individuals and their dependents:

(i) demographic rating, including age and gender rating;

- (ii) geographic area rating;
- (iii) industry rating;
- (iv) medical underwriting and screening;
- (v) experience rating;
- (vi) tier rating; or
- (vii) durational rating.

(B)(i) The commissioner shall, by rule, adopt standards and a process for permitting registered nongroup carriers to use one or more risk classifications in their community rating method, provided that the premium charged shall not deviate above or below the community rate filed by the carrier by more than 20 percent and provided further that the commissioner's rules may not permit any medical underwriting and screening and shall give due consideration to the need for affordability and accessibility of health insurance.

(ii) The commissioner's rules shall permit a carrier, including a hospital or medical service corporation and a health maintenance organization, to establish rewards, premium discounts, and rebates or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by a member or subscriber to programs of health promotion and disease prevention. The commissioner shall consult with the commissioner of health and the commissioner of Vermont health access in the development of health promotion and disease prevention rules. Such rules shall:

(I) limit any reward, discount, rebate, or waiver or modification of cost-sharing amounts to not more than a total of 15 percent of the cost of the premium for the applicable coverage tier, provided that the sum of any rate deviations under subdivision (B)(i) of this subdivision (8) does not exceed 30 percent;

(II) be designed to promote good health or prevent disease for individuals in the program and not be used as a subterfuge for imposing higher costs on an individual based on a health factor;

(III) provide that the reward under the program is available to all similarly situated individuals; and

(IV) provide a reasonable alternative standard to obtain the reward to any individual for whom it is unreasonably difficult due to a medical condition or other reasonable mitigating circumstance to satisfy the otherwise

applicable standard for the discount and disclose in all plan materials that describe the discount program the availability of a reasonable alternative standard.

(iii) The commissioner's rules shall include:

(I) standards and procedures for health promotion and disease prevention programs based on the best scientific, evidence-based medical practices as recommended by the commissioner of health;

(II) standards and procedures for evaluating an individual's adherence to programs of health promotion and disease prevention; and

(III) any other standards and procedures necessary or desirable to carry out the purposes of this subdivision (8)(B).

(iv) The commissioner may require a registered nongroup carrier to identify that percentage of a requested premium increase which is attributed to the following categories: hospital inpatient costs, hospital outpatient costs, pharmacy costs, primary care, other medical costs, administrative costs, and projected reserves or profit. Reporting of this information shall occur at the time a rate increase is sought and shall be in the manner and form directed by the commissioner. Such information shall be made available to the public in a manner that is easy to understand.

(9) Notwithstanding subdivision (8)(B) of this subsection, the commissioner shall not grant rate increases, including increases for medical inflation, for individuals covered pursuant to the provisions of this subsection that exceed 20 percent in any one year; provided that the commissioner may grant an increase that exceeds 20 percent if the commissioner determines that the 20 percent limitation will have a substantial adverse effect on the financial safety and soundness of the insurer. In the event that this limitation prevents implementation of community rating to the full extent provided for in subdivision (8) of this subsection, the commissioner may permit insurers to limit community rating provisions accordingly as applicable to individuals who would otherwise be entitled to rate reductions.

(10) A registered nongroup carrier shall file with the commissioner an annual certification by a member of the American Academy of Actuaries of the carrier's compliance with this subsection. The requirements for certification shall be as the commissioner by rule prescribes.

(11) A registered nongroup carrier shall guarantee the rates on a nongroup plan for a minimum of 12 months.

(12) Registered nongroup carriers, except nonprofit medical and hospital service organizations and nonprofit health maintenance organizations, shall form a reinsurance pool for the purpose of reinsuring nongroup risks. This pool shall not become operative until the commissioner has approved a plan of operation. The commissioner shall not approve any plan which he or she determines may be inconsistent with any other provision of this subsection. Failure or delay in the formation of a reinsurance pool under this subsection shall not delay implementation of this subdivision. The participants in the plan of operation of the pool shall guarantee, without limitation, the solvency of the pool, and such guarantee shall constitute a permanent financial obligation of each participant, on a pro rata basis.

(13) The commissioner shall disapprove any rates filed by any registered nongroup carrier, whether initial or revised, for nongroup insurance policies unless the anticipated loss ratios for the entire period for which rates are computed are at least 70 percent. For the purpose of this subdivision, "anticipated loss ratio" shall mean a comparison of earned premiums to losses incurred plus a factor for industry trend where the methodology for calculating trend shall be determined by the commissioner by rule.

* * * Green Mountain Care Board * * *

Sec. 5. 18 V.S.A. § 9374 is amended to read:

§ 9374. BOARD MEMBERSHIP; AUTHORITY

* * *

(g) The chair of the board or designee may apply for grant funding, if available, to advance or support any responsibility within the board's jurisdiction.

(h)(1) Expenses incurred to obtain information, analyze expenditures, review hospital budgets, and for any other contracts authorized by the board shall be borne as follows:

(A) 40 percent by the state from state monies;

(B) 15 percent by the hospitals;

(C) 15 percent by nonprofit hospital and medical service corporations licensed under 8 V.S.A. chapter 123 or 125;

(D) 15 percent by health insurance companies licensed under 8 V.S.A. chapter 101; and

(E) 15 percent by health maintenance organizations licensed under 8 V.S.A. chapter 139.

(2) Expenses under subdivision (1) of this subsection shall be billed to persons licensed under Title 8 based on premiums paid for health care coverage, which for the purposes of this section shall include major medical, comprehensive medical, hospital or surgical coverage, and comprehensive health care services plans, but shall not include long-term care or limited benefits, disability, credit or stop loss, or excess loss insurance coverage.

(i) In addition to any other penalties and in order to enforce the provisions of this chapter and empower the board to perform its duties, the chair of the board may issue subpoenas, examine persons, administer oaths, and require production of papers and records. Any subpoena or notice to produce may be served by registered or certified mail or in person by an agent of the chair. Service by registered or certified mail shall be effective three business days after mailing. Any subpoena or notice to produce shall provide at least six business days' time from service within which to comply, except that the chair may shorten the time for compliance for good cause shown. Any subpoena or notice to produce sent by registered or certified mail, postage prepaid, shall constitute service on the person to whom it is addressed. Each witness who appears before the chair under subpoena shall receive a fee and mileage as provided for witnesses in civil cases in superior courts; provided, however, any person subject to the board's authority shall not be eligible to receive fees or mileage under this section.

(j) A person who fails or refuses to appear, to testify, or to produce papers or records for examination before the chair upon properly being ordered to do so may be assessed an administrative penalty by the chair of not more than \$2,000.00 for each day of noncompliance and proceeded against as provided in the Administrative Procedure Act, and the chair may recommend to the appropriate licensing entity that the person's authority to do business be suspended for up to six months.

Sec. 5a. BILL-BACK REPORT

No later than February 1, 2013, the department of financial regulation and the Green Mountain Care board shall report to the house committees on health care and on ways and means and the senate committees on health and welfare and on finance regarding the allocation of expenses among hospitals and health insurers to finance the department's and the board's regulatory activities pursuant to 18 V.S.A. §§ 9374(h) and 9415. The report shall address the basis for the formula and how it is applied and shall contain the department's and the board's recommendations for alternate expense allocation formulas or models.

* * * Unified Health Care Budget * * *

Sec. 6. 18 V.S.A. § 9373 is amended to read:

§ 9373. DEFINITIONS

* * *

(14) “Unified health care budget” means the budget established in accordance with section 9375a of this title.

(15) “Wellness services” means health services, programs, or activities that focus on the promotion or maintenance of good health.

Sec. 7. [DELETED.]

Sec. 8. 18 V.S.A. § 9403 is amended to read:

§ 9403. DIVISION OF HEALTH CARE ADMINISTRATION; PURPOSES

The division of health care administration is created in the department of financial regulation. The division shall assist the commissioner in carrying out the policies of the state regarding health care delivery, cost, and quality; by providing oversight of health care quality and expenditures through the ~~certificate of need program and the unified health care budget for the state or with respect to Vermont residents~~, establishment and maintenance of consumer protection functions; and oversight of quality assurance within the health care system. The division shall also establish and maintain a data base with information needed to carry out the commissioner’s duties and obligations under this chapter and Title 8.

Sec. 9. 18 V.S.A. § 9405(b) is amended to read:

(b) On or before July 1, 2005, the commissioner, in consultation with the secretary of human services, shall submit to the governor a four-year health resource allocation plan. The plan shall identify Vermont needs in health care services, programs, and facilities; the resources available to meet those needs; and the priorities for addressing those needs on a statewide basis.

(1) The plan shall include:

* * *

(C) Consistent with the principles set forth in subdivision (A) of this subdivision (1), recommendations for the appropriate supply and distribution of resources, programs, and services identified in subdivision (B) of this subdivision (1), options for implementing such recommendations and mechanisms which will encourage the appropriate integration of these services on a local or regional basis. To arrive at such recommendations, the commissioner shall consider at least the following factors: the values and goals reflected in the state health plan; the needs of the population on a statewide basis; the needs of particular geographic areas of the state, as identified in the

state health plan; the needs of uninsured and underinsured populations; the use of Vermont facilities by out-of-state residents; the use of out-of-state facilities by Vermont residents; the needs of populations with special health care needs; the desirability of providing high quality services in an economical and efficient manner, including the appropriate use of midlevel practitioners; the cost impact of these resource requirements on health care expenditures; the services appropriate for the four categories of hospitals described in subdivision 9402(12) of this title; the overall quality and use of health care services as reported by the Vermont program for quality in health care and the Vermont ethics network; the overall quality and cost of services as reported in the annual hospital community reports; individual hospital four-year capital budget projections; ~~the unified health care budget~~; and the four-year projection of health care expenditures prepared by the division.

* * *

Sec. 10. 18 V.S.A. § 9406 is amended to read:

~~§ 9406. EXPENDITURE ANALYSIS; UNIFIED HEALTH CARE BUDGET~~

~~(a) Annually, the commissioner shall develop a unified health care budget and develop an expenditure analysis to promote the policies set forth in section 9401 of this title.~~

~~(1) The budget shall:~~

~~(A) Serve as a guideline within which health care costs are controlled, resources directed, and quality and access assured.~~

~~(B) Identify the total amount of money that has been and is projected to be expended annually for all health care services provided by health care facilities and providers in Vermont, and for all health care services provided to residents of this state.~~

~~(C) Identify any inconsistencies with the state health plan and the health resource allocation plan.~~

~~(D) Analyze health care costs and the impact of the budget on those who receive, provide, and pay for health care services.~~

~~(2) The commissioner shall enter into discussions with health care facilities and with health care provider bargaining groups created under section 9409 of this title concerning matters related to the unified health care budget.~~

~~(b)(1) Annually the division shall prepare a three-year projection of health care expenditures made on behalf of Vermont residents, based on the format of the health care budget and expenditure analysis adopted by the commissioner~~

~~under this section, projecting expenditures in broad sectors such as hospital, physician, home health, or pharmacy. The projection shall include estimates for:~~

~~(A) expenditures for the health plans of any hospital and medical service corporation, health maintenance organizations, Medicaid program, or other health plan regulated by this state which covers more than five percent of the state population; and~~

~~(B) expenditures for Medicare, all self-insured employers, and all other health insurance.~~

~~(2) Each health plan payer identified under subdivision (1)(A) of this subsection may comment on the division's proposed projections, including comments concerning whether the plan agrees with the proposed projection, alternative projections developed by the plan, and a description of what mechanisms, if any, the plan has identified to reduce its health care expenditures. Comments may also include a comparison of the plan's actual expenditures with the applicable projections for the prior year, and an evaluation of the efficacy of any cost containment efforts the plan has made.~~

~~(3) The division's projections prepared under this subsection shall be used as a tool in the evaluation of health insurance rate and trend filings with the department and shall be made available in connection with the hospital budget review process under subchapter 7 of this chapter, the certificate of need process under subchapter 5 of this chapter, and the development of the health resource allocation plan.~~

~~(4) The division shall prepare a report of the final projections made under this subsection, and file the report with the general assembly on or before January 15 of each year. [Repealed.]~~

Sec. 11. 18 V.S.A. 9375a is added to read:

§ 9375a. EXPENDITURE ANALYSIS; UNIFIED HEALTH CARE BUDGET

(a) Annually, the board shall develop a unified health care budget and develop an expenditure analysis to promote the policies set forth in sections 9371 and 9372 of this title.

(1) The budget shall:

(A) Serve as a guideline within which health care costs are controlled, resources directed, and quality and access assured.

(B) Identify the total amount of money that has been and is projected to be expended annually for all health care services provided by health care facilities and providers in Vermont and for all health care services provided to residents of this state.

(C) Identify any inconsistencies with the state health plan and the health resource allocation plan.

(D) Analyze health care costs and the impact of the budget on those who receive, provide, and pay for health care services.

(2) The board shall enter into discussions with health care facilities and with health care provider bargaining groups created under section 9409 of this title concerning matters related to the unified health care budget.

(b)(1) Annually the board shall prepare a three-year projection of health care expenditures made on behalf of Vermont residents, based on the format of the health care budget and expenditure analysis adopted by the board under this section, projecting expenditures in broad sectors such as hospital, physician, home health, or pharmacy. The projection shall include estimates for:

(A) expenditures for the health plans of any hospital and medical service corporation, health maintenance organization, Medicaid program, or other health plan regulated by this state which covers more than five percent of the state population; and

(B) expenditures for Medicare, all self-insured employers, and all other health insurance.

(2) Each health plan payer identified under subdivision (1)(A) of this subsection may comment on the board's proposed projections, including comments concerning whether the plan agrees with the proposed projection, alternative projections developed by the plan, and a description of what mechanisms, if any, the plan has identified to reduce its health care expenditures. Comments may also include a comparison of the plan's actual expenditures with the applicable projections for the prior year and an evaluation of the efficacy of any cost containment efforts the plan has made.

(3) The board's projections prepared under this subsection shall be used as a tool in the evaluation of health insurance rate and trend filings with the department of financial regulation, and shall be made available in connection with the hospital budget review process under subchapter 7 of this chapter, the certificate of need process under subchapter 5 of this chapter, and the development of the health resource allocation plan.

(4) The board shall prepare a report of the final projections made under this subsection and file the report with the general assembly on or before January 15 of each year.

* * * Claims Edit Standards * * *

Sec. 11a. 18 V.S.A. § 9418a is amended to read:

§ 9418a. PROCESSING CLAIMS, DOWNCODING, AND ADHERENCE TO CODING RULES

(a) Health plans, contracting entities, covered entities, and payers shall accept and initiate the processing of all health care claims submitted by a health care provider pursuant to and consistent with the current version of the American Medical Association's Current Procedural Terminology (CPT) codes, reporting guidelines, and conventions; the Centers for Medicare and Medicaid Services Healthcare Common Procedure Coding System (HCPCS); American Society of Anesthesiologists; the National Correct Coding Initiative (NCCI); the National Council for Prescription Drug Programs coding; or other appropriate nationally recognized standards, guidelines, or conventions approved by the commissioner.

(b) When editing claims, health plans, contracting entities, covered entities, and payers shall adhere to edit standards ~~that are no more restrictive than the following~~, except as provided in subsection (c) of this section:

(1) The CPT, HCPCS, and NCCI;

(2) National specialty society edit standards; or

(3) Other appropriate nationally recognized edit standards, guidelines, or conventions approved by the commissioner.

(c) Adherence to the edit standards in subdivision (b)(1) or (2) of this section is not required:

(1) When necessary to comply with state or federal laws, rules, regulations, or coverage mandates; or

(2) ~~For services not addressed by NCCI standards or national specialty society edit standards~~ edits that the payer determines are more favorable to providers than the edit standards in subdivisions (b)(1) through (3) of this section or to address new codes not yet incorporated by a payer's edit management software, provided the edit standards are developed with input from the relevant Vermont provider community and national provider organizations and provided the edits are available to providers on the plan's websites and in their newsletters.

(d) Nothing in this section shall preclude a health plan, contracting entity, covered entity, or payer from determining that any such claim is not eligible for payment in full or in part, based on a determination that:

(1) The claim is contested as defined in subdivision 9418(a)(2) of this title;

(2) The service provided is not a covered benefit under the contract, including a determination that such service is not medically necessary or is experimental or investigational;

(3) The insured did not obtain a referral, prior authorization, or precertification, or satisfy any other condition precedent to receiving covered benefits from the health care provider;

(4) The covered benefit exceeds the benefit limits of the contract;

(5) The person is not eligible for coverage or is otherwise not compliant with the terms and conditions of his or her coverage agreement;

(6) The health plan has a reasonable belief that fraud or other intentional misconduct has occurred; or

(7) The health plan, contracting entity, covered entity, or payer determines through coordination of benefits that another entity is liable for the claim.

(e) Nothing in this section shall be deemed to require a health plan, contracting entity, covered entity, or payer to pay or reimburse a claim, in full or in part, or to dictate the amount of a claim to be paid by a health plan, contracting entity, covered entity, or payer to a health care provider.

(f) No health plan, contracting entity, covered entity, or payer shall automatically reassign or reduce the code level of evaluation and management codes billed for covered services (downcoding), except that a health plan, contracting entity, covered entity, or payer may reassign a new patient visit code to an established patient visit code based solely on CPT codes, CPT guidelines, and CPT conventions.

(g) Notwithstanding the provisions of subsection (d) of this section, and other than the edits contained in the conventions in subsections (a) and (b) of this section, health plans, contracting entities, covered entities, and payers shall continue to have the right to deny, pend, or adjust claims for services on other bases and shall have the right to reassign or reduce the code level for selected claims for services based on a review of the clinical information provided at the time the service was rendered for the particular claim or a review of the information derived from a health plan's fraud or abuse billing detection

programs that create a reasonable belief of fraudulent or abusive billing practices, provided that the decision to reassign or reduce is based primarily on a review of clinical information.

(h) Every health plan, contracting entity, covered entity, and payer shall publish on its provider website and in its provider newsletter if applicable:

(1) The name of any commercially available claims editing software product that the health plan, contracting entity, covered entity, or payer utilizes;

(2) The standard or standards, pursuant to subsection (b) of this section, that the entity uses for claim edits;

(3) The payment percentages for modifiers; and

(4) Any significant edits, as determined by the health plan, contracting entity, covered entity, or payer, added to the claims software product after the effective date of this section, which are made at the request of the health plan, contracting entity, covered entity, or payer.

(i) Upon written request, the health plan, contracting entity, covered entity, or payer shall also directly provide the information in subsection (h) of this section to a health care provider who is a participating member in the health plan's, contracting entity's, covered entity's, or payer's provider network.

(j) For purposes of this section, "health plan" includes a workers' compensation policy of a casualty insurer licensed to do business in Vermont.

(k) ~~Prior to the effective date of subsections (b) and (c) of this section, MVP Healthcare is requested to convene~~ BlueCross and BlueShield of Vermont and the Vermont Medical Society are requested to continue convening a work group consisting of health plans, health care providers, state agencies, and other interested parties to study the edit standards in subsection (b) of this section, the edit standards in national class action settlements, and edit standards and edit transparency standards established by other states to determine the most appropriate way to ensure that health care providers can access information about the edit standards applicable to the health care services they provide. ~~No later than January 1, 2012, the~~ The work group is requested to ~~report its findings and recommendations, including any recommendations for legislative changes to subsections (b) and (c) of this section,~~ provide an annual progress report to the house committee on health care and the senate ~~committee~~ committees on health and welfare and on finance.

(l) With respect to the work group established under subsection (k) of this section and to the extent required to avoid violations of federal antitrust laws, the department shall facilitate and supervise the participation of members of the work group.

* * * Mental Health and Substance Abuse * * *

Sec. 11b. 18 V.S.A. chapter 221, subchapter 8 is added to read:

Subchapter 8. Mental Health and Substance Abuse Treatment Quality Assurance

§ 9461. QUALITY INDICATORS

(a) The department of financial regulation shall develop performance quality indicators to evaluate and ensure that health insurers, including managed care organizations that contract with health insurers to administer the insurers' mental health benefits, comply with the provisions of 8 V.S.A. § 4089b and related rules.

(b) The departments of health and of mental health shall develop clinical and performance quality measures to evaluate and ensure that health care professionals and health care facilities in Vermont provide high quality mental health and substance abuse treatment services to their patients.

§ 9462. QUALITY IMPROVEMENT PROJECTS

In addition to reviewing mental health and substance abuse treatment data pursuant to subdivision 9375(b)(12) of this title, the Green Mountain Care board shall consider the results of any quality improvement projects not otherwise confidential or privileged undertaken by managed care organizations for mental health and substance abuse care and treatment pursuant to 8 V.S.A. § 4089b(d)(1)(B)(vii) and subsection 9414(i) of this title.

Sec. 11c. PARITY FOR PRIMARY MENTAL HEALTH CARE SERVICES; RECOMMENDATIONS

No later than January 15, 2013, the commissioner of financial regulation or designee shall recommend to the house committee on health care and the senate committees on health and welfare and on finance guidelines for distinguishing between primary and specialty mental health services, taking into consideration factors such as mental health care providers' scope of practice and patterns of patient visitation. In addition, the commissioner or designee shall provide the committees with an estimate of the impact on health insurance premiums if such guidelines are enacted into law.

Sec. 11d. 8 V.S.A. § 4089b(c) is amended to read:

(c) A health insurance plan shall provide coverage for treatment of a mental health condition and shall:

(1) not establish any rate, term, or condition that places a greater burden on an insured for access to treatment for a mental health condition than for access to treatment for other health conditions, including no greater co-payment for primary mental health care or services than the co-payment applicable to care or services provided by a primary care provider under an insured's policy and no greater co-payment for specialty mental health care or services than the co-payment applicable to care or services provided by a specialist provider under an insured's policy;

* * *

Sec. 11e. PARITY FOR MENTAL HEALTH CO-PAYMENTS;
RULEMAKING

No later than October 1, 2013, the commissioner of financial regulation shall adopt rules pursuant to 3 V.S.A. chapter 25 establishing the guidelines for distinguishing between primary and specialty mental health services developed pursuant to Sec. 11c of this act, taking into account any recommendations received from the committees of jurisdiction.

Sec. 11f. 18 V.S.A. § 7259 is added to chapter 174 to read:

§ 7259. MENTAL HEALTH CARE OMBUDSMAN

(a) The department of mental health shall establish the office of the mental health care ombudsman within the agency designated by the governor as the protection and advocacy system for the state pursuant to 42 U.S.C. § 10801 et seq. The agency may execute the duties of the office of the mental health care ombudsman, including authority to assist individuals with mental health conditions and to advocate for policy issues on their behalf; provided, however, that nothing in this section shall be construed to impose any additional duties on the agency in excess of the requirements under federal law.

(b) The agency may provide a report annually to the general assembly regarding the implementation of this section.

(c) In the event the protection and advocacy system ceases to provide federal funding to the agency for the purposes described in this section, the general assembly may allocate sufficient funds to maintain the office of the mental health care ombudsman.

Sec. 11g. 18 V.S.A. § 9418 is amended to read:

§ 9418. PAYMENT FOR HEALTH CARE SERVICES

(a) Except as otherwise specified, as used in this subchapter:

* * *

(15) “Prior authorization” means the process used by a health plan to determine the medical necessity, medical appropriateness, or both, of otherwise covered drugs, medical procedures, medical tests, and health care services. The term “prior authorization” includes preadmission review, pretreatment review, and utilization review.

(16) “Procedure codes” means a set of descriptive codes indicating the procedure performed by a health care provider and includes the American Medical Association’s Current Procedural Terminology codes (CPT), the Healthcare Common Procedure Coding System Level II Codes (HCPCS), the American Society of Anesthesiologists’ (ASA) current procedural terminology, and the American Dental Association’s current dental terminology.

~~(16)~~(17) “Product” means, to the extent permitted by state and federal law, one of the following types of categories of coverage for which a participating provider may be obligated to provide health care services pursuant to a health care contract:

* * *

* * * Prior Authorization * * *

Sec. 11h. 18 V.S.A. § 9418b is amended to read:

§ 9418b. PRIOR AUTHORIZATION

* * *

(g)(1)(A) Notwithstanding any provision of law to the contrary, on and after March 1, 2014, when requiring prior authorization for prescription drugs, medical procedures, and medical tests, a health plan shall accept for each prior authorization request either:

(i) The national standard transaction information, such as HIPAA 278 standards, for sending or receiving authorizations electronically; or

(ii) a uniform prior authorization form developed pursuant to subdivisions (2) and (3) of this subsection.

(B) A health plan shall have the capability to accept both the national standard transaction information and the uniform prior authorization forms developed pursuant to subdivisions (2) and (3) of this subsection.

(2)(A) No later than September 1, 2013, the department of financial regulation shall develop a clear, uniform, and readily accessible prior authorization form for prior authorization requests for medical procedures and medical tests.

(B) No later than September 1, 2013, the department of financial regulation shall develop clear, uniform, and readily accessible forms for prior authorization requests for prescription drugs after determining the appropriate number of forms.

(3) Each uniform prior authorization form developed pursuant to subdivision (2) of this subsection shall meet the following criteria, where applicable:

(A) The form shall include the core set of common data requirements for nonclinical information for prior authorization included in the HIPAA 278 standard transaction, national standards for prior authorization and electronic prescriptions, or both. The department shall revise the form as needed to ensure that national standards are adopted and incorporated as soon as such standards are available and final.

(B) The form shall be made available electronically by the department and by the health plan.

(C) The completed form or its data elements may be submitted electronically from the prescribing health care provider to the health plan.

(D) The department shall develop the form in consultation with the department of Vermont health access and with input from interested parties from at least one public meeting.

(E) The department shall consider input on the proposed form from the national ASC X-12 workgroup, if available.

(F) In developing the uniform prior authorization forms, the department shall take into consideration the following:

(i) existing prior authorization forms established by the federal Centers for Medicare and Medicaid Services, by the department of Vermont health access, and by insurance and Medicaid departments and agencies in other states; and

(ii) national standards related to electronic prior authorization.

(4) A health plan shall respond to a completed prior authorization request from a prescribing health care provider within 48 hours for urgent requests and within 120 hours for non-urgent requests. The health plan shall notify a health care provider of or make available to a health care provider a receipt of the request for prior authorization and any needed missing information within 24 hours of receipt. If a health plan does not, within the time limits set forth in this section, respond to a completed prior authorization request, acknowledge receipt of the request for prior authorization, or request missing information, the prior authorization request shall be deemed to have been granted.

* * * Certificate of Need * * *

Sec. 12. 18 V.S.A. § 9375(b) is amended to read:

(b) The board shall have the following duties:

(1) Oversee the development and implementation, and evaluate the effectiveness, of health care payment and delivery system reforms designed to control the rate of growth in health care costs and maintain health care quality in Vermont, including ensuring that the payment reform pilot projects set forth in this chapter 13, subchapter 2 of this title are consistent with such reforms.

* * *

~~(6) Review and approve recommendations from the commissioner, within 10 business days. Approve, modify, or disapprove requests for health insurance rates pursuant to 8 V.S.A. § 4062 within 30 days of receipt of such recommendations and a request for approval from the commissioner of financial regulation, taking into consideration the requirements in the underlying statutes, changes in health care delivery, changes in payment methods and amounts, and other issues at the discretion of the board, on:~~

~~(A) any insurance rate increases pursuant to 8 V.S.A. chapter 107, beginning January 1, 2012;~~

~~(B)(7) Review and establish hospital budgets pursuant to chapter 221, subchapter 7 of this title, beginning July 1, 2012; and.~~

~~(C)(8) Review and approve, approve with conditions, or deny applications for certificates of need pursuant to chapter 221, subchapter 5 of this title, beginning July 1, 2012~~ January 1, 2013.

~~(7)(9)~~ Prior to the adoption of rules, review and approve, with recommendations from the commissioner of Vermont health access, the benefit package or packages for qualified health benefit plans pursuant to 33 V.S.A. chapter 18, subchapter 1 no later than January 1, 2013. The board shall report

to the house committee on health care and the senate committee on health and welfare within 15 days following its approval of the initial benefit package and any subsequent substantive changes to the benefit package.

~~(8)~~(10) Develop and maintain a method for evaluating systemwide performance and quality, including identification of the appropriate process and outcome measures:

* * *

(11) Develop the unified health care budget pursuant to section 9375a of this title.

(12) Review data regarding mental health and substance abuse treatment reported to the department of financial regulation pursuant to 8 V.S.A. § 4089b(g)(1)(G) and discuss such information, as appropriate, with the mental health technical advisory group established pursuant to subdivision 9374(e)(2) of this title.

Sec. 13. 18 V.S.A. § 9402 is amended to read:

§ 9402. DEFINITIONS

As used in this chapter, unless otherwise indicated:

* * *

(5) “Expenditure analysis” means the expenditure analysis developed pursuant to section ~~9406~~ 9375a of this title.

(6) “Health care facility” means all institutions, whether public or private, proprietary or nonprofit, which offer diagnosis, treatment, inpatient, or ambulatory care to two or more unrelated persons, and the buildings in which those services are offered. The term shall not apply to any facility operated by religious groups relying solely on spiritual means through prayer or healing, but includes all institutions included in subdivision ~~9432(10)~~ 9432(8) of this title, except health maintenance organizations.

* * *

(10) “Health resource allocation plan” means the plan adopted by the commissioner ~~of banking, insurance, securities, and health care administration~~ of financial regulation under section 9405 of this title.

* * *

(15) “Unified health care budget” means the budget established in accordance with section ~~9406~~ 9375a of this title.

(16) "State health plan" means the plan developed under section 9405 of this title.

(17) "Green Mountain Care board" or "board" means the Green Mountain Care board established in chapter 220 of this title.

Sec. 14. 18 V.S.A. § 9412 is amended to read:

§ 9412. ENFORCEMENT

(a) In order to carry out the duties under this chapter, ~~the commissioner~~, in addition to the powers provided in this chapter, in chapter 220 of this title, and in Title 8, the commissioner and the board may examine the books, accounts, and papers of health insurers, health care providers, health care facilities, health plans, contracting entities, covered entities, and payers, as defined in section 9418 of this title, and may administer oaths and may issue subpoenas to a person to appear and testify or to produce documents or things.

* * *

Sec. 14a. 18 V.S.A. § 9431(b) is amended to read:

(b) In order to carry out the policy goals of this subchapter, ~~the department board~~ shall adopt by rule by ~~October 1, 2005~~ January 1, 2013, certificate of need procedural guidelines to assist in its decision-making. The guidelines shall be consistent with the state health plan and the health resource allocation plan.

Sec. 15. 18 V.S.A. § 9433 is amended to read:

§ 9433. ADMINISTRATION

(a) The ~~commissioner~~ board shall exercise such duties and powers as shall be necessary for the implementation of the certificate of need program as provided by and consistent with this subchapter. The ~~commissioner~~ board shall issue or deny certificates of need.

(b) The ~~commissioner~~ board may adopt rules governing the review of certificate of need applications consistent with and necessary to the proper administration of this subchapter. All rules shall be adopted pursuant to 3 V.S.A. chapter 25 of Title 3.

(c) The ~~commissioner~~ board shall consult with hospitals, nursing homes and professional associations and societies, the secretary of human services, and other interested parties in matters of policy affecting the administration of this subchapter.

(d) The ~~commissioner~~ board shall administer the certificate of need program.

Sec. 16. 18 V.S.A. § 9434 is amended to read:

§ 9434. CERTIFICATE OF NEED; GENERAL RULES

(a) A health care facility other than a hospital shall not develop, or have developed on its behalf a new health care project without issuance of a certificate of need by the ~~commissioner~~ board. For purposes of this subsection, a “new health care project” includes the following:

* * *

(3) The offering of any home health service, or the transfer or conveyance of more than a 50 percent ownership interest ~~of a home health agency in a health care facility other than a hospital.~~

(4) The purchase, lease, or other comparable arrangement of a single piece of diagnostic and therapeutic equipment for which the cost, or in the case of a donation the value, is in excess of \$1,000,000.00. For purposes of this subdivision, the purchase or lease of one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions or which would constitute any health care facility included under subdivision ~~9432(7)(B)~~ 9432(8)(B) of this title, as determined by the ~~commissioner~~ board, shall be considered together in calculating the amount of an expenditure. The ~~commissioner's~~ board's determination of functional interdependence of items of equipment under this subdivision shall have the effect of a final decision and is subject to appeal under ~~this subchapter~~ section 9381 of this title.

* * *

(b) A hospital shall not develop or have developed on its behalf a new health care project without issuance of a certificate of need by the ~~commissioner~~ board. For purposes of this subsection, a “new health care project” includes the following:

* * *

(2) The purchase, lease, or other comparable arrangement of a single piece of diagnostic and therapeutic equipment for which the cost, or in the case of a donation the value, is in excess of \$1,000,000.00. For purposes of this subdivision, the purchase or lease of one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions or which would constitute any health care facility included under subdivision ~~9432(7)(B)~~ 9432(8)(B) of this title, as determined by the ~~commissioner~~ board, shall be considered together in calculating the amount of an expenditure. The ~~commissioner's~~ board's determination of

functional interdependence of items of equipment under this subdivision shall have the effect of a final decision and is subject to appeal under ~~this subchapter~~ section 9381 of this title.

* * *

(c) In the case of a project which requires a certificate of need under this section, expenditures for which are anticipated to be in excess of \$30,000,000.00, the applicant first shall secure a conceptual development phase certificate of need, in accordance with the standards and procedures established in this subchapter, which permits the applicant to make expenditures for architectural services, engineering design services, or any other planning services, as defined by the ~~commissioner~~ board, needed in connection with the project. Upon completion of the conceptual development phase of the project, and before offering or further developing the project, the applicant shall secure a final certificate of need, in accordance with the standards and procedures established in this subchapter. Applicants shall not be subject to sanctions for failure to comply with the provisions of this subsection if such failure is solely the result of good faith reliance on verified project cost estimates issued by qualified persons, which cost estimates would have led a reasonable person to conclude the project was not anticipated to be in excess of \$30,000,000.00 and therefore not subject to this subsection. The provisions of this subsection notwithstanding, expenditures may be made in preparation for obtaining a conceptual development phase certificate of need, which expenditures shall not exceed \$1,500,000.00 for non-hospitals or \$3,000,000.00 for hospitals.

(d) If the ~~commissioner~~ board determines that a person required to obtain a certificate of need under this subchapter has separated a single project into components in order to avoid cost thresholds or other requirements under this subchapter, the person shall be required to submit an application for a certificate of need for the entire project, and the ~~commissioner~~ board may proceed under section 9445 of this title. The ~~commissioner's~~ board's determination under this subsection shall have the effect of a final decision and is subject to appeal under ~~this subchapter~~ section 9381 of this title.

(e) Beginning January 1, ~~2005~~ 2013, and biannually thereafter, the ~~commissioner~~ board may by rule adjust the monetary jurisdictional thresholds contained in this section. In doing so, the ~~commissioner~~ board shall reflect the same categories of health care facilities, services, and programs recognized in this section. Any adjustment by the ~~commissioner~~ board shall not exceed the consumer price index rate of inflation.

Sec. 16a. 18 V.S.A. § 9435 is amended to read:

§ 9435. EXCLUSIONS

* * *

(b) Excluded from this subchapter are community mental health or developmental disability center health care projects proposed by a designated agency and supervised by the commissioner of mental health or the commissioner of disabilities, aging, and independent living, or both, depending on the circumstances and subject matter of the project, provided the appropriate commissioner or commissioners make a written approval of the proposed health care project. The designated agency shall submit a copy of the approval with a letter of intent to the ~~commissioner~~ board.

* * *

(e) Upon request under 8 V.S.A. § 5102(f) by a Program for All-Inclusive Care for the Elderly (PACE) authorized under federal Medicare law, or by a Prepaid Inpatient Health Plan (PIHP) or Prepaid Ambulatory Health Plan (PAHP) established in accordance with federal Medicare or Medicaid laws and regulations, the ~~commissioner~~ board may approve the exemption of the PACE program, PIHP, or PAHP from the provisions of this subchapter and from any other provisions of this chapter if the ~~commissioner~~ board determines that the purposes of this subchapter and the purposes of any other provision of this chapter will not be materially and adversely affected by the exemption. In approving an exemption, the ~~commissioner~~ board may prescribe such terms and conditions as the ~~commissioner~~ board deems necessary to carry out the purposes of this subchapter and this chapter.

Sec. 17. 18 V.S.A. § 9437 is amended to read:

§ 9437. CRITERIA

A certificate of need shall be granted if the applicant demonstrates and the ~~commissioner~~ board finds that:

- (1) the application is consistent with the health resource allocation plan;
- (2) the cost of the project is reasonable, because:

(A) the applicant's financial condition will sustain any financial burden likely to result from completion of the project;

(B) the project will not result in an undue increase in the costs of medical care. In making a finding under this subdivision, the ~~commissioner~~ board shall consider and weigh relevant factors, including:

* * *

Sec. 18. 18 V.S.A. § 9439 is amended to read:

§ 9439. COMPETING APPLICATIONS

(a) The ~~commissioner~~ board shall provide by rule a process by which any person wishing to offer or develop a new health care project may submit a competing application when a substantially similar application is pending. The competing application must be filed and completed in a timely manner, and the original application and all competing applications shall be reviewed concurrently. A competing applicant shall have the same standing for administrative and judicial review under this subchapter as the original applicant.

(b) When a letter of intent to compete has been filed, the review process is suspended and the time within which a decision must be made as provided in subdivision 9440(d)(4) of this title is stayed until the competing application has been ruled complete or for a period of 55 days from the date of notification under subdivision 9440(c)(8) as to the original application, whichever is shorter.

(c) Nothing in this subchapter shall be construed to restrict the ~~commissioner~~ board to granting a certificate of need to only one applicant for a new health care project.

(d) The ~~commissioner~~ board may, by rule, establish regular review cycles for the addition of beds for skilled nursing or intermediate care.

(e) In the case of proposals for the addition of beds for skilled nursing or intermediate care, the ~~commissioner~~ board shall identify in advance of the review the number of additional beds to be considered in that cycle or the maximum additional financial obligation to be incurred by the agencies of the state responsible for financing long-term care. The number of beds shall be consistent with the number of beds determined to be necessary by the health resource management plan or state health plan, whichever applies, and shall take into account the number of beds needed to develop a new, efficient facility.

(f) Unless an application meets the requirements of subsection 9440(e) of this title, the ~~commissioner~~ board shall consider disapproving a certificate of need application for a hospital if a project was not identified prospectively as needed at least two years prior to the time of filing in the hospital's four-year capital plan required under subdivision 9454(a)(6) of this title. The ~~commissioner~~ board shall review all hospital four-year capital plans as part of the review under subdivision 9437(2)(B) of this title.

Sec. 19. 18 V.S.A. § 9440 is amended to read:

§ 9440. PROCEDURES

(a) Notwithstanding 3 V.S.A. chapter 25 ~~of Title 3~~, a certificate of need application shall be in accordance with the procedures of this section.

(b)(1) The application shall be in such form and contain such information as the ~~commissioner~~ board establishes. In addition, the ~~commissioner~~ board may require of an applicant any or all of the following information that the ~~commissioner~~ board deems necessary:

(A) institutional utilization data, including an explanation of the unique character of services and a description of case mix;

(B) a population based description of the institution's service area;

(C) the applicant's financial statements;

(D) third party reimbursement data;

(E) copies of feasibility studies, surveys, designs, plans, working drawings, or specifications developed in relation to the proposed project;

(F) annual reports and four-year long range plans;

(G) leases, contracts, or agreements of any kind that might affect quality of care or the nature of services provided;

(H) the status of all certificates issued to the applicant under this subchapter during the three years preceding the date of the application. As a condition to deeming an application complete under this section, the ~~commissioner~~ board may require that an applicant meet with the ~~commissioner~~ board to discuss the resolution of the applicant's compliance with those prior certificates; and

(I) additional information as needed by the ~~commissioner~~ board, including information from affiliated corporations or other persons in the control of or controlled by the applicant.

(2) In addition to the information required for submission, an applicant may submit, and the ~~commissioner~~ board shall consider, any other information relevant to the application or the review criteria.

(c) The application process shall be as follows:

(1) Applications shall be accepted only at such times as the ~~commissioner~~ board shall establish by rule.

(2)(A) Prior to filing an application for a certificate of need, an applicant shall file an adequate letter of intent with the ~~commissioner~~ board no less than 30 days or, in the case of review cycle applications under section 9439 of this title, no less than 45 days prior to the date on which the application is to be

filed. The letter of intent shall form the basis for determining the applicability of this subchapter to the proposed expenditure or action. A letter of intent shall become invalid if an application is not filed within six months of the date that the letter of intent is received or, in the case of review cycle applications under section 9439 of this title, within such time limits as the ~~commissioner~~ board shall establish by rule. Except for requests for expedited review under subdivision (5) of this subsection, public notice of such letters of intent shall be provided in newspapers having general circulation in the region of the state affected by the letter of intent. The notice shall identify the applicant, the proposed new health care project, and the date by which a competing application or petition to intervene must be filed. In addition, a copy of the public notice shall be sent to the clerk of the municipality in which the health care facility is located. Upon receipt, the clerk shall post the notice in or near the clerk's office and in at least two other public places in the municipality.

(B) Applicants who agree that their proposals are subject to jurisdiction pursuant to section 9434 of this title shall not be required to file a letter of intent pursuant to subdivision (A) of this subdivision (2) and may file an application without further process. Public notice of the application shall be provided upon filing as provided for in subdivision (A) of this subdivision (2) for letters of intent.

(3) The ~~commissioner~~ board shall review each letter of intent and, if the letter contains the information required for letters of intent as established by the ~~commissioner~~ board by rule, within 30 days, determine whether the project described in the letter will require a certificate of need. If the ~~commissioner~~ board determines that a certificate of need is required for a proposed expenditure or action, an application for a certificate of need shall be filed before development of the project begins.

(4) Within 90 days of receipt of an application, the ~~commissioner~~ board shall notify the applicant that the application contains all necessary information required and is complete, or that the application review period is complete notwithstanding the absence of necessary information. The ~~commissioner~~ board may extend the 90-day application review period for an additional 60 days, or for a period of time in excess of 150 days with the consent of the applicant. The time during which the applicant is responding to the ~~commissioner's~~ board's notice that additional information is required shall not be included within the maximum review period permitted under this subsection. The ~~commissioner~~ board may determine that the certificate of need application shall be denied if the applicant has failed to provide all necessary information required to review the application.

(5) An applicant seeking expedited review of a certificate of need application may simultaneously file a letter of intent and an application with the ~~commissioner~~ board. Upon making a determination that the proposed project may be uncontested and does not substantially alter services, as defined by rule, or upon making a determination that the application relates to a health care facility affected by bankruptcy proceedings, the ~~commissioner~~ board shall issue public notice of the application and the request for expedited review and identify a date by which a competing application or petition for interested party status must be filed. If a competing application is not filed and no person opposing the application is granted interested party status, the ~~commissioner~~ board may formally declare the application uncontested and may issue a certificate of need without further process, or with such abbreviated process as the ~~commissioner~~ board deems appropriate. If a competing application is filed or a person opposing the application is granted interested party status, the applicant shall follow the certificate of need standards and procedures in this section, except that in the case of a health care facility affected by bankruptcy proceedings, the ~~commissioner~~ board after notice and an opportunity to be heard may issue a certificate of need with such abbreviated process as the ~~commissioner~~ board deems appropriate, notwithstanding the contested nature of the application.

(6) If an applicant fails to respond to an information request under subdivision (4) of this subsection within six months or, in the case of review cycle applications under section 9439 of this title, within such time limits as the ~~commissioner~~ board shall establish by rule, the application will be deemed inactive unless the applicant, within six months, requests in writing that the application be reactivated and the ~~commissioner~~ board grants the request. If an applicant fails to respond to an information request within 12 months or, in the case of review cycle applications under section 9439 of this title, within such time limits as the ~~commissioner~~ board shall establish by rule, the application will become invalid unless the applicant requests, and the ~~commissioner~~ board grants, an extension.

(7) For purposes of this section, “interested party” status shall be granted to persons or organizations representing the interests of persons who demonstrate that they will be substantially and directly affected by the new health care project under review. Persons able to render material assistance to the ~~commissioner~~ board by providing nonduplicative evidence relevant to the determination may be admitted in an amicus curiae capacity but shall not be considered parties. A petition seeking party or amicus curiae status must be filed within 20 days following public notice of the letter of intent, or within 20 days following public notice that the application is complete. The

~~commissioner~~ board shall grant or deny a petition to intervene under this subdivision within 15 days after the petition is filed. The ~~commissioner~~ board shall grant or deny the petition within an additional 30 days upon finding that good cause exists for the extension. Once interested party status is granted, the ~~commissioner~~ board shall provide the information necessary to enable the party to participate in the review process. ~~Such information includes, including~~ information about procedures, copies of all written correspondence, and copies of all entries in the application record.

(8) Once an application has been deemed to be complete, public notice of the application ~~will~~ shall be provided in newspapers having general circulation in the region of the state affected by the application. The notice shall identify the applicant, the proposed new health care project, and the date by which a competing application under section 9439 of this title or a petition to intervene must be filed.

(9) The health care ombudsman's office established under 8 V.S.A. chapter 107, subchapter ~~1A of chapter 107 of Title 8~~ or, in the case of nursing homes, the long-term care ombudsman's office established under 33 V.S.A. § 7502, is authorized but not required to participate in any administrative or judicial review of an application under this subchapter and shall be considered an interested party in such proceedings upon filing a notice of intervention with the ~~commissioner~~ board.

(d) The review process shall be as follows:

(1) The ~~commissioner~~ board shall review:

(A) The application materials provided by the applicant.

(B) Any information, evidence, or arguments raised by interested parties or amicus curiae, and any other public input.

(2) ~~The department~~ Except as otherwise provided in subdivision (c)(5) and subsection (e) of this section, the board shall hold a public hearing during the course of a review.

(3) The ~~commissioner~~ board shall make a final decision within 120 days after the date of notification under subdivision (c)(4) of this section. Whenever it is not practicable to complete a review within 120 days, the ~~commissioner~~ board may extend the review period up to an additional 30 days. Any review period may be extended with the written consent of the applicant and all other applicants in the case of a review cycle process.

(4) After reviewing each application, the ~~commissioner~~ board shall make a decision either to issue or to deny the application for a certificate of

need. The decision shall be in the form of an approval in whole or in part, or an approval subject to such conditions as the ~~commissioner~~ board may impose in furtherance of the purposes of this subchapter, or a denial. In granting a partial approval or a conditional approval the ~~commissioner~~ board shall not mandate a new health care project not proposed by the applicant or mandate the deletion of any existing service. Any partial approval or conditional approval must be directly within the scope of the project proposed by the applicant and the criteria used in reviewing the application.

(5) If the ~~commissioner~~ board proposes to render a final decision denying an application in whole or in part, or approving a contested application, the ~~commissioner~~ board shall serve the parties with notice of a proposed decision containing proposed findings of fact and conclusions of law, and shall provide the parties an opportunity to file exceptions and present briefs and oral argument to the ~~commissioner~~ board. The ~~commissioner~~ board may also permit the parties to present additional evidence.

(6) Notice of the final decision shall be sent to the applicant, competing applicants, and interested parties. The final decision shall include written findings and conclusions stating the basis of the decision.

(7) The ~~commissioner~~ board shall establish rules governing the compilation of the record used by the ~~commissioner~~ board in connection with decisions made on applications filed and certificates issued under this subchapter.

(e) The ~~commissioner~~ board shall adopt rules governing procedures for the expeditious processing of applications for replacement, repair, rebuilding, or reequipping of any part of a health care facility or health maintenance organization destroyed or damaged as the result of fire, storm, flood, act of God, or civil disturbance, or any other circumstances beyond the control of the applicant where the ~~commissioner~~ board finds that the circumstances require action in less time than normally required for review. If the nature of the emergency requires it, an application under this subsection may be reviewed by the ~~commissioner~~ board only, without notice and opportunity for public hearing or intervention by any party.

(f) Any applicant, competing applicant, or interested party aggrieved by a final decision of the ~~commissioner~~ board under this section may appeal ~~the decision to the supreme court pursuant to the provisions of section 9381 of this title.~~

(g) If the ~~commissioner~~ board has reason to believe that the applicant has violated a provision of this subchapter, a rule adopted pursuant to this subchapter, or the terms or conditions of a prior certificate of need, the

~~commissioner~~ board may take into consideration such violation in determining whether to approve, deny, or approve the application subject to conditions. The applicant shall be provided an opportunity to contest whether such violation occurred, unless such an opportunity has already been provided. The ~~commissioner~~ board may impose as a condition of approval of the application that a violation be corrected or remediated before the certificate may take effect.

Sec. 20. 18 V.S.A. § 9440a is amended to read:

§ 9440a. APPLICATIONS, INFORMATION, AND TESTIMONY; OATH REQUIRED

(a) Each application filed under this subchapter, any written information required or permitted to be submitted in connection with an application or with the monitoring of an order, decision, or certificate issued by the ~~commissioner~~ board, and any testimony taken before the ~~commissioner~~ board or a hearing officer appointed by the ~~commissioner~~ board shall be submitted or taken under oath. The form and manner of the submission shall be prescribed by the ~~commissioner~~ board. The authority granted to the ~~commissioner~~ board under this section is in addition to any other authority granted to the ~~commissioner~~ board under law.

(b) Each application shall be filed by the applicant's chief executive officer under oath, as provided by subsection (a) of this section. The ~~commissioner~~ board may direct that information submitted with the application be submitted under oath by persons with personal knowledge of such information.

(c) A person who knowingly makes a false statement under oath or who knowingly submits false information under oath to the ~~commissioner~~ board or a hearing officer appointed by the ~~commissioner~~ board or who knowingly testifies falsely in any proceeding before the ~~commissioner~~ board or a hearing officer appointed by the ~~commissioner~~ board shall be guilty of perjury and punished as provided in 13 V.S.A. § 2901.

Sec. 20a. 18 V.S.A. § 9440b is amended to read:

§ 9440b. INFORMATION TECHNOLOGY; REVIEW PROCEDURES

Notwithstanding the procedures in section 9440 of this title, upon approval by the general assembly of the health information technology plan developed under section 9351 of this title, the ~~commissioner~~ board shall establish by rule standards and expedited procedures for reviewing applications for the purchase or lease of health care information technology that otherwise would be subject to review under this subchapter. Such applications may not be granted or approved unless they are consistent with the health information technology

plan and the health resource allocation plan. The ~~commissioner's~~ board's rules may include a provision requiring that applications be reviewed by the health information advisory group authorized under section 9352 of this title. The advisory group shall make written findings and a recommendation to the ~~commissioner~~ board in favor of or against each application.

Sec. 20b. 18 V.S.A. § 9441 is amended to read:

§ 9441. FEES

(a) The ~~commissioner~~ board shall charge a fee for the filing of certificate of need applications. The fee shall be calculated at the rate of 0.125 percent of project costs.

(b) The maximum fee shall not exceed \$20,000.00 and the minimum filing fee is \$250.00 regardless of project cost. No fee shall be charged on projects amended as part of the review process.

(c) The ~~commissioner~~ board may retain such additional professional or other staff as needed to assist in particular proceedings under this subchapter and may assess and collect the reasonable expenses for such additional staff from the applicant. The ~~commissioner~~ board, on petition by the applicant and opportunity for hearing, may reduce such assessment upon a proper showing by the applicant that such expenses were excessive or unnecessary. The authority granted to the ~~commissioner~~ board under this section is in addition to any other authority granted to the ~~commissioner~~ board under law.

Sec. 20c. 18 V.S.A. § 9442 is amended to read:

§ 9442. BONDS

In any circumstance in which bonds are to be or may be issued in connection with a new health care project subject to the provisions of this subchapter, the certificate of need shall include the requirement that all information required to be provided to the bonding agency shall be provided also to the ~~commissioner~~ board within a reasonable period of time. The ~~commissioner~~ board shall be authorized to obtain any information from the bonding agency deemed necessary to carry out the duties of monitoring and oversight of a certificate of need. The bonding agency shall consider the recommendations of the ~~commissioner~~ board in connection with any such proposed authorization.

Sec. 20d. 18 V.S.A. § 9443 is amended to read:

§ 9443. EXPIRATION OF CERTIFICATES OF NEED

(a) Unless otherwise specified in the certificate of need, a project shall be implemented within five years or the certificate shall be invalid.

(b) No later than 180 days before the expiration date of a certificate of need, an applicant that has not yet implemented the project approved in the certificate of need may petition the ~~commissioner~~ board for an extension of the implementation period. The ~~commissioner~~ board may grant an extension in ~~his or her~~ its discretion.

(c) Certificates of need shall expire on the date the ~~commissioner~~ board accepts the final implementation report filed in connection with the project implemented pursuant to the certificate.

* * *

Sec. 21. 18 V.S.A. § 9444 is amended to read:

§ 9444. REVOCATION OF CERTIFICATES; MATERIAL CHANGE

(a) The ~~commissioner~~ board may revoke a certificate of need for substantial noncompliance with the scope of the project as designated in the application, or for failure to comply with the conditions set forth in the certificate of need granted by the ~~commissioner~~ board.

(b)(1) In the event that after a project has been approved, its proponent wishes to materially change the approved project, all such changes are subject to review under this subchapter.

(2) Applicants shall notify the ~~commissioner~~ board of a nonmaterial change to the approved project. If the ~~commissioner~~ board decides to review a nonmaterial change, ~~he or she~~ the board may provide for any necessary process, including a public hearing, before approval. Where the ~~commissioner~~ board decides not to review a change, such change will be deemed to have been granted a certificate of need.

Sec. 21a. 18 V.S.A. § 9445 is amended to read:

§ 9445. ENFORCEMENT

(a) Any person who offers or develops any new health care project within the meaning of this subchapter without first obtaining a certificate of need as required herein, or who otherwise violates any of the provisions of this subchapter, may be subject to the following administrative sanctions by the ~~commissioner~~ board, after notice and an opportunity to be heard:

(1) The ~~commissioner~~ board may order that no license or certificate permitted to be issued by the department or any other state agency may be issued to any health care facility to operate, offer, or develop any new health

care project for a specified period of time, or that remedial conditions be attached to the issuance of such licenses or certificates.

(2) The ~~commissioner~~ board may order that payments or reimbursements to the entity for claims made under any health insurance policy, subscriber contract, or health benefit plan offered or administered by any public or private health insurer, including the Medicaid program and any other health benefit program administered by the state be denied, reduced, or limited, and in the case of a hospital that the hospital's annual budget approved under subchapter 7 of this chapter be adjusted, modified, or reduced.

(b) In addition to all other sanctions, if any person offers or develops any new health care project without first having been issued a certificate of need or certificate of exemption therefore, or violates any other provision of this subchapter or any lawful rule or regulation promulgated thereunder, the board, the commissioner, the state health care ombudsman, the state long-term care ombudsman, and health care providers ~~or~~ and consumers located in the state shall have standing to maintain a civil action in the superior court of the county wherein such alleged violation has occurred, or wherein such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the ~~commissioner~~ board, it shall be the duty of the attorney general of the state to furnish appropriate legal services and to prosecute an action for injunctive relief to an appropriate conclusion, which shall not be reimbursed under subdivision (2) of this subsection.

(c) After notice and an opportunity for hearing, the ~~commissioner~~ board may impose on a person who knowingly violates a provision of this subchapter, or a rule or order adopted pursuant to this subchapter or 8 V.S.A. § 15, a civil administrative penalty of no more than \$40,000.00, or in the case of a continuing violation, a civil administrative penalty of no more than \$100,000.00 or one-tenth of one percent of the gross annual revenues of the health care facility, whichever is greater, which shall not be reimbursed under subdivision (a)(2) of this section, and the ~~commissioner~~ board may order the entity to cease and desist from further violations, and to take such other actions necessary to remediate a violation. A person aggrieved by a decision of the ~~commissioner~~ board under this subdivision may appeal ~~the commissioner's decision to the supreme court~~ under section 9381 of this title.

(d) The ~~commissioner~~ board shall adopt by rule criteria for assessing the circumstances in which a violation of a provision of this subchapter, a rule adopted pursuant to this subchapter, or the terms or conditions of a certificate of need require that a penalty under this section shall be imposed, and criteria

for assessing the circumstances in which a penalty under this section may be imposed.

Sec. 22. 18 V.S.A. § 9446 is amended to read:

§ 9446. HOME HEALTH AGENCIES; GEOGRAPHIC SERVICE AREAS

The terms of a certificate of need relating to the boundaries of the geographic service area of a home health agency may be modified by the ~~commissioner~~ board, in consultation with the commissioner of disabilities, aging, and independent living, after notice and opportunity for hearing, or upon written application to the ~~commissioner~~ board by the affected home health agencies or consumers, demonstrating a substantial need therefor. Service area boundaries may be modified by the ~~commissioner~~ board to take account of natural or physical barriers that may make the provision of existing services uneconomical or impractical, to prevent or minimize unnecessary duplication of services or facilities, or otherwise to promote the public interest. The ~~commissioner~~ board shall issue an order granting such application only upon a finding that the granting of such application is consistent with the purposes of 33 V.S.A. chapter 63, subchapter 1A ~~of chapter 63 of Title 33~~ and the health resource allocation plan established under section 9405 of this title and after notice and an opportunity to participate on the record by all interested persons, including affected local governments, pursuant to rules adopted by the ~~commissioner~~ board.

* * * Hospital Budgets * * *

Sec. 23. 18 V.S.A. chapter 221, subchapter 7 is amended to read:

Subchapter 7. Hospital Budget Review

* * *

§ 9453. POWERS AND DUTIES

(a) The ~~commissioner~~ board shall:

* * *

(b) To effectuate the purposes of this subchapter the ~~commissioner~~ board may adopt rules under 3 V.S.A. chapter 25 ~~of Title 3~~.

§ 9454. HOSPITALS; DUTIES

(a) Hospitals shall file the following information at the time and place and in the manner established by the ~~commissioner~~ board:

* * *

(7) such other information as the ~~commissioner~~ board may require.

* * *

§ 9456. BUDGET REVIEW

(a) The ~~commissioner~~ board shall conduct reviews of each hospital's proposed budget based on the information provided pursuant to this subchapter, and in accordance with a schedule established by the ~~commissioner~~ board. The ~~commissioner~~ board shall require the submission of documentation certifying that the hospital is participating in the Blueprint for Health if required by section 708 of this title.

(b) In conjunction with budget reviews, the ~~commissioner~~ board shall:

* * *

(10) require each hospital to provide information on administrative costs, as defined by the ~~commissioner~~ board, including specific information on the amounts spent on marketing and advertising costs.

(c) Individual hospital budgets established under this section shall:

(1) be consistent with the health resource allocation plan;

(2) take into consideration national, regional, or instate peer group norms, according to indicators, ratios, and statistics established by the ~~commissioner~~ board;

* * *

(d)(1) Annually, the ~~commissioner~~ board shall establish a budget for each hospital by September 15, followed by a written decision by October 1. Each hospital shall operate within the budget established under this section.

(2)(A) It is the general assembly's intent that hospital cost containment conduct is afforded state action immunity under applicable federal and state antitrust laws, if:

(i) the ~~commissioner~~ board requires or authorizes the conduct in any hospital budget established by the ~~commissioner~~ board under this section;

(ii) the conduct is in accordance with standards and procedures prescribed by the ~~commissioner~~ board; and

(iii) the conduct is actively supervised by the ~~commissioner~~ board.

(B) A hospital's violation of the ~~commissioner's~~ board's standards and procedures shall be subject to enforcement pursuant to subsection (h) of this section.

(e) The ~~commissioner~~ board may establish, ~~by rule~~, a process to define, on an annual basis, criteria for hospitals to meet, such as utilization and inflation benchmarks. The ~~commissioner~~ board may waive one or more of the review processes listed in subsection (b) of this section.

(f) The ~~commissioner~~ board may, upon application, adjust a budget established under this section upon a showing of need based upon exceptional or unforeseen circumstances in accordance with the criteria and processes established under section 9405 of this title.

(g) The ~~commissioner~~ board may request, and a hospital shall provide, information determined by the ~~commissioner~~ board to be necessary to determine whether the hospital is operating within a budget established under this section. For purposes of this subsection, subsection (h) of this section, and subdivision 9454(a)(7) of this title, the ~~commissioner's~~ board's authority shall extend to an affiliated corporation or other person in the control of or controlled by the hospital to the extent that such authority is necessary to carry out the purposes of this subsection, subsection (h) of this section, or subdivision 9454(a)(7) of this title. As used in this subsection, a rebuttable presumption of "control" is created if the entity, hospital, or other person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 20 percent or more of the voting securities or membership interest or other governing interest of the hospital or other controlled entity.

(h)(1) If a hospital violates a provision of this section, the ~~commissioner~~ board may maintain an action in the superior court of the county in which the hospital is located to enjoin, restrain or prevent such violation.

(2)(A) After notice and an opportunity for hearing, the ~~commissioner~~ board may impose on a person who knowingly violates a provision of this subchapter, or a rule adopted pursuant to this subchapter, a civil administrative penalty of no more than \$40,000.00, or in the case of a continuing violation, a civil administrative penalty of no more than \$100,000.00 or one-tenth of one percent of the gross annual revenues of the hospital, whichever is greater. This subdivision shall not apply to violations of subsection (d) of this section caused by exceptional or unforeseen circumstances.

(B)(i) The ~~commissioner~~ board may order a hospital to:

(I)(aa) cease material violations of this subchapter or of a regulation or order issued pursuant to this subchapter; or

(bb) cease operating contrary to the budget established for the hospital under this section, provided such a deviation from the budget is material; and

(II) take such corrective measures as are necessary to remediate the violation or deviation and to carry out the purposes of this subchapter.

(ii) Orders issued under this subdivision (2)(B) shall be issued after notice and an opportunity to be heard, except where the ~~commissioner~~ board finds that a hospital's financial or other emergency circumstances pose an immediate threat of harm to the public or to the financial condition of the hospital. Where there is an immediate threat, the ~~commissioner~~ board may issue orders under this subdivision (2)(B) without written or oral notice to the hospital. Where an order is issued without notice, the hospital shall be notified of the right to a hearing at the time the order is issued. The hearing shall be held within 30 days of receipt of the hospital's request for a hearing, and a decision shall be issued within 30 days after conclusion of the hearing. The ~~commissioner~~ board may increase the time to hold the hearing or to render the decision for good cause shown. Hospitals may appeal any decision in this subsection to superior court. Appeal shall be on the record as developed by the ~~commissioner~~ board in the administrative proceeding and the standard of review shall be as provided in 8 V.S.A. § 16.

(3)(A) The ~~commissioner~~ board shall require the officers and directors of a hospital to file under oath, on a form and in a manner prescribed by the commissioner, any information designated by the ~~commissioner~~ board and required pursuant to this subchapter. The authority granted to the ~~commissioner~~ board under this subsection is in addition to any other authority granted to the ~~commissioner~~ board under law.

(B) A person who knowingly makes a false statement under oath or who knowingly submits false information under oath to the ~~commissioner~~ board or to a hearing officer appointed by the ~~commissioner~~ board or who knowingly testifies falsely in any proceeding before the ~~commissioner~~ board or a hearing officer appointed by the ~~commissioner~~ board shall be guilty of perjury and punished as provided in 13 V.S.A. § 2901.

* * *

* * * Provider Bargaining Groups * * *

Sec. 24. 18 V.S.A. § 9409 is amended to read:

§ 9409. HEALTH CARE PROVIDER BARGAINING GROUPS

(a) The commissioner may approve the creation of one or more health care provider bargaining groups, consisting of health care providers who choose to participate. A bargaining group is authorized to negotiate, on behalf of all participating providers with the commissioner, the secretary of administration, the secretary of human services, the Green Mountain Care Board, or the

commissioner of labor with respect to any matter in this chapter; chapter 13, 219, 220, or 222 of this title; chapters 21 V.S.A. chapter 9 and 11 of Title 21; and chapter 33 V.S.A. chapters 18 and 19 of Title 33, in regard with respect to provider regulation, provider reimbursement, administrative simplification, information technology, workforce planning, or quality of health care.

* * *

(c) The rules relating to negotiations shall include a nonbinding arbitration process to assist in the resolution of disputes. Nothing in this section shall be construed to limit the authority of the commissioner, the commissioner of labor, the secretary of administration, the Green Mountain Care board, or the secretary of human services to reject the recommendation or decision of the arbiter.

* * * Medical Malpractice Reform * * *

Sec. 24a. 12 V.S.A. § 1051 is added to read:

§ 1051. CERTIFICATE OF MERIT

(a) No civil action shall be filed to recover damages resulting from personal injury or wrongful death occurring on or after February 1, 2013, in which it is alleged that such injury or death resulted from the negligence of a health care provider, unless the attorney or party filing the action files a certificate of merit simultaneously with the filing of the complaint. In the certificate of merit, the attorney or plaintiff shall certify that he or she has consulted with a health care provider qualified pursuant to the requirements of Rule 702 of the Vermont Rules of Evidence and any other applicable standard, and that, based on the information reasonably available at the time the opinion is rendered, the health care provider has:

(1) Described the applicable standard of care;

(2) Indicated that based on reasonably available evidence, there is a reasonable likelihood that the plaintiff will be able to show that the defendant failed to meet that standard of care; and

(3) Indicated that there is a reasonable likelihood that the plaintiff will be able to show that the defendant's failure to meet the standard of care caused the plaintiff's injury.

(b) A plaintiff may satisfy this requirement through multiple consultations that collectively meet the requirements of subsection (a) of this section.

(c) A plaintiff must certify to having consulted with a health care provider as set forth in subsection (a) of this section with respect to each defendant identified in the complaint.

(d) Upon petition to the clerk of the court where the civil action will be filed, an automatic 90-day extension of the statute of limitations shall be granted to allow the reasonable inquiry required by this section.

(e) The failure to file the certificate of merit as required by this section shall be grounds for dismissal of the action without prejudice, except in the rare instances in which a court determines that expert testimony is not required to establish a case for medical malpractice.

(f) The requirements set forth in this section shall not apply to claims where the sole allegation against the health care provider is failure to obtain informed consent.

Sec. 24b. [DELETED.]

Sec. 24c. 12 V.S.A. chapter 215, subchapter 2 is added to read:

Subchapter 2. Mediation Prior to Filing a Complaint of Malpractice

§ 7011. PURPOSE

The purpose of mediation prior to filing a medical malpractice case is to identify and resolve meritorious claims and reduce areas of dispute prior to litigation, which will reduce the litigation costs, reduce the time necessary to resolve claims, provide fair compensation for meritorious claims, and reduce malpractice-related costs throughout the system.

§ 7012. PRE-SUIT MEDIATION; SERVICE

(a) A potential plaintiff may serve upon each known potential defendant a request to participate in pre-suit mediation prior to filing a civil action in tort or in contract alleging that an injury or death resulted from the negligence of a health care provider and to recover damages resulting from the personal injury or wrongful death.

(b) Service of the request required in subsection (a) of this section shall be in letter form and shall be served on all known potential defendants by certified mail. The date of mailing such request shall toll all applicable statutes of limitations.

(c) The request to participate in pre-suit mediation shall name all known potential defendants, contain a brief statement of the facts that the potential plaintiff believes are grounds for relief, and be accompanied by a certificate of

merit prepared pursuant to section 1051 of this title, and may include other documents or information supporting the potential plaintiff's claim.

(d) Nothing in this chapter precludes potential plaintiffs and defendants from pre-suit negotiation or other pre-suit dispute resolution to settle potential claims.

§ 7013. MEDIATION RESPONSE

(a) Within 60 days of service of the request to participate in pre-suit mediation, each potential defendant shall accept or reject the potential plaintiff's request for pre-suit mediation by mailing a certified letter to counsel or if the party is unrepresented to the potential plaintiff.

(b) If the potential defendant agrees to participate, within 60 days of the service of the request to participate in pre-suit mediation, each potential defendant shall serve a responsive certificate on the potential plaintiff by mailing a certified letter indicating that he or she, or his or her counsel, has consulted with a qualified expert within the meaning of section 1643 of this title and that expert is of the opinion that there are reasonable grounds to defend the potential plaintiff's claims of medical negligence. Notwithstanding the potential defendant's acceptance of the request to participate, if the potential defendant does not serve such a responsive certificate within the 60-day period, then the potential plaintiff need not participate in the pre-suit mediation under this title and may file suit. If the potential defendant is willing to participate, pre-suit mediation may take place without a responsive certificate of merit from the potential defendant at the plaintiff's election.

§ 7014. PROCESS; TIME FRAMES

(a) The mediation shall take place within 60 days of the service of all potential defendants' acceptance of the request to participate in pre-suit mediation. The parties may agree to an extension of time. If in good faith the mediation cannot be scheduled within the 60-day time period, the potential plaintiff need not participate and may proceed to file suit.

(b) If pre-suit mediation is not agreed to, the mediator certifies that mediation is not appropriate, or mediation is unsuccessful, the potential plaintiff may initiate a civil action as provided in the Vermont Rules of Civil Procedure. The action shall be filed:

(1) within 90 days of the potential plaintiff's receipt of the potential defendant's letter refusing mediation, the failure of the potential defendant to file a responsive certificate of merit within the specified time period, or the mediator's signed letter certifying that mediation was not appropriate or that the process was complete; or

(2) prior to the expiration of the applicable statute of limitations, whichever is later.

(c) If pre-suit mediation is attempted unsuccessfully, the parties shall not be required to participate in mandatory mediation under Rule 16.3 of the Vermont Rules of Civil Procedure.

§ 7015. CONFIDENTIALITY

All written and oral communications made in connection with or during the mediation process set forth in this chapter shall be confidential. The mediation process shall be treated as a settlement negotiation under Rule 408 of the Vermont Rules of Evidence.

Sec. 24d. SUNSET

12 V.S.A. chapter 215, subchapter 2 shall be repealed on February 1, 2015.

Sec. 24e. REPORT

On or before September 1, 2014, the secretary of administration or designee shall report to the senate committees on health and welfare and on judiciary and the house committees on health care and on judiciary on the impacts of Secs. 24a (certificate of merit) and 24c (pre-suit mediation) of this act. The report shall address the impacts that these reforms have had on:

(1) consumers, physicians, and the provision of health care services;

(2) the rights of consumers to due process of law and to access to the court system; and

(3) any other service, right, or benefit that was or may have been affected by the establishment of the medical malpractice reforms in Secs. 24a and 24c of this act.

Sec. 24f. 18 V.S.A. § 1919 is amended to read:

§ 1919. INCLUSION OF DATA IN HOSPITAL COMMUNITY REPORTS

The commissioner shall consult with the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation, and with patient safety experts, hospitals, health care professionals, and members of the public and shall make recommendations to the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation concerning which data should be included in the hospital community reports required by section 9405b of this title. Beginning in 2013, the community reports shall include at a minimum data from all Vermont hospitals of reportable adverse events aggregated in a manner that protects the privacy of the patients involved and does not identify the individual hospitals

in which an event occurred together with analysis and explanatory comments about the information contained in the report to facilitate the public's understanding of the data. The commissioner shall make such recommendations no more than 18 months after data collection is initiated.

* * * Insurance Rate Reviews * * *

Sec. 25. 8 V.S.A. § 4062 is amended to read:

§ 4062. FILING AND APPROVAL OF POLICY FORMS AND PREMIUMS

(a)(1) No policy of health insurance or certificate under a policy filed by an insurer offering health insurance as defined in subdivision 3301(a)(2) of this title, a nonprofit hospital or medical service corporation, health maintenance organization, or a managed care organization and not exempted by subdivision 3368(a)(4) of this title shall be delivered or issued for delivery in this state, nor shall any endorsement, rider, or application which becomes a part of any such policy be used, until:

(A) a copy of the form, premium rates, and rules for the classification of risks pertaining thereto have been filed with the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation; ~~nor shall any such form, premium rate, or rule be so used until the expiration of 30 days after having been filed, or in the case of a request for a rate increase, until and~~

(B) a decision by the Green Mountain Care board has been applied by the commissioner as provided herein, ~~unless the commissioner shall sooner give his or her written approval thereto in subdivision (2) of this subsection.~~

(2)(A) Prior to approving a rate ~~increase pursuant to this subsection,~~ the commissioner shall seek approval for such rate ~~increase~~ from the Green Mountain Care board established in 18 V.S.A. chapter 220, ~~which.~~ The commissioner shall make a recommendation to the Green Mountain Care board about whether to approve, modify, or disapprove the rate within 30 days of receipt of a completed application from an insurer. In the event that the commissioner does not make a recommendation to the board within the 30-day period, the commissioner shall be deemed to have recommended approval of the rate, and the Green Mountain Care board shall review the rate request pursuant to subdivision (B) of this subdivision (2).

(B) The Green Mountain Care board shall review rate requests forwarded by the commissioner pursuant to subdivision (A) of this subdivision (2) and shall approve, modify, or disapprove the a rate increase request within 10 business 30 days of receipt of the commissioner's recommendation or, in the absence of a recommendation from the commissioner, the expiration of the

30-day period following the department's receipt of the completed application. In the event that the board does not approve or disapprove a rate within 30 days, the board shall be deemed to have approved the rate request.

(C) The commissioner shall apply the decision of the Green Mountain Care board as to rates referred to the board within five business days of the board's decision.

(2)(3) The commissioner shall review policies and rates to determine whether a policy or rate is affordable, promotes quality care, promotes access to health care, and is not unjust, unfair, inequitable, misleading, or contrary to the laws of this state. The commissioner shall notify in writing the insurer which has filed any such form, premium rate, or rule if it contains any provision which does not meet the standards expressed in this section. In such notice, the commissioner shall state that a hearing will be granted within 20 days upon written request of the insurer.

~~(3) After the expiration of the review period provided herein or at any time after having given written approval, the~~

(b) The commissioner may, after a hearing of which at least 20 days' written notice has been given to the insurer using such form, premium rate, or rule, withdraw approval on any of the grounds stated in this section. For premium rates, such withdrawal may occur at any time after applying the decision of the Green Mountain Care board pursuant to subdivision (a)(2)(C) of this section. ~~Such disapproval~~ Disapproval pursuant to this subsection shall be effected by written order of the commissioner which shall state the ground for disapproval and the date, not less than 30 days after such hearing when the withdrawal of approval shall become effective.

~~(b)(c)~~ (c) In conjunction with a rate filing required by subsection (a) of this section, an insurer shall file a plain language summary of any requested rate increase of five percent or greater. If, during the plan year, the insurer files for rate increases that are cumulatively five percent or greater, the insurer shall file a summary applicable to the cumulative rate increase. All summaries shall include a brief justification of any rate increase requested, the information that the Secretary of the U.S. Department of Health and Human Services (HHS) requires for rate increases over 10 percent, and any other information required by the commissioner. The plain language summary shall be in the format required by the Secretary of HHS pursuant to the Patient Protection and Affordable Care Act of 2010, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and shall include notification of the public comment period established in subsection ~~(c)~~

(d) of this section. In addition, the insurer shall post the summaries on its website.

~~(e)~~(d)(1) The commissioner shall provide information to the public on the department's website about the public availability of the filings and summaries required under this section.

(2) Beginning no later than January 1, 2012, the commissioner shall post the rate filings pursuant to subsection (a) of this section and summaries pursuant to subsection ~~(b)~~(c) of this section on the department's website within five days of filing. The department shall provide an electronic mechanism for the public to comment on proposed rate increases over five percent. The public shall have 21 days from the posting of the summaries and filings to provide public comment. The department shall review and consider the public comments prior to ~~the expiration of the review period~~ submitting the policy or rate for the Green Mountain Care board's approval pursuant to subsection (a) of this section. The department shall provide the Green Mountain Care board with the public comments for their consideration in approving any ~~rate increases~~ rates.

~~(d)~~(e)(1) The following provisions of this section shall not apply to policies for specific disease, accident, injury, hospital indemnity, dental care, vision care, disability income, long-term care, or other limited benefit coverage, ~~but shall apply to long-term care policies~~:

(A) the requirement in ~~subdivision~~ subdivisions (a)(1) and (2) of this section for the Green Mountain Care board's approval ~~for any on rate increase requests~~;

(B) the review standards in subdivision ~~(a)(2)~~ (a)(3) of this section as to whether a policy or rate is affordable, promotes quality care, and promotes access to health care; and

(C) subsections ~~(b) and~~ (c) and (d) of this section.

(2) The exemptions from the provisions described in subdivisions (1)(A) through (C) of this subsection shall also apply to benefit plans that are paid directly to an individual insured or to his or her assigns and for which the amount of the benefit is not based on potential medical costs or actual costs incurred.

(3) Medicare supplemental insurance policies shall be exempt only from the requirement in subdivisions (a)(1) and (2) of this section for the Green Mountain Care board's approval on rate requests and shall be subject to the remaining provisions of this section.

Sec. 25a. 8 V.S.A. § 5104 is amended to read:

§ 5104. FILING AND APPROVAL OF RATES AND FORMS;
SUPPLEMENTAL ORDERS

(a)(1) A health maintenance organization which has received a certificate of authority under section 5102 of this title shall file and obtain approval of all policy forms and rates as provided in sections 4062 and 4062a of this title. This requirement shall include the filing of administrative retentions for any business in which the organization acts as a third party administrator or in any other administrative processing capacity. The commissioner may request and shall receive any information that ~~is needed to determine whether to approve the policy form or rate~~ the commissioner deems necessary to evaluate the filing. In addition to any other information requested, the commissioner shall require the filing of information on costs for providing services to the organization's Vermont members affected by the policy form or rate, including ~~but not limited to~~ Vermont claims experience, and administrative and overhead costs allocated to the service of Vermont members. Prior to approval, there shall be a public comment period pursuant to section 4062 of this title. A health maintenance organization shall file a summary of rate filings pursuant to section 4062 of this title.

(2) The commissioner shall refuse to approve, or to seek the Green Mountain Care board's approval of, the form of evidence of coverage, filing, or rate if it contains any provision which is unjust, unfair, inequitable, misleading, or contrary to the law of the state or plan of operation, or if the rates are excessive, inadequate or unfairly discriminatory, or fail to meet the standards of affordability, promotion of quality care, and promotion of access pursuant to section 4062 of this title. No evidence of coverage shall be offered to any potential member unless the person making the offer has first been licensed as an insurance agent in accordance with chapter 131 of this title.

(b) In connection with a rate decision, the commissioner may also, with the prior approval of the Green Mountain Care board established in 18 V.S.A. chapter 220, make reasonable supplemental orders and may attach reasonable conditions and limitations to such orders as the commissioner finds, on the basis of competent and substantial evidence, necessary to insure that benefits and services are provided at reasonable cost under efficient and economical management of the organization. The commissioner shall not set the rate of payment or reimbursement made by the organization to any physician, hospital or health care provider.

Sec. 26. 18 V.S.A. § 9381 is amended to read:

§ 9381. APPEALS

(a)(1) The Green Mountain Care board shall adopt procedures for administrative appeals of its actions, orders, or other determinations. Such procedures shall provide for the issuance of a final order and the creation of a record sufficient to serve as the basis for judicial review pursuant to subsection (b) of this section.

(2) Only decisions by the board shall be appealable under this subsection. Recommendations to the board by the commissioner of financial regulation pursuant to 8 V.S.A. § 4062(a) shall not be subject to appeal.

* * *

(c) If an appeal or other petition for judicial review of a final order is not filed in connection with an order of the Green Mountain Care board pursuant to subsection (b) of this section, the chair may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

Sec. 26a. CONSUMER PROTECTION REPORT

No later than January 15, 2013, the department of financial regulation, in collaboration with the state health care ombudsman and the agency of human services, shall report to the house committee on health care and the senate committees on health and welfare and on finance regarding:

(1) recommendations on how best to represent the public interest before the Green Mountain Care board and other regulatory agencies and estimates of resource needs;

(2) recommendations on how best to coordinate, consolidate, or both the consumer protection efforts of the ombudsman's office, the department, and the agency; and

(3) the ombudsman's current and projected funding and resource needs to meet existing statutory responsibilities and suggestions for funding mechanisms to meet those needs.

* * * Payment Reform Pilots * * *

Sec. 27. 18 V.S.A. § 9377 is amended to read:

§ 9377. PAYMENT REFORM; PILOTS

* * *

(b)(1) The board shall be responsible for payment and delivery system reform, including ~~setting the overall policy goals for the pilot projects established in chapter 13, subchapter 2 of this title~~ this section.

~~(2) The director of payment reform in the department of Vermont health access shall develop and implement the payment reform pilot projects in accordance with policies established by the board, and the board shall evaluate the effectiveness of such pilot projects in order to inform the payment and delivery system reform.~~

(3) Payment reform pilot projects shall be developed and implemented to manage the costs of the health care delivery system, improve health outcomes for Vermonters, provide a positive health care experience for patients and health care professionals, and further the following objectives:

* * *

~~(4)~~(3) In addition to the objectives identified in subdivision ~~(a)~~(3) (a)(2) of this section, the design and implementation of payment reform pilot projects may consider:

* * *

(e) The board or designee shall convene a broad-based group of stakeholders, including health care professionals who provide health services, health insurers, professional organizations, community and nonprofit groups, consumers, businesses, school districts, the state health care ombudsman, and state and local governments, to advise the board in developing and implementing the pilot projects and to advise the Green Mountain Care board in setting overall policy goals.

(f) The first pilot project shall become operational no later than July 1, 2012, and two or more additional pilot projects shall become operational no later than October 1, 2012.

(g)(1) Health insurers shall participate in the development of the payment reform strategic plan for the pilot projects and in the implementation of the pilot projects, including providing incentives, fees, or payment methods, as required in this section. This requirement may be enforced by the department of financial regulation to the same extent as the requirement to participate in the Blueprint for Health pursuant to 8 V.S.A. § 4088h.

(2) The board may establish procedures to exempt or limit the participation of health insurers offering a stand-alone dental plan or specific disease or other limited-benefit coverage or participation by insurers with a minimal number of covered lives as defined by the board, in consultation with the commissioner of financial regulation. Health insurers shall be exempt from participation if the insurer offers only benefit plans which are paid directly to the individual insured or the insured's assigned beneficiaries and for which the

amount of the benefit is not based upon potential medical costs or actual costs incurred.

(3) In the event that the secretary of human services is denied permission from the Centers for Medicare and Medicaid Services to include financial participation by Medicare in the pilot projects, health insurers shall not be required to cover the costs associated with individuals covered by Medicare.

(4) After implementation of the pilot projects described in this subchapter, health insurers shall have appeal rights pursuant to section 9381 of this title.

* * * Blueprint for Health * * *

Sec. 28. 18 V.S.A. § 702 is amended to read:

§ 702. BLUEPRINT FOR HEALTH; STRATEGIC PLAN

(a)(1) The department of Vermont health access shall be responsible for the Blueprint for Health.

(2) The director of the Blueprint, in collaboration with the ~~commissioner~~ commissioners of health and the ~~commissioner~~, of mental health, of Vermont health access, and of disabilities, aging, and independent living, shall oversee the development and implementation of the Blueprint for Health, including a strategic plan describing the initiatives and implementation time lines and strategies. Whenever private health insurers are concerned, the director shall collaborate with the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation and the chair of the Green Mountain Care board.

(b)(1)(A) The commissioner of Vermont health access shall establish an executive committee to advise the director of the Blueprint on creating and implementing a strategic plan for the development of the statewide system of chronic care and prevention as described under this section. The executive committee shall include the commissioner of health; the commissioner of mental health; a representative from the ~~department of banking, insurance, securities, and health care administration~~ Green Mountain Care board; a representative from the department of Vermont health access; an individual appointed jointly by the president pro tempore of the senate and the speaker of the house of representatives; a representative from the Vermont medical society; a representative from the Vermont nurse practitioners association; a representative from a statewide quality assurance organization; a representative from the Vermont association of hospitals and health systems; two representatives of private health insurers; a consumer; a representative of the

complementary and alternative medicine professions; a primary care professional serving low income or uninsured Vermonters; a licensed mental health professional with clinical experience in Vermont; a representative of the Vermont council of developmental and mental health services; a representative of the Vermont assembly of home health agencies who has clinical experience; a representative from a self-insured employer who offers a health benefit plan to its employees; and a representative of the state employees' health plan, who shall be designated by the commissioner of human resources and who may be an employee of the third-party administrator contracting to provide services to the state employees' health plan.

* * *

Sec. 28a. BLUEPRINT PARTICIPATION; LEGISLATIVE INTENT

It is the intent of the general assembly that:

(1) Health insurer and Medicaid payments for a community health team and access by patients and medical practices to the team should begin at least six months prior to the scheduled date to score a medical practice for Blueprint recognition.

(2) The director of the Blueprint use the statutory discretion afforded by 18 V.S.A. § 706(c)(2) to increase payments to medical home practices in recognition of the efforts needed to satisfy the updated National Committee for Quality Assurance scoring requirements.

(3) To the extent permitted under federal law, all health insurance plans, including the multistate plans, will be active participants in the Blueprint for Health.

* * * HMO Reporting Requirement * * *

Sec. 29. 8 V.S.A. § 5106(a) is amended to read:

(a) Every organization subject to this chapter, annually, within ~~120~~ 90 days of the close of its fiscal year, shall file a report with the commissioner, said report verified by an appropriate official of the organization, showing its financial condition on the last day of the preceding fiscal year. The report shall be prepared in accordance with the National Association of Insurance Commissioners' Accounting Practices and Procedures Manual for health maintenance organizations and shall be in such general form and context, as approved by, and shall contain any other information required by the National Association of Insurance Commissioners together with any useful or necessary modifications or adaptations thereof required, approved or accepted by the

commissioner for the type of organization to be reported upon, and as supplemented by additional information required by the commissioner.

* * * Vermont Program for Quality in Health Care * * *

Sec. 30. 18 V.S.A. § 9416 is amended to read:

§ 9416. VERMONT PROGRAM FOR QUALITY IN HEALTH CARE

(a) The commissioner of health shall contract with the Vermont Program for Quality in Health Care, Inc. to implement and maintain a statewide quality assurance system to evaluate and improve the quality of health care services rendered by health care providers of health care facilities, including managed care organizations, to determine that health care services rendered were professionally indicated or were performed in compliance with the applicable standard of care, and that the cost of health care rendered was considered reasonable by the providers of professional health services in that area. The commissioner of health shall ensure that the information technology components of the quality assurance system ~~are incorporated into and~~ comply with, and the commissioner of Vermont health access shall ensure such components are incorporated into, the statewide health information technology plan developed under section 9351 of this title and any other information technology initiatives coordinated by the secretary of administration pursuant to 3 V.S.A. § 2222a.

(b) The Vermont Program for Quality in Health Care, Inc. shall file an annual report with the commissioner of health. The report shall include an assessment of progress in the areas designated by the commissioner of health, including comparative studies on the provision and outcomes of health care and professional accountability.

* * *

* * * Discretionary Clauses * * *

Sec. 31. 8 V.S.A. § 4062f is added to read:

§ 4062f. DISCRETIONARY CLAUSES PROHIBITED

(a) The purpose of this section is to ensure that health insurance benefits, disability income protection coverage, and life insurance benefits are contractually guaranteed and to avoid the conflict of interest that may occur when the carrier responsible for providing benefits has discretionary authority to decide what benefits are due. Nothing in this section shall be construed to impose any requirement or duty on any person other than a health insurer or an insurer offering disability income protection coverage or life insurance.

(b) As used in this section:

(1) "Disability income protection coverage" means a policy, contract, certificate, or agreement that provides for weekly, monthly, or other periodic payments for a specified period during the continuance of disability resulting from illness, injury, or a combination of illness and injury.

(2) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(3) "Health insurer" means an insurance company that provides health insurance as defined in subdivision 3301(a)(2) of this title, a nonprofit hospital or medical service corporation, a managed care organization, a health maintenance organization, and, to the extent permitted under federal law, any administrator of an insured, self-insured, or publicly funded health care benefit plan offered by a public or private entity; as well as entities offering policies for specific disease, accident, injury, hospital indemnity, dental care, disability income, long-term care, and other limited benefit coverage.

(4) "Life insurance" means a policy, contract, certificate, or agreement that provides life insurance as defined in subdivision 3301(a)(1) of this title.

(c) No policy, contract, certificate, or agreement offered or issued in this state by a health insurer to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services may contain a provision purporting to reserve discretion to the health insurer to interpret the terms of the contract or to provide standards of interpretation or review that are inconsistent with the laws of this state, and on and after July 1, 2012, any such provision in a policy, contract, certificate, or agreement shall be null and void.

(d) No policy, contract, certificate, or agreement offered or issued in this state providing for disability income protection coverage may contain a provision purporting to reserve discretion to the insurer to interpret the terms of the contract or to provide standards of interpretation or review that are inconsistent with the laws of this state, and on and after July 1, 2012, any such provision in a policy, contract, certificate, or agreement shall be null and void.

(e) No policy, contract, certificate, or agreement of life insurance offered or issued in this state may contain a provision purporting to reserve discretion to the insurer to interpret the terms of the contract or to provide standards of interpretation or review that are inconsistent with the laws of this state, and any such provision in a policy, contract, certificate, or agreement shall be null and void.

* * * Prescription Drug Cost-Sharing * * *

Sec. 32. 8 V.S.A. § 4089i is amended to read:

§ 4089i. PRESCRIPTION DRUG COVERAGE

(a) A health insurance or other health benefit plan offered by a health insurer shall provide coverage for prescription drugs purchased in Canada, and used in Canada or reimported legally or purchased through the I-SaveRx program on the same benefit terms and conditions as prescription drugs purchased in this country. For drugs purchased by mail or through the internet, the plan may require accreditation by the Internet and Mailorder Pharmacy Accreditation Commission (IMPAC/tm) or similar organization.

(b) A health insurance or other health benefit plan offered by a health insurer or pharmacy benefit manager shall not include an annual dollar limit on prescription drug benefits.

(c) A health insurance or other health benefit plan offered by a health insurer or pharmacy benefit manager shall limit a beneficiary's out-of-pocket expenditures for prescription drugs, including specialty drugs, to no more for self-only and family coverage per year than the minimum dollar amounts in effect under Section 223(c)(2)(A)(i) of the Internal Revenue Code of 1986 for self-only and family coverage, respectively.

(d) For prescription drugs benefits offered in conjunction with a high-deductible health plan (HDHP), the plan may not provide prescription drug benefits until the expenditures applicable to the deductible under the HDHP have met the amount of the minimum annual deductibles in effect for self-only and family coverage under Section 223(c)(2)(A)(i) of the Internal Revenue Code of 1986 for self-only and family coverage, respectively. Once the foregoing expenditure amount has been met under the HDHP, coverage for prescription drug benefits shall begin, and the limit on out-of-pocket expenditures for prescription drug benefits shall be as specified in subsection (c) of this section.

(e) As used in this section:

(1) "Health insurer" shall have the same meaning as in 18 V.S.A. § 9402.

(2) "Out-of-pocket expenditure" means a co-payment, coinsurance, deductible, or other cost-sharing mechanism.

(3) "Pharmacy benefit manager" shall have the same meaning as in section 4089j of this title.

(f) The department of financial regulation shall enforce this section and may adopt rules as necessary to carry out the purposes of this section.

Sec. 32a. 18 V.S.A. § 4631a is amended to read:

§ 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a) As used in this section:

* * *

(12) “Prescribed product” means a drug or device as defined in section 201 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. § 321, a compound drug or drugs, ~~or~~ a biological product as defined in section 351 of the Public Health Service Act, 42 U.S.C. § 262, for human use, or a combination product as defined in 21 C.F.R. § 3.2(e), but shall not include prescription eyeglasses, prescription sunglasses, or other prescription eyewear.

* * *

(b)(1) It is unlawful for any manufacturer of a prescribed product or any wholesale distributor of medical devices, or any agent thereof, to offer or give any gift to a health care provider or to a member of the Green Mountain Care board established in chapter 220 of this title.

(2) The prohibition set forth in subdivision (1) of this subsection shall not apply to any of the following:

(A) Samples of a prescribed product or reasonable quantities of an over-the-counter drug, a nonprescription medical device, or an item of nonprescription durable medical equipment, an item of medical food as defined in the federal Orphan Drug Act, as amended, 21 U.S.C. § 360ee(b)(3), or infant formula as defined in Section 201(z) of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 321, provided to a health care provider for free distribution to patients.

* * *

(H) ~~The provision of free prescription drugs or over-the-counter drugs, medical devices, biological products, medical equipment or supplies, or financial donations to a free clinic~~ of financial donations or of free:

(i) prescription drugs;

(ii) over-the-counter drugs;

(iii) medical devices;

(iv) biological products;

(v) combination products;

- (vi) medical food;
- (vii) infant formula; or
- (viii) medical equipment or supplies.

* * *

(d) The attorney general may bring an action in ~~Washington superior court~~ the civil division of the Washington unit of the superior court for injunctive relief, costs, and attorney's fees and may impose on a manufacturer that violates this section a civil penalty of no more than \$10,000.00 per violation. Each unlawful gift shall constitute a separate violation. In any action brought pursuant to this section, the attorney general shall have the same authority to investigate and to obtain remedies as if the action were brought under the Consumer Fraud Act, 9 V.S.A. chapter 63.

Sec. 32b. 18 V.S.A. § 4632 is amended to read:

§ 4632. DISCLOSURE OF ALLOWABLE EXPENDITURES AND GIFTS
BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a)(1)(A) Annually on or before April 1 of each year, every manufacturer of prescribed products shall disclose to the office of the attorney general for the preceding calendar year the value, nature, purpose, and recipient information of any allowable expenditure or gift permitted under subdivision 4631a(b)(2) of this title to any health care provider or to a member of the Green Mountain Care board established in chapter 220 of this title, except:

* * *

(B) Annually on or before April 1 of each year, every manufacturer of prescribed products shall disclose to the office of the attorney general for the preceding calendar year if the manufacturer is reporting other allowable expenditures or permitted gifts pursuant to subdivision (a)(1)(A) of this section, the product, dosage, number of units, and recipient information of over-the-counter drugs, nonprescription medical devices, ~~and~~ items of nonprescription durable medical equipment, medical food, and infant formula provided to a health care provider for free distribution to patients pursuant to subdivision 4631a(b)(2)(A) of this title; provided that any public reporting of such information shall not include information that allows for the identification of individual recipients of ~~samples~~ such products or connects individual recipients with the monetary value of the ~~samples~~ products provided.

* * *

(D) Any public reporting of the provision of free prescription or over-the-counter drugs, medical devices, biological products, medical equipment, combination products, medical food, infant formula, or supplies to a free clinic shall not include information that allows for the identification of individual recipients of such products or that connects individual recipients with the monetary value of the products provided.

(2)(A)(i) Subject to the provisions of subdivision (B) of this subdivision (a)(2) and to the extent allowed under federal law, annually on or before April 1 of each year beginning in 2012, each manufacturer of prescribed products shall disclose to the office of the attorney general all samples ~~of prescribed products~~ provided to health care providers during the preceding calendar year, identifying for each sample the product, recipient, number of units, and dosage.

* * *

(5) The office of the attorney general shall report annually on the disclosures made under this section to the general assembly and the governor on or before October 1. The report shall include:

(A) Information on allowable expenditures and permitted gifts required to be disclosed under this section, which shall present information in aggregate form by selected types of health care providers or individual health care providers, as prioritized each year by the office; and showing the amounts expended on the Green Mountain Care board established in chapter 220 of this title. In accordance with subdivisions (1)(B), (1)(D), and (2)(A) of this subsection, information on samples and donations to free clinics of prescribed products and of over-the-counter drugs, nonprescription medical devices, ~~and~~ items of nonprescription durable medical equipment, medical food, and infant formula shall be presented in aggregate form.

* * *

(c) The attorney general may bring an action in ~~Washington superior court~~ the civil division of the Washington unit of the superior court for injunctive relief, costs, and attorney's fees, and to impose on a manufacturer of prescribed products that fails to disclose as required by subsection (a) of this section a civil penalty of no more than \$10,000.00 per violation. Each unlawful failure to disclose shall constitute a separate violation. In any action brought pursuant to this section, the attorney general shall have the same authority to investigate and to obtain remedies as if the action were brought under the Consumer Fraud Act, 9 V.S.A. chapter 63.

(d) The terms used in this section shall have the same meanings as they do in section 4631a of this title.

* * * Medicaid Waiver Approval * * *

Sec. 33. DUAL ELIGIBLE PROJECT PROPOSAL

(a) It is the intent of the general assembly to provide the agency of human services with the authority to enter into negotiations with the Centers for Medicare and Medicaid Services (CMS) to seek waivers as needed to operate an integrated system of coverage for individuals who are eligible for Medicare and Medicaid, and to provide the agency of human services with the authority to implement the program approved by CMS. Any waivers sought pursuant to this section shall promote the health care reform goals established in No. 48 of the Acts of 2011, including universal coverage; integration of health, mental health, and substance abuse treatment; administrative simplification; and payment reform.

(b)(1) The agency of human services may seek a waiver or waivers from CMS to enable the agency to better serve individuals who are eligible for both Medicare and Medicaid ("dual eligibles") through a consolidated program operated by the agency of human services or by a department of the agency of human services. The waiver or waivers sought pursuant to this section may be consolidated with or filed in conjunction with Vermont's Medicaid Section 1115 Global Commitment to Health waiver renewal, any Choices for Care waiver modifications, or a state children's health insurance program (SCHIP) waiver. Any modifications of the Choices for Care waiver shall be consistent with No. 56 of the Acts of 2005.

(2) The agency may seek permission to serve the dual eligibles population through a public managed care organization or through another administrative mechanism that enables the agency to integrate services for the dual eligibles, pursue administrative flexibility and simplification, or otherwise align health coverage programs. The agency shall seek permission to implement payment mechanisms that ensure the health coverage provided under the waiver or waivers is consistent with and supportive of the payment reform initiatives established by the Green Mountain Care board.

(3) The agency shall seek a waiver to create a consolidated program which:

(A) includes eligibility standards, methodologies, and procedures that are neither more restrictive than the standards, methodologies, and procedures in effect as of January 1, 2012 nor more restrictive than the standards,

methodologies, and procedures for dual eligible individuals who are not enrolled in this consolidated program.

(B) does not reduce the amount, duration, or scope of services covered by Medicaid and Medicare or impose limits on enrollment or access to services that are more restrictive than those for individuals not enrolled in the consolidated program.

(C) ensures that an individual in the consolidated program receives a level of service that is equivalent to or greater than the individual would have received if he or she were not in the consolidated program.

(D) provides reasonable opportunity for an individual to disenroll from the consolidated program and transition to traditional Medicaid and Medicare coverage.

(E) as provided in the terms and conditions for the Choices for Care Section 1115 waiver, includes an independent advocacy system for all participants and applicants in the consolidated program which includes, at a minimum, access to area agency on aging advocacy, legal services, and the long-term care and health care ombudsmen.

(F) if the agency contracts with an integrated care provider (ICP) then, at a minimum, as required under 42 U.S.C. § 1395a(a), guarantees individuals a choice of health care providers who offer the same service or services within the individual's ICP and a choice of providers for services that are not offered through the individual's ICP.

(G) unless otherwise appropriated by the general assembly, and after reconciling savings as required by the federal government, invests at least 50 percent of the remaining funds at the end of the state fiscal year to enhance the consolidated program.

(H) maintains state provider payment rates in the consolidated program that:

(i) permit providers to deliver services, on a solvent basis, that are consistent with efficiency, economy, access, and quality of care; and

(ii) are at least comparable to the average weighted payment rates that eligible providers would have received from Medicaid and Medicare in the absence of the consolidated program, subject to modifications as a result of:

(I) changes to federal Medicare rates;

(II) provider rates set by the Green Mountain Care board pursuant to 18 V.S.A. § 9376;

(III) rate negotiations between the integrated care provider and the public managed care organization; or

(IV) meeting or failing to meet specified performance measures.

(4) The agency of human services shall enter into a waiver only if it provides individuals enrolled in the consolidated program who become ineligible for Medicaid or Medicare or who choose to opt out of the program with a seamless transition process between coverage provided by the consolidated program and traditional Medicaid coverage, Medicare coverage, or both to ensure that the process does not result in a reduction or loss of services during the transition.

(5) If the agency of human services contracts with an ICP on a risk-sharing basis for services other than care coordination, the following provisions shall be included in the ICP contract:

(A) A broad range of services for individuals, to be provided by the ICP or through contracts between the ICP and other service providers, and coordination between the ICP and other service or health care providers who are not participants in the ICP, as appropriate. Examples of entities that are unlikely to be part of an ICP include the individual's medical home and the Blueprint for Health community health teams.

(B) An enforcement mechanism to ensure that the ICP and any subcontractors provide integrated services as required by the waiver and the contract provisions.

(C) Transparent quality assurance measures for evaluating the performance of the ICP and any subcontractors and a method for making the measures public.

(6) The agency of human services shall provide dual eligible individuals with meaningful information about their care options, including services through Medicaid, Medicare, and the consolidated program established in this section. The agency shall develop enrollee materials and notices that are accessible and understandable to those individuals who will be enrolled in the consolidated program, including individuals with disabilities, speech and vision limitations, or limited English proficiency.

(7) The agency of human services shall establish by rule a comprehensive and accessible appeals process, including an opportunity for an individual to request an independent clinical assessment of medical or functional limitations when appealing an eligibility determination, a denial in services, or a reduction in services.

(c)(1) The agency of human services shall implement the program approved by CMS by rule.

(2) Prior to filing proposed rules, the agency shall seek input on the proposed rules from a workgroup that includes providers, beneficiaries, and advocates for beneficiaries.

Sec. 34. GLOBAL COMMITMENT; CHOICES FOR CARE; SCHIP

(a) It is the intent of the general assembly to provide the agency of human services with the authority to renew and implement Vermont's Medicaid Section 1115 Global Commitment to Health ("Global Commitment") waiver or to request a new waiver from the Centers for Medicare and Medicaid Services (CMS) with similar terms and conditions as Global Commitment. It is also the intent of the general assembly to provide the agency with the authority to modify or renew the Choices for Care waiver consistent with the provisions of No. 56 of the Acts of 2005 and to seek a state children's health insurance program (SCHIP) waiver to allow for greater administrative flexibility and simplification, as well as to seek advantageous financial terms similar to those in the Global Commitment waiver. Any waivers sought pursuant to this section shall promote the health care reform goals established in No. 48 of the Acts of 2011, including universal coverage; administrative simplification; integration of health, mental health, and substance abuse; and payment reform.

(b) The secretary of human services or designee shall seek to renew the Global Commitment waiver, seek a new Medicaid or SCHIP waiver, modify the Choices for Care waiver, or a combination thereof, to enable the agency to:

(1) Maintain the public managed care entity structure, financial provisions, and flexibility provided in the Global Commitment terms and conditions and extend these provisions and flexibility to the Choices for Care and Dr. Dynasaur programs.

(2) Maintain the waiver terms for special demonstration populations, such as individuals with traumatic brain injury and others currently provided for in Global Commitment, as well as for any special demonstration populations covered and services provided to eligible individuals under Choices for Care.

(3) Eliminate terms and conditions which are outdated or for which state options are now available.

(4) Eliminate Catamount Health Assistance in order to comply with the insurance provisions in this act and in the federal Affordable Care Act.

(5) Obtain federal matching funds for any state financial assistance provided to individuals purchasing insurance through the Vermont health benefit exchange in order to promote seamless health coverage for eligible individuals and to achieve universal coverage, affordability, and administrative simplification. The secretary or designee shall analyze the impacts of offering state financial assistance to individuals with incomes below 350 percent of the federal poverty level.

(6) Ensure a streamlined transition between Medicaid and the Vermont health benefit exchange.

(7) Modify payment mechanisms to ensure that the health coverage provided under any waiver program is consistent with and supportive of the payment reform initiatives established by the Green Mountain Care board.

(8) Ensure affordable coverage for individuals who are eligible for Medicare but who are responsible for paying the full cost of Medicare coverage due to inadequate work history or for another reason. The agency shall align the upper income eligibility limitation with other populations, such as individuals receiving state assistance in the Vermont health benefit exchange or individuals receiving coverage as part of a Medicaid expansion population.

(c) Any waiver or waivers sought pursuant to this section may be consolidated or filed in conjunction with Vermont's Global Commitment to Health waiver renewal, Choices for Care waiver modifications, SCHIP waiver, or combination thereof. The secretary of human services or designee shall implement the program or programs approved by CMS by rule.

Sec. 34a. Sec. 17 of No. 128 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 17. FEDERAL HEALTH CARE REFORM; DEMONSTRATION PROGRAMS

(a)(1) Medicare waivers. Upon establishment by the secretary of the U.S. Department of Health and Human Services (HHS) of an advanced practice primary care medical home demonstration program or a community health team demonstration program pursuant to Sec. 3502 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, the secretary of human services may apply to the secretary of HHS to enable Vermont to include Medicare as a participant in the Blueprint for Health as described in 18 V.S.A. chapter 13 of Title 18.

(2) Upon establishment by the secretary of HHS of a shared savings program pursuant to Sec. 3022 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152 or other federal authority established to allow for payment and delivery system reform, the secretary of human services may apply to the secretary of HHS to enable ~~Vermont~~ the state's Medicaid and SCHIP programs, including any waiver programs under Global Commitment to Health or Choices for Care, to participate in the program by establishing engage in payment reform pilot projects as provided for by Sec. 14 of this act activities consistent with the payment reform initiatives established by the Green Mountain Care board pursuant to 18 V.S.A. chapter 220. The chair of the Green Mountain Care board or designee may apply to the secretary of HHS to enable Vermont to advance the payment reform goals established in No. 48 of the Acts of 2011 and consistent with the board's authority.

(b)(1) Medicaid waivers. The intent of this section is to provide the secretary of human services with the authority to pursue Medicaid and SCHIP participation in the Blueprint for Health and new payment reform initiatives established by the Green Mountain Care board through any existing or new waiver.

(2) Upon establishment by the secretary of HHS of a health home demonstration program pursuant to Sec. 3502 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152; Section 1115 or 2107 of the Social Security Act; or other federal authority, the secretary of human services may apply to the secretary of HHS to include Medicaid or SCHIP as a participant in the Blueprint for Health as described in 18 V.S.A. chapter 13 of Title 18 and other payment reform initiatives established by the Green Mountain Care board pursuant to 18 V.S.A. chapter 220. ~~In the alternative, under Section 1115 of the Social Security Act, the secretary of human services may apply for an amendment to an existing Section 1115 waiver or may include in the renegotiation of the Global Commitment for Health Section 1115 waiver a request to include Medicaid as a participant in the Blueprint for Health as described in chapter 13 of Title 18.~~

Sec. 35. WAIVER UPDATES AND INFORMATION

(a) The secretary of human services or designee shall present information and updates on the waiver proposal and transition planning to the house committees on appropriations, on human services, and on health care and the senate committees on appropriations and on health and welfare as requested,

no later than January 30, 2013. When the general assembly is not in session, the secretary or designee shall present information and updates to the health care oversight committee upon request. The secretary or designee shall be available to the health care oversight committee on a monthly basis to provide an update in person or by telephone on the status of the waiver and transition planning, applications, and negotiations, including updates on the substantive provisions and issues provided for in Secs. 33–35a of this act. If the health care oversight committee elects not to meet in person or by telephone during any one month, the secretary or designee shall provide a monthly update by telephone conference call to interested parties and stakeholders, including a time for questions from the public. In addition, the secretary or designee shall provide updates at each meeting of the Medicaid and exchange advisory board and to other advisory committees upon request.

(b) The secretary of human services or designee shall present a transition plan for individuals eligible for or enrolled in the Vermont health access plan, the employer-sponsored insurance premium assistance program, and Catamount Health to the house committees on appropriations, on human services, and on health care and the senate committees on appropriations and on health and welfare by January 15, 2013.

Sec. 35a. WAIVERS AND TRANSITION PLANNING; INTENT

(a) It is the intent of the general assembly to ensure continued legislative oversight after adjournment through the health care oversight committee and the committees of jurisdiction of the transition from Vermont's current Medicaid expansion programs to new coverage options, including the Vermont health benefit exchange, for individuals and families in 2014. Because of federal time lines and the need to negotiate a waiver with the Centers for Medicare and Medicaid Services, continued development of the transition plan by the administration is expected during the summer and fall of 2012. It is the intent of the general assembly that the secretary of human services or designee not implement a basic health program without the approval of the general assembly. It is also the intent of the general assembly to continue to oversee the development of the transition plan during the 2013 legislative session.

(b) It is the intent of the general assembly that the transition from Catamount Health and the Vermont health access plan to the Vermont health benefit exchange should be accomplished in such a way that it minimizes the financial exposure of low income Vermonters, including the amounts of their premiums and out-of-pocket costs; ensures that health care providers receive compensation that is sufficient to enlist enough providers to ensure that health

services are available to all Vermonters and are distributed equitably; and recognizes the need to limit the financial exposure of the state of Vermont.

(c) The department of Vermont health access, in consultation with the Medicaid and exchange advisory committee established by 33 V.S.A. § 402, shall evaluate the options available under Section 1115 of the Social Security Act and under the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), for ensuring affordable coverage for individuals above 133 percent of the federal poverty level. The department shall consider financial implications to Vermonters, health care providers, and the state; administrative simplification of health care; continuity of coverage and reduction of churn; consistency with and promotion of other state health care reform efforts; and the likelihood of receiving approval from the U.S. Department of Health and Human Services, where necessary.

Sec. 35b. 33 V.S.A. § 402(b) is amended to read:

(b)(1) The commissioner of Vermont health access shall appoint members of the advisory committee established by this section, who shall serve staggered three-year terms. The total membership of the advisory committee shall be at least 22 members. The commissioner may remove members of the committee who fail to attend three consecutive meetings and may appoint replacements. The commissioner may reappoint members to serve more than one term.

(2)(A) The commissioner of Vermont health access shall appoint one representative of health insurers licensed to do business in Vermont to serve on the advisory committee. The commissioner of health shall also serve on the advisory committee.

(B) Of the remaining members of the advisory committee, one-quarter of the members shall be from each of the following constituencies:

(i) beneficiaries of Medicaid or Medicaid-funded programs.

(ii) individuals, self-employed individuals, health insurance brokers and agents, and representatives of ~~small~~ businesses eligible for or enrolled in the Vermont health benefit exchange.

(iii) advocates for consumer organizations.

(iv) health care professionals and representatives from a broad range of health care professionals.

* * *

Sec. 35c. EXCHANGE IMPLEMENTATION AND TRANSITION PLANNING; UPDATES

(a) The house committee on health care and the senate committees on health and welfare and on finance may meet while the legislature is not in session during 2012 to receive updates on issues related to health care reform, including waivers, transition planning, health information technology, the Vermont Information Technology Leaders, Inc., and implementation of the Vermont health benefit exchange. The committees shall meet at the call of the chairs of the committees, with the approval of the speaker of the house of representatives and the president pro tempore of the senate. To the extent practicable, such meetings shall coincide with scheduled meetings of the health care oversight committee.

(b) If the secretary of human services or designee receives the results of the federal government's review of Vermont's plan to implement its health benefit exchange while the general assembly is not in session, the members of the administration team responsible for exchange implementation shall present the results to the health care oversight committee and to a joint meeting of the standing committees pursuant to subsection (a) of this section. If the secretary or designee receives the results of the federal review when the general assembly is in session, the members of the administration team shall present the results to the house committees on health care and on appropriations and the senate committees on health and welfare, on finance, and on appropriations.

(c) No later than February 1, 2013, the administration team responsible for exchange implementation shall present to the house committees on health care and on appropriations and the senate committees on health and welfare, on finance, and on appropriations the exchange certification application the secretary of human services or designee submitted to the federal government.

* * * Health Access Eligibility Unit * * *

Sec. 36. 33 V.S.A. § 401 is amended to read:

§ 401. COMPOSITION OF DEPARTMENT

The department of Vermont health access, created under 3 V.S.A. § 3088, shall consist of the commissioner of Vermont health access, the medical director, ~~a health care eligibility unit~~, and all divisions within the department, including the divisions of managed care; health care reform; the Vermont health benefit exchange; and Medicaid policy, fiscal, and support services.

* * * Preconditions for Green Mountain Care * * *

Sec. 36a. 33 V.S.A. § 1822 is amended to read:

§ 1822. IMPLEMENTATION; WAIVER

(a) Green Mountain Care shall be implemented 90 days following the last to occur of:

* * *

(5) A determination by the Green Mountain Care ~~Board~~ board, as the result of a detailed and transparent analysis, that each of the following conditions will be met:

(A) Each Vermont resident covered by Green Mountain Care will receive benefits with an actuarial value of 80 percent or greater.

(B) When implemented, Green Mountain Care will not have a negative aggregate impact on Vermont's economy. This determination shall include an analysis of the impact of implementation on economic growth.

(C) The financing for Green Mountain Care is sustainable. In this analysis, the board shall consider at least a five-year revenue forecast using the consensus process established in 32 V.S.A. § 305a, projections of federal and other funds available to support Green Mountain Care, and estimated expenses for Green Mountain Care for an equivalent time period.

(D) Administrative expenses in Vermont's health care system for which data are available will be reduced below 2011 levels, adjusted for inflation and other factors as necessary to reflect the present value of 2011 dollars at the time of the analysis.

(E) Cost-containment efforts will result in a reduction in the rate of growth in Vermont's per-capita health care spending without reducing access to necessary care or resulting in excessive wait times for services.

(F) Health care professionals will be reimbursed at levels sufficient to allow Vermont to recruit and retain high-quality health care professionals.

* * *

(c) The Green Mountain Care board's analysis prepared pursuant to subdivision (a)(5) of this section shall be made available to the general assembly and the public and shall include:

(1) a complete fiscal projection of revenues and expenses, as described in subdivision (a)(5) of this section, including reserves, if recommended, and other costs in addition to the cost of services, over at least a five-year period for a public-private universal health care system providing benefits with an actuarial value of 80 percent or greater;

(2) the financing plans provided to the general assembly in January 2013 pursuant to Sec. 9 of No. 48 of the Acts of 2011;

(3) an analysis of how implementing Green Mountain Care will further the principles of health care reform expressed in 18 V.S.A. § 9371 beyond the reforms established through the Blueprint for Health; and

(4) a comparison of best practices for reducing health care costs in self-funded plans, if available.

Sec. 36b. JOINT FISCAL OFFICE REVIEW

(a) Within 90 days following a determination by the Green Mountain Care board pursuant to 33 V.S.A. § 1822 that the preconditions for Green Mountain Care have been met, the joint fiscal committee shall direct the legislative joint fiscal office to prepare a review of the board's findings, including an evaluation of the assumptions that formed the basis for the board's analysis. The joint fiscal office shall present its review to the house committees on health care and on appropriations, the senate committees on health and welfare and on appropriations, the governor, and the Green Mountain Care board; provided, however, that if the general assembly is not in session at the time the office completes its review, the office shall present the review to the joint fiscal committee in lieu of the committees of jurisdiction.

(b) The joint fiscal office may hire consultants as necessary to carry out its duties under this section.

* * * Technical and Clarifying Changes * * *

Sec. 37. 18 V.S.A. § 701 is amended to read:

§ 701. DEFINITIONS

For the purposes of this chapter:

* * *

(8) "Health benefit plan" shall have the same meaning as health insurance plan in 8 V.S.A. § 4088h.

* * *

(11) "Hospital" shall have the same meaning as in section ~~9456~~ 9451 of this title.

* * *

Sec. 38. 18 V.S.A. § 9391 is amended to read:

§ 9391. NOMINATION AND APPOINTMENT PROCESS

* * *

(b) The committee shall submit to the governor the names of the persons it deems qualified to be appointed to fill the position or positions and the name of any incumbent who declares that he or she wishes to be a candidate to succeed himself or herself.

(c) The governor shall make an appointment to the Green Mountain Care board from the list of qualified candidates submitted pursuant to subsection (b) of this section. The appointment shall be subject to the consent of the senate. The names of candidates submitted and not selected shall remain confidential.

* * *

Sec. 39. Sec. 31(a) of No. 48 of the Acts of 2011 is amended to read:

(a) Notwithstanding the provisions of 18 V.S.A. § 9390(b)(2), no later than June 1, 2011, the governor, the speaker of the house of representatives, and the president pro tempore of the senate shall appoint the members of the Green Mountain Care board nominating committee. The members shall serve until their replacements are appointed pursuant to 18 V.S.A. § 9390 between January 1, 2013 and February 1, 2013, as provided in 3 V.S.A. § 259.

* * * Sports Injuries * * *

Sec. 39a. 16 V.S.A. § 1431(d) is amended to read:

(d) Participation in athletic activity.

(1) A coach shall not permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach has reason to believe that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) A coach shall not permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team if the athlete has been removed or prohibited from participating in a training session or competition associated with the school athletic team due to symptoms of a concussion or other head injury until the athlete has been examined by and received written permission to participate in athletic activities from a health care provider licensed pursuant to Title 26 and trained in the evaluation and management of concussions and other head injuries.

* * * Rulemaking Authority * * *

Sec. 40. HOSPITAL BUDGET REVIEW RULES

For the purposes of hospital budget reviews pursuant to 18 V.S.A. chapter 221, subchapter 7, the Green Mountain Care board shall apply Rule 7.500 of the department of financial regulation, as that rule exists on the effective date of this section, until March 1, 2013 or the board's adoption of a permanent rule on hospital budget reviews pursuant to Sec. 40a of this act, whichever is earlier.

Sec. 40a. RULEMAKING

No later than January 1, 2013, the Green Mountain Care board shall adopt rules pursuant to 3 V.S.A. chapter 25 implementing the amendments in this act to 8 V.S.A. § 4062 (insurance rate review) and to 18 V.S.A. chapter 221, subchapters 5 (certificate of need) and 7 (hospital budget review).

* * * Position Transfer * * *

Sec. 40b. TRANSFER OF POSITION

On or before January 1, 2013, one health care administrator position shall be transferred from the department of financial regulation to the Green Mountain Care board.

* * * Maximizing Federal Funds * * *

Sec. 40c. MAXIMIZING PREMIUM TAX CREDITS AND COST-SHARING SUBSIDIES

No later than January 15, 2013, the secretary of administration or designee shall recommend to the house committees on health care and on ways and means and the senate committees on health and welfare and on finance strategies for maximizing the number of Vermont residents who will be eligible to receive federal premium tax credits or cost-sharing subsidies, or both, in the Vermont health benefit exchange and for maximizing the amount of the federal credits and subsidies that eligible Vermonters will receive.

* * * Health Care Oversight Committee * * *

Sec. 40d. 2 V.S.A. chapter 24 is amended to read:

CHAPTER 24. HEALTH ACCESS CARE OVERSIGHT COMMITTEE

§ 851. CREATION OF COMMITTEE

(a) A legislative health ~~access~~ care oversight committee is created. The committee shall be appointed biennially and consist of ten members: five members of the house appointed by the speaker, not all from the same political

party, and five members of the senate appointed by the senate committee on committees, not all from the same political party. The house appointees shall include ~~two members~~ one member from the house committee on human services, ~~two members~~ one member from the house committee on health care, ~~and one member~~ from the house committee on appropriations, ~~and two at-large members~~. The senate appointees shall include ~~three members~~ one member from the senate committee on health and welfare, one member from the senate committee on finance, ~~and one member~~ from the senate committee on appropriations, ~~and two at-large members~~.

(b) The committee may adopt rules of procedure to carry out its duties.

§ 852. FUNCTIONS AND DUTIES

(a) The health access care oversight committee shall ~~carry on~~ monitor, oversee, and provide a continuing review of ~~the operation of the Medicaid program and all Medicaid waiver programs that may affect the administration and beneficiaries of these programs~~ health care and human services programs in Vermont when the general assembly is not in session, including programs and initiatives related to mental health, substance abuse treatment, and health care reform.

(b) In conducting its ~~review~~ oversight and in order to fulfill its duties, the committee shall may consult ~~the following~~:

(1) ~~Consumers and advocacy groups regarding their satisfaction and complaints.~~

(2) ~~Health care providers regarding their satisfaction and complaints.~~

(3) ~~The department of Vermont health access.~~

(4) ~~The department of banking, insurance, securities, and health care administration.~~

(5) ~~The agency of human services.~~

(6) ~~The attorney general.~~

(7) ~~The health care ombudsman.~~

(8) ~~The Vermont program for quality in health care.~~

(9) ~~Any other person or entity as determined by the committee~~ with consumers, providers, advocates, administrative agencies and departments, and other interested parties.

(c) The committee shall work with, assist, and advise other committees of the general assembly, members of the executive branch, and the public on

matters relating to ~~the state Medicaid program and other state~~ health care and human services programs. Annually, no later than January 15, the committee shall report its recommendations to the governor and the ~~general assembly~~ committees of jurisdiction.

§ 853. MEETINGS AND STAFF SUPPORT

(a) The committee may meet during a session of the general assembly at the call of the chair or by a majority of the members of the committee. The committee may meet during adjournment subject to the approval of the speaker of the house and the president pro tempore of the senate.

(b) For attendance at meetings which are held when the general assembly is not in session, the members of the committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses as those provided to members of standing committees under section 406 of this title.

(c) The staff of the legislative council and the joint fiscal office shall provide professional and administrative support to the committee. The department of ~~banking, insurance, securities, and health care administration~~ financial regulation, the agency of human services, and other agencies of the state shall provide information, assistance, and support upon request of the committee.

* * * Repeals * * *

Sec. 41. REPEALS

(a) 8 V.S.A. § 4089b(h) (insurance quality task force) is repealed July 1, 2012.

(b) 18 V.S.A. § 9409a (provider reimbursement survey) is repealed on passage.

(c) 8 V.S.A. § 4080c (safety net) is repealed January 1, 2014, except that plans issued or renewed in 2013 shall remain in effect until their anniversary date in calendar year 2014 to the extent consistent with the provisions of the Affordable Care Act and related guidance and regulations.

(d) Sec. 6 (health access eligibility unit transfer) of No. 48 of the Acts of 2011 is repealed on passage.

(e) 33 V.S.A. chapter 13, subchapter 2 (payment reform pilots) is repealed on passage.

(f) 18 V.S.A. § 4632(a)(7) (DVHA prescribed product report) is repealed on passage.

(g) No. 2 of the Acts of 2005 (I-SaveRx prescription drug program) is repealed on passage. Notwithstanding any provision of Sec. 2 of No. 2 of the Acts of 2005 to the contrary, repeal of such act shall constitute Vermont's withdrawal from the I-SaveRx agreement and terminate its related cooperative relationship with the state of Illinois.

(h) 33 V.S.A. chapter 19, subchapter 3 (Vermont Health Access Plan; employer-sponsored insurance assistance) is repealed January 1, 2014, except that current enrollees may continue to receive transitional coverage by the department of Vermont health access as authorized by the Centers on Medicare and Medicaid Services.

(i) 8 V.S.A. §§ 4080a (small group market) and 4080b (nongroup market) are repealed January 1, 2014, except that plans issued or renewed in 2013 shall remain in effect until their anniversary date in calendar year 2014 to the extent consistent with the provisions of the Affordable Care Act and related guidance and regulations.

(j) 8 V.S.A. §§ 4062d (market security trust), 4077 (industrial policies), and 4078 (franchise plan policies) are repealed on July 1, 2012.

Sec. 41a. TRANSITIONAL PROVISIONS; IMPLEMENTATION

(a)(1) Except as otherwise provided in subsection (c) of this section, small employers may enroll in health insurance plans offered through the Vermont health benefit exchange beginning at the earliest on October 1, 2013 and at the latest on the renewal date of any small group plan the employer purchased that took effect prior to January 1, 2014.

(2) Notwithstanding subdivision (1) of this subsection, the commissioner of financial regulation may, in his or her discretion, allow for the extension of a small group or association plan beyond the plan's renewal date in order to ensure a smooth and orderly transition from health plans offered in the small group and association markets in 2013 to health plans offered in the small group market through the Vermont health benefit exchange in 2014.

(b) Except as otherwise provided in subsections (c) and (d) of this section, individuals in the nongroup market may enroll in health insurance plans offered through the Vermont health benefit exchange beginning at the earliest on October 1, 2013 and at the latest on March 31, 2014, pursuant to federal law.

(c) Notwithstanding Sec. 41(i) of this act, repealing 8 V.S.A. §§ 4080a and 4080b, the department of financial regulation and the Green Mountain Care board may continue to approve rates and forms for nongroup and small group

health insurance plans under the statutes and rules in effect prior to the date of repeal if the Vermont health benefit exchange is not operational by January 1, 2014 and the department of Vermont health access or a health insurer is unable to facilitate enrollment in health benefit plans through another mechanism, including paper enrollment. In the alternative, the department of financial regulation may allow individuals and small employers to extend coverage under an existing health insurance plan. The department of financial regulation and the Green Mountain Care board shall maintain their authority pursuant to this subsection until the exchange is able to enroll all qualified individuals and small employers who apply for coverage through the exchange.

(d) Notwithstanding Sec. 41(h) of this act, repealing the Vermont health access plan and employer-sponsored insurance assistance, the department of Vermont health access may continue to provide employer-sponsored insurance assistance and coverage through the Vermont health access plan to eligible individuals beyond the date of repeal if the Vermont health benefit exchange is not operational by January 1, 2014 and the department of Vermont health access or a health insurer is unable to facilitate enrollment in health benefit plans through another mechanism, including paper enrollment. The department of Vermont health access shall maintain its authority to administer these programs until the exchange is able to enroll all qualified applicants who apply for coverage through the exchange.

(e) Notwithstanding the provisions of 8 V.S.A. §§ 4080a(d)(1) and 4080b(d)(1), a health insurer shall not be required to guarantee acceptance of any individual, employee, or dependent on or after January 1, 2014 for a small group plan offered pursuant to 8 V.S.A. § 4080a or a nongroup plan offered pursuant to 8 V.S.A. § 4080b except as required by the department of financial regulation or the Green Mountain Care board, or both, pursuant to subsection (c) of this section.

(f) To the extent permitted under the Affordable Care Act, in implementing the Vermont health benefit exchange, it is the intent of the general assembly not to impair the health care coverage provided to Vermonters through collective bargaining agreements entered into prior to January 1, 2013 and in effect on January 1, 2014 until the date that any such collective bargaining agreement relating to such health care coverage terminates.

41b. MEDICARE SUPPLEMENTAL INSURANCE; WEB PORTAL

Nothing in this act shall be construed to prohibit the department of Vermont health access from allowing Medicare supplemental insurance to be offered on the web portal for the Vermont health benefit exchange, nor to require that the cost of providing such offerings on the web portal be paid in whole or in part

with federal funds. Prior to allowing Medicare supplemental insurance to be offered on the Vermont health benefit exchange web portal, the department shall seek the input of consumers, insurers, and other stakeholders.

Sec. 41c. STATUTORY REVISION

The legislative council, in its statutory revision authority under 2 V.S.A. § 424, is directed to replace the term “health access oversight committee” in the Vermont Statutes Annotated wherever it appears with the term “health care oversight committee.”

Sec. 42. EFFECTIVE DATES

(a) Secs. 5 (Green Mountain Care board authority), 5a (bill-back report), 6–11 (unified health care budget), 11a (claims edit standards), 11c (parity for primary mental health care services), 12–14 (Green Mountain Care board duties, health care administration), 23 (hospital budgets), 24 (provider bargaining groups), 25–26 (insurance rate reviews), 26a (consumer protection report), 27 (payment reform pilot projects), 28 (Blueprint for Health), 28a (Blueprint intent), 29 (HMO reporting requirements), 33–35a (waivers), 35c (transition planning and exchange updates), 36 (health access eligibility unit), 36a (preconditions for Green Mountain Care), 36b (JFO review), 37–39 (technical/clarifying changes), 40b (transfer of position), 40c (maximizing federal funds), 41 (repeals), 41a (transitional provisions), and 41b (Medicare supplemental policies) of this act and this section shall take effect on passage.

(b) Secs. 40 (hospital budget rules) and 40a (rulemaking) of this act shall take effect on passage, provided that in order to comply with the deadlines contained in this act, the Green Mountain Care board may begin the rulemaking process prior to passage.

(c) Secs. 1 and 2 (50 employees or fewer), 2a (qualified health benefit plans), 2b (navigators), 2c (exchange options), 2d (brokers and agents), 2f and 2g (brokers’ fee disclosure), and 2h (bronze plan disclosures) shall take effect on July 1, 2012.

(d) Sec. 30 (VPQHC) shall take effect on July 1, 2013.

(e) Sec. 31 (prohibition on discretionary clauses) shall take effect on July 1, 2012 and shall apply to all policies, contracts, certificates, and agreements renewed, offered, or issued in this state with effective dates on or after such date.

(f)(1) Secs. 32(a), (e), and (f) (prescription drug coverage); 32a and 32b (prescribed products); 35b (Medicaid and exchange advisory committee); 39a (sports injuries); 40d (health care oversight committee); and 41c (statutory revision) shall take effect on July 1, 2012.

(2) Sec. 32(b), (c), and (d) (prescription drug cost-sharing) shall take effect on October 1, 2012 and shall apply to all health insurance plans and health benefit plans on and after October 1, 2012 on such date as a health insurer issues, offers, or renews the plan, but in no event later than October 1, 2013.

(g) Secs. 3 (merged insurance market) and 4 (grandfathered plans) shall take effect on January 1, 2013, provided that:

(1) the department of financial regulation and the Green Mountain Care board may adopt rules as needed before that date to ensure that enrollment in the health insurance plans will be available no later than October 1, 2013; and

(2) January 1, 2014 shall be the earliest date that coverage may begin under a plan offered in the merged market.

(h) Secs. 14a–22 (certificates of need) shall take effect on January 1, 2013, and the Green Mountain Care board shall have sole jurisdiction over all applications for new certificates of need and over the administration of all existing certificates of need on and after that date, provided that for applications already in process on that date, the rules and procedures in place at the time the application was filed shall continue to apply until a final decision is made on the application.

(i) Secs. 11b (mental health and substance abuse quality assurance), 11e (rulemaking; mental health co-payment parity), 11f (mental health care ombudsman), 11g (payment; definitions), and 11h (prior authorization) of this act shall take effect on July 1, 2012.

(j) Secs. 24a–24f (medical malpractice reform) shall take effect on February 1, 2013.

(k) Sec. 11d (parity for mental health co-payments) of this act shall take effect on January 1, 2014, and shall apply to health insurance plans on and after January 1, 2014 on such date as a health insurer issues, offers, or renews the health insurance plan, but in no event later than January 1, 2015.

(l) Sec. 2e (ban on brokers' fees inside insurance rates) of this act shall take effect on January 1, 2014 and shall apply to all health insurers on and after January 1, 2014 on such date as a health insurer issues, offers, or renews a health insurance policy, but in no event later than January 1, 2015.

CLAIRE D. AYER

KEVIN J. MULLIN

SALLY G. FOX

Committee on the part of the Senate

MICHAEL FISHER

LEIGH J. DAKIN

SARAH L. COPELAND-HANZAS

Committee on the part of the House

Pending the question, Shall the House adopt the Committee of Conference Report? **Rep. Savage of Swanton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the Committee of Conference Report? was decided in the affirmative. Yeas, 94. Nays, 46.

Those who voted in the affirmative are:

Ancel of Calais	French of Randolph	Mook of Bennington
Andrews of Rutland City	Grad of Moretown	Moran of Wardsboro
Aswad of Burlington	Greshin of Warren	Mrowicki of Putney
Atkins of Winooski	Haas of Rochester	Munger of South Burlington
Bartholomew of Hartland	Head of South Burlington	Nuovo of Middlebury
Bissonnette of Winooski	Heath of Westford	O'Sullivan of Burlington
Bohi of Hartford	Hooper of Montpelier	Pearson of Burlington
Botzow of Pownal	Howrigan of Fairfield	Peltz of Woodbury
Burke of Brattleboro	Jerman of Essex	Poirier of Barre City
Buxton of Tunbridge	Johnson of South Hero	Potter of Clarendon
Campion of Bennington	Keenan of St. Albans City	Pugh of South Burlington
Cheney of Norwich	Kitzmiller of Montpelier	Ralston of Middlebury
Christie of Hartford	Klein of East Montpelier	Ram of Burlington
Clarkson of Woodstock	Krebs of South Hero	Russell of Rutland City
Conquest of Newbury	Krowinski of Burlington	Shand of Weathersfield
Consejo of Sheldon	Kupersmith of South	Sharpe of Bristol
Copeland-Hanzas of	Burlington	South of St. Johnsbury
Bradford	Lanpher of Vergennes	Spengler of Colchester
Courcelle of Rutland City	Lenes of Shelburne	Stevens of Waterbury
Dakin of Chester	Leriche of Hardwick	Stuart of Brattleboro
Davis of Washington	Lippert of Hinesburg	Sweaney of Windsor
Deen of Westminster	Lorber of Burlington	Taylor of Barre City
Devereux of Mount Holly	Macaig of Williston	Toll of Danville
Donovan of Burlington	Malcolm of Pawlet	Townsend of Randolph
Edwards of Brattleboro	Manwaring of Wilmington	Trieber of Rockingham
Ellis of Waterbury	Marek of Newfane	Waite-Simpson of Essex
Emmons of Springfield	Martin of Springfield	Webb of Shelburne
Evans of Essex	Martin of Wolcott	Wilson of Manchester
Fisher of Lincoln	Masland of Thetford	Wizowaty of Burlington
Frank of Underhill	McCullough of Williston	Woodward of Johnson
French of Shrewsbury	Miller of Shaftsbury	Wright of Burlington

Yantachka of Charlotte

Young of Glover

Zagar of Barnard

Those who voted in the negative are:

Acinapura of Brandon
 Batchelor of Derby
 Bouchard of Colchester
 Branagan of Georgia
 Brennan of Colchester
 Browning of Arlington
 Burditt of West Rutland
 Canfield of Fair Haven
 Clark of Vergennes
 Condon of Colchester
 Corcoran of Bennington
 Crawford of Burke
 Dickinson of St. Albans
 Town
 Donahue of Northfield
 Eckhardt of Chittenden

Hebert of Vernon
 Helm of Fair Haven
 Higley of Lowell
 Howard of Cambridge
 Hubert of Milton
 Johnson of Canaan
 Kilmartin of Newport City
 Koch of Barre Town
 Komline of Dorset
 Larocque of Barnet
 Lawrence of Lyndon
 Lewis of Berlin
 Lewis of Derby
 Marcotte of Coventry
 McAllister of Highgate
 McFaun of Barre Town

Morrissey of Bennington
 Myers of Essex
 Olsen of Jamaica
 Pearce of Richford
 Peaslee of Guildhall
 Perley of Enosburgh
 Reis of St. Johnsbury
 Savage of Swanton
 Scheuermann of Stowe
 Shaw of Pittsford
 Smith of New Haven
 Stevens of Shoreham
 Strong of Albany
 Turner of Milton
 Winters of Williamstown

Those members absent with leave of the House and not voting are:

Degree of St. Albans City
 Donaghy of Poultney
 Fagan of Rutland City

Gilbert of Fairfax
 McNeil of Rutland Town
 O'Brien of Richmond

Partridge of Windham
 Smith of Morristown
 Till of Jericho

Report of Committee of Conference Adopted

H. 464

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill, entitled

An act relating to a moratorium on hydraulic fracturing wells for natural gas and oil production

Respectfully reported that it has met and considered the same and recommended that the House accede to the Senate proposal of amendment and that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds and declares that:

(1) The drilling practice of hydraulic fracturing for natural gas exploration and production uses a variety of chemicals that are pumped into natural gas or oil wells.

(2) During hydraulic fracturing, chemicals and waste fluid pumped into wells may be introduced into and contaminate drinking water aquifers.

(3) To ensure that the state's underground sources of drinking water remain free of contamination, the general assembly should prohibit hydraulic fracturing for the purpose of the recovery of oil or natural gas in order to:

(A) allow the state time to review, develop, and establish potential requirements for regulation of hydraulic fracturing; and

(B) allow the agency of natural resources to review the environmental impacts of hydraulic fracturing.

(4) When hydraulic fracturing can be conducted without risk of contamination to the groundwater of Vermont, the general assembly should repeal the prohibition on hydraulic fracturing for oil and natural gas recovery.

Sec. 2. 29 V.S.A. § 503 is amended to read:

§ 503. DEFINITIONS

As used in this chapter:

* * *

(8) "Gas" means all natural gas, whether hydrocarbon or nonhydrocarbon, including hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen, casinghead gas, and all other fluid hydrocarbons not defined as oil.

* * *

(15) "Oil" means crude petroleum, oil, and all hydrocarbons, regardless of specific gravity, that are in the liquid phase in the reservoir and are produced at the wellhead in liquid form.

(16) "Oil and gas" means both oil and gas, or either oil or gas, as the context may require to give effect to the purposes of this chapter.

* * *

(29) "Fluid" means any material or substance which flows or moves whether in semi-solid, liquid, sludge, gas, or any other form or state.

(30) "Hydraulic fracturing" means the process of pumping a fluid into or under the surface of the ground in order to create fractures in rock for the purpose of the production or recovery of oil or gas.

Sec. 3. 29 V.S.A. chapter 14, subchapter 8 is added to read:

Subchapter 8. Hydraulic Fracturing for Oil or Gas Recovery

§ 571. HYDRAULIC FRACTURING; PROHIBITION

(a) No person may engage in hydraulic fracturing in the state.

(b) No person within the state may collect, store, or treat wastewater from hydraulic fracturing.

Sec. 4. 10 V.S.A. § 1259 is amended to read:

§ 1259. PROHIBITIONS

(a) No person shall discharge any waste, substance, or material into waters of the state, nor shall any person discharge any waste, substance, or material into an injection well or discharge into a publicly owned treatment works any waste which interferes with, passes through without treatment, or is otherwise incompatible with those works or would have a substantial adverse effect on those works or on water quality, without first obtaining a permit for that discharge from the secretary. This subsection shall not prohibit the proper application of fertilizer to fields and crops, nor reduce or affect the authority or policy declared in joint house resolution 7 of the 1971 session of the general assembly.

* * *

(c) No person shall cause a direct discharge into Class A waters of any wastes that, prior to treatment, contained organisms pathogenic to human beings. Except within a waste management zone, no person shall cause a direct discharge into Class B waters of any wastes that prior to treatment contained organisms pathogenic to human beings.

(d) No person shall cause a discharge of wastes into Class A waters, except for on-site disposal of sewage from systems with a capacity of 1,000 gallons per day (gpd), or less, that are either exempt from or comply with the environmental protection rules, or existing systems, which shall require a permit according to the provisions of subsection 1263(f) of this title.

* * *

(j) No person shall discharge waste from hydraulic fracturing, as that term is defined in 29 V.S.A. § 503, into or from a pollution abatement facility, as that term is defined in section 1571 of this title.

Sec. 5. AGENCY OF NATURAL RESOURCES REPORT; REGULATION OF HYDRAULIC FRACTURING FOR OIL OR NATURAL GAS RECOVERY

(a) On or before January 15, 2015, the secretary of natural resources shall submit to the senate and house committees on natural resources and energy and the house committee on fish, wildlife and water resources a report recommending how hydraulic fracturing should be regulated in the state. The report shall include:

(1) A recommendation of what state agency, board, or instrumentality should be authorized by the general assembly to regulate hydraulic fracturing in the state;

(2) A summary of how the agency recommends that hydraulic fracturing be regulated in the state, including how hydraulic fracturing should be permitted, where and how hydraulic fracturing should be sited, how waste from the hydraulic fracturing should be disposed of, how groundwater and surface water withdrawal for hydraulic fracturing should be regulated, and how to regulate land use practices and traffic associated with hydraulic fracturing; and

(3) Whether the agency of natural resources recommends that additional statutory or regulatory authority be enacted or adopted for the regulation of hydraulic fracturing and, if additional authority is recommended, a summary of the recommended authority.

(b) In preparing the report required by this section, the secretary of natural resources shall consult with interested parties, including representatives of: environmental groups, the oil and gas board, the oil and gas industry, and the U.S. Environmental Protection Agency.

Sec. 6. ANR REPORT ON SAFETY OF HYDRAULIC FRACTURING

On or before January 15, 2016, the secretary of natural resources shall report to the senate and house committees on natural resources and energy and the house committee on fish, wildlife and water resources regarding the environmental impacts of hydraulic fracturing and the potential impact of the practice on the public health and environment of Vermont. The report shall include:

(1) A summary of the findings of the U.S. Environmental Protection Agency studies of the environmental impacts of hydraulic fracturing, including the effects of hydraulic fracturing on ground water and air quality;

(2) A summary of additional relevant peer review studies related to the environmental impacts of hydraulic fracturing when, in the discretion of the secretary of natural resources, they are determined to be instructive or relevant to the potential environmental impacts of hydraulic fracturing in Vermont; and

(3) A recommendation as to whether the prohibition on hydraulic fracturing under 29 V.S.A § 571 should be repealed.

Sec. 7. AGENCY OF NATURAL RESOURCES; UNDERGROUND INJECTION CONTROL RULEMAKING

On or before July 15, 2015, the secretary of natural resources shall amend the rules regulating the discharge of waste into an injection well, including those discharges into an injection well for oil and gas recovery for which the agency of natural resources has jurisdiction, in order to update the rules to reflect existing requirements under federal and state law and to address practices not contemplated by the existing rules. In amending the rules regulating the discharge of waste into an injection well, the agency of natural resources shall provide that no permit shall be issued under 10 V.S.A. chapter 47 for a discharge of waste into an injection well when such a discharge would endanger an underground source of drinking water.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to hydraulic fracturing wells for natural gas and oil production"

VIRGINIA V. LYONS

JOSEPH C. BENNING

MARK A. MACDONALD

Committee on the part of the Senate

JAMES M. MCCULLOUGH

KATHRYN L. WEBB

Committee on the part of the House

Pending the question, Shall the House adopt the Committee of Conference Report? **Rep. Deen of Westminster** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the Committee of Conference Report? was decided in the affirmative. Yeas, 103. Nays, 36.

Those who voted in the affirmative are:

Acinapura of Brandon

Ancel of Calais

Andrews of Rutland City

Aswad of Burlington	Greshin of Warren	Munger of South Burlington
Bartholomew of Hartland	Haas of Rochester	Nuovo of Middlebury
Bissonnette of Winooski	Head of South Burlington	O'Brien of Richmond
Bohi of Hartford	Heath of Westford	Olsen of Jamaica
Botzow of Pownal	Hooper of Montpelier	O'Sullivan of Burlington
Branagan of Georgia	Howard of Cambridge	Pearce of Richford
Browning of Arlington	Howrigan of Fairfield	Pearson of Burlington
Burke of Brattleboro	Jerman of Essex	Peltz of Woodbury
Buxton of Tunbridge	Johnson of South Hero	Poirier of Barre City
Campion of Bennington	Johnson of Canaan	Potter of Clarendon
Cheney of Norwich	Keenan of St. Albans City	Pugh of South Burlington
Christie of Hartford	Kitzmiller of Montpelier	Ralston of Middlebury
Clark of Vergennes	Klein of East Montpelier	Ram of Burlington
Clarkson of Woodstock	Krebs of South Hero	Russell of Rutland City
Conquest of Newbury	Krowinski of Burlington	Shand of Weathersfield
Copeland-Hanzas of Bradford	Kupersmith of South Burlington	Sharpe of Bristol
Corcoran of Bennington	Lanpher of Vergennes	Shaw of Pittsford
Courcelle of Rutland City	Lenes of Shelburne	Spengler of Colchester *
Dakin of Chester	Leriche of Hardwick	Stevens of Waterbury
Davis of Washington	Lippert of Hinesburg	Stevens of Shoreham
Deen of Westminster	Lorber of Burlington	Stuart of Brattleboro
Devereux of Mount Holly	Macaig of Williston	Sweaney of Windsor
Donahue of Northfield	Malcolm of Pawlet	Taylor of Barre City
Donovan of Burlington	Manwaring of Wilmington	Toll of Danville
Edwards of Brattleboro	Marek of Newfane	Townsend of Randolph
Ellis of Waterbury	Martin of Springfield	Trieber of Rockingham
Emmons of Springfield	Martin of Wolcott	Waite-Simpson of Essex
Evans of Essex	Masland of Thetford	Webb of Shelburne
Fisher of Lincoln	McCullough of Williston	Wilson of Manchester
Frank of Underhill	Miller of Shaftsbury	Wizowaty of Burlington
French of Shrewsbury	Mook of Bennington	Woodward of Johnson
French of Randolph	Moran of Wardsboro	Yantachka of Charlotte
Grad of Moretown	Mrowicki of Putney *	Young of Glover
		Zagar of Barnard

Those who voted in the negative are:

Atkins of Winooski	Higley of Lowell	Peaslee of Guildhall
Batchelor of Derby	Hubert of Milton	Perley of Enosburgh
Bouchard of Colchester	Kilmartin of Newport City	Reis of St. Johnsbury
Brennan of Colchester	Koch of Barre Town	Savage of Swanton
Burditt of West Rutland	Larocque of Barnet	Scheuermann of Stowe *
Canfield of Fair Haven	Lawrence of Lyndon	Smith of New Haven
Consejo of Sheldon	Lewis of Berlin	South of St. Johnsbury
Crawford of Burke	Lewis of Derby	Strong of Albany
Dickinson of St. Albans Town	Marcotte of Coventry	Turner of Milton
Eckhardt of Chittenden	McAllister of Highgate	Winters of Williamstown
Hebert of Vernon	McFaun of Barre Town	Wright of Burlington
Helm of Fair Haven	Morrissey of Bennington	
	Myers of Essex	

Those members absent with leave of the House and not voting are:

Condon of Colchester
Degree of St. Albans City
Donaghy of Poultney
Fagan of Rutland City

Gilbert of Fairfax
Komline of Dorset
McNeil of Rutland Town
Partridge of Windham

Smith of Morristown
Till of Jericho

Rep. Courcelle of Rutland City explained her vote as follows:

“Mr. Speaker:

Two sessions ago I voted to protect our ground water. We made it a public trust! This bill protects our state’s ground water (thus our wells and drinking water) for future generations.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

If my floor comments were misleading, I apologize. I support this bill overall and only hope that if there is litigation on the issue of interstate transport, we will revoke that section. For now it appears we are acting appropriately.”

Rep. Ellis of Waterbury explained her vote as follows:

“Mr. Speaker:

Protecting our ground water is not only good for the environment, it will save us millions of dollars in clean-up costs.”

Rep. Kitzmiller of Montpelier explained his vote as follows:

“Mr. Speaker:

Fracking is a deep and rocky subject infused with many impenetrable issues which have fractured our membership. I voted for this report to give us more time to drill down on the subject and not see it simply watered down with a mere moratorium.”

Rep. Lorber of Burlington explained his vote as follows:

“Mr. Speaker:

May this be the start of a nationwide movement to protect our environment.”

Rep. Mrowicki of Putney explained his vote as follows:

“Mr. Speaker:

A big thank you to your Fish, Wildlife & Water Resources Committee. Fracking is not only fracturing the earth and endangering our environment above and underground, it is also fracturing communities, pitting neighbor against neighbor. We don't need this in VT.

My vote is for protecting our environment and our communities, now and for the future generations deserving of a clean earth and clean water."

Rep. Scheuermann of Stowe explained her vote as follows:

"Mr. Speaker:

I vote 'no' on this ban for two reasons. First, we have absolutely no idea whether or not our state has any gas deposits worth mining and if these deposits might offer some economic opportunity to our state's farmers and other Vermonters.

Second, there is no study included in the bill that would determine if we had these assets.

As the Burlington Free Press editorial says: 'Vermonters deserve a policy on fracking that protects the state's environment and water supply without unnecessarily hindering economic opportunity'."

Rep. Spengler of Colchester explained her vote as follows:

"Mr. Speaker:

I can not be more pleased with the results of this conference committee unless we could ensure this ban on fracking in perpetuity. Safeguarding our state's water and air for present and future generations is my duty as a Representative to the State of Vermont."

Rep. Turner of Milton explained his vote as follows:

"Mr. Speaker:

My 'no' vote today reflects my disapproval and disappointment with the process on this bill. It is the custom of this body to appoint a member of the minority party to the committee of conference when they support passage of the bill. This did not happen on this bill. The outcome of this bill was predetermined and did not reflect the position of the bill as it passed the House with bipartisan support."

Report of Committee of Conference Adopted

H. 771

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill, entitled

An act relating to making technical corrections and other miscellaneous changes to education law

Respectfully reported that it has met and considered the same and recommended that the House accede to the Senate proposal of amendment with the following amendment thereto:

First: By striking out Secs. 33 and 34 in their entirety and inserting in lieu thereof the following:

Sec. 33. [Deleted.]

Sec. 34. 16 V.S.A. § 822a is added to read:

§ 822a. PUBLIC HIGH SCHOOL CHOICE

(a) Definitions. In this section:

(1) “High school” means a public school or that portion of a public school that offers grades 9 through 12 or some subset of those grades.

(2) “Student” means a student’s parent or guardian if the student is a minor or under guardianship and means a student himself or herself if the student is not a minor.

(b) Limits on transferring students. A sending high school board may limit the number of resident students who transfer to another high school under this section in each year; provided that in no case shall it limit the potential number of new transferring students to fewer than five percent of the resident students enrolled in the sending high school as of October 1 of the academic year in which the calculation is made or 10 students, whichever is fewer; and further provided that in no case shall the total number of transferring students in any year exceed 10 percent of all resident high school students or 40 students, whichever is fewer.

(c) Capacity. On or before February 1 each year, the board of a high school district shall define and announce its capacity to accept students under this section. The commissioner shall develop, review, and update guidelines to assist high school district boards to define capacity limits. Guidelines may include limits based on the capacity of the program, class, grade, school building, measurable adverse financial impact, or other factors, but shall not be based on the need to provide special education services.

(d) Lottery.

(1) Subject to the provisions of subsection (f) of this section, if more than the allowable number of students wish to transfer to a school under this section, then the board of the receiving high school district shall devise a nondiscriminatory lottery system for determining which students may transfer.

(2) Subject to the provisions of subsection (f) of this section, if more than the allowable number of students wish to transfer from a school under this section, then the board of the sending high school district shall devise a nondiscriminatory lottery system for determining which students may transfer; provided, however:

(A) a board shall give preference to the transfer request of a student whose request to transfer from the school was denied in a prior year; and

(B) a board that has established limits under subsection (b) of this section may choose to waive those limits in any year.

(e) Application and notification.

(1) A high school district shall accept applications for enrollment until March 1 of the school year preceding the school year for which the student is applying.

(2) A high school district shall notify each student of acceptance or rejection of the application by April 1 of the school year preceding the school year for which the student is applying.

(3) An accepted student shall notify both the sending and the receiving high schools of his or her decision to enroll or not to enroll in the receiving high school by April 15 of the school year preceding the school year for which the student has applied.

(4) After sending notification of enrollment, a student may enroll in a school other than the receiving high school only if the student, the receiving high school, and the high school in which the student wishes to enroll agree. If the student becomes a resident of a different school district, the student may enroll in the high school maintained by the new district of residence.

(5) If a student who is enrolled in a high school other than in the school district of residence notifies the school district of residence by July 15 of the intent to return to that school for the following school year, the student shall be permitted to return to the high school in the school district of residence without requiring agreement of the receiving district or the sending district.

(f) Continued enrollment. An enrolled nonresident student shall be permitted to remain enrolled in the receiving high school without renewed applications in subsequent years unless:

(1) the student graduates;

(2) the student is no longer a Vermont resident; or

(3) the student is expelled from school in accordance with adopted school policy.

(g) Tuition and other costs.

(1) Unless the sending and receiving schools agree to a different arrangement, no tuition or other cost shall be charged by the receiving district or paid by the sending district for a student transferring to a different high school under this section; provided, however, a sending high school district shall pay special education and technical education costs for resident students pursuant to the provisions of this title.

(2) A student transferring to a different high school under this section shall pay no tuition, fee, or other cost that is not also paid by students residing in the receiving district.

(3) A district of residence shall include within its average daily membership any student who transfers to another high school under this section; a receiving school district shall not include any student who transfers to it under this section.

(h) Special education. If a student who is eligible for and receiving special education services chooses to enroll in a high school other than in the high school district of residence, then the receiving high school shall carry out the individualized education plan, including placement, developed by the sending high school district. If the receiving high school believes that a student not on an individualized education plan may be eligible for special education services or that an existing individualized education plan should be altered, it shall notify the sending high school district. When a sending high school district considers eligibility, development of an individualized education plan, or changes to a plan, it shall give notice of meetings to the receiving high school district and provide an opportunity for representatives of that district to attend the meetings and participate in making decisions.

(i) Suspension and expulsion. A sending high school district is not required to provide services to a resident student during a period of suspension or expulsion imposed by another high school district.

(j) Transportation. Jointly, the superintendent of each supervisory union shall establish and update a statewide clearinghouse providing information to students about transportation options among the high school districts.

(k) Nonapplicability of other laws. The provisions of subsections 824(b) and (c) (amount of tuition), 825(b) and (c) (maximum tuition rate), and 826(a) (notice of tuition change) and section 836 (tuition overcharge and undercharge) of this chapter shall not apply to enrollment in a high school pursuant to this section.

(l) Waiver. If a high school board determines that participation under this section would adversely affect students in its high school, then it may petition the commissioner for an exemption. The commissioner's decision shall be final.

(m) Report. Notwithstanding 2 V.S.A. § 20(d), the commissioner shall report annually in January to the senate and house committees on education on the implementation of public high school choice as provided in this section, including a quantitative and qualitative evaluation of the program's impact on the quality of educational services available to students and the expansion of educational opportunities.

Second: By striking out Sec. 38 in its entirety and inserting in lieu thereof a new Sec. 38 to read:

Sec. 38. EFFECTIVE DATE; IMPLEMENTATION

(a) Secs. 18–31 (audits) of this act shall take effect on July 1, 2013.

(b) Secs. 34, 35, and 37 of this act (statewide high school choice) shall take effect on July 1, 2012; provided, however, that Sec. 34 shall apply to enrollment in the 2013–2014 academic year and after.

(c) Sec. 36 (repeal of regional high school choice) of this act shall take effect on July 1, 2013; provided, however, that 16 V.S.A. § 1622 shall apply to enrollment in the 2012–2013 academic year and shall not apply to the process for determining enrollment in the 2013–2014 academic year.

(d) This section and all other sections of this act shall take effect on passage.

KEVIN J. MULLIN
ROBERT A. STARR
WILLIAM T. DOYLE

Committee on the part of the Senate

JOHANNAH L. DONOVAN
HOWARD T. CRAWFORD
PHILIP PELTZ

Committee on the part of the House

Which was considered and adopted on the part of the House.

Report of Committee of Conference Adopted

S. 116

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

An act relating to probate proceedings

Respectfully reported that it has met and considered the same and recommended the House recede from its proposals of amendment, and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Rule 4(e) of the Vermont Rules of Probate Procedure is amended to read:

(e) Service by publication. When service by publication is required by this rule or by order of the court, the person directed by the court shall cause the substance of the notice prescribed by subdivision (a) of this rule, and a brief statement of the object of the petition, to be published ~~once a week for two successive weeks and at least seven days apart~~ in a designated newspaper of general circulation in the probate district where the petition was filed, or such other location as the court may direct. The ~~first~~ publication of the notice shall be made within 20 days after the petition is filed or the order is granted. Service by publication is complete on the day of ~~the last~~ publication.

Sec. 2. Rule 17 of the Vermont Rules of Probate Procedure is amended to read:

Rule 17. PARTIES GENERALLY

(a) Parties at commencement. At the commencement of a probate proceeding all interested persons shall be considered parties and shall be served with notice pursuant to Rule 4.

(1)(A) Decedent's estates. At commencement of a probate proceeding involving a decedent's estate, the term "interested person" includes heirs, devisees, legatees, children, spouses, and such other persons as the court directs. The term "interested person" also includes the trustees of any trusts to which assets of the decedent's estate may be distributed. Notice to a trustee shall be sufficient to notify the trust's beneficiaries. It also includes persons having priority for appointment as executor or administrator, and other fiduciaries representing interested persons.

(B) The court, on motion, may order that an interested party need not be served with notice pursuant to Rule 4:

(i) if after due diligence the interested party cannot be located; or

(ii) for other good cause shown if the court finds that not providing such notice serves the interests of justice and the efficient administration of the estate.

* * *

Sec. 3. 14 V.S.A. § 3504 is amended to read:

§ 3504. SCOPE OF AUTHORITY

(a)(1) The agent shall have the authority to act on the principal's behalf as to all lawful subjects and purposes, but only to the extent such authority is given under the terms of the power of attorney, subject to section 3506 of this title and subsections (b) through (g) of this section.

(2) A general power of attorney created under this subchapter shall be construed to grant powers that are not expressly delineated in the terms of the power of attorney if it appears from the relevant facts and circumstances that the principal intended the agent to have general authority to act on the principal's behalf with respect to all lawful subjects and purposes. The specific inclusion or exclusion of one or more powers shall not, by itself, prevent a determination that the principal intended to grant general authority to the agent with respect to subjects not specifically included or excluded.

* * *

Sec. 4. 14 V.S.A. § 3516 is amended to read:

§ 3516. EFFECTIVE DATE; EFFECT ON EXISTING POWERS OF
ATTORNEY

(a) A power of attorney shall be valid if it:

(1) complies with the terms of this subchapter; or

(2) is executed before July 1, 2002 and valid under common law or statute existing at the time of execution.

(b) If a power of attorney executed before July 1, 2002 was valid under common law or statute existing at the time of execution, any exercise of authority under the power of attorney, whether before or after July 1, 2002, shall be deemed valid if the exercise complies with common law or statute existing at the time of execution.

Sec. 5. 24 V.S.A. § 133 is amended to read:

§ 133. COUNTY TAX; AMOUNT; ASSESSMENT

* * *

(e) The proposed budget shall contain any cost estimates and preliminary plans for capital construction in the county pursuant to subchapter 2 of chapter 3 of this title, estimates of the indebtedness of the county, estimates of the probable ordinary expenses of the county for the ensuing year, and any and all other expenses and obligations of the county. The budget may contain provision for additions to a an operations reserve fund and the accumulated total reserve fund shall not at any time exceed an amount equal to ~~ten~~ 15 percent of the current budget presented. Pursuant to a capital program, as described in section 4426 of this title, the budget may also include a provision for a separate reserve fund for capital construction, reconstruction, remodeling, repairs, renovation, design, or redesign which shall not at any time exceed an amount equal to ~~50~~ 75 percent of the current budget presented. However, if capital construction, reconstruction, remodeling, repairs, renovation, design, or redesign is necessitated by an insured loss or damage to a county building, the separate reserve fund may also include the amount of insurance proceeds received as a result of the loss or damage. All county budgets shall be presented on the form prescribed by the auditor of accounts, after consultation with the association of assistant judges, and shall include the amounts currently budgeted for each item included in the proposed budget.

Sec. 6. MINOR GUARDIANSHIP STUDY COMMITTEE

The minor guardianship study committee created by Sec. 23 of No. 56 of the Acts of 2011 shall continue to meet during 2012 and shall report any additional findings and recommendations to the house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare on or before December 15, 2012, whereupon it shall cease to exist.

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to probate proceedings, powers of attorney, and county budget reserve funds"

COMMITTEE ON THE PART OF THE SENATE	COMMITTEE ON THE PART OF THE HOUSE
SEN. ALICE W. NITKA	REP. THOMAS F. KOCH
SEN. RICHARD W. SEARS	REP. WILLIAM J. LIPPERT
SEN. MARGARET K. FLORY	REP. RICHARD J. MAREK

Which was considered and adopted on the part of the House.

Report of Committee of Conference Adopted

S. 200

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

An act relating to the reporting requirements of health insurers

Respectfully reported that it has met and considered the same and recommended that the Senate accede to the House proposal of amendment, and that the bill be further amended:

First: In Sec. 1, 18 V.S.A. § 9414a, subsection (a), in the first sentence, by striking the number "5,000" and inserting in lieu thereof "2,000"

Second: In Sec. 1, 18 V.S.A. § 9414a, subdivision (a)(9)(A), by striking "names, positions," and inserting in lieu thereof "titles"

COMMITTEE ON THE PART OF THE SENATE	COMMITTEE ON THE PART OF THE HOUSE
SEN. RICHARD J. McCORMACK	REP. SARAH L. COPELAND- HANZAS
SEN. RICHARD A. WESTMAN	REP. CHRISTOPHER A. PEARSON
SEN. ANTHONY POLLINA	REP. PATRICIA C. KOMLINE

Which was considered and adopted on the part of the House.

Report of Committee of Conference Adopted**S. 217**

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

An act relating to closely held benefit corporations

Respectfully reported that it has met and considered the same and recommended that the House recede from its proposal of amendment and that the bill be amended in Sec. 1, in 11A V.S.A. § 21.10(e)(1), by striking “one million dollars” and inserting in lieu thereof “five million dollars”

COMMITTEE ON THE PART OF
THE SENATE

SEN. RANDOLPH D. BROCK

SEN. RICHARD J. McCORMACK
SEN. WILLIAM H. CARRIS

COMMITTEE ON THE PART OF
THE HOUSE

REP. MICHELE FERLAND
KUPERSMITH

REP. EILEEN G. DICKINSON
REP. SAMUEL R. YOUNG

Which was considered and adopted on the part of the House.

Report of Committee of Conference Adopted**S. 251**

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

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

Respectfully reported that it has met and considered the same and recommended that the Senate accede to the House’s proposal of amendment to add Sec. 12 to the bill and to renumber the remaining section to be numerically correct, and that the House recede from its proposal of amendment to add Secs. 13–15 to the bill.

COMMITTEE ON THE PART OF
THE SENATE

SEN. ROBERT M. HARTWELL
SEN. RICHARD A. WESTMAN
SEN. RICHARD T. MAZZA

COMMITTEE ON THE PART OF
THE HOUSE

REP. DIANE M. LANPHER
REP. CLEMENT J. BISSONNETTE
REP. CHARLES W. BOHI

Which was considered and adopted on the part of the House.

**Senate Proposal of Amendment to
House Proposal of Amendment Agreed to**

H. 485

The Senate concurred in the House proposal of amendment to the Senate proposal of amendment, on House bill, entitled

An act relating to establishing universal recycling of solid waste

First: In Sec. 2, 10 V.S.A. § 6604, in subdivision (a)(1), by adding a new subdivision (B) to read:

~~(ii)~~(B) materials management, which furthers the development of products that will generate less waste;

and by relettering the subsequent subdivisions of subdivision (a)(1) to be alphabetically correct

Second: In Sec. 12 (ANR report on solid waste), in subdivision (a)(1)(A) by striking out “and” after the semicolon and in subdivision (a)(1)(B), by striking out the period and inserting in lieu thereof ; and and by adding subdivision (a)(1)(C) to read:

(C) an analysis of the effectiveness of the existing, statutory beverage container deposit and return requirements and the effectiveness of the existing, statutory requirements in 10 V.S.A. chapters 164 (mercury management), 164A (collection and disposal of mercury containing lamps), and 166 (collection and recycling of electronic devices) in achieving the priorities and goals established by the state solid waste management plan.

Which proposal of amendment was considered and concurred in.

Report of Committee of Conference Adopted

S. 245

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

An act relating to requiring cardiovascular care instruction in public and independent schools

Respectfully reported that it has met and considered the same and recommended that the House recede from its proposals of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 131 is amended to read:

§ 131. DEFINITIONS

For the purposes of this subchapter, “comprehensive health education” means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment. The term includes the study of:

* * *

(3) Safety including:

(A) first aid, disaster prevention, and accident prevention; and

(B) information regarding and practice of compression-only cardiopulmonary resuscitation and the use of automated external defibrillators;

* * *

Sec. 2. 16 V.S.A. § 212 is amended to read:

§ 212. COMMISSIONER’S DUTIES GENERALLY

The commissioner shall execute those policies adopted by the state board in the legal exercise of its powers and shall:

* * *

(18) Annually inform superintendents and principals of regional resources available to assist schools to provide instruction in cardiopulmonary resuscitation and the use of automated external defibrillators and provide updated information to the education community regarding the provision of a comprehensive health education.

Sec. 3. REPORT

The commissioner of education shall electronically query superintendents and principals regarding whether and to what extent the instruction of

cardiopulmonary resuscitation and the use of automated external defibrillators is offered in the schools of the state. Specifically, the commissioner shall determine in what grades, for what periods of time, and in connection with what underlying courses instruction is offered. The commissioner shall report the results of this data collection to the senate and house committees on education on or before February 1, 2013.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

COMMITTEE ON THE PART OF
THE SENATE

SEN. WILLIAM T. DOYLE
SEN. VIRGINIA V. LYONS
SEN. PHILIP E. BARUTH

COMMITTEE ON THE PART OF
THE HOUSE

REP. JOHANNAH L. DONOVAN
REP. KEVIN B. CHRISTIE
REP. BRIAN A. CAMPION

Which was considered and adopted on the part of the House.

Senate Proposal of Amendment Concurred in with a Further Amendment Thereto

H. 78

The Senate proposed to the House to amend House bill, entitled

An act relating to wages for laid-off employees

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. § 1971 is amended to read:

§ 1971. ~~EXTENT OF LIEN~~ UNPAID WAGES; STATUTORY LIEN;
PRIORITY OVER SUBSEQUENT MORTGAGE OR LIEN

(a) A statutory lien is created on the real and personal property of a corporation for up to 30 days of unpaid wages.

(b) The liability of a corporation to ~~wage-earners~~ an employee for unpaid wages which were earned in the three months next for a 30-day period prior to the filing of a new mortgage or other lien upon the property and franchise of such corporation of the corporation, in all cases, shall be a first lien thereon, notwithstanding any mortgage or other lien thereon recorded after such wages were earned. An individual who works for wages, salary or hire at a rate of compensation not exceeding \$3,000.00 a year shall be deemed to be a wage earner within the meaning of this section. Notice of the lien if on personal property shall be filed with the secretary of state's office and, if on real

property, in the land records, by the employee or the department of labor acting on behalf of one or more employees. An employee who is owed wages or the department of labor acting on behalf of one or more employees may file an action to execute on the lien in the civil division of the superior court in the county in which the corporation has its principal place of business in the state, or in the civil division of the Washington County superior court.

Sec. 2. 11A V.S.A. § 14.03 is amended to read:

§ 14.03. ARTICLES OF DISSOLUTION; CONTENT OF NOTICE; NOTICE TO DEPARTMENT OF LABOR REGARDING UNPAID WAGES

(a) At any time after dissolution is authorized, the corporation may dissolve by delivering to the secretary of state for filing articles of dissolution setting forth:

- (1) the name of the corporation;
- (2) the date dissolution was authorized;
- (3) if dissolution was approved by the shareholders:

(A) the number of votes entitled to be cast on the proposal to dissolve; and

(B) either the total number of votes cast for and against dissolution or the total number of undisputed votes cast for dissolution and a statement that the number cast for dissolution was sufficient for approval;

(4) if voting by voting groups was required, the information required by subdivision (3) of this subsection ~~must be~~, separately provided for each voting group entitled to vote separately on the plan to dissolve;

(5) a statement as to the settlement of debts, the distribution of property, and the status of pending litigation;

(6) a statement whether the corporation owes any unpaid wages to its employees.

(b) Subject to the provisions of section 14.09 of this title, a corporation is dissolved upon the effective date of its articles of dissolution.

(c) If a corporation owes unpaid wages to its employees, it shall also file a statement to that effect with the department of labor.

Thereupon, **Rep. O'Sullivan of Burlington** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. 11A V.S.A. § 14.03 is amended to read:

§ 14.03. ARTICLES OF DISSOLUTION

(a) At any time after dissolution is authorized, the corporation may dissolve by delivering to the secretary of state for filing articles of dissolution setting forth:

- (1) the name of the corporation;
- (2) the date dissolution was authorized;
- (3) if dissolution was approved by the shareholders:

(A) the number of votes entitled to be cast on the proposal to dissolve; and

(B) either the total number of votes cast for and against dissolution or the total number of undisputed votes cast for dissolution and a statement that the number cast for dissolution was sufficient for approval;

(4) if voting by voting groups was required, the information required by subdivision (3) of this subsection ~~must be~~ separately provided for each voting group entitled to vote separately on the plan to dissolve;

(5) a statement as to the settlement of debts, wages, the distribution of property, and the status of pending litigation.

(b) Subject to the provisions of section 14.09 of this title, a corporation is dissolved upon the effective date of its articles of dissolution.

(c) A corporation shall stipulate to the department of labor whether and in what amount it owes unpaid wages to its employees. The secretary of state shall certify the articles of dissolution only after receiving confirmation from the department of labor that the corporation has paid the stipulated wages.

Second: By adding a Sec. 3 to read:

Sec. 3. EFFECTIVE DATE

Sec. 2 of this act shall take effect on October 1, 2012.

Which was agreed to.

Message from the Senate No. 74

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 766. An act relating to the national guard.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

Senate Proposal of Amendment Concurred in

H. 290

The Senate proposed to the House to amend House bill, entitled

An act relating to adult protective services

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ADULT PROTECTIVE SERVICES REPORTS

(a) Beginning September 15, 2012 and by the 15th day of each month thereafter through September 2014, the commissioner of disabilities, aging, and independent living shall provide the information described in subsection (b) of this section to the general assembly. When the general assembly is in session, the commissioner shall provide the information to the house committees on human services and on judiciary and to the senate committees on health and welfare and on judiciary. When the general assembly is not in session, the commissioner shall provide the information to the chairs of the committees of jurisdiction, the health access oversight committee, and the office of legislative council.

(b) The commissioner shall provide the following information relating to the department's adult protective services activities during the preceding calendar month and for the calendar year to date:

(1) The number of:

(A) unduplicated intakes.

(B) cases open and under investigation.

(C) cases in which there was no personal contact with the alleged victim.

(2) The number of times a reporter was not contacted by the department within 48 hours after making a report.

(3) The number of cases that were not investigated pursuant to 33 V.S.A. § 6906 because:

(A) the alleged victim did not meet the statutory definition of a vulnerable adult.

(B) the allegation did not meet the statutory definition of abuse, neglect, or exploitation.

(C) the report was based on self-neglect.

(D) the report was based on "resident on resident" abuse.

(4) Of the cases not investigated pursuant to 33 V.S.A. § 6906 because the alleged victim did not meet the statutory definition of a vulnerable adult, whether any involved an alleged victim who was a resident of a facility, as defined in 33 V.S.A. § 6902(14)(A); a resident of a psychiatric hospital, as defined in 33 V.S.A. § 6902(14)(B); or receiving personal care services, as defined in 33 V.S.A. § 6902(14)(C).

(5) Of the cases not investigated pursuant to 33 V.S.A. § 6906 because the report was based on self-neglect, the services to which the reporter was referred.

(6) Reasons other than those listed in subdivision (2) for which a case was not investigated pursuant to 33 V.S.A. § 6906, such as no allegation of mistreatment, and the number of reports in each category.

(7) The number of cases in which there was no contact with the alleged victim or the reporter after the initial screening.

(8) The number of substantiations, pending substantiations, unsubstantiations, and completed investigations.

(9) For cases in which a decision was made not to investigate, the number of times the required letters were not sent to the victim or the reporter within five business days.

(10) For cases in which an investigation was completed, the number of times the required letters were not sent to the alleged victim, reporter, or alleged perpetrator within five business days.

(11) The length of time between when:

(A) the department received a report and when a decision was made regarding whether or not to investigate.

(B) the department received a report and when the investigator contacted the alleged victim.

(C) the department received a report and when the investigation was completed.

(12) As of the last day of the month, the number of permanent full-time equivalent employees and vacancies, the number of temporary full-time equivalent employees and vacancies, the position titles of all employees and vacant positions, and the employees' caseloads.

(13) The number of:

(A) cases that resulted in a written coordinated treatment plan pursuant to 33 V.S.A. § 6907(a), protective services as defined in 33 V.S.A. § 6902(9), or a plan of care as defined in 33 V.S.A. § 6902(8).

(B) individuals put on the abuse and neglect registry as a result of a substantiation.

(C) referrals to law enforcement agencies.

(D) times a penalty was imposed pursuant to 33 V.S.A. § 6913.

(E) actions for intermediate sanctions brought pursuant to 33 V.S.A. § 7111.

(c) Beginning in September 2013, the commissioner shall also include in each monthly report all of the information described in subsection (b) of this section for the same month of the preceding calendar year in order to allow for year-to-year comparison.

Sec. 2. DATA ANALYSIS

The secretary of human services and the commissioner of disabilities, aging, and independent living shall examine the accuracy and consistency of the August 2012 data provided to the chairs of the committees of jurisdiction, the health access oversight committee, and the office of legislative council pursuant to Sec. 1 of this act. The secretary and commissioner shall submit a report to the chairs of the committees of jurisdiction, the health access oversight committee, and the office of legislative council by September 30, 2012 summarizing their findings regarding the accuracy of the data and the extent to which the data are internally consistent.

Sec. 3. ADULT PROTECTIVE SERVICES EVALUATION

(a) The secretary of human services and the commissioner of disabilities, aging, and independent living shall jointly issue a request for proposals to conduct an independent evaluation of the adult protective services provided by the department of disabilities, aging, and independent living's division of licensing and protection.

(b) The evaluation shall examine:

(1) the effectiveness of the adult protective services provided;

- (2) the division's responsiveness to complaints;
- (3) the appropriateness of the level of investigation into complaints;
- (4) the adequacy of training for adult protective services staff;
- (5) the ability of vulnerable adults to access adult protective services;
- (6) the division's rules, protocols, and practices for prioritizing, responding to, and investigating complaints;
- (7) the sufficiency of adult protective services staffing levels in the division;
- (8) the number of reports, substantiations, and reversals by the commissioner or the human services board;
- (9) the role that the division does or should play in assessing and providing emergency protective services to vulnerable adults;
- (10) best practices from other states that would improve the division's ability to protect vulnerable adults from abuse and exploitation;
- (11) the scope and effectiveness of current adult protective services public education efforts;
- (12) public perception of and satisfaction with adult protective services;
- (13) the relationship between the units of survey and certification and adult protective services in the division of licensing and protection in the department of disabilities, aging, and independent living with respect to investigations of abuse, exploitation, and neglect; and
- (14) such other areas as the entity conducting the evaluation deems appropriate.

(c) No later than March 1, 2013, the entity conducting the evaluation shall provide an interim report regarding its work to date to the house committees on human services and on judiciary and the senate committees on health and welfare and on judiciary. No later than October 1, 2013, the entity conducting the evaluation shall provide the final report of its findings and recommendations to the chairs of the house committees on human services and on judiciary and the senate committees on health and welfare and on judiciary, to the health access oversight committee, and to the office of legislative council.

(d) The secretary of human services and the commissioner of disabilities, aging, and independent living shall report, upon request, on the status of the contract and the evaluation to the chairs of the house committees on human

services and on judiciary and the senate committees on health and welfare and on judiciary and to the health access oversight committee.

Sec. 4. TRANSFER

A transfer of up to \$75,000.00 is authorized from the department of Vermont health access long-term care program or the department of disabilities, aging, and independent living to the secretary of human services to implement the provisions of this act.

Sec. 5. REPEAL

Sec. 12 of No. 79 of the Acts of 2005 (adult protective services annual report) is repealed.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment to House Proposal
of Amendment Concurred in**

S. 214

The Senate concured with the House proposal of amendment with a further proposal of amendment thereto, on Senate bill, entitled

An act relating to customer rights regarding smart meters

By striking all after the enacting clause and insert in lieu thereof the following:

* * * Renewable Energy Goals, Definitions * * *

Sec. 1. 30 V.S.A. § 8001 is amended to read:

§ 8001. RENEWABLE ENERGY GOALS

(a) The general assembly finds it in the interest of the people of the state to promote the state energy policy established in section 202a of this title by:

(1) Balancing the benefits, lifetime costs, and rates of the state's overall energy portfolio to ensure that to the greatest extent possible the economic benefits of renewable energy in the state flow to the Vermont economy in general, and to the rate paying citizens of the state in particular.

(2) Supporting development of renewable energy that uses natural resources efficiently and related planned energy industries in Vermont, and the

jobs and economic benefits associated with such development, while retaining and supporting existing renewable energy infrastructure.

* * *

(5) Protecting and promoting air and water quality by means of renewable energy programs in the state and region through the displacement of those fuels, including fossil fuels, which are known to emit or discharge pollutants.

(6) Contributing to reductions in global climate change and anticipating the impacts on the state's economy that might be caused by federal regulation designed to attain those reductions.

(7) Supporting and providing incentives for small, distributed renewable energy generation, including Providing support and incentives that support locating such generation to locate renewable energy plants of small and moderate size in a manner that is distributed across the state's electric grid, including locating such plants in areas that will provide benefit to the operation and management of the state's electric that grid through such means as reducing line losses and addressing transmission and distribution constraints.

(8) Promoting the inclusion, in Vermont's electric supply portfolio, of renewable energy plants that are diverse in plant capacity and type of renewable energy technology.

(b) The board shall provide, by order or rule, the regulations and procedures that are necessary to allow the board and the department to implement and supervise programs pursuant to this chapter.

Sec. 2. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

For purposes of this chapter:

* * *

(2) "Renewable energy" means energy produced using a technology that relies on a resource that is being consumed at a harvest rate at or below its natural regeneration rate.

(A) For purposes of this subdivision (2), methane gas and other flammable gases produced by the decay of sewage treatment plant wastes or landfill wastes and anaerobic digestion of agricultural products, byproducts, or wastes shall be considered renewable energy resources, but no form of solid waste, other than agricultural or silvicultural waste, shall be considered renewable.

(B) For purposes of this subdivision (2), no form of nuclear fuel shall be considered renewable.

(C) The only portion of electricity produced by a system of generating resources that shall be considered renewable is that portion generated by a technology that qualifies as renewable under this subdivision (2).

(D) After conducting administrative proceedings, the board may add technologies or technology categories to the definition of “renewable energy,” provided that technologies using the following fuels shall not be considered renewable energy supplies: coal, oil, propane, and natural gas.

(E) For the purposes of this chapter, renewable energy refers to either “existing renewable energy” or “new renewable energy.”

(3) ~~“Existing renewable energy” means all types of renewable energy sold from the supply portfolio of a Vermont retail electricity provider that is not considered to be from a new renewable energy source produced by a plant that came into service prior to or on December 31, 2004.~~

(4) ~~“New renewable energy” means renewable energy produced by a generating resource~~ specific and identifiable plant coming into service after December 31, 2004.

~~(A) With respect to Energy from within a system of generating resources plants that includes renewable energy, the percentage of the system that constitutes shall not constitute new renewable energy shall be determined through dividing the plant capacity of the system’s generating resources coming into service after December 31, 2004 that produce renewable energy by the total plant capacity of the system, regardless of whether the system includes specific plants that came or come into service after December 31, 2004.~~

~~(B) “New renewable energy” also may include the additional energy from an existing renewable facility~~ energy plant retrofitted with advanced technologies or otherwise operated, modified, or expanded to increase the kWh output of the ~~facility~~ plant in excess of an historical baseline established by calculating the average output of that ~~facility~~ plant for the 10-year period that ended December 31, 2004. If the production of new renewable energy through changes in operations, modification, or expansion involves combustion of the resource, the system also must result in an incrementally higher level of energy conversion efficiency or significantly reduced emissions. ~~For the purposes of this chapter, renewable energy refers to either “existing renewable energy” or “new renewable energy.”~~

(5) “~~Qualifying~~ SPEED resources” means contracts for ~~in-state~~ resources in the SPEED program established under section 8005 of this title that meet the definition of ~~new~~ renewable energy under this section, whether or not ~~renewable energy credits~~ environmental attributes are attached.

(6) ~~“Nonqualifying SPEED resources” means contracts for in-state resources in the SPEED program established under section 8005 of this title that are fossil fuel-based, combined heat and power (CHP) facilities that sequentially produce both electric power and thermal energy from a single source or fuel. In addition, at least 20 percent of a facility’s fuel’s total recovered energy must be thermal and at least 13 percent must be electric, the design system efficiency (the sum of full load design thermal output and electric output divided by the heat input) must be at least 65 percent, and the facility must meet air quality standards established by the agency of natural resources.~~

~~(7) “Energy conversion efficiency” means the effective use of energy and heat from a combustion process.~~

(7) “Environmental attributes” means the characteristics of a plant that enable the energy it produces to qualify as renewable energy and include any and all benefits of the plant to the environment such as avoided emissions or other impacts to air, water, or soil that may occur through the plant’s displacement of a nonrenewable energy source.

(8) “Tradeable renewable energy credits” means all of the environmental attributes associated with a single unit of energy generated by a renewable energy source where:

(A) those attributes are transferred or recorded separately from that unit of energy;

(B) the party claiming ownership of the tradeable renewable energy credits has acquired the exclusive legal ownership of all, and not less than all, the environmental attributes associated with that unit of energy; and

(C) exclusive legal ownership can be verified through an auditable contract path or pursuant to the system established or authorized by the board or any program for tracking and verification of the ownership of environmental attributes of energy legally recognized in any state and approved by the board.

(9) “Retail electricity provider” or “provider” means a company engaged in the distribution or sale of electricity directly to the public.

(10) “Board” means the public service board under section 3 of this title, except when used to refer to the clean energy development board.

(11) “Commissioned” or “commissioning” means the first time a plant is put into operation following initial construction or modernization if the costs of modernization are at least 50 percent of the costs that would be required to build a new plant including all buildings and structures technically required for the new plant’s operation. However, these terms shall not include activities necessary to establish operational readiness of a plant.

(12) “Plant” means ~~any~~ an independent technical facility that generates electricity from renewable energy. A group of newly constructed facilities, such as wind turbines, shall be considered one plant if the group is part of the same project and uses common equipment and infrastructure such as roads, control facilities, and connections to the electric grid.

* * *

(21) “Vermont composite electric utility system” means the combined generation, transmission, and distribution resources along with the combined retail load requirements of the Vermont retail electricity providers.

(22) “CPI” means the Consumer Price Index for all urban consumers, designated as “CPI-U,” in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

(23) “Greenhouse gas reduction credits” shall be as defined in section 8006a of this title.

* * * SPEED Program; General * * *

Sec. 3. 30 V.S.A. § 8005 is amended to read:

§ 8005. SUSTAINABLY PRICED ENERGY ENTERPRISE DEVELOPMENT (SPEED) PROGRAM; TOTAL RENEWABLES TARGETS

(a) ~~In order to~~ Creation. To achieve the goals of section 8001 of this title, there is created the Sustainably Priced Energy Enterprise Development (SPEED) program. ~~The SPEED program shall have two categories of projects: qualifying SPEED resources and nonqualifying SPEED resources.~~

(b) Board; powers and duties. The SPEED program shall be established, by rule, order, or contract, by the board. As part of the SPEED program, the board may, and in the case of subdivisions (1), (2), and (5) of this subsection, shall:

(1) Name one or more entities to become engaged in the purchase and resale of electricity generated within the state by means of qualifying SPEED resources ~~or nonqualifying SPEED resources, and shall implement the standard~~

~~offer required by subdivision (2) of this subsection through this entity or entities. An entity appointed under this subdivision shall be known as a SPEED facilitator.~~

~~(2) Issue standard offers for qualifying SPEED resources with a plant capacity of 2.2 MW or less in accordance with section 8005a of this title. These standard offers shall be available until the cumulative plant capacity of all such resources commissioned in the state that have accepted a standard offer under this subdivision (2) equals or exceeds 50 MW; provided, however, that a plant owned and operated by a Vermont retail electricity provider shall count toward this 50-MW ceiling if the plant has a plant capacity of 2.2 MW or less and is commissioned on or after September 30, 2009. The term of a standard offer required by this subdivision (2) shall be 10 to 20 years, except that the term of a standard offer for a plant using solar power shall be 10 to 25 years. The price paid to a plant owner under a standard offer required by this subdivision shall include an amount for each kWh generated that shall be set as follows:~~

~~(A) Until the board determines the price to be paid to a plant owner in accordance with subdivision (2)(B) of this subsection, the price shall be:~~

~~(i) For a plant using methane derived from a landfill or an agricultural operation, \$0.12 per kWh.~~

~~(ii) For a plant using wind power that has a plant capacity of 15 kW or less, \$0.20 per kWh.~~

~~(iii) For a plant using solar power, \$0.30 per kWh.~~

~~(iv) For a plant using hydropower, wind power with a plant capacity greater than 15 kW, or biomass power that is not subject to subdivision (2)(A)(i) of this subsection, a price equal, at the time of the plant's commissioning, to the average residential rate per kWh charged by all of the state's retail electricity providers weighted in accordance with each such provider's share of the state's electric load.~~

~~(B) In accordance with the provisions of this subdivision, the board by order shall set the price to be paid to a plant owner under a standard offer, including the owner of a plant described in subdivisions (2)(A)(i)-(iv) of this subsection.~~

~~(i) The board shall use the following criteria in setting a price under this subdivision:~~

~~(I) The board shall determine a generic cost, based on an economic analysis, for each category of generation technology that constitutes renewable energy. In conducting such an economic analysis the board shall:~~

~~(aa) Include a generic assumption that reflects reasonably available tax credits and other incentives provided by federal and state governments and other sources applicable to the category of generation technology. For the purpose of this subdivision (2)(B), the term "tax credits and other incentives" excludes tradeable renewable energy credits.~~

~~(bb) Consider different generic costs for subcategories of different plant capacities within each category of generation technology.~~

~~(II) The board shall include a rate of return on equity not less than the highest rate of return on equity received by a Vermont investor-owned retail electric service provider under its board-approved rates as of the date a standard offer goes into effect.~~

~~(III) The board shall include such adjustment to the generic costs and rate of return on equity determined under subdivisions (2)(B)(i)(I) of this subsection as the board determines to be necessary to ensure that the price provides sufficient incentive for the rapid development and commissioning of plants and does not exceed the amount needed to provide such an incentive.~~

~~(ii) No later than September 15, 2009, the board shall open and complete a noncontested case docket to accomplish each of the following tasks:~~

~~(I) Determine whether there is a substantial likelihood that one or more of the prices stated in subdivision (2)(A) of this subsection do not constitute a reasonable approximation of the price that would be paid applying the criteria of subdivision (2)(B)(i).~~

~~(II) If the board determines that one or more of the prices stated in subdivision (2)(A) of this subsection do not constitute such an approximation, set interim prices that constitute a reasonable approximation of the price that would be paid applying the criteria of subdivision (2)(B)(i). Once the board sets such an interim price, that interim price shall be used in subsequent standard offers until the board sets prices under subdivision (2)(B)(iii) of this subsection.~~

~~(iii) Regardless of its determination under subdivision (2)(B)(ii) of this subsection, the board shall proceed to set, no later than January 15, 2010, the price to be paid to a plant owner under a standard offer applying the criteria of subdivision (2)(B)(i) of this subsection.~~

~~(C) On or before January 15, 2012 and on or before every second January 15 after that date, the board shall review the prices set under subdivision (2)(B) of this subsection and determine whether such prices are providing sufficient incentive for the rapid development and commissioning of plants. In the event the board determines that such a price is inadequate or excessive, the board shall reestablish the price, in accordance with the requirements of subdivision (2)(B)(i) of this subsection, for effect on a prospective basis commencing two months after the price has been reestablished.~~

~~(D) Once the board determines, under subdivision (2)(B) or (C) of this subsection, the generic cost and rate of return elements for a category of renewable energy, the price paid to a plant owner under a subsequently executed standard offer contract shall comply with that determination.~~

~~(E) A plant owner who has executed a contract for a standard offer under this section prior to a determination by the board under subdivision (2)(B) or (C) of this subsection shall continue to receive the price agreed on in that contract.~~

~~(F) Notwithstanding any other provision of this section, on and after June 8, 2010, a standard offer shall be available for a qualifying existing plant.~~

~~(i) For the purpose of this subdivision, "qualifying existing plant" means a plant that meets all of the following:~~

~~(I) The plant was commissioned on or before September 30, 2009.~~

~~(II) The plant generates electricity using methane derived from an agricultural operation and has a plant capacity of 2.2 MW or less.~~

~~(III) On or before September 30, 2009, the plant owner had a contract with a Vermont retail electricity provider to supply energy or attributes, including tradeable renewable energy credits from the plant, in connection with a renewable energy pricing program approved under section 8003 of this title.~~

~~(ii) Plant capacity of a plant accepting a standard offer pursuant to this subdivision (2)(F) shall not be counted toward the 50-MW amount under this subsection (b).~~

~~(iii) Award of a standard offer under this subdivision (2)(F) shall be on condition that the plant owner and the retail electricity provider agree to modify any existing contract between them described under subdivision (i)(III) of this subdivision (2)(F) so that the contract no longer requires energy from~~

the plant to be provided to the retail electricity provider. Those provisions of such a contract that concern tradeable renewable energy credits associated with the plant may remain in force.

(iv) ~~The price and term of a standard offer contract under this subdivision (2)(F) shall be the same, as of the date such a contract is executed, as the price and term otherwise in effect under this subsection (b) for a plant that uses methane derived from an agricultural operation.~~

(G) ~~Notwithstanding the requirement of this subsection (b) that a standard offer be available for qualifying SPEED resources, the board shall make a standard offer available under this subdivision (2) to an existing hydroelectric plant that does not exceed the 2.2 MW plant capacity limit of this subsection. To such plants, the board shall not allocate more of the cumulative 50 MW plant capacity under this subdivision (2) than exceeds the amount of such capacity that is unsubscribed as of January 1, 2012. Before making this standard offer available, the board shall notify potentially eligible plants known to it and shall publish broad public notice of the future availability of the standard offer. The notice shall direct that all potentially eligible plants shall file with the board a statement of interest in the standard offer by a date to be no less than 30 days from the date of the notice. No plant may participate in this standard offer unless it timely files such a statement. The filing of such a statement shall constitute the consent of the plant owner to produce such information as the board may reasonably require to carry out this subdivision (2)(G), including information the board deems necessary to determine a generic cost in setting the price. The board shall have authority to require the production of such information from a plant that files a statement of interest. For the purpose of this subdivision (2)(G):~~

(i) ~~“Existing hydroelectric plant” means a hydroelectric plant located in the state that was in service as of January 1, 2009 and does not, as of the effective date of this subdivision (2)(G), have an agreement with the board’s purchasing agent for the purchase of its power pursuant to subdivision 209(a)(8) of this title and board rules adopted under that subdivision. The term includes hydroelectric plants that have never had such an agreement and hydroelectric plants for which such an agreement expired prior to May 25, 2011.~~

(ii) ~~The provisions of subdivisions (2)(B)(i)(I)-(III) of this subsection (standard offer pricing criteria) shall apply, except that:~~

(I) ~~The term “generic cost,” when applied by the board to determine the price of a standard offer for an existing hydroelectric plant, shall mean the cost to own, reliably operate, and maintain such a plant for the~~

~~duration of the standard offer contract. In determining this cost, the board shall consider including a generic assumption with respect to rehabilitation costs based on relevant factors such as the age of the potentially eligible plants; recently constructed or currently proposed rehabilitations to such plants; the investment that a reasonably prudent person would have made in such a plant to date under the circumstances of the plant, including the price received for power; and the availability for such a plant of improved technology.~~

~~(H) The incentive described under subdivision (2)(B)(i)(III) of this subsection shall be an incentive for continued safe, efficient, and reliable operation of existing hydroelectric plants.~~

* * *

(5) Require ~~In accordance with section 8005a of this section, require~~ all Vermont retail electricity providers to purchase from the SPEED facilitator, ~~in accordance with subdivision (g)(2) of this section, the power generated by the plants that accept the standard offer required to be issued under subdivision (2) of this subsection~~ section 8005a. For the purpose of this subdivision (5), the board and the SPEED facilitator constitute instrumentalities of the state.

* * *

~~(7) Create a mechanism by which a retail electricity provider may establish that it has a sufficient amount of renewable energy, or resources that would otherwise qualify under the provisions of subsection (d) of this section, in its portfolio so that equity requires that the retail electricity provider be relieved, in whole or in part, from requirements established under this subsection that would require a retail electricity provider to purchase SPEED power, provided that this mechanism shall not apply to the requirement to purchase power under subdivision (5) of this subsection. However, a retail electricity provider that establishes that it receives at least 25 percent of its energy from qualifying SPEED resources that were in operation on or before September 30, 2009, shall be exempt and wholly relieved from the requirements of subdivisions (b)(5) (requirement to purchase standard offer power) and (g)(2) (allocation of standard offer electricity and costs) of this section. [Repealed.]~~

(8) Provide that in any proceeding under subdivision 248(a)(2)(A) of this title for the construction of a renewable energy plant, a demonstration of compliance with subdivision 248(b)(2) of this title, relating to establishing need for the facility plant, shall not be required if the facility plant is a SPEED resource and if no part of the facility plant is financed directly or indirectly through investments, other than power contracts, backed by Vermont electricity ratepayers.

(9) Take such other measures as the board finds necessary or appropriate to implement SPEED.

(c) VEDA; eligible facilities. Developers of ~~qualifying and nonqualifying in-state~~ SPEED resources shall be entitled to classification as an eligible facility under ~~chapter 12 of Title 10 V.S.A. chapter 12,~~ relating to the Vermont Economic Development Authority.

(d) Goals and targets. To advance the goals stated in section 8001 of this title, the following goals and targets are established.

(1) 2012 SPEED goal. The board shall meet on or before January 1, 2012 and open a proceeding to determine the total amount of ~~qualifying~~ SPEED resources that have been supplied to Vermont retail electricity providers or have been issued a certificate of public good. If the board finds that the amount of ~~qualifying~~ SPEED resources coming into service or having been issued a certificate of public good after January 1, 2005 and before July 1, 2012 equals or exceeds total statewide growth in electric retail sales during that time, and in addition, at least five percent of the 2005 total statewide electric retail sales is provided by ~~qualified~~ SPEED resources or would be provided by ~~qualified~~ SPEED resources that have been issued a certificate of public good, or if it finds that the amount of ~~qualifying~~ SPEED resources equals or exceeds 10 percent of total statewide electric retail sales for calendar year 2005, the portfolio standards established under this chapter shall not be in force. The board shall make its determination by January 1, 2013. If the board finds that the goal established has not been met, one year after the board's determination the portfolio standards established under subsection 8004(b) of this title shall take effect.

(2) 2017 SPEED goal. A state goal is to assure that 20 percent of total statewide electric retail sales ~~before July 1, 2017~~ during the year commencing January 1, 2017 shall be generated by SPEED resources that constitute new renewable energy. ~~The board shall report to the house and senate committees on natural resources and energy and to the joint energy committee by December 31, 2011 with regard to the state's progress in meeting this goal. In addition, the board shall report to the house and senate committees on natural resources and energy and to the joint energy committee by December 31, 2013 with regard to the state's progress in meeting this goal and, if necessary, shall include any appropriate recommendations for measures that will make attaining the goal more likely.~~ On or before January 31, 2018, the board shall meet and open a proceeding to determine, for the calendar year 2017, the total amount of SPEED resources that were supplied to Vermont retail electricity providers and the total amount of statewide retail electric sales.

(3) Determinations. For the purposes of the ~~determination determinations~~ to be made under ~~this subsection~~, subdivisions (1) and (2) of this subsection (d), the total amount of SPEED resources shall be the amount of electricity produced at ~~all facilities~~ SPEED resources owned by or under long-term contract to Vermont retail electricity providers, ~~whether it is generated inside or outside Vermont~~, that is new renewable energy shall be counted in the calculations under subdivisions (1) and (2) of this subsection.

(4) Total renewables targets. This subdivision establishes, as percentages of annual electric sales, target amounts of total renewable energy within the supply portfolio of each renewable electricity provider.

(A) The target amounts of total renewable energy established by this subsection shall be 55 percent of each retail electricity provider's annual electric sales during the year beginning January 1, 2017, increasing by an additional four percent each third January 1 thereafter, until reaching 75 percent on and after January 1, 2032.

(B) Each retail electricity provider shall manage its supply portfolio to be reasonably consistent with the target amounts established by this subdivision (2). The board shall consider such consistency during the course of reviewing a retail electricity provider's charges and rates under this title, integrated resource plans under section 218c of this title, and petitions under section 248 (new gas and electric purchases, investments, and facilities) of this title. However, nothing in this subdivision (2) shall relieve a retail electricity provider from the obligations of section 8004 (renewable portfolio standards) of this title.

(e) Regulations and procedures. The board shall provide, by order or rule, the regulations and procedures that are necessary to allow the board and the department to implement, and to supervise further the implementation and maintenance of the SPEED program. These rules shall assure that decisions with respect to certificate of public good applications for construction of SPEED resources shall be made in a timely manner.

(f) Preapproval. In order to encourage joint efforts on the part of regulated companies to purchase power that meets or exceeds the SPEED standards and to secure stable, long-term contracts beneficial to Vermonters, the board may establish standards for pre-approving the recovery of costs incurred on a SPEED project that is the subject of that joint effort.

(g) ~~With respect to executed contracts for standard offers under this section:~~

~~(1) Such a contract shall be transferable. The contract transferee shall notify the SPEED facilitator of the contract transfer within 30 days of transfer.~~

~~(2) The SPEED facilitator shall distribute the electricity purchased to the Vermont retail electricity providers at the price paid to the plant owners, allocated to the providers based on their pro rata share of total Vermont retail kWh sales for the previous calendar year, and the Vermont retail electricity providers shall accept and pay the SPEED facilitator for the electricity.~~

~~(3) The SPEED facilitator shall transfer any tradeable renewable energy credits attributable to electricity purchased under standard offer contracts to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (2) of this subsection, except that in the case of a plant using methane from agricultural operations, the plant owner shall retain such credits to be sold separately at the owner's discretion.~~

~~(4) The SPEED facilitator shall transfer all capacity rights attributable to the plant capacity associated with the electricity purchased under standard offer contracts to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (2) of this subsection.~~

~~(5) All reasonable costs of a Vermont retail electricity provider incurred under this subsection shall be included in the provider's revenue requirement for purposes of ratemaking under sections 218, 218d, 225, and 227 of this title. In including such costs, the board shall appropriately account for any credits received under subdivisions (2) and (3) of this subsection. Costs included in a retail electricity provider's revenue requirement under this subdivision shall be allocated to the provider's ratepayers as directed by the board.~~

~~(h) With respect to standard offers under this section, the board shall by rule or order:~~

~~(1) Determine a SPEED facilitator's reasonable expenses arising from its role and the allocation of such expenses among plant owners and Vermont retail electricity providers.~~

~~(2) Determine the manner and timing of payments by a SPEED facilitator to plant owners for energy purchased under an executed contract for a standard offer.~~

~~(3) Determine the manner and timing of payments to the SPEED facilitator by the Vermont retail electricity providers for energy distributed to them under executed contracts for standard offers.~~

~~(4) Establish reporting requirements of a SPEED facilitator, a plant owner, and a Vermont retail electricity provider.~~

~~(i) With respect to standard offers under this section, the board shall determine whether its existing rules sufficiently address metering and the allocation of metering costs, and make such rule revisions as needed to implement the standard offer requirements of this section.~~

~~(j) Wood biomass resources that would otherwise constitute qualifying SPEED resources may receive a standard offer under subdivision (b)(2) of this section only if they have a design system efficiency (the sum of full load design thermal output and electric output divided by the heat input) of at least 50 percent.~~

~~(k) A Vermont retail electricity provider shall not be eligible for a standard offer contract under subdivision (b)(2) of this section. However, under subdivision (g)(1) of this section, a plant owner may transfer to such a provider all rights associated with a standard offer contract that has been offered to the plant without affecting the plant's status under the standard offer program. In the case of such a transfer of rights, the plant shall not be considered a utility-owned and operated plant under subdivisions (b)(2) and (g)(2) of this section.~~

~~(l) The existence of a standard offer under subdivision (b)(2) of this section shall not preclude a voluntary contract between a plant owner and a Vermont retail electricity provider on terms that may be different from those under the standard offer. A plant owner who declines a voluntary contract may still accept a standard offer under this section.~~

~~(m) State; nonliability. The state and its instrumentalities shall not be liable to a plant owner or retail electricity provider with respect to any matter related to SPEED, including costs associated with a standard offer contract under this section or section 8005a of this title or any damages arising from breach of such a contract, the flow of power between a plant and the electric grid, or the interconnection of a plant to that grid.~~

~~(n) On or before January 15, 2011 and every second January 15 afterward, the board shall report to the house and senate committees on natural resources and energy concerning the status of the standard offer program under this section. In its report, the board at a minimum shall:~~

~~(1) Assess the progress made toward attaining the cumulative statewide capacity ceiling stated in subdivision (b)(2) of this section.~~

~~(2) If that cumulative statewide capacity ceiling has not been met, identify the barriers to attaining that ceiling and detail the board's recommendations for overcoming such barriers.~~

~~(3) If that cumulative statewide capacity has been met or is likely to be met within a year of the date of the board's report, recommend whether the standard offer program under this section should continue and, if so, whether there should be any modifications to the program.~~

* * * SPEED Program; Standard Offer * * *

Sec. 4. 30 V.S.A. § 8005a is added to read:

§ 8005a. SPEED; STANDARD OFFER PROGRAM

(a) Establishment. A standard offer program is established within the SPEED program. To achieve the goals of section 8001 of this title, the board shall issue standard offers for renewable energy plants that meet the eligibility requirements of this section. The board shall implement these standard offers through the SPEED facilitator.

(b) Eligibility. To be eligible for a standard offer under this section, a plant must constitute a qualifying small power production facility under 16 U.S.C. § 796(17)(C) and 18 C.F.R. part 292, must not be a net metering system under section 219a of this title, and must be a new standard offer plant. For the purpose of this section, "new standard offer plant" means a renewable energy plant that is located in Vermont, that has a plant capacity of 2.2 MW or less, and that is commissioned on or after September 30, 2009.

(c) Cumulative capacity. In accordance with this subsection, the board shall issue standard offers to new standard offer plants until a cumulative plant capacity amount of 127.5 MW is reached.

(1) Pace. Annually commencing April 1, 2013, the board shall increase the cumulative plant capacity of the standard offer program (the annual increase) until the 127.5-MW cumulative plant capacity of this subsection is reached.

(A) Annual amounts. The amount of the annual increase shall be five MW for the three years commencing April 1, 2013, 7.5 MW for the three years commencing April 1, 2016, and 10 MW commencing April 1, 2019.

(B) Blocks. Each year, a portion of the annual increase shall be reserved for new standard offer plants proposed by Vermont retail electricity providers (the provider block), and the remainder shall be reserved for new standard offer plants proposed by persons who are not providers (the independent developer block).

(i) The portion of the annual increase reserved for the provider block shall be 10 percent for the three years commencing April 1, 2013, 15

percent for the three years commencing April 1, 2016, and 20 percent commencing April 1, 2019.

(ii) If the provider block for a given year is not fully subscribed, any unsubscribed capacity within that block shall be added to the annual increase for each following year until that capacity is subscribed and shall be made available to new standard offer plants proposed by persons who are not providers.

(iii) If the independent developer block for a given year is not fully subscribed, any unsubscribed capacity within that block shall be added to the annual increase for each following year until that capacity is subscribed and:

(I) shall be made available to new standard offer plants proposed by persons who are not providers; and

(II) may be made available to a provider following a written request and specific proposal submitted to and approved by the board.

(C) Adjustment; greenhouse gas reduction credits. The board shall adjust the annual increase to account for greenhouse gas reduction credits by multiplying the annual increase by one minus the ratio of the prior year's greenhouse gas reduction credits to that year's statewide retail electric sales.

(i) The amount of the prior year's greenhouse gas reduction credits shall be determined in accordance with subdivision 8006a(a)(2) of this title.

(ii) During years in which the annual increase is 10 MW, the adjustment in the annual increase shall be applied proportionally to the independent developer block and the provider block.

(iii) Greenhouse gas reduction credits used to diminish a provider's obligation under section 8004 of this title may be used to adjust the annual increase under this subsection (c).

(2) Technology allocations. The board shall allocate the 127.5-MW cumulative plant capacity of this subsection among different categories of renewable energy technologies. These categories shall include at least each of the following: methane derived from a landfill; solar power; wind power with a plant capacity of 100 kW or less; wind power with a plant capacity greater than 100 kW; hydroelectric power; and biomass power using a fuel other than methane derived from an agricultural operation or landfill.

(d) Plants outside cumulative capacity. The following categories of plants shall not count toward the cumulative capacity amount of subsection (c) of this

section, and the board shall make standard offers available to them provided that they are otherwise eligible for such offers under this section:

(1) Plants using methane derived from an agricultural operation.

(2) New standard offer plants that the board determines will have sufficient benefits to the operation and management of the electric grid or a provider's portion thereof because of their design, characteristics, location, or any other discernible benefit. To enhance the ability of new standard offer plants to mitigate transmission and distribution constraints, the board shall require Vermont retail electricity providers and companies that own or operate electric transmission facilities within the state to make sufficient information concerning these constraints available to developers who propose new standard offer plants.

(A) By March 1, 2013, the board shall develop a screening framework or guidelines that will provide developers with adequate information regarding constrained areas in which generation having particular characteristics is reasonably likely to provide sufficient benefit to allow the generation to qualify for eligibility under this subdivision (2).

(B) Once the board develops the screening framework or guidelines under subdivision (2)(A) of this subsection (d), the board shall require Vermont transmission and retail electricity providers to make the necessary information publically available in a timely manner, with updates at least annually.

(C) Nothing in this subdivision shall require the disclosure of information in contravention of federal law.

(e) Term. The term of a standard offer required by this section shall be 10 to 20 years, except that the term of a standard offer for a plant using solar power shall be 10 to 25 years.

(f) Price. The categories of renewable energy for which the board shall set standard offer prices shall include at least each of the categories established pursuant to subdivision (c)(2) of this section. The board by order shall determine and set the price paid to a plant owner for each kWh generated under a standard offer required by this section, with a goal of ensuring timely development at the lowest feasible cost. The board shall not be required to make this determination as a contested case under 3 V.S.A. chapter 25.

(1) Market-based mechanisms. For new standard offer projects, the board shall use a market-based mechanism, such as a reverse auction or other procurement tool, to obtain up to the authorized amount of a category of renewable energy, if it first finds that use of the mechanism is consistent with:

(A) applicable federal law; and

(B) the goal of timely development at the lowest feasible cost.

(2) Avoided cost.

(A) The price paid for each category of renewable energy shall be the avoided cost of the Vermont composite electric utility system if the board finds either of the following:

(i) Use of the pricing mechanism described in subdivision (1) (market-based mechanisms) of this subsection (f) is inconsistent with applicable federal law.

(ii) Use of the pricing mechanism described in subdivision (1) (market-based mechanisms) of this subsection (f) is reasonably likely to result in prices higher than the prices that would apply under this subdivision (2).

(B) For the purpose of this subsection (f), the term “avoided cost” means the incremental cost to retail electricity providers of electric energy or capacity or both, which, but for the purchase through the standard offer, such providers would obtain from distributed renewable generation that uses the same generation technology as the category of renewable energy for which the board is setting the price. For the purpose of this subsection (f), the term “avoided cost” also includes the board’s consideration of each of the following:

(i) The relevant cost data of the Vermont composite electric utility system.

(ii) The terms of the contract, including the duration of the obligation.

(iii) The availability, during the system’s daily and seasonal peak periods, of capacity or energy purchased through the standard offer, and the estimated savings from mitigating peak load.

(iv) The relationship of the availability of energy or capacity purchased through the standard offer to the ability of the Vermont composite electric utility system or a portion thereof to avoid costs.

(v) The costs or savings resulting from variations in line losses and other impacts to the transmission or distribution system from those that would have existed in the absence of purchases through the standard offer.

(vi) The supply and cost characteristics of plants eligible to receive the standard offer.

(3) Price determinations. The board shall take all actions necessary to determine the pricing mechanism and implement the pricing requirements of this subsection (f) no later than March 1, 2013 for effect on April 1, 2013. Annually thereafter, the board shall review the determinations previously made under this subsection to decide whether they should be modified in any respect in order to achieve the goal and requirements of this subsection. Any such modification shall be effective on a prospective basis commencing one month after it has been made. Once a pricing determination made or modified under this subsection goes into effect, subsequently executed standard offer contracts shall comply with the most recently effective determination.

(4) Price stability. Once a plant owner has executed a contract for a standard offer under this section, the plant owner shall continue to receive the price agreed on in that contract regardless of whether the board subsequently changes the price applicable to the plant's category of renewable energy.

(g) Qualifying existing agricultural plants. Notwithstanding any other provision of this section, on and after June 8, 2010, a standard offer shall be available for a qualifying existing plant as defined in Sec. 3 of No. 159 of the Acts of the 2009 Adj. Sess. (2010) (Act 159). The provisions of 30 V.S.A. § 8005(b)(2), as they existed on June 4, 2010, the effective date of Act 159, shall govern a standard offer under this subsection. Standard offers for these plants shall not be subject to subsection (c) of this section (cumulative capacity; new standard offer plants).

(h) Application process. The board shall administer the process of applying for and obtaining a standard offer contract in a manner that ensures that the resources and capacity of the standard offer program are used for plants that are reasonably likely to achieve commissioning.

(i) Interconnection application. No contract under this section for a new standard offer plant shall be executed unless and until the plant owner submits a complete application to interconnect the plant to the subtransmission or distribution system of the applicable retail electricity provider.

(j) Termination; reallocation. In the event a proposed plant accepting a standard offer fails to meet the requirements of the program in a timely manner, the plant's standard offer contract shall terminate, and any capacity reserved for the plant within the program shall be reallocated to one or more eligible plants.

(1) For the purpose of this subsection, the requirements of the program shall include commissioning of all new standard offer plants, except plants using methane derived from an agricultural operation, within the following periods after execution of the plant's standard offer contract:

(A) 24 months if the plant is solar power or is wind power with a plant capacity of 100 kW or less; and

(B) 36 months if the plant uses a fuel source not described in subdivision 1(A) of this subsection (j) or is wind power of greater than 100 kW capacity.

(2) At the request of a plant owner, the board may extend a period described in subdivision (1) of this subsection (j) if it finds that the plant owner has proceeded diligently and in good faith and that commissioning of the plant has been delayed because of litigation or appeal or because of the need to obtain an approval the timing of which is outside the board's control.

(k) Executed standard offer contracts; transferability; allocation of benefits and costs. With respect to executed contracts for standard offers under this section:

(1) A contract shall be transferable. The contract transferee shall notify the SPEED facilitator of the contract transfer within 30 days of transfer.

(2) The SPEED facilitator shall distribute the electricity purchased to the Vermont retail electricity providers at the price paid to the plant owners, allocated to the providers based on their pro rata share of total Vermont retail kWh sales for the previous calendar year, and the Vermont retail electricity providers shall accept and pay the SPEED facilitator for the electricity. However, during any given calendar year:

(A) Calculation of pro rata shares under this subdivision (2) shall include an adjustment in the allocation to a provider if one or more of the provider's customers created greenhouse gas reduction credits under section 8006a of this title that are used to reduce the size of the annual increase under subdivision (c)(1)(D) (adjustment; greenhouse gas reduction credits) of this section. The adjustment shall ensure that any and all benefits or costs from the use of such credits flow to the provider whose customers created the credits. The savings that a provider realizes as a result of this application of greenhouse gas reduction credits shall be passed on proportionally to the customers that created the credits.

(B) A retail electricity provider shall be exempt and wholly relieved from the requirements of this subdivision and subdivision 8005(b)(5) (requirement to purchase standard offer power) of this title if, during the immediately preceding 12-month period ending October 31, the amount of renewable energy supplied to the provider by generation owned by or under contract to the provider, regardless of whether the provider owned the energy's

environmental attributes, was not less than the amount of energy sold by the provider to its retail customers.

(3) The SPEED facilitator shall transfer the environmental attributes, including any tradeable renewable energy credits, of electricity purchased under standard offer contracts to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (2) of this subsection (k), except that in the case of a plant using methane from agricultural operations, the plant owner shall retain such attributes and credits to be sold separately at the owner's discretion.

(4) The SPEED facilitator shall transfer all capacity rights attributable to the plant capacity associated with the electricity purchased under standard offer contracts to the Vermont retail electricity providers in accordance with their pro rata share of the costs for such electricity as determined under subdivision (2) of this subsection (k).

(5) All reasonable costs of a Vermont retail electricity provider incurred under this subsection shall be included in the provider's revenue requirement for purposes of ratemaking under sections 218, 218d, 225, and 227 of this title. In including such costs, the board shall appropriately account for any credits received under subdivisions (3) and (4) of this subsection (k). Costs included in a retail electricity provider's revenue requirement under this subdivision shall be allocated to the provider's ratepayers as directed by the board.

(l) SPEED facilitator; expenses; payments. With respect to standard offers under this section, the board shall by rule or order:

(1) Determine a SPEED facilitator's reasonable expenses arising from its role and the allocation of the expenses among plant owners and Vermont retail electricity providers.

(2) Determine the manner and timing of payments by a SPEED facilitator to plant owners for energy purchased under an executed contract for a standard offer.

(3) Determine the manner and timing of payments to the SPEED facilitator by the Vermont retail electricity providers for energy distributed to them under executed contracts for standard offers.

(4) Establish reporting requirements of a SPEED facilitator, a plant owner, and a Vermont retail electricity provider.

(m) Metering. With respect to standard offers under this section, the board shall make rule revisions concerning metering and the allocation of metering costs as needed to implement the standard offer requirements of this section.

(n) Wood biomass. Wood biomass resources that would otherwise constitute qualifying SPEED resources may receive a standard offer under this section only if they have a design system efficiency (the sum of full load design thermal output and electric output divided by the heat input) of at least 50 percent.

(o) Voluntary contracts. The existence of a standard offer under this section shall not preclude a voluntary contract between a plant owner and a Vermont retail electricity provider on terms that may be different from those under the standard offer. A plant owner who declines a voluntary contract may still accept a standard offer under this section.

(p) Existing hydroelectric plants. Notwithstanding any contrary requirement of this section, no later than January 15, 2013, the board shall make a standard offer contract available to existing hydroelectric plants in accordance with this subsection.

(1) In this subsection:

(A) "Existing hydroelectric plant" means a hydroelectric plant of five MW plant capacity or less that is located in the state, that was in service as of January 1, 2009, that is a qualifying small power production facility under 16 U.S.C. § 796(17)(C) and 18 C.F.R. part 292, and that does not have an agreement with the board's purchasing agent for the purchase of its power pursuant to subdivision 209(a)(8) of this title and board rules adopted under subdivision (8). The term includes hydroelectric plants that have never had such an agreement and hydroelectric plants for which such an agreement has expired, provided that the expiration date is prior to December 31, 2015.

(B) "LIHI" means the Low-Impact Hydropower Institute of Portland, Maine.

(2) The term of a standard offer contract under this subsection shall be 10 or 20 years, at the election of the plant owner.

(3) Unless inconsistent with applicable federal law, the price of a standard offer contract shall be the lesser of the following:

(A) \$0.08 per kWh, adjusted for inflation annually commencing January 15, 2013 using the CPI; or

(B) The sum of the following elements:

(i) a two-year rolling average of the ISO New England Inc. (ISO-NE) Vermont zone hourly locational marginal price for energy;

(ii) a two-year rolling average of the value of the plant's capacity in the ISO-NE forward capacity market;

(iii) the value of avoided line losses due to the plant as a fixed increment of the energy and capacity values;

(iv) the value of environmental attributes, including renewable energy credits; and

(v) the value of a 10- or 20-year contract.

(4) The board shall determine the price to be paid under this section no later than January 15, 2013.

(A) Annually by January 15 commencing in 2014, the board shall recalculate and adjust the energy and capacity elements of the price under subdivisions (3)(B)(i) and (ii) of this subsection (p). The recalculated and adjusted energy and capacity elements shall apply to all contracts executed under this subdivision, whether or not the contracts were executed prior to the adjustments.

(B) With respect to the price elements specified in subdivisions (3)(B)(iii) (avoided line losses), (iv) (environmental attributes), and (v) (value of long-term contract) of this subsection (p):

(i) These elements shall remain fixed at their values at the time a contract is signed for the duration of the contract, except that the board may periodically adjust the value of environmental attributes that are applicable to an executed contract based upon whether the plant becomes certified by LIHI or loses such certification.

(ii) The board annually may adjust these elements for inclusion in contracts that are executed after the date any such adjustments are made.

(5) In addition to the limits specified in subdivision (3) of this subsection (p), in no event shall an existing hydroelectric plant receive a price in one year higher than its price in the previous year, adjusted for inflation using the CPI, except that if a plant becomes certified by LIHI, the board may add to the price any incremental increase in the value of the plant's environmental attributes resulting from such certification.

(6) Once a plant owner has executed a contract for a standard offer under this subsection (p), the plant owner shall continue to receive the pricing terms agreed on in that contract regardless of whether the board subsequently changes any pricing terms under this subsection.

(7) Capacity of existing hydroelectric plants executing a standard offer contract under this subsection shall not count toward the cumulative capacity amount of subsection (c) of this section.

(q) Allocation of regulatory costs. The board and department may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and research services in conjunction with implementing their responsibilities under this section. In lieu of allocating such costs pursuant to subsection 21(a) of this title, the board or department may allocate the expense in the same manner as the SPEED facilitator's costs under subdivision (l)(1) of this section.

Sec. 5. STANDARD OFFER; PRIOR CAPACITY; INTERCONNECTION APPLICATION; REPORT

(a) Prior capacity included. In Sec. 4 (SPEED; standard offer program) of this act, the cumulative capacity amount of 127.5 MW contained in 30 V.S.A. § 8005a(c) includes the 50 MW of capacity previously authorized for the standard offer program under 30 V.S.A. § 8005(b)(2) as it existed immediately prior to the effective date of Sec. 4. Portions of this previously authorized 50-MW capacity that become available after that effective date shall be made immediately available to other eligible new standard offer projects, as defined in Sec. 4 of this act, in addition to the annual increase under 30 V.S.A. § 8005a(c)(1) (standard offer; pace). Such capacity:

(1) Shall be made available to new standard offer plants proposed by persons who are not providers; and

(2) May be made available to a provider following a written request and specific proposal submitted to and approved by the board.

(b) Prior capacity; pricing. In a standard offer contract under 30 V.S.A. chapter 89, the board shall use the price that would apply under 30 V.S.A. § 8005(b)(2) as it existed immediately prior to the effective date of Sec. 4 (SPEED; standard offer program) of this act, if both of the following apply:

(1) The contract pertains to capacity within the standard offer program as it existed immediately prior to that effective date.

(2) The capacity becomes available and the contract is executed prior to April 1, 2013.

(c) Interconnection application.

(1) No later than September 1, 2012, each owner of a new standard offer plant, as defined in Sec. 4 of this act, that executed or executes a standard offer contract under 30 V.S.A. chapter 89 prior to the effective date of this section

shall submit a complete application to interconnect the plant to the subtransmission or distribution system of the applicable retail electricity provider. Failure to file such an application or to remit any required interconnection fees or deposits shall terminate the contract.

(2) The purpose of this subsection is to provide assurance that any reserved capacity within the standard offer program under 30 V.S.A. chapter 89 is allocated to proposed plants that are likely to be commissioned within the meaning of 30 V.S.A. § 8002.

(d) Prior to the first time that the pricing requirements under Sec. 4 of this act, 30 V.S.A. § 8005a(f) (SPEED; standard offer program; price), are implemented, the public service board in consultation with the department of public service shall review and publish a written report on any factors that have increased the cost to ratepayers, or caused delays in the commissioning, of projects that have accepted a standard offer, relative to other projects within the same category of renewable energy. The report shall include a corrective action plan to reduce costs by addressing these factors, and the implementation of those pricing requirements shall incorporate corrective actions contained in such plan as appropriate and otherwise authorized by law. Before final publication, the board shall conduct a process to receive public comment on the draft report.

* * * Renewable Energy; Reporting * * *

Sec. 6. 30 V.S.A. § 8005b is added to read:

§ 8005b. RENEWABLE ENERGY PROGRAMS; BIENNIAL REPORT

(a) On or before January 15, 2013 and no later than every second January 15 thereafter through January 15, 2033, the board shall file a report with the general assembly in accordance with this section. The board shall prepare the report in consultation with the department. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(b) The report under this section shall include at least each of the following:

(1) The retail sales, in kWh, of electricity in Vermont during the preceding calendar year. The report shall include the statewide total and the total sold by each retail electricity provider.

(2) The amount of SPEED resources owned by the Vermont retail electricity providers, expressed as a percentage of retail kWh sales. The report shall include the statewide total and the total owned by each retail electricity

provider and shall discuss the progress of each provider toward achieving the goals and targets of subsection 8005(d) (SPEED) of this title. The report to be filed under this subsection on or before January 15, 2019 shall discuss and attach the board's determination under subdivision 8005(d)(1) (2017 SPEED goal) of this title.

(3) A summary of the activities of the SPEED program under section 8005 of this title, including the name, location, plant capacity, and average annual energy generation, of each SPEED resource within the program.

(4) A summary of the activities of the standard offer program under section 8005a of this title, including the number of plants participating in the program, the prices paid by the program, and the plant capacity and average annual energy generation of the participating plants. The report shall present this information as totals for all participating plants and by category of renewable energy technology. The report also shall identify the number of applications received, the number of participating plants under contract, and the number of participating plants actually in service.

(5) An assessment of the energy efficiency and renewable energy markets and recommendations to the general assembly regarding strategies that may be necessary to encourage the use of these resources to help meet upcoming supply requirements.

(6) An assessment of whether Vermont retail electric rates are rising faster than inflation as measured by the CPI, and a comparison of Vermont's electric rates with electric rates in other New England states. If statewide average rates have risen more than 0.2 percentage points per year faster than inflation over the preceding two or more years, the report shall include an assessment of the contributions to rate increases from various sources, such as the costs of energy and capacity, costs due to construction of transmission and distribution infrastructure, and costs due to compliance with the requirements of section 8005a (SPEED program; standard offer) of this title. Specific consideration shall be given to the price of renewable energy and the diversity, reliability, availability, dispatch flexibility, and full life cycle cost, including environmental benefits and greenhouse gas reductions, on a net present value basis of renewable energy resources available from suppliers. The report shall include any recommendations for statutory change that arise from this assessment. If electric rates have increased primarily due to cost increases attributable to nonrenewable sources of electricity or to the electric transmission or distribution systems, the report shall include a recommendation regarding whether to increase the size of the annual increase described in

subdivision 8005a(c)(1) (standard offer; cumulative capacity; pace) of this title.

(7)(A) An assessment of whether strict compliance with the requirements of section 8005a (SPEED program; standard offer) of this title:

(i) Has caused one or more providers to raise its retail rates faster over the preceding two or more years than statewide average retail rates have risen over the same time period;

(ii) Will cause retail rate increases particular to one or more providers; or

(iii) Will impair the ability of one or more providers to meet the public's need for energy services in the manner set forth under subdivision 218c(a)(1) of this title (least-cost integrated planning).

(B) Based on this assessment, consideration of whether statutory changes should be made to grant providers additional flexibility in meeting requirements of section 8005a of this title.

(8) Any recommendations for statutory change related to sections 8005 and 8005a of this title.

* * * Renewable Energy; Further Study * * *

Sec. 7. RENEWABLE ENERGY; FURTHER STUDY; REPORT

(a) No later than January 15, 2013, the public service board, in consultation with the commissioner of public service, shall submit a further analysis and report to the general assembly on the following issues related to renewable energy:

(1) Building on its study and report submitted pursuant to Sec. 13a of No. 159 of the Acts of the 2009 Adj. Sess. (2010), further analysis of whether and how to establish a renewable portfolio standard in Vermont, including consideration of allocating such a standard among different categories of renewable energy technologies and of creating, for renewable energy plants, a tiered system of tradeable renewable energy credits as defined under 30 V.S.A. § 8002 or other incentives that reward increasing levels of efficiency.

(2) Examination of whether and how, either as part of a renewable portfolio standard or through other means, to provide incentives for renewable energy generation that avoids, reduces, or defers transmission or distribution investments, provides baseload power, reduces the overall costs of meeting the public's need for electric energy, or has other beneficial impacts.

(b) The report shall state the board's recommendations and the reasons for those recommendations and shall include the mechanisms that would be required to implement those recommendations.

(c) Prior to completing the report, the board shall afford an opportunity to submit information and comment to affected and interested persons such as business organizations, consumer advocates, energy efficiency entities appointed under Title 30, energy and environmental advocates, relevant state agencies, and Vermont electric and gas utilities. The board may open an investigation in order to meet the requirements of this section and, if so, need not conduct that proceeding as a contested case under 3 V.S.A. chapter 25.

* * * Greenhouse Gas Reduction Credits * * *

Sec. 8. 30 V.S.A. § 8006a is added to read:

§ 8006a. GREENHOUSE GAS REDUCTION CREDITS

(a) Standard offer adjustment. In accordance with this section, greenhouse gas reduction credits generated by an eligible ratepayer shall result in an adjustment of the standard offer under subdivision 8005a(c)(1) of this title (cumulative capacity; pace). For the purpose of adjusting the standard offer under subdivision 8005a(c)(1) of this title, the amount of a year's greenhouse gas reduction credits shall be the lesser of the following:

(1) The amount of greenhouse gas reduction credits created by the eligible ratepayers served by all providers.

(2) The providers' annual retail electric sales during that year to those eligible ratepayers creating greenhouse gas reduction credits.

(b) Definitions. In this section:

(1) "Eligible ratepayer" means a customer of a Vermont retail electricity provider who takes service at 115 kilovolts and has demonstrated to the board that it has a comprehensive energy and environmental management program. Provision of the customer's certification issued under standard 14001 (environmental management systems) of the International Organization for Standardization (ISO) shall constitute such a demonstration.

(2) "Eligible reduction" means a reduction in non-energy-related greenhouse gas emissions from manufacturing processes at an in-state facility of an eligible ratepayer, provided that each of the following applies:

(A) The reduction results from a specific project undertaken by the eligible ratepayer at the in-state facility after January 1, 2012.

(B) The specific project reduces or avoids greenhouse gas emissions above and beyond any reductions of such emissions required by federal and state statutes and rules.

(C) The reductions are quantifiable and verified by an independent third party as approved by the board. Such independent third parties shall be certified by a body accredited by the American National Standards Institute (ANSI) as having a certification program that meets the ISO standards applicable to verification and validation of greenhouse gas assertions.

(3) "Greenhouse gas" shall be as defined under 10 V.S.A. § 552.

(4) "Greenhouse gas reduction credit" means a credit for eligible reductions, calculated in accordance with subsection (c) of this section and expressed as a kWh credit.

(c) Calculation. Greenhouse gas reduction credits shall be calculated as follows:

(1) Eligible reductions shall be quantified in metric tons of CO₂ equivalent, in accordance with the methodologies specified under 40 C.F.R. part 98, and may be counted annually for the life of the specific project that resulted in the reduction.

(2) Metric tons of CO₂ equivalent quantified under subdivision (1) of this subsection shall be converted into units of energy through calculation of the equivalent number of kWh of generation by renewable energy plants, other than biomass, that would be required to achieve the same level of greenhouse gas emission reduction through the displacement of market power purchases. For the purpose of this subdivision, the value of the avoided greenhouse gas emissions shall be based on the aggregate greenhouse gas emission characteristics of system power in the regional transmission area overseen by the Independent System Operator of New England (ISO-NE).

(d) Reporting. An eligible ratepayer shall report to the board annually on each specific project undertaken to create eligible reductions. The board shall specify the required contents of such reports, which shall be publicly available.

(e) Savings. A provider shall pass on savings that it realizes through greenhouse gas reduction credits proportionally to the eligible ratepayers generating the credits.

* * * Renewable Energy Statutes; Technical Corrections * * *

Sec. 9. 30 V.S.A. § 8009 is amended to read:

§ 8009. BASELOAD RENEWABLE POWER PORTFOLIO REQUIREMENT

(a) In this section:

(1) “Baseload renewable power” means a plant that generates electricity from renewable energy; that, during normal operation, is capable of taking all or part of the minimum load on an electric transmission or distribution system; and that produces electricity essentially continuously at a constant rate.

(2) “Baseload renewable power portfolio requirement” means an annual average of 175,000 MWh of baseload renewable power from an in-state woody biomass plant that was commissioned prior to September 30, 2009, has a nominal capacity of 20.5 MW, and was in service as of January 1, 2011.

(3) “Biomass” means organic nonfossil material of biological origin constituting a source of renewable energy within the meaning of ~~30 V.S.A. § subdivision 8002(2) of this title.~~

(4) ~~“Vermont composite electric utility system” means the combined generation, transmission, and distribution resources along with the combined retail load requirements of the Vermont retail electricity providers.~~

* * *

Sec. 10. STATUTORY REVISION

(a) The office of legislative council shall reorganize 30 V.S.A. § 8002 (definitions) so that the definitions are in alphabetical order.

(b) In the Vermont Statutes Annotated, the office of legislative council shall revise each cross-reference to a definition contained in 30 V.S.A. § 8002 so that it refers to the definition as reorganized under subsection (a) of this section.

* * * Utility Planning and Implementation; Consistency with Renewable Energy Goals and Targets * * *

Sec. 11. 30 V.S.A. § 218c is amended to read:

§ 218c. LEAST COST INTEGRATED PLANNING

(a)(1) A “least cost integrated plan” for a regulated electric or gas utility is a plan for meeting the public’s need for energy services, after safety concerns are addressed, at the lowest present value life cycle cost, including environmental and economic costs, through a strategy combining investments

and expenditures on energy supply, transmission and distribution capacity, transmission and distribution efficiency, and comprehensive energy efficiency programs. Economic costs shall be ~~determined~~ assessed with due regard to:

(A) the greenhouse gas inventory developed under the provisions of 10 V.S.A. § 582;

(B) the state's progress in meeting its greenhouse gas reduction goals; ~~and~~

(C) the value of the financial risks associated with greenhouse gas emissions from various power sources; and

(D) consistency with section 8001 (renewable energy goals) of this title.

(2) "Comprehensive energy efficiency programs" shall mean a coordinated set of investments or program expenditures made by a regulated electric or gas utility or other entity as approved by the board pursuant to subsection 209(d) of this title to meet the public's need for energy services through efficiency, conservation or load management in all customer classes and areas of opportunity which is designed to acquire the full amount of cost effective savings from such investments or programs.

(b) Each regulated electric or gas company shall prepare and implement a least cost integrated plan for the provision of energy services to its Vermont customers. ~~Proposed plans shall be submitted~~ At least every third year on a schedule directed by the public service board, each such company shall submit a proposed plan to the department of public service and the public service board. The board, after notice and opportunity for hearing, may approve a company's least cost integrated plan if it determines that the company's plan complies with the requirements of subdivision (a)(1) of this section and is reasonably consistent with achieving the goals and targets of subsection 8005(d) (2017 SPEED goal; total renewables targets) of this title.

* * *

Sec. 12. 30 V.S.A. § 248 is amended to read:

§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND FACILITIES; CERTIFICATE OF PUBLIC GOOD

* * *

(b) Before the public service board issues a certificate of public good as required under subsection (a) of this section, it shall find that the purchase, investment or construction:

* * *

(2) is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost effective manner through energy conservation programs and measures and energy-efficiency and load management measures, including but not limited to those developed pursuant to the provisions of subsection 209(d), section 218c, and subsection 218(b) of this title. In determining whether this criterion is met, the board shall assess the environmental and economic costs of the purchase, investment, or construction in the manner set out under subdivision 218c(a)(1) (least cost integrated plan) of this title and, as to a generation facility, shall consider whether the facility will avoid, reduce, or defer transmission or distribution system investments;

* * *

(5) with respect to an in-state facility, will not have an undue adverse effect on esthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K) and greenhouse gas impacts;

* * *

(9) with respect to a waste to energy facility, is included in a solid waste management plan adopted pursuant to 24 V.S.A. § 2202a, which is consistent with the state solid waste management plan; ~~and~~

(10) except as to a natural gas facility that is not part of or incidental to an electric generating facility, can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers;

(11) with respect to an in-state generation facility that produces electric energy using woody biomass, will:

(A) comply with the applicable air pollution control requirements under the federal Clean Air Act, 42 U.S.C. § 7401 et seq.;

(B) incorporate commercially available and feasible designs to achieve a reasonable design system efficiency for the type and design of the proposed facility; and

(C) comply with harvesting guidelines and procurement standards that are consistent with the guidelines and standards developed by the secretary

of natural resources pursuant to 10 V.S.A. § 2750 (harvesting guidelines and procurement standards).

* * *

(p) An in-state generation facility receiving a certificate under this section that produces electric energy using woody biomass shall annually disclose to the board the amount, type, and source of wood acquired to generate energy.

* * * Total Energy * * *

Sec. 13. TOTAL ENERGY; REPORT

(a) The general assembly finds that, in the comprehensive energy plan issued in December 2011, the department of public service recommends that Vermont achieve, by 2050, a goal that 90 percent of the energy consumed in the state be renewable energy. This goal would apply across all energy sectors in Vermont, including electricity consumption, thermal energy, and transportation (total energy).

(b) The commissioner of public service shall convene an interagency and stakeholder working group to study and report to the general assembly on policies and funding mechanisms that would be designed to achieve the goal described in subsection (a) of this section and the goals of 10 V.S.A. § 578(a) (greenhouse gas emissions) in an integrated and comprehensive manner.

(1) The study and report shall include consideration of:

(A) A total energy standard that would work with and complement the mechanisms enacted in Secs. 3 (SPEED; total renewables targets) and 4 (SPEED; standard offer program) of this act.

(B) The development of an ongoing science-based education and public information campaign for residents of the state at all ages on climate change due to anthropogenic global warming, the potential consequences of climate change, and the ability to reduce or prevent those consequences by replacing greenhouse-gas-emitting energy sources with energy efficiency and renewable energy resources. The study and report shall also consider what specific programs and activities such a campaign would undertake.

(2) The group's report shall include its recommended policy and funding mechanisms and the reasons for the recommendations. The report shall be submitted to the general assembly by December 15, 2013.

(c) Prior to submitting the report to the general assembly, the group shall offer an opportunity to submit information and comment to affected and interested persons such as chambers of commerce or other groups representing

business interests, consumer advocates, energy efficiency entities appointed under Title 30, energy and environmental advocates, fuel dealers, educational institutions, relevant state agencies, transportation-related organizations, and Vermont electric and gas utilities.

* * * Greenhouse Gas Accounting * * *

Sec. 14. 10 V.S.A. § 582 is amended to read:

§ 582. GREENHOUSE GAS INVENTORIES; REGISTRY; ACCOUNTING

* * *

(e) Rules. The secretary may adopt rules to implement the provisions of this section and shall review existing and proposed international, federal, and state greenhouse gas emission reporting programs and make reasonable efforts to promote consistency among the programs established pursuant to this section and other programs, and to streamline reporting requirements on greenhouse gas emission sources. Nothing Except as provided in subsection (g) of this section, nothing in this section shall limit a state agency from adopting any rule within its authority.

(f) Participation by government subdivisions. The state and its municipalities may participate in the inventory for purposes of registering reductions associated with their programs, direct activities, or efforts, including the registration of emission reductions associated with the stationary and mobile sources they own, lease, or operate.

(g) Greenhouse gas accounting. In consultation with the department of public service created under 30 V.S.A. § 1, the secretary shall research and adopt by rule greenhouse gas accounting protocols that achieve transparent and accurate life cycle accounting of greenhouse gas emissions, including emissions of such gases from the use of fossil fuels and from renewable fuels such as biomass. On adoption, such protocols shall be the official protocols to be used by any agency or political subdivision of the state in accounting for greenhouse gas emissions.

* * * Smart Meters * * *

Sec. 15. 30 V.S.A. § 2811 is added to read:

§ 2811. SMART METERS; CUSTOMER RIGHTS; REPORTS

(a) Definitions. As used in this section, the following terms shall have the following meanings:

(1) “Smart meter” means a wired smart meter or a wireless smart meter.

(2) “Wired smart meter” means an advanced metering infrastructure device using a fixed wire for two-way communication between the device and an electric company.

(3) “Wireless smart meter” means an advanced metering infrastructure device using radio or other wireless means for two-way communication between the device and an electric company.

(b) Customer rights. Notwithstanding any law, order, or agreement to the contrary, an electric company may install a wireless smart meter on a customer’s premises, provided the company:

(1) provides prior written notice to the customer indicating that the meter will use radio or other wireless means for two-way communication between the meter and the company and informing the customer of his or her rights under subdivisions (2) and (3) of this subsection;

(2) allows a customer to choose not to have a wireless smart meter installed, at no additional monthly or other charge; and

(3) allows a customer to require removal of a previously installed wireless smart meter for any reason and at an agreed-upon time, without incurring any charge for such removal.

(c) Reports. On January 1, 2014 and again on January 1, 2016, the commissioner of public service shall publish a report on the savings realized through the use of smart meters, as well as on the occurrence of any breaches to a company’s cyber-security infrastructure. The reports shall be based on electric company data requested by and provided to the commissioner of public service and shall be in a form and in a manner the commissioner deems necessary to accomplish the purposes of this subsection. The reports shall be submitted to the senate committees on finance and on natural resources and energy and the house committees on commerce and economic development and on natural resources and energy.

(d) Health report.

(1) On or before January 15, 2013, the commissioner of health and the commissioner of public service shall jointly submit a report to the senate committee on finance and the house committee on commerce and economic development. The report shall include: an update of the department of health’s 2012 report entitled “Radio Frequency Radiation and Health: Smart Meters”; a summary of the department’s activities monitoring the deployment of wireless smart meters in Vermont, including a representative sample of postdeployment radio frequency level testing; and recommendations relating to

evidence-based surveillance on the potential health effects of wireless smart meters.

(2) The commissioner of public service, in consultation with the commissioner of health, shall select and retain an independent expert, not an employee of the state, to perform the research and writing of the report identified in subdivision (1) of this subsection. The commissioner of public service may allocate the costs of retaining the independent expert to electric utilities in accordance with sections 20 and 21 of this title (particular proceedings; personnel; assessment of costs).

Sec. 15a. INSTALLED WIRELESS SMART METERS

If an electric company has installed a wireless smart meter as defined in 30 V.S.A. § 2811(a)(3) prior to the effective date of this act, the company shall provide notice of the installation to the applicable customers, and such notice shall include a statement of customer rights as described under 30 V.S.A. § 2811(b).

* * * Energy Efficiency * * *

Sec. 16. 30 V.S.A. § 209(d)(7) is amended to read:

(7) Net revenues above costs associated with payments from the New England Independent System Operator (ISO-NE) for capacity savings resulting from the activities of the energy efficiency utility designated under subdivision (2) of this subsection shall be deposited into the electric efficiency fund established by this section. Any such net revenues not transferred to the state PACE reserve fund under 24 V.S.A. § 3270(c) shall be used by the entity appointed under subdivision (2) of this subsection to deliver heating and process-fuel energy efficiency services to Vermont consumers of such fuel on a whole-buildings basis to help meet the state's building efficiency goals established by 10 V.S.A. § 581. In delivering such services with respect to heating systems, the entity shall give priority to incentives for the installation of ~~woody~~ high efficiency biomass heating systems and shall have a goal of offering an incentive that is equal to 25 percent of the installed cost of such a system. For the purpose of this subdivision (7), "~~woody~~ biomass" means organic nonfossil material ~~from trees or woody plants~~ constituting a source of renewable energy within the meaning of subdivision 8002(2) of this title. Provision of an incentive under this subdivision (7) for a woody biomass heating system shall not be contingent on the making of other energy efficiency improvements at the property on which the system will be installed.

* * * Harvesting; procurement * * *

Sec. 16a. 10 V.S.A. chapter 87 is added to read:

CHAPTER 87. HARVESTING GUIDELINES
AND PROCUREMENT STANDARDS

§ 2750. HARVESTING GUIDELINES AND PROCUREMENT STANDARDS

(a) The secretary of natural resources shall develop voluntary harvesting guidelines that may be used by private landowners to help ensure long-term forest health. These guidelines shall address harvesting that is specifically for wood energy purposes, as well as other harvesting. The secretary may also recommend monitoring regimes as part of these guidelines.

(b) The commissioner of forests, parks and recreation (the commissioner) shall adopt rules or procedures to modify the process of approving forest management plans and forest practices for lands enrolled in the use value appraisal program, established under 32 V.S.A. chapter 124, in order to address long-term forest health and sustainability. These modifications shall include requirements for preapproval by the commissioner or designee of whole-tree harvesting and for applying the guidelines developed under subsection (a) of this section to harvesting on lands enrolled in the use value appraisal program.

(c) For contracts to harvest wood products on state lands, the commissioner of forests, parks and recreation shall ensure all such harvests are consistent with the purpose of the guidelines developed under subsection (a) of this section, with the objective being long-term forest health in addition to other management objectives.

(d) The secretary of natural resources shall develop a procurement standard that shall be used by the commissioner of buildings and general services in procuring wood products, including biomass for energy in state buildings. All state agencies and departments that use wood energy shall comply with this procurement standard. The procurement standard shall include the voluntary forest health guidelines developed pursuant to subsection (a) of this section. The procurement standard shall recommend methods to:

(1) assure compliance with those forest health guidelines and applicable laws; and

(2) obtain review of potential impacts to natural resources such as rare, threatened, or endangered species, wetlands, wildlife habitat, natural communities, and forest health and sustainability as defined by the

commissioner of forest, parks and recreation in consultation with the commissioner of fish and wildlife.

(e) The procurement standard developed under subsection (d) of this section shall be made available to Vermont educational institutions and other users of biomass energy for their voluntary use.

(f) Working with regional governmental organizations, such as the New England Governors' Conference, Inc. and the Coalition of Northeastern Governors, the secretary of natural resources shall seek to develop and implement regional voluntary harvesting guidelines and a model procurement standard that can be implemented regionwide, consistent with the application of the guidelines, rules, procedures, and standards developed under subsections (a), (b), and (d) of this section.

Sec. 16b. INITIAL ADOPTION

(a) The secretary of natural resources and the commissioner of forests, parks and recreation respectively shall, by January 15, 2013, adopt initial guidelines, rules, procedures, and standards pursuant to Sec. 16m of this act, 10 V.S.A. § 2750(a) (voluntary forest health guidelines), (b) (forest management plans and practices; use value appraisal program), and (d) (procurement standards).

(b) In developing the initial voluntary harvesting guidelines and procurement standards under 10 V.S.A. § 2750(a) and (d), the secretary shall consider the recommendations outlined in the final report of the biomass energy working group, dated January 17, 2012.

(c) The procurement standard adopted under 10 V.S.A. § 2750(d) shall apply to wood product procurement by the commissioner of buildings and general services commencing with new or amended contracts executed after March 1, 2013.

Sec. 16c. 10 V.S.A. § 127 is added to read:

§ 127. RESOURCE MAPPING

(a) On or before January 15, 2013, the secretary of natural resources shall complete resource mapping based on the geographic information system (GIS). The mapping shall identify natural resources throughout the state that may be relevant to the consideration of energy projects. The center for geographic information shall be available to provide assistance to the secretary in carrying out the GIS-based resource mapping.

(b) The secretary of natural resources shall consider the GIS-based resource maps developed under subsection (a) of this section when providing evidence

and recommendations to the public service board under 30 V.S.A. § 248(b)(5) and when commenting on or providing recommendations under chapter 151 of this title to district commissions on other projects.

Sec. 16d. DEMONSTRATION PROJECT; COMMUNITY-SUPPORTED BIOMASS

There is hereby authorized a biomass energy demonstration project to be implemented in Chittenden County by The Vermont Community Supported Biomass Energy Co-op Corporation in order to explore and showcase the development of community-supported wood pellet harvesting and production in Vermont. This demonstration project is subject to the following requirements:

(1) Purchased biomass shall be subject to forest harvesting guidelines no less stringent than those required for participation in the use value appraisal program authorized under 32 V.S.A. § 3755.

(2) Purchased biomass shall be subject to procurement standards no less stringent than those outlined in the final report of the Biomass Energy Development Working Group dated January 17, 2012.

(3) Pellets produced by the demonstration project shall be labeled as meeting appropriate harvesting guidelines and procurement standards.

(4) Pellets shall be sold to customers, including schools and other institutions, that employ high-efficiency heating appliances.

(5) The Biomass Energy Resource Center's publication from August 2011, titled "A Feasibility Study of Pellet Manufacturing in Chittenden County, Vermont," shall inform design and implementation of the demonstration project.

(6) The demonstration project shall provide pellets at a reduced cost to households that meet the income eligibility requirements found in 33 V.S.A. § 2604(a) for home heating fuel assistance in Vermont.

Sec. 16e. 24 V.S.A. § 4412(6) is amended to read:

(6) Heights of renewable energy resource structures. The height of wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high on sloped roofs, any of which are mounted on complying structures, shall not be regulated unless the bylaws provide specific standards for regulation. For the purpose of this subdivision, a sloped roof means a roof having a slope of more than five degrees. In addition, the regulation of antennae that are part of a telecommunications facility, as defined in 30 V.S.A.

§ 248a, may be exempt from review under this chapter according to the provisions of that section.

Sec. 16f. 24 V.S.A. § 4413(g) is amended to read:

(g) Notwithstanding any provision of law to the contrary, a bylaw adopted under this chapter shall not ~~prohibit~~:

(1) Regulate the installation, operation, and maintenance, on a flat roof of an otherwise complying structure, of a solar energy device that heats water or space or generates electricity. For the purpose of this subdivision, "flat roof" means a roof having a slope less than or equal to five degrees.

(2) Prohibit or have the effect of prohibiting the installation of solar collectors not exempted from regulation under subdivision (1) of this subsection, clotheslines, or other energy devices based on renewable resources.

Sec. 17. EFFECTIVE DATES; IMPLEMENTATION

(a) This section and Secs. 1 (renewable energy chapter; goals), 2 (renewable energy chapter; definitions), 3 (SPEED; total renewables targets), 4 (SPEED; standard offer program), 5 (standard offer; prior capacity; interconnection application; report), 7 (renewable energy; further study; report), 8 (greenhouse gas reduction credits), 12 (certificate of public good; findings), 13 (total energy; report), 15 (smart meters; customer rights; reports), 15a (installed wireless smart meters), 16a (harvesting and procurement standards), 16b (initial adoption), 16c (resource mapping) and 16d (community supported biomass) of this act shall take effect on passage.

(b) All sections of this act not referenced in subsections (a) and (e) of this section shall take effect on July 1, 2012.

(c) No later than March 1, 2013, the public service board shall adopt rules or orders sufficient to implement 30 V.S.A. § 8005a(d)(2) (new standard offer plants; transmission and distribution constraints).

(d) No later than September 1, 2013, the secretary of natural resources shall adopt rules pursuant to Sec. 14 of this act, 10 V.S.A. § 582(g) (greenhouse gas accounting).

(e) Secs. 16e (height of renewable energy structures) and 16f (bylaws; solar and other energy devices) of this act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to the Vermont energy act of 2012"

Thereupon, **Rep. Olsen of Jamaica** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 3, 30 V.S.A. § 8005 (SPEED program; total renewable energy targets), in subdivision (d) (goals and targets), by striking subdivision (2) and inserting in lieu thereof a new subdivision (2) to read:

(2) Further SPEED goal. A state goal is to assure that 20 percent of total statewide annual electric retail sales ~~before July 1,~~ shall be generated by SPEED resources that constitute new renewable energy. ~~The board shall report to the house and senate committees on natural resources and energy and to the joint energy committee by December 31, 2011 with regard to the state's progress in meeting this goal. In addition, the board shall report to the house and senate committees on natural resources and energy and to the joint energy committee by December 31, 2013 with regard to the state's progress in meeting this goal and, if necessary, shall include any appropriate recommendations for measures that will make attaining the goal more likely.~~

(A) If this further goal is met within 30 days of the effective date of this section, then compliance with subsection 218(h) of this title shall not be required. Under this subdivision (A), the board shall determine whether this 20 percent goal is met based on the total amount of SPEED resources that were supplied to Vermont retail electricity providers and the total amount of statewide retail electric sales during the year ending 30 days after this section's effective date.

(B) If this further goal is not met within 30 days of this section's effective date:

(i) compliance with subsection 218(h) of this title shall be required;

(ii) the 20-percent goal shall apply to retail electric sales during the year commencing January 1, 2017; and

(iii) on or before January 31, 2018, the board shall meet and open a proceeding to determine, for the calendar year 2017, the total amount of SPEED resources that were supplied to Vermont retail electricity providers and the total amount of statewide retail electric sales.

Second: In Sec. 6, 30 V.S.A. § 8005b (renewable energy programs; reports), in subsection (b), in subdivision (2), by striking the last sentence and inserting in lieu thereof:

The report to be filed under this subsection on or before January 15, 2019 shall discuss and attach the board's determination under subdivision 8005(d)(2) (further SPEED goal) of this title.

Third: By inserting three new sections to be numbered Secs. 16g, 16h, and 16i to read as follows:

* * * Rate Recovery; Utility Energy Efficiency Investments * * *

Sec. 16g. 30 V.S.A. § 218 is amended to read:

§ 218. JURISDICTION OVER RATES AND CHARGES

* * *

(h) Notwithstanding any other provision of law, no electric distribution company subject to jurisdiction under section 203 of this title may recover in rates any investment or expenditure related to energy efficiency including weatherization, or a rate of return thereon, if the costs of the investment or expenditure exceed its benefits to the electric system. However, if the costs of the investment or expenditure do exceed its benefits to the electric system, an electric distribution company may recover an amount of those costs that is not greater than the amount of the benefits to the electric system from the investment or expenditure.

(1) For the purpose of this subsection, “benefits to the electric system” means benefits related to the generation, purchase, transmission, distribution, or consumption of electricity.

(2) This subsection shall apply to a company regardless of whether the company is under traditional or alternative regulation.

(3) This subsection does not apply to the costs of an electric energy efficiency program or measure implemented pursuant to subsections 209(d) and (e) of this title by an entity appointed under subdivision 209(d)(2) (energy efficiency utilities) of this title, if funded by a charge established under subdivision 209(d)(3) (energy efficiency charge) of this title.

(4) The provisions of subdivisions 8005(d)(2)(A) and (B)(i) (further SPEED goal) of this title shall govern whether compliance with this section is required.

Sec. 16h. APPLICATION; PROSPECTIVE REPEAL

(a) 30 V.S.A. § 218(h) shall apply to investments and expenditures by an electric distribution company made on and after the effective date of this act.

(b) 30 V.S.A. § 218(h) shall be repealed on July 1, 2013.

Sec. 16i. WORKING GROUP; REPORT

Within 30 days of this section’s effective date, the public service board shall convene an informal working group to research and make recommendations on

policy issues regarding the funding of thermal energy efficiency by electric distribution companies, including what relationship, if any, such measures should have to the consumption of electricity. The department of public service shall participate in the working group. By January 15, 2013, the public service board, in consultation with the department of public service, shall submit to the general assembly its report and recommendations on the funding of thermal energy efficiency by electric distribution companies.

Fourth: In Sec. 17(a), by striking the word “and” before “16d” and inserting “, 16g (jurisdiction over rates and charges), 16h (application; prospective repeal), and 16i (working group; report)” before “of this act shall take effect on passage.”

Thereupon, **Rep. Deen of Westminster** raised a Point of Order that the amendment was not germane to the Senate proposal of amendment, which Point of Order the Speaker ruled well taken in that the Senate proposal of amendment deals with renewable energy and the Olsen amendment deals with rate setting. **Rep. Olsen of Jamaica** moved to suspend the rules to permit consideration of a non-germane question, which was disagreed to.

Pending the question, Shall the House concur with the Senate proposal of amendment to the House proposal of amendment? **Rep. Bouchard of Colchester** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House concur with the Senate proposal of amendment to the House proposal of amendment? was decided in the affirmative. Yeas, 103. Nays, 34.

Those who voted in the affirmative are:

Ancel of Calais	Copeland-Hanzas of	French of Randolph
Andrews of Rutland City	Bradford	Grad of Moretown
Aswad of Burlington	Corcoran of Bennington	Greshin of Warren
Atkins of Winooski	Courcelle of Rutland City	Haas of Rochester
Bartholomew of Hartland	Crawford of Burke	Head of South Burlington
Bissonnette of Winooski	Dakin of Chester	Heath of Westford
Bohi of Hartford	Davis of Washington	Hooper of Montpelier
Botzow of Pownal	Deen of Westminster	Howard of Cambridge
Branagan of Georgia	Devereux of Mount Holly	Howrigan of Fairfield
Browning of Arlington	Donahue of Northfield	Jewett of Ripton
Burke of Brattleboro	Donovan of Burlington	Johnson of South Hero
Buxton of Tunbridge	Edwards of Brattleboro	Johnson of Canaan
Campion of Bennington	Ellis of Waterbury	Kitzmiller of Montpelier
Cheney of Norwich	Emmons of Springfield	Klein of East Montpelier
Christie of Hartford	Evans of Essex	Krebs of South Hero
Clarkson of Woodstock	Fisher of Lincoln	Krowinski of Burlington
Conquest of Newbury	Frank of Underhill	Kupersmith of South
Consejo of Sheldon	French of Shrewsbury	Burlington

Lanpher of Vergennes	Mrowicki of Putney	Spengler of Colchester
Lenes of Shelburne	Munger of South Burlington	Stevens of Waterbury
Leriche of Hardwick	Nuovo of Middlebury	Stevens of Shoreham
Lippert of Hinesburg	O'Brien of Richmond	Stuart of Brattleboro
Lorber of Burlington	Olsen of Jamaica	Sweaney of Windsor
Macaig of Williston	O'Sullivan of Burlington	Taylor of Barre City
Malcolm of Pawlet	Pearson of Burlington	Toll of Danville
Manwaring of Wilmington	Peaslee of Guildhall	Townsend of Randolph
Marek of Newfane	Peltz of Woodbury	Waite-Simpson of Essex
Martin of Springfield	Poirier of Barre City	Webb of Shelburne
Martin of Wolcott	Potter of Clarendon	Wilson of Manchester
Masland of Thetford	Ralston of Middlebury	Wizowaty of Burlington
McCullough of Williston	Ram of Burlington	Woodward of Johnson
McFaun of Barre Town	Russell of Rutland City	Wright of Burlington
Miller of Shaftsbury	Shand of Weathersfield	Yantachka of Charlotte
Mook of Bennington	Sharpe of Bristol	Young of Glover
Moran of Wardsboro	South of St. Johnsbury	Zagar of Barnard

Those who voted in the negative are:

Acinapura of Brandon	Helm of Fair Haven	Morrissey of Bennington
Batchelor of Derby	Higley of Lowell	Myers of Essex
Bouchard of Colchester	Hubert of Milton	Pearce of Richford
Brennan of Colchester	Keenan of St. Albans City	Perley of Enosburgh
Canfield of Fair Haven *	Kilmartin of Newport City	Savage of Swanton
Clark of Vergennes	Koch of Barre Town	Scheuermann of Stowe
Condon of Colchester	Komline of Dorset	Shaw of Pittsford
Degree of St. Albans City	Larocque of Barnet	Smith of New Haven
Dickinson of St. Albans Town	Lawrence of Lyndon	Strong of Albany
Eckhardt of Chittenden	Lewis of Derby	Turner of Milton
Hebert of Vernon	Marcotte of Coventry	Winters of Williamstown
	McAllister of Highgate	

Those members absent with leave of the House and not voting are:

Burditt of West Rutland	Jerman of Essex	Pugh of South Burlington
Donaghy of Poultney	Lewis of Berlin	Reis of St. Johnsbury
Fagan of Rutland City	McNeil of Rutland Town	Till of Jericho
Gilbert of Fairfax	Partridge of Windham	Trieber of Rockingham

Rep. Canfield of Fair Haven explained his vote as follows:

“Mr. Speaker:

So now biomass becomes part of yet another study with a report. Let’s remember that stakeholders neither work for the state nor remain objective. This is where former Rep. Joe Krawczyk would say we have the rabbits carrying the lettuce. I hope this group will look at and consider the view of the US EPA, Climate Policy Division’s accounting framework for biogenic CO2

emissions from stationary sources (of Sept., 2011). In this report they include that the biogenic accounting fact (CO2 emissions) for biomass waste is zero. I also hope, Mr. Speaker, that this report will consider the economic impact that a biomass electric generation plant would bring to a region.

While trying to accept the logic in the decision to make 77.5 more megawatts of standard offer available over an RPS including biomass electric generation, I can't help but think of the constrained (red zone) transmission area in West Rutland. An upgrade to this section of Velco transmission line is due in 2016 at a cost of \$157 million. The proposed Beaverwood Biomass electric generation and highly efficient wood pellet manufacturing facility in Fair Haven will interconnect through Velco's Blissville substation. The proximity of this substation would allow for indefinite postponement or termination of the need for these upgrades.

For all Vermont ratepayers, I vote 'no'."

Rep. Keenan of St. Albans City explained her vote as follows:

"Mr. Speaker:

I vote 'no' despite the great initiatives in this bill. I object that we are requiring three utilities to renegotiate tariffs already approved by the Public Service Board for smart meters. This will prove to be a disincentive for the use of smart meters."

Rep. Spengler of Colchester explained her vote as follows:

"Mr. Speaker:

Home-grown renewable energy generation creates good-paying Vermont jobs, moves Vermont toward energy independence and saves money by decreasing the need for transmission line expansion."

Recess

At twelve o'clock and fifty minutes in the afternoon, the Speaker declared a recess until two o'clock in the afternoon.

At two o'clock and twelve minutes in the afternoon, the Speaker called the House to order.

Rules Suspended; Report of Committee of Conference Adopted

H. 780

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to compensation for certain state employees

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill, entitled

Respectfully reported that it has met and considered the same and recommended that the Senate recede from its proposals of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Exempt Employees in the Executive Branch * * *

Sec. 1. RESTORATION OF SALARY

(a) The amount equal to the three-percent reduction in salaries taken on July 1, 2010 by exempt employees in the executive branch who earned less than \$60,000.00 annually may be restored to those salaries in fiscal year 2013.

(b) The amount equal to the five-percent reduction in salaries taken on January 1, 2009 by exempt employees in the executive branch who earned \$60,000.00 or more annually may be restored to those salaries in fiscal year 2013.

(c) If the secretary of administration determines that the salary of an exempt employee in the executive branch who earns less than \$60,000.00 annually and was hired or promoted after July 1, 2010 reflects a three-percent reduction in pay, the secretary may restore the amount equal to the three-percent reduction to that salary in fiscal year 2013.

(d) If the secretary of administration determines that the salary of an exempt employee in the executive branch who earns \$60,000.00 or more annually and was hired or promoted after January 1, 2009 reflects a five-percent reduction in pay, the secretary may restore the amount equal to the five-percent reduction to that salary in fiscal year 2013.

Sec. 2. COST-OF-LIVING ADJUSTMENTS

(a) Exempt employees in the executive branch earning less than \$60,000.00 annually may receive a cost-of-living adjustment in fiscal year 2013 of two percent.

(b) Exempt employees in the executive branch earning \$60,000.00 or more annually may or may not receive a cost-of-living adjustment in fiscal year 2013.

(c) Exempt employees in the executive branch may receive a cost-of-living adjustment in fiscal year 2014.

Sec. 3. RATE OF ADJUSTMENT

For purposes of determining annual salary adjustments, special salary increases, and bonuses under 32 V.S.A. §§ 1003(b) and 1020(b), the “total rate of adjustment available to classified employees under the collective bargaining agreement” shall be deemed to be 2.85 percent in fiscal year 2013 and 3.7 percent in fiscal year 2014.

* * * Defender General and Veterans’ Home * * *

Sec. 4. 32 V.S.A. § 1003(b)(1) is amended to read:

(1) Heads of the following departments, ~~offices~~ and agencies:

	~~Base~~ Salary ~~as of~~ July 8, 2007	<u>Base</u> <u>Salary</u> <u>as of</u> <u>July 1,</u> <u>2012</u>
(A) Administration	~~\$90,745~~	<u>\$90,745</u>
(B) Agriculture, food and markets	~~90,745~~	<u>90,745</u>
(C) ~~Banking, insurance, securities,~~ ~~and health care administration~~ <u>Financial</u> <u>regulation</u>	~~84,834~~	<u>84,834</u>
(D) Buildings and general services	~~84,834~~	<u>84,834</u>
(E) Children and families	~~84,834~~	<u>84,834</u>
(F) Commerce and community development	~~90,745~~	<u>90,745</u>
(G) Corrections	~~84,834~~	<u>84,834</u>
(H) Defender general	~~76,953~~	<u>84,834</u>
(I) Disabilities, aging, and independent living	~~84,834~~	<u>84,834</u>

(J) Economic, <u>housing, and community</u> development	~~76,953~~	<u>76,953</u>
(K) Education	~~84,834~~	<u>84,834</u>
(L) Environmental conservation	~~84,834~~	<u>84,834</u>
(M) Finance and management	~~84,834~~	<u>84,834</u>
(N) Fish and wildlife	~~76,953~~	<u>76,953</u>
(O) Forests, parks and recreation	~~76,953~~	<u>76,953</u>
(P) Health	~~84,834~~	<u>84,834</u>
(Q) ~~Housing and community affairs~~	~~76,953~~	<u>[Repealed.]</u>
(R) Human resources	~~84,834~~	<u>84,834</u>
(S) Human services	~~90,745~~	<u>90,745</u>
(T) Information and innovation	~~84,834~~	<u>84,834</u>
(U) Labor	~~84,834~~	<u>84,834</u>
(V) Libraries	~~76,953~~	<u>76,953</u>
(W) Liquor control	~~76,953~~	<u>76,953</u>
(X) Lottery	~~76,953~~	<u>76,953</u>
(Y) Mental Health	~~84,834~~	<u>84,834</u>
(Z) Military	~~84,834~~	<u>84,834</u>
(AA) Motor vehicles	~~76,953~~	<u>76,953</u>
(BB) Natural resources	~~90,745~~	<u>90,745</u>
(CC) Natural resources board chairperson	~~76,953~~	<u>76,953</u>
(DD) Public Safety	~~84,834~~	<u>84,834</u>
(EE) Public service	~~84,834~~	<u>84,834</u>
(FF) Taxes	~~84,834~~	<u>84,834</u>
(GG) Tourism and marketing	~~76,953~~	<u>76,953</u>
(HH) Transportation	~~90,745~~	<u>90,745</u>
(II) Vermont health access	~~84,834~~	<u>84,834</u>
(JJ) ~~Veterans~~ <u>Veterans' home</u>	~~76,953~~	<u>84,834</u>

* * * Judicial Branch * * *

Sec. 5. 32 V.S.A. § 1003(c) is amended to read:

(c) The annual salaries of the officers of the judicial branch named below shall be as follows:

	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 8,</u> <u>2007</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 1,</u> <u>2012</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 14,</u> <u>2013</u>
(1) Chief justice of supreme court	~~\$135,421~~	\$139,280	\$144,434
(2) Each associate justice	~~129,245~~	132,928	137,847
(3) Administrative judge	~~129,245~~	132,928	137,847
(4) Each superior judge	~~122,867~~	126,369	131,045
(5) ~~Each district judge~~	~~122,867~~	[Repealed.]	
(6) Each magistrate	~~92,641~~	95,281	98,807
(7) Each judicial bureau hearing officer	~~92,641~~	95,281	98,807

Sec. 6. 32 V.S.A. § 1141 is amended to read:

§ 1141. ASSISTANT JUDGES

(a)(1) The compensation of each assistant judge of the superior court shall be ~~\$142.04~~ \$146.09 a day as of ~~July 8, 2007,~~ July 1, 2012 and \$151.49 a day as of July 14, 2013 for time spent in the performance of official duties and necessary expenses as allowed to classified state employees. Compensation under this section shall be based on a two-hour minimum and hourly thereafter.

* * *

Sec. 7. 32 V.S.A. § 1142 is amended to read:

§ 1142. PROBATE JUDGES

(a) The annual salaries of the probate judges in the several probate districts, which shall be paid by the state in lieu of all fees or other compensation, shall be as follows:

		<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 1,</u> <u>2012</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 14,</u> <u>2013</u>
(1) Addison	\$48,439	\$49,820	\$51,663
(2) Bennington	61,235	62,980	65,310
(3) Caledonia	42,956	44,180	45,815
(4) Chittenden	91,395	105,104	108,993
(5) Essex	12,000	12,342	12,799
(6) Franklin	48,439	49,820	51,663
(7) Grand Isle	12,000	12,342	12,799
(8) Lamoille	33,816	34,780	36,067
(9) Orange	40,214	41,360	42,890
(10) Orleans	39,300	40,420	41,916
(11) Rutland	86,825	89,300	92,604
(12) Washington	66,718	68,619	71,158
(13) Windham	53,923	55,460	57,512
(14) Windsor	73,116	75,200	77,982

* * *

(c) ~~A probate judge whose salary is less than 50 percent of the salary of the most highly paid probate judge shall be eligible only for the least expensive medical benefit plan option available to state employees or may apply the state share of the premium for which the judge is eligible toward the purchase of another state or private health insurance plan. A probate judge whose salary is less than 50 percent of the salary of the most highly paid probate judge may participate in other state employee benefit plans~~ All probate judges, regardless of the number of hours worked annually, shall be eligible to participate in all employee benefits that are available to exempt employees of the judicial department.

Sec. 8. COURT ADMINISTRATOR; WEIGHTED CASELOAD STUDY

The court administrator shall conduct a weighted caseload study of the probate division and report its findings to the senate and house committees on government operations by January 31, 2013.

* * * Sheriffs * * *

Sec. 9. 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The annual salaries of the sheriffs of all counties except Chittenden shall be ~~\$65,812.00~~ \$67,688.00 as of ~~July 8, 2007~~ July 1, 2012 and \$70,192.00 as of July 14, 2013. The annual salary of the sheriff of Chittenden County shall be ~~\$69,646.00~~ \$71,631.00 as of ~~July 8, 2007~~ July 1, 2012 and \$74,281.00 as of July 14, 2013.

(b) Compensation under subsection (a) of this section shall be reduced by 10 percent for any sheriff who has not completed the full-time training requirements under 20 V.S.A. § 2358.

* * * State's Attorneys * * *

Sec. 10. 32 V.S.A. § 1183 is amended to read:

§ 1183. STATE'S ATTORNEYS

(a) The annual salaries of state's attorneys shall be:

	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 8,</u> <u>2007</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 1,</u> <u>2012</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 14,</u> <u>2013</u>
(1) Addison County	~~\$89,020~~	<u>\$91,557</u>	<u>\$94,945</u>
(2) Bennington County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(3) Caledonia County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(4) Chittenden County	~~93,069~~	<u>95,721</u>	<u>99,263</u>
(5) Essex County	~~66,766~~	<u>68,669</u>	<u>71,210</u>
(6) Franklin County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(7) Grand Isle County	~~66,766~~	<u>68,669</u>	<u>71,210</u>
(8) Lamoille County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(9) Orange County	~~89,020~~	<u>91,557</u>	<u>94,945</u>

(10) Orleans County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(11) Rutland County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(12) Washington County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(13) Windham County	~~89,020~~	<u>91,557</u>	<u>94,945</u>
(14) Windsor County	~~89,020~~	<u>91,557</u>	<u>94,945</u>

(b) In settlement of their accounts the commissioner of finance and management shall allow the state's attorneys the expense of printing briefs in cases in which the state's attorney has represented the state and their necessary and actual expenses under the rules and regulations pertaining to classified state employees.

* * * Appropriations * * *

Sec. 11. PAY ACT FUNDING

The compensation provided in this act shall be funded by appropriations made in H.781 of the 2011–2012 session of the general assembly in Sec. B.1200 for fiscal year 2013 and in Sec. BB.1200 for fiscal year 2014.

* * * Study * * *

Sec. 12. COMMISSIONER OF HUMAN RESOURCES; CASELOAD AND WORKLOAD STUDY; ATTORNEYS IN THE EXECUTIVE BRANCH; PAY PLANS

(a) The commissioner of human resources shall conduct a caseload and workload study that assesses the caseloads and workloads of deputy state's attorneys, public defenders, assistant attorneys general, and staff attorneys in the executive branch and shall report his or her findings to the general assembly on or before March 15, 2013.

(b) The secretary of administration shall create a new pay plan for all exempt attorneys in the executive branch employed by the state who perform legal services in order to create parity and equity in the compensation paid to these attorneys. In creating the pay plan, the secretary shall consider the results of the study in subsection (a) of this section and the relative caseloads and workloads of the attorneys. Notwithstanding any provision of law to the contrary, the secretary shall have final authority over and shall be required to approve all salaries paid to exempt attorneys employed by the state in the executive branch and shall administer the pay plan to ensure that parity and equity in compensation are maintained.

Sec. 13. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

COMMITTEE ON THE PART OF
THE SENATE

SEN. MARGARET K. FLORY
SEN. ALICE W. NITKA
SEN. JEANETTE K. WHITE

COMMITTEE ON THE PART OF
THE HOUSE

REP. KENNETH W. ATKINS
REP. DENNIS J. DEVEREUX
REP. LINDA J. MARTIN

Which was considered and adopted on the part of the House.

**Rules Suspended; Report of Committee of Conference and Addendum to
the Committee of Conference Adopted;**

H. 769

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to department of environmental conservation fees

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the Senate recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Department of environmental conservation * * *

* * * Environmental permits * * *

Sec. 1. 3 V.S.A. § 2822 is amended to read:

§ 2822. BUDGET AND REPORT; POWERS

* * *

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the agency of natural resources.

(1) For air pollution control permits or registrations issued under 10 V.S.A. chapter 23 ~~of Title 10~~:

(A) Any persons subject to the provisions of 10 V.S.A. § 556 shall submit with each permit application or with each request for a permit amendment, a base service fee in accordance with the base fee schedule in subdivision (i) of this subdivision (1)(A). Prior to taking final action under 10 V.S.A. § 556 on any application for a permit for a nonmajor stationary source or on any request for an amendment of a permit for such a source, the secretary shall assess each applicant for any additional fees due to the agency, assessed in accordance with the base fee schedule and the supplementary fee schedule in subdivision (ii) of this subdivision (1)(A). The applicant shall submit any fees so assessed to the secretary prior to issuance of the final permit, notwithstanding the provisions of subsection (i) of this section. The base fee schedule and the supplementary fee schedule are applicable to all applications on which the secretary makes a final decision on or after the date on which this section is operative.

(i) Base fee schedule

(I) Application for permit to construct
or modify source

(aa) Major stationary source ~~\$ 12,500.00~~ \$ 15,000.00

(bb) Nonmajor stationary source ~~\$ 1,000.00~~ \$ 2,000.00

(II) Amendments

Change in business name, division name
or plant name; mailing address; or
company stock designation; or other
administrative amendments

~~\$ 100.00~~ \$ 150.00

(ii) Supplementary fee schedule for nonmajor
stationary sources

(I) Engineering review ~~\$ 1,750.00~~ \$ 2,000.00

(II) Air quality impact analysis

Review refined modeling ~~\$ 1,250.00~~ \$ 2,000.00

(III) Observe and review source emission

testing ~~\$ 1,750.00~~ \$ 2,000.00

(IV) Audit performance of continuous

emissions monitors ~~\$ 1,750.00~~ \$ 2,000.00

(V) Audit performance of ambient air

monitoring	~~\$ 1,750.00~~ <u>\$ 2,000.00</u>

(VI) Implement public comment requirement	\$ 500.00.

(B) Any person required to register an air contaminant source under 10 V.S.A. § 555(c) shall submit an annual registration fee in accordance with the following registration fee schedule, where the sum of a source's emissions of the following air contaminants is greater than five tons per year: sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons:

Registration: ~~\$0.024~~ \$0.0335 per pound of emissions of any of these contaminants. Where the sum of a source's emission of these contaminants is greater than ten tons per year, provided that a plant producing renewable energy as defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding \$64,000.00:

Base registration fee ~~\$1,000.00~~ \$1,500.00; and ~~\$0.024~~ \$0.0335 per pound of emissions of any of these contaminants.

(2) For discharge permits issued under 10 V.S.A. chapter 47 ~~of Title 10~~ and orders issued under 10 V.S.A. § 1272, an administrative processing fee of ~~\$100.00~~ \$120.00 shall be paid at the time of application for a discharge permit in addition to any application review fee and any annual operating fee, except for permit applications under subdivisions (2)(A)(iii)(III), ~~(IV)~~, and (V) of this subsection:

(A) Application review fee.

* * *

(iii) Stormwater discharges.

(I) Individual operating permit	~~\$360.00~~ <u>\$430.00</u> per acre
or application to operate	impervious area;
under general operating	minimum ~~\$180.00~~ <u>\$220.00</u>
permit for collected	per application.
stormwater runoff	
which is discharged to	
Class B waters: original	
application; amendment	

for increased flows;
 amendment for change
 in treatment process.

- (II) Individual operating permit ~~\$1,170.00~~ \$1,400.00 per
 or application to operate acre impervious area;
 under general operating minimum ~~\$1,170.00~~
 permit for collected \$1,400.00 per
 stormwater runoff which is application.
 discharged to Class A
 waters; original
 application; amendment for
 increased flows;
 amendment for change in
 treatment process.
- (III) Individual permit or
 application to operate under
 general permit for
 construction activities;
 original application;
 amendment for increased
 acreage.
- (aa) Projects with low risk ~~\$36.00~~ \$50.00 per project;
 to waters of the state. original application.
- (bb) Projects with moderate ~~\$300.00~~ \$360.00 per
 risk to waters project original application.
 of the state.
- (cc) Projects that require an ~~\$600.00~~ \$720.00 per
 individual permit. project original application.
- (IV) Individual permit or ~~\$180.00~~ \$220.00 per

application to operate facility.
 under general permit
 for stormwater runoff
 associated with industrial
 activities with specified
 SIC codes; original
 application; amendment
 for change in activities.

- (V) Individual permit or ~~\$1,000.00~~ \$1,200.00 per
 application to operate system.
 under general permit
 for stormwater runoff
 associated with municipal
 separate storm sewer systems;
 original application;
 amendment for change
 in activities.

(VI) Individual operating permit or application to operate under a general permit for a residually designated stormwater discharge original application; amendment; for increased flows amendment; for change in treatment process.

(aa) For discharges to Class B water; \$430.00 per acre of impervious area, minimum \$220.00.

(bb) For discharges to Class A water; \$1,400.00 per acre of impervious area, minimum \$1,400.00.

- (VII) Renewal, transfer, or \$0.00
 minor amendment of
 individual permit or
 approval under general permit.

- (iv) Indirect discharge or

underground injection control,
excluding stormwater discharges.

* * *

(II) Nonsewage.

(aa) Individual permit: \$0.06 per gallon design
original application; capacity; minimum ~~\$235.00~~
amendment for increased \$400.00 per application.
flows; amendment for
modification or
replacement of system.

(bb) Renewal, transfer or \$0.00
minor amendment of
individual permit.

(cc) General permit \$0.00.

(B) Annual operating fee.

(i) Industrial, noncontact \$0.001 per gallon design
cooling water and capacity. \$150.00
thermal discharges. minimum; maximum
~~\$105,000.00.~~ \$210,000.00

* * *

(iv) Stormwater

* * *

(II) Individual operating permit ~~\$66.00~~ \$80.00 per acre
or approval under general impervious area;
operating permit for ~~\$60.00~~ \$80.00 minimum.
collected stormwater runoff
which is discharged to
Class B waters.

(III) Individual permit or ~~\$66.00~~ \$80.00 per

approval under general facility.
 permit for stormwater
 runoff from industrial
 facilities with
 specified SIC codes.

- (IV) Individual permit or ~~\$66.00~~ \$80.00 per system.
 application to operate
 under general permit for
 stormwater runoff
 associated with municipal separate
 storm sewer systems.

(V) Individual permit or approval under general permit for
 residually designated stormwater discharges.

(aa) For discharges to Class A water; \$255.00 per acre of
 impervious area, minimum \$255.00.

(bb) For discharges to Class B water; \$80.00 per acre of
 impervious area, minimum \$80.00.

- (v) Indirect discharge or underground
 injection control,
 excluding stormwater discharges:

* * *

(II) Nonsewage

- (aa) Individual permit \$0.013 per gallon of design
 capacity. ~~\$100.00~~ \$250.00
 minimum; maximum
 \$5,500.00.

* * *

(4) For potable water supply and wastewater permits issued under
10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater
 system, including a sewerage connection; and a potable water supply,
 including a connection to a public water supply:

(A) ~~Subdivision of land~~(i) ~~Original application; major amendments.~~

(I) ~~Municipal or private sewerage system and public water supply.~~

~~\$0.25 per gallon per lot of design flow of potable water or wastewater, whichever is greater.~~

~~Minimum per lot \$105.00.~~

(II) ~~All other projects.~~

~~\$0.50 per gallon per lot of design flow of potable water or wastewater, whichever is greater.~~

~~Minimum per lot \$210.00.~~

(ii) ~~Minor amendments.~~

~~\$50.00~~

Original applications, or major amendments for a project with the following proposed design flows. In calculating the fee, the highest proposed design flow whether wastewater or water shall be used:

(i) design flows 560 gpd or less: \$245.00 per application.

(ii) design flows greater than 560 and less than or equal to 2,000 gpd: \$580.00 per application.

(iii) design flows greater than 2,000 and less than or equal to 6,500 gpd: \$2,000.00 per application.

(iv) design flows greater than 6,500 and less than or equal to 10,000 gpd: \$5,000.00 per application.

(v) design flows greater than 10,000 gpd: \$9,500.00 per application.

(B) ~~Potable water supply or wastewater system~~

~~(i) Original application or major amendment when both potable water and wastewater are being constructed.~~

New or replacement systems.

- (I) ~~Municipal or private sewerage system and public water supply.~~ \$0.25 per gallon of design flow of potable water or wastewater, whichever is greater. Minimum per application \$105.00. Maximum per application \$15,000.00.
- (II) ~~All other projects.~~ \$0.50 per gallon of design flow of potable water or wastewater, whichever is greater. Minimum per application \$210.00. Maximum per application \$15,000.00.

- (ii) ~~Original application or major amendment when either potable water or wastewater, but not both, is being constructed.~~

New or replacement systems.

- (I) ~~Municipal or private sewerage system and public water supply.~~ \$0.15 per gallon per application of design flow. Minimum per application \$105.00. Maximum per application \$15,000.00.
- (II) ~~All other projects.~~ \$0.30 per gallon of design flow. Minimum per application \$210.00.

	Maximum per application \$15,000.00.
(iii) ~~Original application or major amendment when design flow of potable water or wastewater is increased but no construction is required.~~	
(I) ~~Municipal or private sewerage system and public water supply.~~	\$0.25 per gallon of increased design flow of potable water or wastewater, whichever is greater. Minimum per application \$67.50. Maximum per application \$15,000.00.
(II) ~~All other projects.~~	\$0.50 per gallon of increased design flow of potable water or wastewater, whichever is greater. Minimum per application \$135.00. Maximum per application \$15,000.00.
(iv) ~~Minor amendments.~~	~~\$50.00~~ <u>\$100.00.</u>
(C) Special fees	

* * *

- (iv) ~~Original application or~~ \$35.00 per lot.
~~amendment for subdivision of~~
~~land where the lot or lots~~

~~subject to the fee are owned or
will be owned by the applicant or
a person related to the applicant by
blood, civil marriage, or civil union.
If the lot or lots are subsequently
transferred within a period of two years to
an individual who is not related by
blood, civil marriage, or civil union
to the owner of the lot or lots, the full
fee for the lots that were created shall
be paid. (I) Minor projects: \$180.00.~~

(II) As used in this subdivision (j)(4)(C)(iv), "minor project" means a project that meets the following: there is an increase in design flow but no construction is required; there is no increase in design flow, but construction is required, excluding replacement potable water supplies and wastewater systems; or there is no increase in design flow and no construction is required, excluding applications that contain designs that require technical review.

(D) Notwithstanding the other provisions of this subdivision:

~~(i) when a wastewater system is subject to the fee provisions of this subdivision and subdivision (j)(2)(A)(iv)(I) of this section, only the higher of the two fees shall be assessed;~~

~~(ii) when a potable water supply is subject to the fee provisions of this subdivision and subdivision (j)(7)(A) of this section, only the fee required by subdivision (j)(7)(A) shall be assessed;~~

~~(iii) when a project is subject to the fee provision for the subdivision of land and the fee provision for potable water supplies and wastewater systems of this subdivision, only the higher of the two fees shall be assessed; and~~

~~(iv)~~ ₂when a project is located in a Vermont neighborhood, as designated under 24 V.S.A. chapter 76A, the fee shall be no more than \$50.00 in situations in which the application has received an allocation for sewer capacity from an approved municipal system. This limitation shall not apply in the case of fees charged as part of a duly delegated municipal program.

(5) For well drillers licenses issued under 10 V.S.A. chapter 48:

~~\$105.00~~ \$140.00 per year.

Fees shall be paid on an annual basis over the term of the license.

(6) For solid waste treatment, storage, transfer or disposal facility certifications issued under 10 V.S.A. chapter 159:

* * *

(D) original and renewal ~~\$0.00~~ \$100.00.

applications for

categorical disposal facilities

* * *

(G) insignificant waste management \$100.00 per event.

event approvals

(7) For public water supply and bottled water permits and approvals issued under 10 V.S.A. chapter 56 ~~of Title 10~~ and interim groundwater withdrawal permits and approvals issued under 10 V.S.A. chapter 48 ~~of Title 10~~:

(A) For public water supply construction permit applications:
~~\$275.00~~ \$375.00 per application plus \$0.0055 per gallon of design capacity.
Amendments ~~\$110.00~~ \$150.00 per application.

(B) For water treatment plant applications, except those applications submitted by a municipality as defined in 1 V.S.A. § 126 or a consolidated water district established under 24 V.S.A. § 3342: \$0.003 per gallon of design capacity. Amendments ~~\$110.00~~ \$150.00 per application.

(C) For source permit applications:

(i) Community water systems: ~~\$615.00~~ \$945.00 per source.

(ii) Transient noncommunity: ~~\$250.00~~ \$385.00 per source.

(iii) Nontransient, noncommunity: ~~\$500.00~~ \$770.00 per source.

(iv) Amendments. ~~\$110.00~~ \$150.00 per application.

(D) For public water supplies and bottled water facilities, annually:

(i) Transient noncommunity: ~~\$45.00~~ \$50.00

(ii) Nontransient, noncommunity: ~~\$0.0294~~ \$0.0355 per 1,000

- gallons of water produced annually or \$70.00, whichever is greater.
- (iii) Community: ~~\$0.0295 per 1,000 gallons of water produced annually for fiscal year 2005; \$0.0325 per 1,000 gallons of water produced annually for fiscal year 2006; and \$0.0359~~ \$0.0439 per 1,000 gallons of water produced annually for fiscal year 2007 and thereafter.
- (iv) Bottled water: ~~\$900.00~~ \$1,390.00 per permitted facility.

(E) Amendment to bottled water facility permit, ~~\$110.00~~ \$150.00 per application.

(F) For facilities permitted to withdraw groundwater pursuant to 10 V.S.A. § 1418: ~~\$1,500.00~~ \$2,300.00 annually per facility.

* * *

(8) For public water system operator certifications issued under 10 V.S.A. § 1674:

~~Class IA and IB~~ ~~\$40.00 per initial certificate or renewal. Fee is waived for operators who are permittees under the transient noncommunity water system general permit.~~

~~All Other Classes~~ ~~\$70.00 per initial certificate or renewal~~

(A) For class IA and IB operators: \$45.00 per initial certificate or renewal. Operators who are also permittees under the transient noncommunity water system general permit are not subject to this fee.

(B) For all other classes: \$80.00 per initial certificate or renewal.

(9)(A) For a solid waste hauler permits issued under 10 V.S.A. § 6607a
~~\$35.00: an annual operating fee of \$50.00 per vehicle used, by the commercial~~
~~hauler that is permitted, for transporting waste. This fee shall be submitted~~
~~with the permit application and each year thereafter for the duration of the~~
~~permit, at the time of the filing of the annual statement required by 10 V.S.A.~~
~~§ 6605f(m).~~

(B) For a hazardous waste hauler permits issued under 10 V.S.A.
~~§ 6607a: \$100.00: an annual operating fee of \$125.00 per vehicle used, by the~~
~~commercial hauler that is permitted, for transporting waste. This fee shall be~~
~~submitted with the permit application and each year thereafter for the duration~~
~~of the permit, at the time of the filing of the annual statement required by~~
~~10 V.S.A. § 6605f(m).~~

* * *

(16) For underground storage tank permits issued under 10 V.S.A.
chapter 59:

~~\$100.00~~ \$125.00 per
tank per year.

* * *

(21) ~~For site technician certifications issued under 3 V.S.A. § 2827(f)~~
For class A and B designer licenses issued under 10 V.S.A. § 1975:

(A) ~~Type A site technicians~~ Class A:

- (i) original application ~~\$100.00~~ \$150.00
- (ii) renewal application ~~\$40.00~~ \$50.00 per year.
- (iii) provisional license \$50.00.

(B) ~~Type B site technicians~~ Class B:

- (i) original application ~~\$40.00~~ \$75.00
- (ii) renewal application ~~\$40.00~~ \$50.00 per year.
- (iii) provisional license \$50.00.

(C) Renewal late fee. The following fees shall be charged in addition
to the renewal fees established in subdivisions (A) and (B) of this
subdivision (21):

- (i) application received within 30 days after expiration of license:
\$25.00.

(ii) application received 31 days or later after expiration of license: \$50.00.

(iii) application received two years or more after expiration of license shall be considered a new application for the designer license.

(D) Potable water supply exam fee: \$50.00.

* * *

(25) For hazardous waste generator registrations required by 10 V.S.A. § 6608(f).

(A) small quantity generators ~~\$100.00 per year~~ \$125.00 per year.

(B) large quantity generators ~~\$500.00 per year~~ \$600.00 per year.

(C) conditionally exempt generators \$75.00 per year.

(26) For individual conditional use determinations, for individual wetland permits, for general conditional use determinations issued under 10 V.S.A. § 1272, or for wetland authorizations issued under a general permit, an administrative processing fee assessed under subdivision (2) of this subsection (j) and an application fee of:

(A) ~~\$0.12~~ \$0.75 per square foot of proposed impact to Class I or II wetlands;

(B) ~~\$0.09~~ \$0.25 per square foot of proposed impact to Class I or II wetland buffers;

(C) maximum fee, for the conversion of Class II wetlands or wetland buffers to cropland use, \$200.00 per application. For purposes of this subdivision, "cropland" means land that is used for the production of agricultural crops, including row crops, fibrous plants, pasture, fruit-bearing bushes, trees, or vines and the production of Christmas trees;

(D) \$0.25 per square foot of proposed impact to Class I or II wetlands or Class I or II wetland buffer for utility line, pipeline, and ski trail projects when the proposed impact is limited to clearing forested wetlands in a corridor and maintaining a cleared condition in that corridor for the project life;

(E) minimum fee, \$50.00 per application.

* * *

(30) For review of a project requiring water quality certification under

Section 401 of the Clean Water Act: one percent of project costs; minimum fee \$200.00; maximum fee \$20,000.00. For an application seeking review of multiple projects under this subdivision, the fee shall apply to each project.

(k) Commencing with registration year 1993 and for each year thereafter, any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) in addition shall pay fees for any emissions of the following types of hazardous air contaminants. The following fees shall not be assessed for emissions resulting from the combustion of any fuels, except solid waste, in fuel burning or manufacturing process equipment.

(1) Contaminants which cause short-term irritant effects — ~~\$0.008~~ \$0.012 per pound of emissions;

(2) Contaminants which cause chronic systemic toxicity (low potency) — ~~\$0.015~~ \$0.0225 per pound of emissions;

(3) Contaminants which cause chronic systemic toxicity (high potency) — ~~\$0.02~~ \$0.03 per pound of emissions;

(4) Contaminants known or suspected to cause cancer (low potency) — ~~\$0.55~~ \$0.825 per pound of emissions;

(5) Contaminants known or suspected to cause cancer (high potency) — ~~\$10.00~~ \$15.00 per pound of emissions.

(l) Commencing with registration year 1993 and for each year thereafter, any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) in addition shall pay the following fees for emissions of hazardous air contaminants resulting from the combustion of any of the following fuels in fuel burning or manufacturing process equipment.

(1) Coal — ~~\$0.43~~ \$0.645 per ton burned;

(2)(A) Wood — ~~\$0.103~~ \$0.155 per ton burned; or

(B) Wood burned with an operational electrostatic precipitator and NOx reduction technologies — ~~\$0.025~~ \$0.0375 per ton burned;

(3) No. 6 grade fuel oil — ~~\$0.0005~~ \$0.00075 per gallon burned;

(4) No. 4 grade fuel oil — ~~\$0.0004~~ \$0.0006 per gallon burned;

(5) No. 2 grade fuel oil — ~~\$0.0002~~ \$0.0003 per gallon burned;

(6) Liquid propane gas — ~~\$0.0002~~ \$0.0003 per gallon burned;

(7) Natural gas — ~~0.87~~ \$1.305 per million cubic feet burned.

* * *

Sec. 2. 10 V.S.A. § 1922 is amended to read:

§ 1922. DEFINITIONS

For purposes of this chapter:

* * *

(16) “Acceptable piping” means:

(A) double-wall pressurized piping; or

(B) single-wall piping that operates under suction, is pitched evenly uphill from the tank top, and has only one check valve which is located at the dispenser, fuel burner, generator, or other piping termination point.

(17) “Double-wall tank system” means an underground storage tank system consisting of a double-wall tank and acceptable piping.

(18) “Combination tank system” means an underground storage tank system consisting of a single-wall tank and acceptable piping.

(19) “Single-wall tank system” means an underground storage tank system consisting of a single-wall tank and single-wall pressurized piping.

Sec. 3. 10 V.S.A. § 1943 is amended to read:

§ 1943. PETROLEUM TANK ASSESSMENT

(a) Each owner of a category one tank used for storage of petroleum products shall remit to the secretary on October 1 of each year ~~beginning October 1, 1988,~~ \$100.00 per double-wall tank system; \$150.00 per combination tank system; and \$200.00 per single-wall tank system, which shall be deposited to the petroleum cleanup fund established by section 1941 of this title, except that:

(1) ~~The fee shall be \$50.00 per tank for~~ For retail gasoline outlets that sell less than 40,000 gallons of motor fuel per month, the fee shall be:

(A) \$75.00 per double-wall tank system;

(B) \$125.00 per combination tank system; and

(C) \$175.00 per single-wall tank system.

(2) The fee shall be reduced by 50 percent if the owner or permittee provides to the satisfaction of the secretary evidence of financial responsibility to allow the taking of corrective action in the amount of \$100,000.00 per occurrence and the compensation of third parties for bodily injury and property damage in the amount of \$300,000.00 per occurrence.

(3) The fee shall be relieved if the owner provides to the satisfaction of the secretary, evidence of financial responsibility to allow the taking of corrective action and the compensation of third parties for bodily injury and property damage each in the amount of \$1,000,000.00 per occurrence.

(4) The fee for retail motor fuel outlets selling 20,000 gallons or less per month shall not exceed \$100.00 per year for all double-wall tanks at a single location and shall not exceed \$300.00 for all combination tank systems at a single location. This cap shall not apply to a retail motor fuel outlet utilizing a single-wall tank system.

(5) ~~The fee shall be \$50.00 per tank for~~ For any municipality that uses an annual average of less than an annual average of 40,000 gallons of motor fuel per month, provided that all of the tanks of that municipality meet the requirements of this chapter, the fee shall be:

(A) \$50.00 per double-wall tank system;

(B) \$100.00 per combination tank system; and

(C) \$150.00 per single-wall tank system.

(b) For purposes of this section, an occurrence is an accident, including continuous or repeated exposure to conditions, which results in the release of petroleum from one or more underground storage tanks at the same site.

(c) This tank assessment shall terminate on July 1, 2014.

(d) The secretary shall establish forms and procedures for the payment of the petroleum tank assessment, including a notice of the obligation 30 days prior to being due. Failure to receive notice shall not waive the payment obligation.

Sec. 4. PETROLEUM ADVISORY COMMITTEE REPORT

In the 2013 report of the petroleum cleanup advisory committee, the committee shall make recommendations on how to reduce risks to the fund posed by an aboveground or underground storage tank. In making its recommendation, the committee shall consider:

(1) Appropriate tank assessment fees for single-wall and combination underground storage tanks.

(2) Appropriate deductibles when there is a release from a single-wall or combination underground storage tank.

(3) A time line laying out a process to remove single-wall and combination underground storage tanks from service.

(4) For tank system owners that have low throughputs or limited income from their underground storage tank system, the use of grants or negative interest loans for the upgrade of those systems.

(5) Current tank technology and its impact on safety and the rate of current tank fees.

Sec. 5. 10 V.S.A. § 6628 is amended to read:

§ 6628. PLAN, PLAN SUMMARY AND PERFORMANCE REPORT REVIEW

* * *

(j) Fees shall be submitted annually on March 31st. Fees shall be submitted to the secretary and deposited into the hazardous waste management account of the waste management assistance fund established under section 6618 of this title. Fees shall be computed according to the following:

(1) ~~\$300.00~~ \$350.00 per toxic chemical identified pursuant to subdivision 6629(c)(4) of this title.

(2) ~~\$300.00~~ \$350.00 per hazardous waste stream identified pursuant to subdivision 6629(c)(3) of this title.

(3) Up to a maximum amount of:

(A) ~~\$1,500.00~~ \$1,750.00 per plan; for Class A generators.

(B) ~~\$300.00~~ \$350.00 per plan for Class B generators.

(C) ~~\$1,500.00~~ \$1,750.00 per plan for large users.

(D) ~~\$3,000.00~~ \$3,500.00 per plan for Class A generators that are large users.

(E) ~~\$900.00~~ \$1,050.00 per plan for Class B generators that are large users.

Sec. 6. 10 V.S.A. § 7553 is amended to read:

§ 7553. SALE OF COVERED ELECTRONIC DEVICES;
MANUFACTURER REGISTRATION

* * *

(h) Implementation fee.

(1) ~~For the program year of~~ Beginning July 1, 2011, ~~through June 30, 2012,~~ each manufacturer that seeks coverage under the standard plan shall pay to the secretary an implementation fee that shall be assessed on a quarterly

basis and that shall be determined by multiplying the manufacturer's market share by the prior quarter's cost of implementing the electronic waste collection and recycling program adopted under the standard plan. For purposes of this section, the electronic waste and recycling program includes collection, transportation, recycling, and the reasonable cost of contract administration.

~~(2) Beginning with the program year starting July 1, 2012, a proposed methodology for calculating the implementation fee for manufacturers seeking coverage under the standard plan shall be included in the executive branch fee report and approved by the general assembly according to the requirements of subchapter 6 of chapter 7 of Title 32.~~

(3) The fee collected under this subsection shall be deposited into the electronic waste collection and recycling account of the waste management assistance fund.

~~(4)~~(3) At the end of each program year, the secretary shall review the total costs of collection and recycling for the program year and shall reapportion the implementation fee assessed under this subsection to accurately reflect the actual cost of the program and the manufacturer's market share of covered electronic devices sold in the state during the program year.

* * *

Sec. 7. FORMAT CHANGES AND ADJUSTMENTS TO THE AGENCY OF NATURAL RESOURCES FEES

The legislative council may, in consultation with the agency of natural resources, modify the format of the fees established by 3 V.S.A. § 2822. In making the modifications, the legislative council may make changes to the sections that do not affect the amount or scope of a fee. The legislative council may make changes to improve the readability of the proposed fees. Prior to codification of the reformatted fees, copies shall be presented to the house committee on ways and means and the senate committee on finance.

* * * Natural resources board * * *

* * * Act 250 fees * * *

Sec. 8. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

(a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or

subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to the following fees for the purpose of compensating the state of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program:

* * *

(4) For projects involving the extraction of earth resources, including but not limited to sand, gravel, peat, topsoil, crushed stone, or quarried material, the greater of: a fee as determined under subdivision (1) of this subsection; or a fee equivalent to the rate of ~~\$0.20~~ \$0.02 per cubic yard of ~~maximum estimated annual extraction whichever is greater~~ the first million cubic yards of the total volume of earth resources to be extracted over the life of the permit, and \$.01 per cubic yard of any such earth resource extraction above one million cubic yards. Extracted material that is not sold or does not otherwise enter the commercial marketplace shall not be subject to the fee. The fee assessed under this subdivision for an amendment to a permit shall be based solely upon any additional volume of earth resources to be extracted under the amendment.

* * *

* * * Vermont web portal * * *

Sec. 9. 22 V.S.A. § 953 is amended to read:

§ 953. VERMONT WEB PORTAL BOARD; DUTIES

* * *

(c) Any charges created or changed by the board shall be approved as follows:

(1) All such charges shall be submitted to the governor who shall send a copy of the approval or rejection to the joint fiscal committee through the joint fiscal office together with the following information with respect to those items:

(A) the costs, direct and indirect, for the present and future years related to the charge;

(B) the department or program which will utilize the charge;

(C) a brief statement of purpose;

(D) the impact on existing programs if the charge is not accepted.

(2) The governor's approval shall be final unless within 30 days of receipt of the information a member of the joint fiscal committee requests the charge be placed on the agenda of the joint fiscal committee or, when the general assembly is in session, be held for legislative approval. In the event of such request, the charge shall not be accepted until approved by the joint fiscal committee or the legislature. During the legislative session, the joint fiscal committee shall file a notice with the house clerk and senate secretary for publication in the respective calendars of any charge approval requests that are submitted by the administration. Beginning on July 1, 2012, and every three years thereafter, all web portal fees shall be included in the annual consolidated executive branch fee report pursuant to 32 V.S.A. § 605.

Sec. 10. DEPARTMENT OF INFORMATION AND INNOVATION REPORT

The department of information and innovation shall report to the house committee on ways and means and the senate committee on finance by January 15, 2013 regarding the Vermont web portal. The report shall include an analysis of whether the Vermont web portal fee structure is appropriate and whether there are more cost-effective ways for the state to contract for web portal services. The report shall include any recommended changes to the web portal business model.

* * * Wastewater supply and potable water supply
loan program * * *

Sec. 11. TRANSFER OF FUNDS TO WASTEWATER SUPPLY AND POTABLE WATER SUPPLY LOAN PROGRAM

The amount of \$275,000.00 from the fees collected pursuant to 3 V.S.A. § 2822(j)(4) shall be deposited annually in the fund established in 24 V.S.A. § 4753a(c) to provide loans for the repair of failed wastewater supply systems and potable water supply systems.

Sec. 12. 3 V.S.A. § 2809 is amended to read:

§ 2809. REIMBURSEMENT OF AGENCY COSTS

(a)(1) The secretary may require an applicant for a permit, license, certification, or order issued under a program that the secretary enforces under 10 V.S.A. § 8003(a) to pay for the cost of research, scientific, programmatic, or engineering expertise ~~or services that the~~ provided by the agency of natural resources, provided:

(A) the secretary does not have ~~when~~ such expertise or services and such expertise ~~are~~ is required for the processing of the application for the permit, license, certification, or order; or

(B) the secretary does have such expertise but has made a determination that it is beyond the agency's internal capacity to effectively utilize that expertise to process the application for the permit, license, certification, or order. In addition, the secretary shall determine that such expertise is required for the processing of the application for the permit, license, certification, or order.

(2) The secretary may require an applicant under chapter 151 of Title 10 to pay for the time of agency of natural resources personnel providing research, scientific, or engineering services or for the cost of expert witnesses when agency personnel or expert witnesses are required for the processing of the permit application.

(3) ~~Except as~~ In addition to the authority set forth under chapters 59 and 159 of Title 10 and 10 V.S.A. § 1283, the secretary may require a person who caused the agency to incur expenditures or a person in violation of a permit, license, certification, or order issued by the secretary to pay for the time of agency personnel or the cost of other research, scientific, or engineering services incurred by the agency in response to a threat to public health or the environment presented by an emergency or exigent circumstance.

(b) Prior to commencing or contracting for research, scientific, or engineering expertise or services or contracting for expert witnesses for which the secretary intends to seek cost reimbursement under subdivisions (a)(1) and (2) of this section, the secretary shall notify the applicant for a permit, license, certification, or order of the secretary's authority to assess costs under this section.

(c)(1) Within 15 days of issuance of notice under subsection (b) of this section, an applicant for a permit, license, certification, or order may request a meeting with the secretary to identify and review the proposed agency services or contracting services that may be assessed to the applicant.

(2) The secretary may enter into agreements with an applicant for a permit, license, certification, or order under which either the applicant or the agency of natural resources shall provide or pay for the necessary research, scientific, or engineering expertise or services or expert witnesses.

(3) When the secretary meets with an applicant under this subsection, the secretary shall provide the applicant in writing a preliminary estimate of the costs to be assessed and the purpose of the funds. In the case of requests to

pay costs under subdivision (a)(1)(B) of this section, the secretary shall be limited to a reimbursement of not more than \$50,000.00.

(d) The following apply to the authority established under subsection (a) of this section:

~~(1)(A) The secretary may assess costs under subdivisions (a)(1) and (2) of this section to the applicant or applicants for the permit only with the approval of the governor. Costs assessed under subdivision (a)(3) shall not require approval of the governor.~~

(2) The secretary may require reimbursement only of costs in excess of \$3,000.00 except as provided in subdivision (B) of this subdivision(1).

(B) Where the secretary has requested reimbursement of programmatic expertise pursuant to subdivision (a)(1)(B) of this section. The secretary may require reimbursement only of costs in excess of \$3,000.00 or one-half of the permit application fee assessed under section 2822 of this title, whichever is greater.

~~(3)(2)~~ The secretary may revise estimates previously noticed as necessary from time to time during the progress of the work and shall notify the applicant in writing of any revision.

~~(4)(3)~~ The secretary shall provide the applicant with a detailed statement of a final assessment under this section showing the total amount of money expended or contracted for in the work and directing the manner and timing of payment by the applicant.

~~(5)(4)~~ All funds collected from applicants shall be paid into the state treasury.

(e) The secretary may withhold a permit approval or suspend the processing of a permit application for failure to pay reasonable costs imposed under this subsection.

(f) An action or determination of the secretary under this section shall constitute an act or decision of the secretary that may be appealed in accordance with 10 V.S.A. § 8504.

* * *

Sec. 12a. COST REIMBURSEMENT REPORT

On or before January 15, 2013 the secretary of natural resources shall report to the house committee on ways and means and the senate committee on finance on the utilization of the cost reimbursement authority under 3 V.S.A. § 2809. The report shall include the name of the project, the town in which the

project was located, the amount requested for reimbursement, and the purpose for which the funds were used. The secretary shall make recommendations for any changes to the cost reimbursement authority as part of the executive branch fee bill.

Sec. 13. 24 V.S.A. § 4753(a)(9) is added to read:

(9) The Vermont wastewater and potable water revolving loan fund which shall be used to provide loans to individuals, in accordance with section 4763a of this title, for the design and construction of repairs to or replacement of wastewater systems and potable water supplies when the wastewater system or potable water supply is a failed system or supply as defined in 10 V.S.A. § 1972. The amount of \$275,000.00 from the fees collected pursuant to 3 V.S.A. § 2822(j)(4) shall be deposited on an annual basis into this fund.

Sec. 14. 24 V.S.A. § 4763a is added to read:

§ 4763a. LOANS TO INDIVIDUALS FOR FAILED WASTEWATER SYSTEMS AND FAILED POTABLE WATER SUPPLIES

(a) Notwithstanding any other provision of law, when the wastewater system or potable water supply serving only one single-family residence on its own lot meets the definition of a failed supply or system, the secretary of natural resources may lend monies to the owner of the residence from the Vermont wastewater and potable water revolving loan fund established in section 4753 of this title. In such cases, the following conditions shall apply:

(1) loans may only be made to households with an income equal to or less than 200 percent of the state average median household income;

(2) loans may only be made to households where the recipient of the loan resides in the residence on a year-round basis;

(3) loans may only be made if the owner of the residence has been denied financing for the repair, replacement, or construction due to involuntary disconnection by at least two other financing entities;

(4) no construction loan shall be made to an individual under this subsection, nor shall any part of any revolving loan made under this subsection be expended, until all of the following take place:

(A) the secretary of natural resources determines that if a wastewater system and potable water supply permit is necessary for the design and construction of the project to be financed by the loan, the permit has been issued to the owner of the failed system or supply; and

(B) the individual applying for the loan certifies to the secretary of natural resources that the proposed project has secured all state and federal permits, licenses, and approvals necessary to construct and operate the project to be financed by the loan.

(5) all funds from the repayment of loans made under this section shall be deposited into the Vermont wastewater and potable water revolving loan fund.

(b) The secretary of natural resources shall establish standards, policies, and procedures as necessary for the implementation of this section. The secretary may establish criteria to extend the payment period of a loan or to waive all or a portion of the loan amount.

Sec. 15. 24 V.S.A. § 4753a is amended to read:

§ 4753a. AWARDS FROM REVOLVING LOAN FUNDS

(a) Pollution control. The general assembly shall approve all categories of awards made from the special funds established by section 4753 of this title for water pollution control facility construction, in order to assure that such awards conform with state policy on water quality and pollution abatement, and with the state policy that, ~~except as provided in subsection (c) of this section,~~ municipal entities shall receive first priority in the award of public monies for such construction, including monies returned to the revolving funds from previous awards. To facilitate this legislative oversight, the secretary of natural resources shall annually no later than January 15 report to the house and senate committees on institutions and on natural resources and energy on all awards made from the relevant special funds during the prior and current fiscal years, and shall report on and seek legislative approval of all the types of projects for which awards are proposed to be made from the relevant special funds during the current or any subsequent fiscal year. Where feasible, the specific projects shall be listed.

(b) Water supply. The secretary of natural resources shall no later than January 15, 2000 recommend to the house ~~and senate committees on institutions and~~ committee on corrections and institutions, the senate committee on institutions, and the house and senate committees on natural resources and energy a procedure for reporting to and seeking the concurrence of the legislature with regard to the special funds established by section 4753 of this title for water supply facility construction.

(c) ~~Notwithstanding other priorities established in law, the secretary may award up to \$500,000.00 of the funds from the Vermont environmental protection agency control fund and the Vermont pollution control revolving~~

~~fund, combined, to a state agency, the Vermont housing finance agency, or a municipality for the administration of loans to households with income equal to or less than 200 percent of the state average median household income for the repair or replacement of failed wastewater systems and failed potable water supplies, as those terms are defined in section 1972 of Title 10. Upon award of funds under this section, the state agency, Vermont housing finance agency, or municipality shall agree, pursuant to a memorandum of understanding with the secretary of natural resources, to repay the funds awarded to the special fund from which they were drawn.~~

Sec. 15a. REPORT; POTABLE WATER SUPPLY AND WASTEWATER SYSTEMS

By January 15, 2013, the agency of natural resources and the agency of commerce and community development shall report to the house committees on ways and means and on fish, wildlife and water resources, and the senate committees on finance and on natural resources and energy regarding programs which address the replacement of failed potable water supply and wastewater systems. The report shall include a list of all programs regarding failed potable water supply and wastewater systems in existence for low and moderate income residents, the effectiveness of those programs in replacing failed potable water supply and wastewater systems and in serving residents of different income levels, and the extent gaps exist in existing programs. The agencies shall make recommendations, if any, for statutory changes regarding programs which deal with replacement of failed potable water supply and wastewater systems

Sec. 16. ANR REPORT ON ENVIRONMENTAL IMPACT OF GROUNDWATER WITHDRAWALS FOR BOTTLING WATER

(a) On or before January 15, 2013, the secretary of natural resources shall report to the senate and house committees on natural resources and energy, the senate committee on finance, and the house committee on ways and means and on fish, wildlife and water resources regarding the impact of bulk groundwater withdrawals in the state. The report shall include:

(1) An analysis of the environmental effect of withdrawing and transferring out of the state large volumes of groundwater for the purposes of bottling, including the impact of such withdrawals on drinking water supplies, agricultural use, groundwater tables, and surface water recharge.

(2) A summary of the fees charged by other states for the withdrawal of groundwater for bottling or bulk water transfer and a comparison of the fees of other states to the groundwater withdrawal fees charged in Vermont.

(b) In preparing the report required under subsection (a) of this section, the secretary of natural resources shall consult with interested parties, including owners of property in the proximity of public water systems withdrawing groundwater for the purposes of bottling water, public water systems, bottled water companies, environmental groups, and representatives of agriculture.

Sec. 17. STUDY; DEPARTMENT OF PUBLIC SAFETY

(a) The department of public safety shall study how it assesses fees or charges for services provided by the department to municipalities, fire departments, and other entities. The study shall also examine how fees or charges can be equitably assessed and what mechanism can be employed to collect fees or charges.

(b) The department shall report its findings and any recommendations to the house committee on ways and means and the senate committee on finance by January 15, 2013.

Sec. 18. REPORT; AGENCY OF NATURAL RESOURCES; AGENCY OF TRANSPORTATION

On or before January 15, 2013, the secretary of natural resources (ANR) and the secretary of transportation (AOT) shall jointly report to the house committee on ways and means and the senate committee on finance with a recommendation as to whether or not agency of natural resources fees and agency of transportation fees should be adjusted so that air pollution fees paid to ANR proportionally reflect the contribution of ANR permittees to state air pollution and so that air-pollution-related fees paid to AOT proportionally reflect the contribution of AOT licensees and permittees to state air pollution. If making adjustments to ANR and AOT fees is recommended for this purpose, the report shall recommend which fees should be adjusted and by what amount.

*TIMOTHY R. ASHE
RICHARD J. MCCORMACK
RANDOLPH D. BROCK*

Committee on the part of the Senate

*DAVID D. SHARPE
ALISON H. CLARKSON
JAMES W. MASLAND*

Committee on the part of the House

Which was considered and pending the question, Shall the House adopt the Committee of Conference report? **Rep. Sharpe of Bristol** offered an Addendum to the Committee of Conference report as follows:

By striking Sec. 11 and inserting in lieu thereof a new Sec. 11 to read:

Sec. 11. [Deleted.]

COMMITTEE ON THE PART OF
THE SENATE

SEN. TIMOTHY R. ASHE
SEN. RICHARD J. McCORMACK
SEN. RANDOLPH D. BROCK

COMMITTEE ON THE PART OF
THE HOUSE

REP. DAVID D. SHARPE
REP. ALISON H. CLARKSON
REP. JAMES W. MASLAND

Which was agreed to, and the report of the Committee of Conference and the Addendum to the Committee of Conference was agreed to.

**Senate Proposal of Amendment to House
Proposal of Amendment Concurred in with
a Further Amendment Thereto**

S. 99

The Senate proposed to the House to amend Senate bill, entitled

An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing

First: In Sec. 2, in 10 V.S.A. § 6242(a) following the first sentence, by inserting "If the notice is refused by a mobile home owner or is otherwise undeliverable, the park owner shall send the notice by first class mail to the mobile home owner's last known mailing address."

Second: By adding a new section to be numbered Sec. 2a to read as follows:

Sec. 2a. LEGISLATIVE INTENT; AFFORDABLE HOUSING TAX CREDIT

It is the intent of the general assembly to increase the amount per year that may be awarded under 32 V.S.A. § 5930u(g) for the purposes of the mobile home financing program for owner-occupied mobile homes or alternative affordable structures. Accordingly, it is the intent of the general assembly that in House Bill 782 (2012) entitled "An act relating to miscellaneous tax changes for 2012," the award amount available for owner-occupied mobile homes or alternative affordable structures shall be increased from \$100,000.00 to \$300,000.00 and the total amount in any fiscal year of total first-year

allocations plus succeeding-year deemed allocations shall be increased from \$2,500,000.00 to \$3,500,000.00.

Third: In Sec. 11, 9 V.S.A. § 4462(d), in subdivision (3) by striking “execution” and inserting in lieu thereof “service”

Fourth: By adding a new section to be numbered Sec. 12a to read as follows:

Sec. 12a. LEGISLATIVE INTENT; SALES AND USE TAX HOLIDAYS FOR MOBILE HOMES

It is the intent of the general assembly to provide tax relief from the sales and use tax, the local option sales tax, and the property transfer tax for a mobile home purchased to replace a mobile home that was damaged or destroyed as a result of damage incurred during the spring flooding or during Tropical Storm Irene in 2011. Accordingly, it is the intent of the general assembly that in House Bill 782 (2012) entitled “An act relating to miscellaneous tax changes for 2012,” there shall be included a provision authorizing relief from the sales and use tax, the local option sales tax, and the property transfer tax for eligible mobile homes purchased during a qualifying period to replace homes that suffered flood and storm damage, authorizing reimbursement for eligible taxes paid for mobile homes purchased during the qualifying period, and authorizing the department of taxes to adopt standards and procedures necessary to achieve the goals of this section.

Fifth: By striking out Secs. 14–17 in their entirety and inserting in lieu thereof a new section Sec. 14 to read as follows:

Sec. 14. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, **Rep. Stevens of Waterbury** moved to concur in the Senate proposal of amendment to the House proposal of amendment, with a further amendment thereto, as follows:

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

Sec. 11. 12 V.S.A. § 4854a is added to read:

§ 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER
EVICTION

(a) A landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property:

(1) 15 days after a writ of possession is served pursuant to this chapter; or

(2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 40 days after a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title is served.

(b) Notwithstanding subsection (a) of this section, if the court stays the execution of a writ of possession issued pursuant to this chapter, then a landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property five days after the landlord is legally restored to possession of the dwelling unit or leased premises.

Which was agreed to.

**Senate Proposal of Amendment to House
Proposal of Amendment Concurred in**

S. 226

The Senate concured in the House proposal of amendment with the following proposal of amendment thereto, to House bill, entitled

An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction

By striking out the fifth proposal of amendment (adding Secs. 9a-d) in its entirety.

Which proposal of amendment was considered and concurred in.

Recess

At two o'clock and fifty minutes in the afternoon, the Speaker declared a recess until four o'clock in the afternoon.

At four o'clock in the afternoon, the Speaker called the House to order.

Senate Proposal of Amendment Not Considered

H. 753

The Senate proposed to the House to amend House bill, entitled

An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Sec. 2 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 2. SCHOOL DISTRICT MERGER INCENTIVE PROGRAM

* * *

~~(c) Board vote. On or before October 1, 2012, each supervisory union board shall vote whether to perform a more comprehensive analysis of potential merger, and shall report the results of its vote to the commissioner of education and the voters of each member school district. [Repealed.]~~

* * * Reimbursement; Initial Exploration of Joint Activity * * *

Sec. 2. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;
INITIAL EXPLORATION OF JOINT ACTIVITY; SUPERVISORY
UNIONS; SCHOOL DISTRICTS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$5,000.00 of fees paid by two or more supervisory unions or two or more school districts for facilitation, legal, and other consulting services necessary for initial exploration of the value of providing services or performing duties jointly, which may include community engagement and lead to the identification of possible joint action, including the provision of shared programming, the operation of a joint contract school, the merger of supervisory unions, or the creation of union school districts pursuant to 16 V.S.A. chapter 11, subchapter 4 or the variations authorized by Secs. 15, 16, and 17 of this act and by No. 153 of the Acts of the 2009 Adj. Sess. (2010).

(b) This section is repealed on July 1, 2017.

* * * Reimbursement; Joint Activity other than Merger * * *

Sec. 3. REPEAL

Sec. 9a of No. 153 of the Acts of the 2009 Adj. Sess. (2010) (\$10,000.00 reimbursement of transitional costs for supervisory unions performing duties jointly) is repealed.

Sec. 4. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;
JOINT ACTIVITY OTHER THAN MERGER; SUPERVISORY
UNIONS; SCHOOL DISTRICTS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$10,000.00 of fees paid by two or more supervisory unions or two or more school districts for:

(1) legal and other consulting services necessary to analyze in detail the advisability of providing services or performing duties jointly that will result in a measurable increase in opportunities for students and a decrease in costs; or

(2) transitional costs necessary to enter into and implement agreements to provide those services or perform those duties jointly; or

(3) both subdivisions (1) and (2) of this subsection.

(b) Each group of supervisory unions or school districts shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon submission to the commissioner of a written statement of the entities' analysis and conclusions, provided that no payment shall cause the total amount paid to exceed the \$10,000.00 limit.

(c) A group of supervisory unions or school districts that receives reimbursement under this section shall not be eligible to receive additional reimbursement under Sec. 5 or 9 of this act for the same proposal.

(d) This section is repealed on July 1, 2017.

* * * Reimbursement and Incentives; Merger of Supervisory Unions * * *

Sec. 5. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;
MERGER; SUPERVISORY UNIONS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$20,000.00 of fees paid by two or more supervisory unions for legal and other consulting services necessary to analyze the advisability of the merger into a fewer number of supervisory unions and to prepare a petition to the state board of education requesting adjustment of supervisory union boundaries.

(b) Each group of supervisory unions shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon submission of either a petition to the state board requesting that the boundaries be redrawn or a written statement of the entities' analysis supporting preservation of the current boundaries, provided that no payment shall cause the total amount paid to exceed the \$20,000.00 limit.

(c) Any transition facilitation grant funds paid pursuant to Sec. 6 of this act shall be reduced by the total amount of reimbursement provided under this section.

(d) This section is repealed on July 1, 2017.

Sec. 6. TRANSITION FACILITATION GRANT; MERGER;
SUPERVISORY UNIONS; SUNSET

(a) After state board of education approval of the petition of two or more supervisory unions to merge into a fewer number of supervisory unions, the commissioner of education shall pay to the new supervisory union board or the new group of boards a transition facilitation grant from the education fund of \$150,000.00, less reimbursement funds received under Sec. 5 of this act.

(b) This section is repealed on July 1, 2017.

Sec. 7. APPLICABILITY; RUTLAND-WINDSOR AND WINDSOR
SOUTHWEST SUPERVISORY UNIONS

If on or before July 1, 2012 the state board of education approves the petition of the Rutland-Windsor and Windsor Southwest Supervisory Unions to merge into a single, new supervisory union on or before July 1, 2013, then the new supervisory union shall be eligible to receive:

(1) the transition facilitation grant available under Sec. 6 of this act; and

(2) a one-time grant of \$100,000.00 from the education fund for the purposes of reducing taxes in the affected towns during fiscal year 2014.

Sec. 8. SUPERVISORY UNION SIZE AND STRUCTURE

(a) The secretary of administration or designee, in consultation with the commissioner of education or designee, shall explore the purpose, structure, duties, and authority of supervisory unions and design a revised structure based roughly on existing technical center service regions that results in no more than three supervisory unions within each region. The primary purpose of any design shall be to improve education quality. The secretary shall analyze the feasibility of the revised structure and shall develop a plan of transition. Among other things, the secretary shall:

(1) consider the optimal size of supervisory unions, in terms of geography and numbers of students, technical centers, schools, and school districts served;

(2) consider structural elements, such as:

(A) management models;

(B) staffing, including the most appropriate way to address existing contracts, staff consolidation, and salary equalization;

(C) special education services;

(D) financial and other data collection and management systems;

(E) transportation, including ownership of buses, merger of systems, and consolidation of routes;

(F) supervisory union boards, including structure, selection of members, district representation, and the purpose, authority, and membership of executive committees;

(G) supervisory union budgets, including the manner in which they are adopted and the method by which costs are assessed to the member districts;

(H) ownership of real and personal property;

(I) ability to borrow money; and

(J) alignment of curricula and calendars;

(3) consider ways in which the department and state board of education would support transition to a proposed structure; and

(4) estimate both the financial cost of transitioning to and the potential savings in the proposed structure.

(b) By January 15, 2013, the secretary shall report to the senate and house committees on education on the work required by this section. The secretary shall also provide recommendations for legislative action necessary to implement its proposed plan.

* * * Reimbursement and Incentives; Merger of School Districts * * *

Sec. 9. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES; MERGER; SCHOOL DISTRICTS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$20,000.00 of fees paid by a study committee established under 16 V.S.A. § 706 for legal and other consulting services necessary to analyze the advisability of creating a union school district or a unified union school district and to prepare the report required by 16 V.S.A. § 706b.

(b) The study committee shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon submission of the final report pursuant to 16 V.S.A. § 706c, provided that no payment shall cause the total amount paid to exceed the \$20,000.00 limit.

(c) Any transition facilitation grant funds paid to the union school board pursuant to Sec. 11 of this act shall be reduced by the total amount of reimbursement provided under this section.

(d) A regional education district ("RED") receiving incentives pursuant to Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act is not eligible to receive reimbursement under this section.

(e) This section is repealed on July 1, 2017.

Sec. 10. REPEAL

Sec. 168a of No. 122 of the Acts of the 2003 Adj. Sess. (2004), as amended by Sec. 23 of No. 66 of the Acts of 2007 and further amended by Sec. 5 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) (\$150,000.00 or five-percent transition aid to merging school districts), is repealed.

Sec. 11. TRANSITION FACILITATION GRANT; MERGER; SCHOOL DISTRICTS; SUNSET

(a) After voter approval of the establishment of a union, unified union, or interstate school district, the commissioner of education shall pay to the district a transition facilitation grant from the education fund equal to the lesser of:

(1) five percent of the base education amount established in 16 V.S.A. § 4001(13) multiplied by the greater of either the combined enrollment or the average daily membership of the merging districts on October 1 of the year in which the successful vote is taken; or

(2) \$150,000.00.

(b) A grant awarded under this section shall be reduced by the total amount of reimbursement paid under Sec. 9 of this act.

(c)(1) A RED receiving incentives pursuant to Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act ("Act 153") is not eligible to receive a grant under this section.

(2) An interstate, union, or unified union school district, including a RED, that expands by merging with one or more additional school districts is not eligible to receive a grant under this section if the original merged district received a transition facilitation grant under this section, Act 153, or Sec. 168a of No. 122 of the Acts of the 2003 Adj. Sess. (2004), as amended by Sec. 23 of No. 66 of the Acts of 2007, as further amended by Sec. 5 of No. 153 of the Acts of the 2009 Adj. Sess. (2010), and as repealed by Sec. 10 of this act.

(d) This section is repealed on July 1, 2017.

Sec. 12. APPLICABILITY; JOINT CONTRACT SCHOOL

A transition facilitation grant pursuant to Sec. 11 of this act shall be paid proportionally based on enrollment to any group of districts if in fiscal year 2012 or 2013 the voters of each district approve the issuance of bonds upon

which establishment of a joint contract school is conditioned. The combined enrollment of the grades newly being offered jointly by the contracting districts shall be used to calculate the amount awarded.

* * * Incentives; Regional Education Districts * * *

Sec. 13. Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 4. VOLUNTARY SCHOOL DISTRICT MERGER; INCENTIVES

(a) Equalized homestead property tax rates or RED incentive grant. A RED's plan of merger shall provide whether, upon merger, the RED shall receive an equalization of its homestead property tax rates during the first four years following merger or an incentive grant during the first year following merger.

(1)(A) Equalized homestead property tax rates. Subject to the provisions of subdivision ~~(2)(C)~~ of this subsection subdivision (1) and notwithstanding any other provision of law, the RED's equalized homestead property tax rate shall be:

(i) decreased by \$0.08 in the first year after the effective date of merger;

(ii) decreased by \$0.06 in the second year after the effective date of merger;

(iii) decreased by \$0.04 in the third year after the effective date of merger; and

(iv) decreased by \$0.02 in the fourth year after the effective date of merger.

(B) The household income percentage shall be calculated accordingly.

~~(2)(C)~~ During the years in which a RED's equalized homestead property tax rate is decreased pursuant to this subsection, the rate for each town within the RED shall not increase or decrease by more than five percent in a single year. The household income percentage shall be calculated accordingly.

(2) RED incentive grant. During the first year after the effective date of merger, the commissioner of education shall pay to the RED board a RED incentive grant from the education fund equal to \$400.00 per pupil based on the combined enrollment of the participating districts on October 1 of the year

in which the successful vote was taken. The grant shall be in addition to funds received under 16 V.S.A. § 4028.

(3) ~~On~~ Common level of appraisal. Regardless of whether a RED chooses to receive an equalization of its homestead property tax rates or a RED incentive grant, on and after the effective date of merger, the common level of appraisal shall be calculated independently for each town within the RED for purposes of determining the homestead property tax rate for each town.

* * *

(e) Consulting services reimbursement grant. From the education fund, the commissioner of education shall pay up to \$20,000.00 to the merger study committee established under 16 V.S.A. § 706 to reimburse the participating districts for legal and other consulting fees necessary for the analysis and report required by 16 V.S.A. § 706b. The study committee shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon completion of the final report, provided that no payment shall cause the total amount paid to exceed the \$20,000.00 limit. In addition, any transition facilitation grant funds paid to the RED pursuant to ~~Sec. 5 of this act~~ subsection (g) of this section shall be reduced by the total amount of ~~funds provided reimbursement paid~~ under this subsection (e).

* * *

~~(g) Recent merger. If the Addison Northwest Unified Union School District becomes a body corporate and politic on or before July 1, 2010, then the merged district shall be entitled to receive any of the benefits set forth in this section that it elects and is otherwise eligible to receive if, on or before July 1, 2011:~~

~~(1) it notifies the commissioner of its election; and~~

~~(2) it provides the commissioner with a cost-benefit analysis as required by Sec. 3(h) of this act. Transition facilitation grant.~~

(1) After voter approval of the plan of merger, the commissioner of education shall pay the RED a transition facilitation grant from the education fund equal to the lesser of:

(A) five percent of the base education amount established in 16 V.S.A. § 4001(13) multiplied by the greater of either the combined enrollment or the average daily membership of the merging districts on October 1 of the year in which the successful vote is taken; or

(B) \$150,000.00.

(2) A transition facilitation grant awarded under this subsection (g) shall be reduced by the total amount of reimbursement paid under subsection (e) of this section.

(h) This section is repealed on July 1, 2017.

* * * Interstate School Districts * * *

Sec. 14. Sec. 2(a) of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(a) Program created. There is created a school district merger incentive program under which the incentives outlined in Sec. 4 of this act shall be available to each new unified union school district created pursuant to Sec. 3 of this act ~~and;~~ to each new district created under ~~that section~~ Sec. 3 of this act by the merger of districts that provide education by paying tuition; and to the Vermont members of any new interstate school district if the Vermont members jointly satisfy the size criterion of Sec. 3(a)(1) of this act and the new, merged district meets all other requirements of Sec. 3 of this act. Incentives shall be available, however, only if the effective date of merger is on or before July 1, 2017.

* * * Other Types of Mergers Eligible for RED Incentives * * *

Sec. 15. TWO OR MORE MERGERS; REGIONAL EDUCATION DISTRICT INCENTIVES

(a) Notwithstanding Sec. 3(a)(1) of No. 153 of the Acts of the 2009 Adj. Sess. (2010) that requires a single regional education district ("RED") to have an average daily membership of at least 1,250 or result from the merger of at least four districts, or both, two or more new districts shall be eligible jointly for the incentives provided in Sec. 4 of No. 153 if:

(1) each new district is formed by the merger of at least two existing districts;

(2) each new district meets all criteria for RED formation other than the size criterion of Sec. 3(a)(1) of No. 153;

(3) one of the new districts provides education in all elementary and secondary grades by operating one or more schools and the other new district or districts pay tuition for students in one or more grades;

(4) each new district has the same effective date of merger;

(5) the new districts, when merged, are members of one supervisory union; and

(6) the new districts jointly satisfy the size criterion of Sec. 3(a)(1) of No. 153.

(b) This section is repealed on July 1, 2017.

Sec. 16. UNION ELEMENTARY SCHOOL DISTRICTS; REGIONAL
EDUCATION DISTRICT INCENTIVES

(a) If a majority of the local elementary school districts in the member towns of an existing union high school district merge to form a union elementary school district pursuant to 16 V.S.A. chapter 11 that operates all grades not offered by the union high school district, then, notwithstanding provisions of No. 153 of the Acts of the 2009 Adj. Sess. (2010) to the contrary, the new union elementary school district is eligible for the incentives provided to a regional education district ("RED") in Sec. 4 of that act, provided that the new district complies with the employment and labor relations provisions of Sec. 4(g) of that act and further provided that the effective date of the merger into the union elementary school district is within the period required for RED formation.

(b) This section is repealed on July 1, 2017.

Sec. 17. MODIFIED UNIFIED UNION SCHOOL DISTRICT

(a) Notwithstanding any provision of law to the contrary:

(1)(A) if all local elementary school districts in the member towns of an existing union high school or union middle school-high school district ("union high school district") vote whether to establish a unified union school district providing prekindergarten or kindergarten through grade 12, and

(B) if a majority but not all of the elementary school districts votes in favor of establishing the unified union school district, then

(2) a new modified union school district (the "modified union school district") shall be established that shall:

(A) provide to the students residing in the member towns of the union high school district education in those grades provided by the union high school district; and

(B) provide elementary education to the students residing in the current elementary school districts that voted in favor of the unified union school district.

(b) Establishment of the modified union school district shall:

(1) dissolve the union high school district, and any assets or liabilities held by the union high school district shall be transferred to the modified union school district; and

(2) dissolve the elementary school districts that voted in favor of establishing the unified union school district, and any assets or liabilities they hold as individual districts shall be transferred to the modified union school district.

(c) Notwithstanding provisions of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act to the contrary, the modified union school district is eligible for the incentives provided to a regional education district ("RED") in Sec. 4 of that act, provided that the new district complies with the employment and labor relations provisions of Sec. 4(g) of that act and further provided that the effective date of the merger into the modified union school district is within the period required for RED formation.

(d) This section is repealed on July 1, 2017.

* * * Union School Districts Including REDs; Process * * *

Sec. 18. 16 V.S.A. § 706c is amended to read:

§ 706c. CONSIDERATION BY LOCAL SCHOOL DISTRICT BOARDS
AND APPROVAL BY STATE BOARD OF EDUCATION

(a) If a study committee prepares a report under section 706b of this chapter, the committee shall transmit the report to the school boards of each school district that participated in the study committee and any other school districts that the report identifies as necessary or advisable to the establishment of the proposed union school district for the review and comment of each school board.

(b) The study committee shall transmit the report to the commissioner who shall submit the report with his or her recommendations to the state board of education. That board after notice to the study committee and after giving the committee an opportunity to be heard shall consider the report and the commissioner's recommendations, and decide whether the formation of such union school district will be for the best interest of the state, the students, and the school districts proposed to be members of the union. The board may request the commissioner and the study committee to make further investigation and may consider any other information deemed by it to be pertinent. If, after due consideration and any further meetings as it may deem necessary, the board finds that the formation of the proposed union school district is in the best interests of the state, the students, and the school districts, it shall approve the report submitted by the committee, together with any

amendments, as a final report of the study committee, and shall give notice of its action to the committee. The chair of the study committee shall file a copy of the final report with the town clerk of each proposed member district at least 20 days prior to the vote to establish the union.

Sec. 19. 16 V.S.A. § 706n is amended to read:

§ 706n. AMENDMENTS TO AGREEMENTS REACHED BY
ESTABLISHMENT VOTE, ORGANIZATION MEETING, OR
FINAL REPORT

(a) ~~Any~~ A specific condition or agreement set forth as a distinct subsection under Article 1 of the warning required by section 706f of this chapter and adopted by the member districts pursuant to section 706f of this chapter at the vote held to establish the union school district, or any amendment subsequently adopted pursuant to the terms of this section, may be amended only at a special or annual union district meeting; provided that the prior approval of the state board of education shall be secured if the proposed amendment concerns reducing the number of grades that the union is to operate. The warning for the meeting shall contain each proposed amendment as a separate article. The vote on each proposed amendment shall be by Australian ballot. Ballots shall be counted in each member district, and the clerks of each member district shall transmit the results of the vote in that district to the union school district clerk. ~~Results~~ Although the results shall be reported to the public by member district; ~~however, no, an~~ amendment is effective ~~unless~~ if approved by a majority of ~~those~~ the electorate of the union district voting at that meeting.

(b) Any decision at the organization meeting may be amended by a majority of those present and voting at a union district meeting duly warned for that purpose.

(c) Any provision of the final report ~~which was not contained in a separate article that was included~~ in the warning required pursuant to section 706f of this chapter for the vote to form the union by reference to or incorporation of the entire report but that was not set forth as a distinct subsection under Article 1 of the warning may be amended by a simple majority vote of the union board of school directors, or by any other majority of the board as is specified for a particular matter in the report.

* * * Special Education; Transition to Employment

by Supervisory Unions * * *

Sec. 20. Sec. 23(b) of No. 153 of the Acts of the 2009 Adj Sess. (2010), as amended by Sec. 1 of No. 30 of the Acts of 2011, is further amended to read:

(b) Secs. 9 through 12 of this act shall take effect on passage and shall be fully implemented on July 1, 2013, subject to the provisions of existing contracts; provided, however, that the special education provisions of Sec. 9, 16 V.S.A. § 261a(a)(6), and the transportation provisions of Sec. 9, 16 V.S.A. § 261a(a)(8)(E), shall be fully implemented on July 1, 2014.

Sec. 21. SUPERVISORY UNION EMPLOYEES; SPECIAL EDUCATION;
WORKING GROUP

(a) On or before July 1, 2012, the commissioner of education or the commissioner's designee shall convene a working group to develop a detailed plan by which supervisory unions shall fully implement, by July 1, 2014, the transition of special education staff employed by school districts to employment by supervisory unions as required by 16 V.S.A. § 261a(a)(6).

(b) The working group shall include department staff and representatives from at least the following constituencies: superintendents; school boards; principals; special educators; a teachers' organization as defined in 16 V.S.A. chapter 57; and business managers.

(c) The working group shall report to the advisory council on special education created by 16 V.S.A. § 2945 and to the house and senate committees on education during the first week of the 2013 and 2014 legislative sessions regarding the progress of the plan required by this section, including a description of the ways in which specific impediments to implementation are being addressed. The working group also shall identify any amendments to statute necessary to achieve implementation by July 1, 2014 of the requirements of 16 V.S.A. § 261a.

* * * Appropriation * * *

Sec. 22. APPROPRIATION

The sum of \$650,000.00 is appropriated from the education fund to be used for the purposes of this act in fiscal year 2013.

* * * Excess Spending Provisions * * *

Sec. 23. 16 V.S.A. § 4001(6)(B) is amended to read:

(B) For purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), "education spending" shall not include:

* * *

(viii) Tuition paid by a district that does not operate a school and pays tuition for all resident students in kindergarten through grade 12, except in a district in which the electorate has authorized payment of an amount

higher than the statutory rate pursuant to subsection 823(b) or 824(c) of this title.

* * * Vermont Municipal Employees' Retirement System; Special Education Instructional Assistants and Transportation Employees; Transfer to Supervisory Union * * *

Sec. 24. 24 V.S.A. § 5051(10) and (11) are amended to read:

(10) "Employee" means the following persons employed on a regular basis by a school district or by a supervisory union for ~~not less~~ no fewer than 1,040 hours in a year and for ~~not less~~ no fewer than 30 hours a week for the school year, as defined in ~~section 1071 of Title 16~~ V.S.A. § 1071, or for ~~not less~~ no fewer than 1,040 hours in a year and for ~~not less~~ no fewer than 24 hours a week year-round; provided, however, that if a person who was employed on a regular basis by a school district as either a special education or transportation employee and who was transferred to and is working in a supervisory union in the same capacity pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) and if that person is also employed on a regular basis by a school district within the supervisory union, then the person is an "employee" if these criteria are met by the combined hours worked for the supervisory union and school district. The term shall also mean persons employed on a regular basis by a municipality other than a school district for ~~not less~~ no fewer than 1,040 hours in a year and for ~~not less~~ no fewer than 24 hours per week, including persons employed in a library at least ~~half~~ one-half of whose operating expenses are met by municipal funding:

* * *

(11) "Employer" means a municipality ~~or~~, a library at least ~~half~~ one-half of whose operating expenses are paid from municipal funds, or a supervisory union.

Sec. 25. 24 V.S.A. § 5053a is added to read:

§ 5053a. EMPLOYEES OF A SUPERVISORY UNION

(a) For purposes of this section, the term "transferred employee" means an employee under this chapter who transitioned from employment solely by a school district to employment, wholly or in part, by a supervisory union pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) as amended on June 3, 2010.

(b) A transferred employee from a participating school district shall remain an employee of the school district solely for the purpose of employer participation and employee membership in the system regardless of whether the supervisory union is a participant in the system on the date of transition.

The membership and benefits of the transferred employee shall not be impaired or reduced by either negotiations with the supervisory union or school district under 21 V.S.A. chapter 22 or otherwise.

(c) If a supervisory union is a participant in the system on the date of transition, then:

(1) a transferred employee from a nonparticipating district shall not become a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee's behalf;

(2) an existing employee of the supervisory union on the date of transition shall be a member to the extent the supervisory union is or becomes a participant in the system on the employee's behalf; and

(3) a new employee of the supervisory union after the date of transition shall be a member to the extent the supervisory union is or becomes a participant in the system on the employee's behalf.

(d) If a supervisory union is not a participant in the system on the date of transition, then:

(1) a transferred employee from a nonparticipating district shall not be a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee's behalf;

(2) an existing employee of the supervisory union on the date of transition shall not be a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee's behalf; and

(3) a new employee of the supervisory union after the date of transition shall not be a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee's behalf.

Sec. 26. TRANSITION; NEWLY MERGED DISTRICTS

(a) If two or more districts merge to form a union school district pursuant to 16 V.S.A. chapter 11, subchapter 4, or a regional education district pursuant to No. 153 of the Acts of the 2009 Adj. Sess. (2010) ("the new district") prior to the date on which employees covered by the municipal employees' retirement system provisions of 24 V.S.A. chapter 125 ("the system") transitioned from employment solely by a school district to employment,

wholly or in part, by a supervisory union pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) as amended on June 3, 2010 (“the transition date”), then:

(1) on the first day of merger, the new district shall be a participant in the system on behalf of:

(A) an employee from a school district that merged to form the new district if the merging district was a participant in the system prior to merger; and

(B) a new employee hired by the new district after the effective date of merger into a job classification for which the new district is a participant in the system, if any;

(2) an employee from a school district that was not a participant in the system prior to merger shall not be a member of the system unless, through negotiations with the new district under 21 V.S.A. chapter 22, the new district becomes a participant in the system on the employee’s behalf.

(b) If a new district is formed after the transition date, then the new district shall assume the responsibilities of any one or more of the merging districts that participate in the system; provided, however, that this subsection shall not be construed to extend benefits to an employee who would not otherwise be a member of the system under any other provision of law.

(c) The existing membership and benefits of an employee shall not be impaired or reduced either by negotiations with the new district under 21 V.S.A. chapter 22 or otherwise.

(d) In addition to general responsibility for the operation of the Vermont municipal employees’ retirement system pursuant to 24 V.S.A. § 5062(a), the responsibility for implementation of all sections of this act relating to the system is vested in the retirement board.

Sec. 26a. 16 V.S.A. § 1982 is amended to read:

§ 1982. RIGHTS

(a) Teachers shall have the right to or not to join, assist, or participate in any teachers’ organization of their choosing. However, teachers ~~may be required to pay an agency fee~~ who choose not to join the teachers’ organization, recognized pursuant to ~~an agreement negotiated under section 1992 of this chapter~~ as the exclusive representative, shall pay an agency fee in the same manner as teachers who choose to join the teachers’ organization pay membership fees.

(b) Principals, assistant principals, and administrators other than superintendent and assistant superintendent shall have the right to or not to join, assist, or participate in any administrators' organization or as a separate unit of any teachers' organization of their choosing. However, administrators other than the superintendent and assistant superintendent ~~may be required to pay an agency fee~~ who choose not to join the administrators' organization, recognized pursuant to an agreement negotiated under section 1992 of this chapter as the exclusive representative, shall pay an agency fee in the same manner as administrators who choose to join the administrators' organization pay membership fees.

(c) Neither the school board nor any employee of the school board serving in any capacity, nor any other person or organization shall interfere with, restrain, coerce, or discriminate in any way against or for any teacher or administrator engaged in activities protected by this legislation.

Sec. 26b. 21 V.S.A. § 1726 is amended to read:

§ 1726. UNFAIR LABOR PRACTICES

(a) It shall be an unfair labor practice for an employer:

* * *

(8) Nothing in this chapter or any other statute of this state shall preclude a municipal employer from making an agreement with the exclusive bargaining agent ~~to require an agency service fee to be paid as a condition of employment, or to require as a condition of employment membership in such employee organization on or after the 30th day following the beginning of such employment or the effective date of such agreement, whichever is the later.~~ Absent such an agreement, an employee who does not become a member of the employee organization shall, in the same manner as employees who choose to join the employee organization pay membership fees, pay an agency service fee to that organization. No municipal employer shall discharge or discriminate against any employee for nonpayment of an agency service fee or for nonmembership in an employee organization:

(A) If the employer has reasonable grounds for believing that membership was not available to the employee on the same terms and conditions generally applicable to other members; or

(B) If the employer has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

(b) It shall be an unfair labor practice for an employee organization or its agents:

* * *

(6) To require employees covered by an agency service fee ~~agreement~~ requirement or other union security agreement authorized under subsection (a) of this section to pay an initiation fee which the board finds excessive or discriminatory under all the circumstances, including the practices and customs of employee organizations representing municipal employees, and the wages paid to the employees affected.

* * *

(12) To charge an agency service fee unless the employee organization has established and maintained a procedure to provide nonmembers with all the following:

(A) An audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses.

(B) An opportunity to object to the amount of the fee requested and to place in escrow any amount reasonably in dispute.

(C) Prompt arbitration by an arbitrator selected jointly by the objecting fee payer and the labor organization or pursuant to the rules of the American Arbitration Association to resolve any objection over the amount of the agency service fee.

* * * Effective Dates * * *

Sec. 27. EFFECTIVE DATES

(a) This section and Secs. 7, 8, 12, 24, 25, and 26 of this act shall take effect on passage.

(b) All other sections of this act shall take effect on July 1, 2012.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Olsen of Jamaica** raised a Point of Order that the proposal of amendment was in violation of Rule 33 in that Sec. 23(a) of the proposal of amendment did not appear in the Calendar for notice or action. Which Point of Order the Speaker ruled well taken and ruled that House bill 753 could not be considered today. Rule 33 states:

“33. No bill may be read the second time until it has been on the Calendar by number and title for notice with proposed amendments, if any, for one day, nor may action be taken on Senate proposals of amendment or reports of committees of conference until they have appeared on the Calendar for notice

and in the Orders of the Day; nor may a bill be read the second or third time or passed or rejected, unless appearing in the Orders of the Day; nor may any rule be suspended for more than one setting or be amended unless appearing in the Orders of the Day.”

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 78

House bill, entitled

An act relating to wages for laid-off employees

S. 99

Senate bill, entitled

An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing

S. 116

Senate bill, entitled

An act relating to probate proceedings

S. 200

Senate bill, entitled

An act relating to the reporting requirements of health insurers

S. 217

Senate bill, entitled

An act relating to closely held benefit corporations

S. 245

Senate bill, entitled

An act relating to requiring cardiovascular care instruction in public and independent schools

S. 251

Senate bill, entitled

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

S. 226

Senate bill, entitled

An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction

**Rules Suspended; Action Ordered Messaged to Senate Forthwith
and Bills Delivered to the Governor Forthwith**

On motion of **Rep. Turner of Milton**, the rules were suspended and action on the bills were ordered messaged to the Senate forthwith and the bills delivered to the Governor forthwith.

H. 485

House bill, entitled

An act relating to establishing universal recycling of solid waste

H. 290

House bill, entitled

An act relating to adult protective services

H. 771

House bill, entitled

An act relating to making technical corrections and other miscellaneous changes to education law

H. 769

House bill, entitled

An act relating to department of environmental conservation fees

H. 780

House bill, entitled

An act relating to compensation for certain state employees

Rules Suspended; Report of Committee of Conference Adopted

J.R.S. 54

On motion of **Rep. Turner of Milton**, the rules were suspended and Joint resolution, entitled

Joint resolution approving a land exchange in Alburch and a lease with Camp Downer, Inc

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the resolution respectfully reported that it has met and considered the same and recommended that the resolution be amended by striking all after the title and by inserting in lieu thereof the following:

Whereas, pursuant to 10 V.S.A. § 2606(b), the general assembly may adopt a resolution authorizing the commissioner of forests, parks and recreation to exchange or lease certain lands that are under the jurisdiction of the commissioner, and

Whereas, the general assembly has reviewed the proposed transactions and considers them to be in the best interest of the state, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the commissioner of forests, parks and recreation to:

First: Enter into an exchange of a portion of Alburgh Dunes State Park in the Town of Alburgh with the South Alburgh Cemetery Association, Inc. for up to 44 +/- acres to be added to Alburgh Dunes State Park in the town of Alburgh that is of equivalent or greater value to the state. Any exchange of state park land with the South Alburgh Cemetery Association, Inc. shall be contingent on the following: (1) an archeological assessment shall be conducted on the state park land parcel to be exchanged and shall include an investigation to determine if there are any human remains or other archeological artifacts on the parcel; (2) the commissioner of forests, parks and recreation shall consult with the commissioner of economic, housing and community development to determine if the archeological assessment meets the legal criteria to be funded by the unmarked burial sites special fund established in 18 V.S.A. § 5212b and, if it does meet the legal criteria, to also determine if sufficient money is available in the fund for this purpose; (3) the land exchange shall have the support of the selectboard of the town of Alburgh; (4) an independent appraiser shall determine the value of the parcels for exchange; (5) The Nature Conservancy and the Vermont Housing and Conservation Board as coholders shall approve the land exchange; (6) the South Alburgh Cemetery Association, Inc. shall be responsible for any and all costs associated with the exchange, including appraisal, survey, permitting, and

legal costs except for any costs that may be paid for from the unmarked burial sites special fund; (7) the parcel conveyed to the state in exchange for the state parcel conveyed to the South Alburgh Cemetery Association, Inc. shall be placed under the control and jurisdiction of the department of forests, parks and recreation; and (8) the conservation easement shall be amended to reflect this land exchange.

Second: Amend the lease with Camp Downer, Inc. at Downer State Forest in Sharon to provide for two additional ten-year renewal periods.

COMMITTEE ON THE PART OF
THE SENATE

SEN. ROBERT A. HARTWELL
SEN. RICHARD T. MAZZA
SEN. JOSEPH C. BENNING

COMMITTEE ON THE PART OF
THE HOUSE

REP. TERENCE D. MACAIG
REP. ALICE M. EMMONS
REP. LINDA K. MYERS

Which was considered and adopted on the part of the House.

Recess

At five o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until seven o'clock in the evening.

At seven o'clock and twenty minutes in the evening, the Speaker called the House to order.

Message from the Senate No. 75

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 782. An act relating to miscellaneous tax changes for 2012.

And has accepted and adopted the same on its part.

Rules Suspended; Report of Committee of Conference Adopted

H. 782

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to miscellaneous tax changes for 2012

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended the Senate recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Administrative Provisions * * *

Sec. 1. 10 V.S.A. § 1942(b) is amended to read:

(b) There is assessed against every seller receiving more than \$10,000.00 annually for the bulk retail sale of heating oil, kerosene, or other dyed diesel fuel sold in this state ~~and not used to propel a motor vehicle~~, a licensing fee of one cent per gallon of such heating oil, kerosene, or other dyed diesel fuel. This fee shall be subject to the collection, administration, and enforcement provisions of 32 V.S.A. chapter 233 of Title 32, and the fees collected under this subsection by the commissioner of taxes shall be deposited into the petroleum cleanup fund established pursuant to subsection 1941(a) of this title. The secretary, in consultation with the petroleum cleanup fund advisory committee established pursuant to subsection 1941(e) of this title, shall annually report to the legislature on the balance of the heating fuel account of the fund and shall make recommendations, if any, for changes to the program. The secretary shall also determine the unencumbered balance of the heating fuel account of the fund as of May 15 of each year, and if the balance is equal to or greater than \$3,000,000.00, then the licensing fee shall not be assessed in the upcoming fiscal year. The secretary shall promptly notify all sellers assessing this fee of the status of the fee for the upcoming fiscal year. This fee provision shall terminate April 1, 2016.

Sec. 2. PETROLEUM CLEANUP FUND OUTREACH

The secretary of agriculture, food and markets shall publish or broadcast in media designed to reach a farming audience information advising Vermont farmers of the existence of the petroleum cleanup fund under 10 V.S.A. chapter 59 and the terms of available assistance to farmers from that fund. The secretary shall publish or broadcast this information no fewer than four times each year.

Sec. 3. 14 V.S.A. § 3502(f) is added to read:

(f) Notwithstanding any other provision of law, a power of attorney appointing a representative to represent a person before the Vermont department of taxes that conforms to the requirements of the U.S. Internal Revenue Service for a valid power of attorney and declaration of representative pursuant to 25 C.F.R. § 601.503 shall be deemed to be legally executed and shall be of the same force and effect for purposes of representation before the department of taxes as if executed in the manner prescribed in this chapter.

Sec. 4. 32 V.S.A. § 3102(e) is amended to read:

(e) The commissioner may, in his or her discretion and subject to such conditions and requirements as he or she may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

* * *

(14) to the office of the state treasurer, only in the form of mailing labels, with only the last address known to the department of taxes of any person identified to the department by the treasurer by name and Social Security number, for the treasurer's use in notifying owners of unclaimed property; and

(15) to the department of liquor control, provided that the information is limited to information concerning the sales and use tax and meals and rooms tax filing history with respect to the most recent five years of a person seeking a liquor license or a renewal of a liquor license.

Sec. 5. 32 V.S.A. § 3102(j) and (k) are added to read:

(j) Tax bills prepared by a municipality under subdivision 5402(b)(1) of this title showing only the amount of total tax due shall not be considered confidential return information under this section. For the purposes of calculating adjustments under chapter 154 of this title, information provided by the commissioner to a municipality under subsection 6066a(a) of this title and information provided by the municipality to a taxpayer under subsection 6066a(f) shall be considered confidential return information under this section.

(k) Notwithstanding subsection (j) of this section, the commissioner or a municipal official acting as his or her agent may provide the information in subsection 6066a(f) of this title to the following people without incurring liability under this section:

(1) an escrow agent, the owner of the property to which the adjustment applies, a town auditor, or a person hired by the town to serve as an auditor;

(2) a lawyer, including a paralegal or assistant of the lawyer, an employee or agent of a financial institution as that term is defined in 8 V.S.A. § 11101, an employee or agent of a credit union as that term is defined in 8 V.S.A. § 30101, a realtor, or a certified public accountant as that term is defined in 26 V.S.A. § 13(12) who represents that he or she has a need for the information as it pertains to a real estate transaction or to a client or customer relationship; and

(3) any other person as long as the taxpayer has filed a written consent to such disclosure with the municipality.

Sec. 6. 32 V.S.A. § 3205(b) is amended to read:

(b) The taxpayer advocate shall have the following functions and duties:

(1) identify subject areas where taxpayers have difficulties interacting with the department of taxes;

(2) identify classes of taxpayers or specific business sectors who have common problems related to the department of taxes;

(3) propose solutions, including administrative changes to practices and procedures of the department of taxes;

(4) recommend legislative action as may be appropriate to resolve problems encountered by taxpayers;

(5) educate taxpayers concerning their rights and responsibilities under Vermont's tax laws; ~~and~~

(6) educate tax professionals concerning the department of taxes regulations and interpretations by issuing bulletins and other written materials; and

(7) assist individual taxpayers in resolving disputes with the department of taxes.

Sec. 7. TAXPAYER STATEMENT OF RIGHTS

By January 15, 2013, the taxpayer advocate shall propose to the senate committee on finance and the house committee on ways and means a draft of a taxpayer's statement of rights. The draft language shall include a description of a taxpayer's existing rights and responsibilities under Vermont's tax laws and shall not be designed to expand any of those rights and responsibilities.

Sec. 8. 32 V.S.A. § 3206 is added to read:

§ 3206. RECOMMENDATION FOR EXTRAORDINARY RELIEF

(a) The taxpayer advocate may make a written recommendation for extraordinary relief to the commissioner under the provisions of this section. A recommendation for extraordinary relief may be made only in response to a request from a taxpayer and after a thorough investigation of the taxpayer's circumstances by the taxpayer advocate which results in findings by the taxpayer advocate that:

(1) Vermont tax laws apply to the taxpayer's circumstances in a way that is unfair and unforeseen or that results in significant hardship; and

(2) the taxpayer has no available appeal rights or administrative remedies to correct the issue that led to such unfair result or hardship.

(b) For purposes of this section, "extraordinary relief" means a remedy that is within the power of the commissioner to grant under this title, a remedy that compensates for the result of inaccurate classification of property as homestead or nonresidential pursuant to section 5410 of this title through no fault of the taxpayer, or a remedy that makes changes to a taxpayer's property tax adjustment or renter rebate claim necessary to remedy the problem identified by the taxpayer advocate.

(c) Notwithstanding any other provision of law, if, in response to the taxpayer advocate's recommendation, the commissioner determines that the taxpayer should receive a refund or other monetary adjustment, the commissioner shall certify that amount to the commissioner of finance and management who shall issue his or her warrant in favor of the taxpayer for payment by the treasurer from the appropriate fund.

(d) A recommendation for extraordinary relief shall be in writing, shall be addressed to the commissioner, and shall include a description of the problem sought to be remedied along with specific recommendations to the commissioner. The taxpayer advocate's decision to make or not make a recommendation for extraordinary relief shall be final and not subject to review.

(e) The commissioner may choose to act on the recommendation of the taxpayer advocate, not act on the recommendation, or act on part of the taxpayer advocate's recommendation, and the commissioner's decision shall be final and not subject to any further review. Nothing in this section shall be construed to limit any other power or authority granted to the commissioner in this title.

Sec. 9. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect for taxable year ~~2010~~ 2011, but without regard to federal income tax rates under Section 1 of the Internal Revenue Code, are hereby adopted for the purpose of computing the tax liability under this chapter.

Sec. 10. 32 V.S.A. § 6061(5)(A) is amended to read:

(5) “Modified adjusted gross income” means “federal adjusted gross income”:

(A) before the deduction of any trade or business loss from a sole proprietorship, loss from a partnership, loss from a ~~small-business limited liability company~~ or “subchapter S” corporation, loss from a rental property, or capital loss, except that in the case of a business which sells a business property with respect to which it is required, under the Internal Revenue Code, to report a capital gain, a business loss incurred in the same tax year with respect to the same business may be netted against such capital gain, and except that a business loss from a sole proprietorship may be netted against a business gain from a sole proprietorship, as long as the loss and the gain are incurred in the same tax year with respect to different business;

Sec. 11. 32 V.S.A. § 6066a(f) is amended to read:

(f) Property tax bills.

(1) For taxpayers and amounts stated in the notice to towns on July 1, municipalities shall ~~include on the~~ create and send to taxpayers a homestead property tax bill notice to the taxpayer of, instead of the bill required under subdivision 5402(b)(1) of this title, providing the total amount allocated to payment of homestead education property tax liabilities and notice of the balance due. Municipalities shall apply the amount allocated under this chapter to current-year property taxes in equal amounts to each of the taxpayers’ property tax installments that include education taxes.

* * *

Sec. 12. 32 V.S.A. § 7475 is amended to read:

§ 7475. ADOPTION OF FEDERAL ESTATE AND GIFT TAX LAWS

The laws of the United States, relating to federal estate and gift taxes as in effect on ~~January 1, 2009~~ December 31, 2011, are hereby adopted for the purpose of computing the tax liability under this chapter, except:

(1) the credit for state death taxes shall remain as provided for under Sections 2011 and 2604 of the Internal Revenue Code as in effect on January 1, 2001;

(2) the applicable credit amount shall remain as provided for under Section 2010 of the Internal Revenue Code as in effect on January 1, 2008; and

(3) the deduction for state death taxes under Section 2058 of the Internal Revenue Code shall not apply.

Sec. 13. Sec. 1(c) of No. 71 of the Acts of the 2011 Adj. Sess. (2012) is amended to read:

(c) Use. ~~Residents of the state of Vermont may display an approved commemorative plate on a motor vehicle registered as a pleasure car and on motor trucks registered~~ An approved Vermont Strong commemorative plate may be displayed on a motor vehicle registered in Vermont as a pleasure car or on a motor truck registered in Vermont for less than 26,001 pounds (but excluding vehicles registered under the International Registration Plan) by covering the front registration plate with the commemorative plate any time from the effective date of this act until June 30, 2014. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.

Sec. 13a. 32 V.S.A. § 7702(6) is amended to read:

(6) "Little cigars" means any rolls of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subdivision (1) of this section) and as to which 1,000 units weigh not more than ~~three~~ four and one-half pounds.

* * * Compliance Provisions * * *

Sec. 14. 7 V.S.A. § 421(c) is amended to read:

(c) For the purpose of ascertaining the amount of tax, on or before the tenth day of each calendar month, each bottler and wholesaler shall transmit to the commissioner of taxes, upon a form prepared and furnished by the commissioner, a statement or return under oath or affirmation showing the quantity of malt and vinous beverages sold by the bottler or wholesaler during the preceding calendar month, and report any other information requested by the commissioner accompanied by payment of the tax required by this section. The amount of tax computed under subsection (a) of this section shall be rounded to the nearest whole cent. At the same time this form is due, each bottler and wholesaler also shall transmit to the commissioner in electronic format a separate report showing the description, quantity, and price of malt and vinous beverages sold by the bottler or wholesaler to each retail dealer as defined in subdivision 2(18) of this title; provided, however, for direct sales to retail dealers by manufacturers or rectifiers of vinous beverages the report required by this subsection may be submitted in a nonelectronic format.

Sec. 15. 32 V.S.A. § 3108 is amended to read:

§ 3108. ESTABLISHMENT OF INTEREST RATE

(a) Not later than December 15 of each year, the commissioner shall establish a rate of interest applicable to ~~unpaid tax liabilities and~~ tax overpayments which shall be equal to the average prime rate charged by banks during the immediately preceding 12 months commencing on October 1 of the prior year, rounded upwards to the nearest ~~whole~~ quarter percent. ~~The~~ An annual rate thus established ~~may~~ shall be converted to a monthly rate which shall be rounded upwards to the nearest tenth of a percent. Not later than December 15 of each year, the commissioner shall establish annual and monthly rates of interest applicable to unpaid tax liabilities, which in each instance shall be equal to the annual and monthly rates established for tax overpayments plus 200 basis points. The ~~rate~~ rates established hereunder shall be effective on January 1 of the immediately following year. For purposes of this section, the term “prime rate charged by banks” shall mean the average predominate prime rate quoted by commercial banks to large businesses as determined by the board of governors of the Federal Reserve ~~System~~ Board.

(b) Whenever the commissioner is authorized or directed to pay interest on an overpayment of any taxes, nevertheless no interest shall be paid on such overpayment:

(1) where the commissioner finds that such overpayment was made with the intention or expectation of receiving a payment of interest thereon and for no other reason;

(2) for any period of time prior to: 45 days after the date the return other than a corporate income tax return was due, including any extensions of time thereto; or 45 days after the return was filed, whichever is the later date, and with respect to corporate income tax returns, for any period of time prior to 90 days after the date the return was due or 90 days after the return was filed, whichever is the later date;

* * *

* * * Income Tax Provisions * * *

Sec. 16. 32 V.S.A. § 5832(2) is amended to read:

(2)(A) \$75.00 for small farm corporations. “Small farm corporation” means any corporation organized for the purpose of farming, which during the taxable year is owned solely by active participants in that farm business and receives less than \$100,000.00 gross receipts from that farm operation, exclusive of any income from forest crops; or

(B) An amount determined in accordance with section 5832a of this title for a corporation which qualifies as and has elected to be taxed as a digital business entity for the taxable year; or

(C) ~~\$250.00 for all other corporations~~ For C corporations with gross receipts from \$0–\$2,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$300.00; or

(D) For C corporations with gross receipts from \$2,000,001.00–\$5,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$500.00; or

(E) For C corporations with gross receipts greater than \$5,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$750.00.

Sec. 17. 32 V.S.A. § 5920(g) is added to read:

(g)(1) Subsection (c) of this section shall not apply to a partnership or limited liability company engaged solely in the business of operating one or more federal new market tax credit projects in this state, provided such partnership or limited liability company shall:

(A) notify its nonresident partners or nonresident members of their obligation under subchapter 6 of this chapter to file Vermont personal income tax returns and under subchapter 2 of this chapter to pay a tax on income earned from such investment;

(B) instruct each nonresident partner or nonresident member to pay such tax; and

(C) in addition to filing copies of all schedules K-1 with its partnership or limited liability company return, file with the commissioner segregated duplicate copies of all nonresident schedules K-1.

(2) For purposes of this subsection, “federal new market tax credit project” means a business that is intended primarily to benefit low income Vermont residents throughout the period of investment and that is subject to the following:

(A) has been determined by the U.S. Department of the Treasury to be a community development entity;

(B) has been awarded an allocation of federal new market tax credits under 26 U.S.C. § 45D; and

(C) is a partnership or limited liability corporation which is a pass-through of the federal new market tax credit to the nonresident investor.

Sec. 18. 32 V.S.A. § 5930b(c)(9) is amended to read:

(9) Incentive claims must be filed annually no later than the last day of April of each year of the utilization period. For a claim to be considered a timely filing and eligible for an incentive payment, all forms and workbooks must be complete and all underlying documentation, such as that required pursuant to subsection 5842(b) of this title, must be filed with the department of taxes. Incomplete claims may be considered to have been timely filed if a complete claim is filed within the time prescribed by the department of taxes. If a claim is not filed each year of the utilization period, any incentive installment previously paid shall be recaptured in accordance with subsection (d) of this section. The incentive return shall be subject to all provisions of this chapter governing the filing of tax returns. No interest shall be paid by the department of taxes for any reason with respect to incentives allowed under this section.

Sec. 19. 32 V.S.A. § 5930b(e) is amended to read:

(e) Reporting. ~~By May 1, 2008 and by May 1~~ September 1 each year ~~thereafter~~, the council and the department of taxes shall file a joint report on the employment growth incentives authorized by this section with the chairs of the house committee on ways and means, the house committee on commerce and economic development, the senate committee on finance, the senate committee on economic development, housing and general affairs, the house and senate committees on appropriations, and the joint fiscal committee of the general assembly and provide notice of the report to the members of those committees. The joint report shall contain the total ~~authorized award~~ amount of incentives ~~granted~~ authorized during the preceding year, ~~amounts actually earned and paid from inception of the program to the date of the report, including the date and amount of the award, the expected calendar year or years in which the award will be exercised, whether the award is currently available, the date the award will expire, and the amount and date of all incentives exercised and, with respect to each recipient, the date and amount of authorization, the calendar year or years in which the authorization is expected to be exercised, whether the authorization is active, and the date the authorization will expire.~~ The joint report shall also include ~~information on recipient performance in the year in which the incentives were applied, including the number of applications for the incentive, the number of approved applicants who complied with all their requirements for the incentive, the~~ following aggregate information: total number of claims and total incentive payments made in the current and prior claim years, the balance of credits not yet allocated, the aggregate number of qualifying new jobs created, the aggregate and qualifying payroll of those jobs and the identity of businesses

~~whose applications were approved, and qualifying new capital investments.~~
The council and department shall use measures to protect proprietary financial information, such as reporting information in an aggregate form. Data and information in the joint report ~~made available to the public~~ shall be presented in a searchable format.

Sec. 20. Sec. 3(c) of No. 184 of the Acts of the 2005 Adj. Sess. (2006), as amended by Sec. 2 of No. 52 of the Acts of 2011, is amended to read:

(c) Beginning April 1, 2009, the economic incentive review board is authorized to grant payroll-based growth incentives pursuant to the Vermont employment growth incentive program established by Sec. 9 of this act. Unless extended by act of the General Assembly, as of July 1, ~~2012~~ 2017, no new Vermont employment growth incentive (VEGI) awards under 32 V.S.A. § 5930b may be made. Any VEGI awards granted prior to July 1, ~~2012~~ 2017 may remain in effect until used.

Sec. 21. 32 V.S.A. § 5930u(g) is amended to read:

(g) In any fiscal year, the allocating agency may award up to \$400,000.00 in total first-year credit allocations to all applicants for rental housing projects; and may award up to ~~\$100,000.00~~ \$300,000.00 per year for owner-occupied unit applicants. In any fiscal year, total first-year allocations plus succeeding-year deemed allocations shall not exceed ~~\$2,500,000.00~~ \$3,500,000.00.

Sec. 21a. EFFICIENCY USE OF CREDITS

It is the intent of the general assembly that housing purchased as the result of an allocation of credits in this act for owner-occupied units shall be as energy efficient as affordability, building design, and funding allow.

Sec. 22. 32 V.S.A. § 5930bb(d) is added to read:

(d) Notwithstanding any other provision of this subchapter, qualified applicants may apply to the state board at any time prior to June 30, 2013 to obtain a tax credit not otherwise available under subsections 5930cc(a)–(c) of this title of 10 percent of qualified expenditures resulting from damage caused by a federally declared disaster in Vermont in 2011. The credit shall only be claimed against the taxpayer's state individual income tax under section 5822 of this title. To the extent that any allocated tax credit exceeds the taxpayer's tax liability for the first tax year in which the qualified project is completed, the taxpayer shall receive a refund equal to the unused portion of the tax credit. If within two years after the date of the credit allocation no claim for a tax credit or refund has been filed, the tax credit allocation shall be rescinded and recaptured pursuant to subdivision 5930ee(6) of this title. The total amount of

tax credits available under this subsection shall not be more than \$500,000.00 and shall not be subject to the limitations contained in subdivision 5930ee(2) of this subchapter.

Sec. 23. CREDIT LIMIT FOR FISCAL YEAR 2013

Notwithstanding any other provision of law, for fiscal year 2013 only, the limitation provided in 32 V.S.A. § 5930ee(1) shall be \$2,200,000.00 instead of \$1,700,000.00.

Sec. 24. 32 V.S.A. § 9603(23) is amended to read:

(23) Transfers of leasehold or fee interests made to low income individuals by organizations qualifying under Section 501(c)(3) of the Internal Revenue Code of 1986 and having as its primary purpose the provision of housing to low income individuals, or from a wholly-owned subsidiary of such an organization, when such a transfer is made concurrently with the transfer of an improvement located on the leasehold or fee property, or is a renewal of such a lease where the purpose of the lease is to provide affordable housing, or to ensure the continued affordability of such housing, or both.

* * * Property Tax Adjustment and Renter Rebate Provisions * * *

Sec. 25. 32 V.S.A. § 5410(b) is amended to read:

(b)~~(1)~~ Annually on or before the due date for filing the Vermont income tax return, without extension, each homestead owner shall, on a form prescribed by the commissioner, which shall be verified under the pains and penalties of perjury, declare his or her homestead, if any, as of, or expected to be as of, April 1 of the year in which the declaration is made ~~for property that was acquired by the declarant or was made the declarant's homestead after April 1 of the previous year. The declaration of homestead shall remain in effect until the earlier of:~~

~~(A) the transfer of title of all or any portion of the homestead; or~~

~~(B) that time that the property or any portion of the property ceases to qualify as a homestead.~~

~~(2) Within 30 days of the transfer of title of all or any portion of the homestead, or upon any portion of the property ceasing to be a homestead, the declarant shall provide notice to the commissioner on a form to be prescribed by the commissioner.~~

Sec. 25a. TRANSITION TO ANNUAL FILING

For 2013 only, as part of the requirement of annual homestead filings in Sec. 25 of this act, the commissioner shall take steps to publicize and conduct

outreach regarding the change in filing requirements. In addition, for 2013 only, the commissioner may use his or her authority under 32 V.S.A. § 3201 to provide a remedy for a taxpayer who fails to file or files an inaccurate classification of property as homestead or nonresidential pursuant to section 5410 of this title, through no fault of the taxpayer.

Sec. 26. 32 V.S.A. § 6061(5)(D) is amended to read:

(D) without the inclusion of adjustments to total income except certain business expenses of reservists, one-half of self-employment tax paid, alimony paid, deductions for tuition and fees, ~~and~~ health insurance costs of self-employed individuals, and health savings account deductions; and

Sec. 27. 32 V.S.A. § 6066a is amended to read:

§ 6066a. DETERMINATION OF PROPERTY TAX ADJUSTMENTS

(a) Annually, the commissioner shall determine the property tax adjustment amount under section 6066 of this title, related to a homestead owned by the claimant. The commissioner shall notify the municipality in which the housesite is located of the amount of the property tax adjustment for the claimant for homestead property tax liabilities, on July 1 for ~~timely filed~~ timely filed claims and on ~~September 15~~ November 1 for late claims filed by ~~September 1~~ October 15. The tax adjustment of a claimant who was assessed property tax by a town which revised the dates of its fiscal year, however, is the excess of the property tax which was assessed in the last 12 months of the revised fiscal year, over the adjusted property tax of the claimant for the revised fiscal year as determined under section 6066 of this title, related to a homestead owned by the claimant.

* * *

(c) The commissioner shall notify the municipality of any claim and refund amounts unresolved by ~~September 15~~ November 1 at the time of final resolution, including adjudication if any; provided, however, that towns will not be notified of any additional adjustment amounts after ~~September 15~~ November 1 of the claim year, and such amounts shall be paid to the claimant by the commissioner.

* * *

(f) Property tax bills.

* * *

(2) For property tax adjustment amounts for which municipalities receive notice on or after ~~September 15~~ November 1, municipalities shall issue

a new homestead property tax bill with notice to the taxpayer of the total amount allocated to payment of homestead property tax liabilities and notice of the balance due.

* * *

(g) Annually, on August 1 and on ~~September 15~~ November 1, the commissioner of taxes shall pay to each municipality the amount of property tax adjustment of which the municipality was notified on July 1 for the August 1 transfer, or ~~September 15~~ November 1 for the ~~September 15~~ November 1 transfer, related to municipal property tax on homesteads within that municipality, as determined by the commissioner of taxes.

Sec. 28. 32 V.S.A. § 6074 is amended to read:

§ 6074. AMENDMENT OF CERTAIN CLAIMS

At any time within three years after the date for filing claims under subsection 6068(a) of this chapter, a claimant who filed a claim by ~~September 1~~ October 15 may file to amend that claim to correct the amount of household income reported on that claim.

Sec. 29. 32 V.S.A. § 6068 is amended to read:

§ 6068. APPLICATION AND TIME FOR FILING

(a) A tax adjustment claim or request for allocation of an income tax refund to homestead property tax payment shall be filed with the commissioner on or before the due date for filing the Vermont income tax return, without extension, and shall describe the school district in which the homestead property is located and shall particularly describe the homestead property for which the adjustment or allocation is sought, including the school parcel account number prescribed in subsection 5404(b) of this title. A renter rebate claim shall be filed with the commissioner on or before the due date for filing the Vermont income tax return, without extension.

(b) Late-filing penalties. If the claimant fails to file a timely claim, the amount of the property tax adjustment under this chapter shall be reduced by \$15.00, but not below \$0.00, which shall be paid to the municipality for the cost of issuing an adjusted homestead property tax bill. No benefit shall be allowed in the calendar year unless the claim is filed with the commissioner on or before ~~September 1~~ October 15.

(c) No request for allocation of an income tax refund or for a renter rebate claim may be made after ~~September 1~~ October 15.

Sec. 30. 32 V.S.A. § 6067 is amended to read:

§ 6067. CREDIT LIMITATIONS

Only one individual per household per taxable year shall be entitled to a benefit under this chapter. An individual who received a homestead exemption or adjustment with respect to property taxes assessed by another state for the taxable year shall not be entitled to receive an adjustment under this chapter. No taxpayer shall receive an adjustment under subsection 6066(b) of this title in excess of \$3,000.00. No taxpayer shall receive total adjustments under this chapter in excess of \$8,000.00 related to any one property tax year.

Sec. 31. Sec. 51(b) of No. 160 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) ~~The following sections of Title 32 relating to homestead education property tax income sensitivity adjustments are repealed for claims filed on and after January 1, 2013:~~

~~(1) 32 V.S.A. § 6061(5)(E) (requiring adjustment for interest and dividend income for purposes of calculating modified adjusted gross income).~~

~~(2) The amendments in this act to 32 V.S.A. § 6066(a) regarding the equalized value of a house site in excess of \$500,000.00. The amendments in this act related to 32 V.S.A. § 6061(5)(E), regarding the adjustment for interest and dividend income for purposes of calculating modified adjusted gross income, are repealed on January 1, 2013.~~

Sec. 31a. 32 V.S.A. § 6061(5)(E) is added to read:

(E) with the addition of an asset adjustment of 1 x the sum of interest and dividend income included in household income above \$10,000.00 for claimants under age 65, regardless of whether that dividend or interest income is included in federal adjusted gross income.

Sec. 32. LANDLORD CERTIFICATES

The commissioner of taxes shall report to the senate committee on finance and the house committee on ways and means no later than January 15, 2013 on how to develop an electronic system for the reporting and issuance of the landlord certificate under 32 V.S.A. § 6069. The commissioner's report shall include recommendations for legislative changes to implement such a system.

* * * Property Tax Provisions * * *

Sec. 33. 27A V.S.A. § 1-105 is amended to read:

§ 1-105. SEPARATE TITLES AND TAXATION

(a) In a condominium or planned community:

(1) if there is any unit owner other than a declarant, each unit that has been created, together with its interest in the common elements, constitutes for all purposes a separate parcel of real estate;

(2) if there is any unit owner other than a declarant, each unit shall be separately taxed and assessed, and no separate tax or assessment may be rendered against any common elements for which a declarant has reserved no development rights; provided, however, that if a portion of the common elements is located in a town other than the town in which the unit is located, the town in which the common elements are located may designate that portion of the common elements within its boundaries as a parcel for property tax assessment purposes and may tax each unit owner at an appraisal value pursuant to 32 V.S.A. § 3481.

* * *

Sec. 34. 32 V.S.A. § 3409 is amended to read:

§ 3409. PREPARATION OF PROPERTY MAPS

Consistent with available resources and pursuant to a memorandum of understanding entered into between the commissioner and the Vermont center for geographic information, the center shall provide regional planning commissions, state agencies, and the general public with orthophotographic maps of the state at a scale appropriate for the production and revision of town property maps. Periodically, such ~~maps~~ digital imagery shall be ~~revised and updated to reflect~~ updated to capture land use changes, new settlement patterns and such additional information as may have become available to the director or the center.

(1) The center shall supply to ~~the clerk and to the listers or assessors of~~ each town such ~~maps~~ orthophotographic imagery as ~~have~~ has been prepared by it of the total area of that town. Any map shall be available, without charge, for public inspection in the office of the town clerk to whom the map was supplied.

(2) ~~The state of Vermont shall retain the copyright of any map prepared by the Vermont mapping program, and the center and the Vermont mapping program shall jointly own the copyright to any map prepared on or after the effective date of this act.~~

(3) ~~A person who, without the written authorization of the director and the center, copies, reprints, duplicates, sells, or attempts to sell any map prepared under this chapter shall be fined an amount not to exceed \$1,000.00.~~

(4) At a reasonable charge to be established by the center and the director, the center shall supply to any person or agency other than a town clerk or lister a copy of any ~~map~~ digital format orthophotographic imagery prepared created under this section.

(3) Hardcopy or nondigital format orthophotographic imagery created under this section shall be available for public review at the state archives.

Sec. 35. 32 V.S.A. § 4301 is amended to read:

§ 4301. BASIS FOR COUNTY TAXES

(a) The equalized municipal property tax grand lists for each town, unorganized town and gore, and the unified towns and gores of Essex County shall be the basis of taxation for county purposes.

(b) Annually, on or before January 1, the director shall provide to each county treasurer the equalized municipal property tax grand list for each town, unorganized town, and gore within the county, and the unified towns and gores of Essex County. "Equalized municipal property tax grand list" in this section shall mean the equalized education property tax grand list as defined in chapter 135 of this title plus inventory, machinery and equipment subject to municipal tax in that municipality at its grand list value.

Sec. 36. 32 V.S.A. chapter 133, subchapter 5 is amended to read:

Subchapter 5. Assessment and Collection in
Unified Unorganized Towns and Gores

* * *

Sec. 37. 32 V.S.A. § 5401(13) is amended to read:

(13) "District spending adjustment" means the greater of: one or a fraction in which the numerator is the district's education spending plus excess spending, per equalized pupil, for the school year; and the denominator is the base education amount for the school year, as defined in 16 V.S.A. § 4001. For a district that pays tuition to a public school or an approved independent school or both for all of its resident students in any year and which has decided by a majority vote of its school board to opt into this provision, the district spending adjustment shall be the average of the district spending adjustment calculated under this subdivision for the previous year and for the current year. Any district opting for a two-year average under this subdivision may not opt out of such treatment, and the averaging shall continue until the district no longer qualifies for such treatment.

Sec. 38. FISCAL YEAR 2013 EDUCATION PROPERTY TAX RATE

(a) For fiscal year 2013 only, the education property tax imposed under 32 V.S.A. § 5402(a) shall be reduced from the rates of \$1.59 and \$1.10 and shall instead be at the following rates:

(1) the tax rate for nonresidential property shall be \$1.38 per \$100.00; and

(2) the tax rate for homestead property shall be \$0.89 multiplied by the district spending adjustment for the municipality per \$100.00 of equalized property value as most recently determined under 32 V.S.A. § 5405.

(b) For claims filed in 2013 only, “applicable percentage” in 32 V.S.A. § 6066(a)(2) shall be reduced from 2.0 percent and instead shall be 1.80 percent multiplied by the fiscal year 2013 district spending adjustment for the municipality in which the homestead residence is located; but in no event shall the applicable percentage be less than 1.80 percent.

Sec. 39. FISCAL YEAR 2013 BASE EDUCATION AMOUNT

Notwithstanding 16 V.S.A. § 4011(b) or any other provision of law, the base education amount for fiscal year 2013 shall be \$8,723.00.

Sec. 40. CALCULATION OF DOLLAR EQUIVALENT

In order to lead to greater understanding of education property tax rates, annually, by December 1, and in conjunction with the recommendations under 32 V.S.A. § 5402b, the commissioner of taxes shall calculate, for purposes of illustration, the dollar equivalent for the forthcoming fiscal year and report the same to the general assembly. For purposes of this subsection, “dollar equivalent” means the amount of revenue per equalized pupil that would result under a homestead tax rate of \$1.00 per \$100.00 of equalized education property value, an applicable percentage in 32 V.S.A. § 6066(a)(2) of 2.0 percent, and sufficient statutory reserves under 16 V.S.A. § 4026 and 32 V.S.A. § 5402b. For example, for fiscal year 2013, the dollar equivalent under this definition would equal \$9,912.00 per pupil.

* * * Wastewater Permit Provisions * * *

Sec. 41. 32 V.S.A. § 3752(5) is amended to read:

(5) “Development” means, for the purposes of determining whether a land use change tax is to be assessed under section 3757 of this chapter, the construction of any building, road or other structure, or any mining, excavation or landfill activity. “Development” also means the subdivision of a parcel of land into two or more parcels, regardless of whether a change in use actually occurs, where one or more of the resulting parcels contains less than 25 acres each; but if subdivision is solely the result of a transfer to one or more of a

spouse, parent, grandparent, child, grandchild, niece, nephew, or sibling of the transferor, or to the surviving spouse of any of the foregoing, then "development" shall not apply to any portion of the newly-created parcel or parcels which qualifies for enrollment and for which, within 30 days following the transfer, each transferee or transferor applies for reenrollment in the use value appraisal program. "Development" also means the cutting of timber on property appraised under this chapter at use value in a manner contrary to a forest or conservation management plan as provided for in subsection 3755(b) of this title, or contrary to the minimum acceptable standards for forest management; or a change in the parcel or use of the parcel in violation of the conservation management standards established by the commissioner of forests, parks and recreation. Enrolled land is also considered "developed" under this section if a wastewater system permit has been issued for the land pursuant to 10 V.S.A. § 1973 and the commissioner of forests, parks and recreation has certified to the director that the permit is contrary to a forest or conservation management plan or the minimum acceptable standards for forest management; use of the parcel would violate the conservation management standards; or after consulting with the secretary of agriculture, food and markets, the commissioner certifies that the permit is not part of a farm operation. The commissioner of forests, parks and recreation may develop standards regarding circumstances under which land with wastewater system and potable water permits will not be certified to the director. The term "development" shall not include the construction, reconstruction, structural alteration, relocation, issuance of a wastewater system permit under 10 V.S.A. § 1973, or enlargement of any building, road, or other structure for farming, logging, forestry, or conservation purposes, but shall include the subsequent commencement of a use of that building, road, ~~or~~ structure, or wastewater system permit for other than farming, logging, or forestry purposes.

Sec. 42. 32 V.S.A. § 3757 is amended to read:

§ 3757. LAND USE CHANGE TAX

(a) Land which has been classified as agricultural land or managed forest land pursuant to this chapter shall be subject to a land use change tax ~~on the earliest of either upon~~ the development of that land, as defined in section 3752 of this chapter, ~~or two years after the issuance of all permits legally required by a municipality for any action constituting development, or two years after the issuance of a wastewater system and potable water supply permit under 10 V.S.A. § 1973.~~ Said tax shall be at the rate of 20 percent of the full fair market value of the changed land determined without regard to the use value appraisal; or the tax shall be at the rate of 10 percent if the owner demonstrates to the satisfaction of the director that the parcel has been enrolled continuously

more than 10 years. If changed land is a portion of a parcel, the fair market value of the changed land shall be the fair market value of the changed land prorated on the basis of acreage, divided by the common level of appraisal. Such fair market value shall be determined as of the date the land is no longer eligible for use value appraisal. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require payment of a land use change tax merely because previously eligible land becomes ineligible, provided no development of the land has occurred.

* * *

(d) The land use change tax shall be due and payable by the owner 30 days after the tax notice is mailed to the taxpayer unless, in the case of land use change tax due with respect to development occurring as a result of the issuance of a wastewater system permit, the landowner enters into a payment agreement with the commissioner of taxes. The tax shall be paid to the commissioner for deposit into the general fund. The commissioner shall issue a form to the assessing officials which shall provide for a description of the land developed, the amount of tax payable, and the fair market value of the land at the time of development or withdrawal from use value appraisal. The owner shall fill out the form and shall sign it under the penalty of perjury. After receipt of payment, the commissioner shall furnish the owner with one copy, shall retain one copy and shall forward one copy to the local assessing officials and one to the register of deeds of the municipality in which the land is located. Thereafter, the land which has been developed shall be appraised and listed at its full fair market value in accordance with the provisions of chapter 121 of this title.

* * *

Sec. 43. 32 V.S.A. § 3758(d) is amended to read:

(d) Any owner who is aggrieved by a decision of the department of forests, parks and recreation concerning the filing of an adverse inspection report or denial of approval of a management plan or certification to the director with respect to land for which a wastewater permit is issued may appeal to the commissioner of the department of forests, parks and recreation. An appeal of this decision of the commissioner may be taken to the superior court in the same manner and under the same procedures as an appeal from a decision of a board of civil authority, as set forth in chapter 131, subchapter 2 of ~~chapter 131~~ of this title.

Sec. 44. REPEAL

Sec. 13h of No. 45 of the Acts of 2011 (tracking wastewater permits) is repealed.

* * * Current Use Provisions * * *

Sec. 45. 32 V.S.A. § 3752(5) is amended to read:

(5) “Development” means, for the purposes of determining whether a land use change tax is to be assessed under section 3757 of this chapter, the construction of any building, road or other structure, or any mining, excavation or landfill activity. “Development” also means the subdivision of a parcel of land into two or more parcels, regardless of whether a change in use actually occurs, where one or more of the resulting parcels contains less than 25 acres each; but if subdivision is solely the result of a transfer to one or more of a spouse, parent, grandparent, child, grandchild, niece, nephew, or sibling of the transferor, or to the surviving spouse of any of the foregoing, then “development” shall not apply to any portion of the newly-created parcel or parcels which qualifies for enrollment and for which, within 30 days following the transfer, each transferee or transferor applies for reenrollment in the use value appraisal program. “Development” also means the cutting of timber on property appraised under this chapter at use value in a manner contrary to a forest or conservation management plan as provided for in subsection 3755(b) of this title during the remaining term of the plan, or contrary to the minimum acceptable standards for forest management if the plan has expired; or a change in the parcel or use of the parcel in violation of the conservation management standards established by the commissioner of forests, parks and recreation. Enrolled land is also considered “developed” under this section if a wastewater system permit has been issued for the land pursuant to 10 V.S.A. § 1973 and the commissioner of forests, parks and recreation has certified to the director that the permit is contrary to a forest or conservation management plan or the minimum acceptable standards for forest management; use of the parcel would violate the conservation management standards; or after consulting with the secretary of agriculture, food and markets, the commissioner certifies that the permit is not part of a farm operation. The commissioner of forests, parks and recreation may develop standards regarding circumstances under which land with wastewater system and potable water permits will not be certified to the director. The term “development” shall not include the construction, reconstruction, structural alteration, relocation, issuance of a wastewater system permit under 10 V.S.A. § 1973, or enlargement of any building, road, or other structure for farming, logging, forestry, or conservation purposes, but shall include the subsequent commencement of a use of that building, road, structure, or wastewater system permit for other than farming, logging, or forestry purposes.

Sec. 46. 32 V.S.A. § 3753(b) is amended to read:

(b) The membership of the board shall consist of:

(1) The following persons or their designees:

* * *

(E) ~~Dean of the college of natural resources, agriculture and life sciences of the University of Vermont.~~ [Deleted.]

* * *

Sec. 47. 32 V.S.A. § 3755(b) is amended to read:

(b) Managed ~~forest land~~ forestland shall be eligible for use value appraisal under this subchapter only if:

(1) the land is subject to a forest management plan, or subject to a conservation management plan in the case of lands certified under 10 V.S.A. § 6306(b), which:

(A) is signed by the owner of a tract the parcel;

(B) ~~which~~ complies with subdivision 3752(9) of this title;

(C) is filed with and approved by the department of forests, parks and recreation; and

(D) ~~by October 1, which provides for continued conservation management or forest crop production on the tract parcel for at least ten years. During a period of use value appraisal under this subchapter, a conservation or forest management plan for at least ten years, including the 12 month period beginning April 1 of the year for which use value appraisal is sought, signed by the owner, shall be on file with the department in such a manner and in such form as is prescribed by the department. Upon the~~ An initial forest management plan or conservation management plan must be filed with the department of forests, parks and recreation no later than October 1 and shall be effective for a ten-year period beginning the following April 1. Prior to expiration of a ten-year ten-year plan and no later than April 1 of the year in which the plan expires, the owner shall file a new conservation or forest management plan for at least the next succeeding ten years to remain in the program.

* * * Sales and Use Tax Provisions * * *

Sec. 48. 24 V.S.A. § 138(g) is added to read:

(g) If the legislative body of a municipality by a majority vote recommends or by petition of ten percent of the voters of a municipality recommends, the

voters of a municipality may at an annual or special meeting warned for that purpose by a majority vote of those present and voting rescind any or all of the local option taxes assessed under subsection (b) of this section.

Sec. 49. 32 V.S.A. § 9741(48) is amended to read:

(48) Sales of tangible personal property sold by an auctioneer licensed under 26 V.S.A. chapter 89 of Title 26, including any buyer's premium charged by the auctioneer, that are conducted on the premises of the owner of the property, provided that no other person's property is sold on the auction premises and provided that the property was obtained by the owner, through purchase or otherwise, for his or her own use.

Sec. 50. 32 V.S.A. § 9771 is amended to read:

§ 9771. IMPOSITION OF SALES TAX

Except as otherwise provided in this chapter, there is imposed a tax on retail sales in the state. The tax shall be paid at the rate of six percent of the sales price charged for but in no case shall any one transaction be taxed under more than one of the following:

* * *

(8) Specified digital products transferred electronically to an end user regardless of whether for permanent use or less than permanent use and regardless of whether or not conditioned upon continued payment from the purchaser.

Sec. 51. 32 V.S.A. § 9817(a) is amended to read:

(a) Any aggrieved taxpayer may, within 30 days after any decision, order, finding, assessment or action of the commissioner made under this chapter, appeal to the Washington superior court or the superior court of the county in which the taxpayer resides or has a place of business. The appellant shall give security, approved by the commissioner, conditioned to pay the tax levied, if it remains unpaid, with interest and costs, as set forth in subsection (c) of this section.

Sec. 52. TEMPORARY MORATORIUM ON ENFORCEMENT OF SALES TAX ON PREWRITTEN SOFTWARE ACCESSED REMOTELY

Notwithstanding the imposition of sales and use tax on prewritten computer software by 32 V.S.A. chapter 233, the department of taxes shall not assess tax on charges for remotely accessed software made after December 31, 2006 and before July 1, 2013, and taxes paid on such charges shall be refunded upon request if within the statute of limitations and documented to the satisfaction of

the commissioner. "Charges for remotely accessed software" means charges for the right to access and use prewritten software run on underlying infrastructure that is not managed or controlled by the consumer or a related company. Enforcement of the sales and use tax imposed on the purchase of specified digital products pursuant to 32 V.S.A. § 9771(8) is not affected by this section.

Sec. 53. STUDY COMMITTEE ON SALES TAX

(a) Creation of committee. There is created a sales and use tax study committee to examine the sustainability of the sales and use tax in the context of Vermont's changing economy.

(b) The committee shall be composed of seven members. Four members of the committee shall be members of the general assembly. The committee on committees of the senate shall appoint two members of the senate and the speaker of the house shall appoint two members of the house. The chair shall be a legislative member selected by the other members of the committee. Three members of the committee shall be as follows:

(1) the governor shall appoint two members, one representing Vermonters who are consumers subject to the sales and use tax, and one representing businesses who collect the sales tax or who pay the sales and use tax;

(2) the secretary of administration or his or her designee;

(c) Powers and duties.

(1) The committee shall study how to make the Vermont's sales and use tax more sustainable and equitable in light of Vermont's changing economy. Specifically, the committee shall consider:

(A) the taxation of software, platform, and infrastructure as services accessed remotely;

(B) the taxation and sourcing of sales of tangible personal property made via the internet; and

(C) the feasibility of taxing services more broadly than under current law.

(2) For purposes of its study of these issues, the committee shall have the assistance of the office of legislative council, the joint fiscal office, and the department of taxes.

(d) Report. By January 15, 2013 the committee shall report to the senate committee on finance and house committee on ways and means its findings and any recommendations for legislative action.

(e) Reimbursement. For attendance at meetings during adjournment of the general assembly, legislative members of the committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406; and other members of the committee who are not employees of the state of Vermont shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

Sec. 53a. ENHANCING VERMONT'S SOFTWARE AND INFORMATION
TECHNOLOGY ECONOMY

(a) Creation of committee. There is created a committee to examine strategies the state could implement to further enhance the dramatic growth of Vermont's software development and information technology sector.

(b) Membership. The committee shall be composed of seven members. The speaker of the house shall appoint one member of the house. The committee on committees shall appoint one member of the senate. The governor shall appoint one member of his or her choosing. Four members of the committee shall be as follows:

(1) three members representing the Vermont Software Developers Alliance;

(2) the secretary of the agency of commerce and community development or his or her designee;

(c) Powers and duties.

(1) The committee established by this section shall study ways to encourage the continued growth of investment and job creation in the software and information technology sector. The committee shall seek to develop strategies to assist software and new media entrepreneurs to start new businesses in Vermont and to foster growth among established software businesses. The committee shall also review workforce training and education opportunities as they apply to the software and information technology sector. The committee shall review and make recommendations as it sees fit regarding the impact of current state programs and regulations, including existing economic incentives and current taxation policies.

(2) For purposes of its study of these issues, the committee shall have the assistance of the office of legislative council, the joint fiscal office, and the department of taxes.

(d) Report. By January 15, 2013, the committee shall report to the senate committees on finance, and on economic development, housing and general affairs and the house committees on ways and means and on commerce and economic development on its findings and any recommendations for legislative action.

(e) Reimbursement. For attendance at meetings during adjournment of the general assembly, legislative members of the committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406; and other members of the committee who are not employees of the state of Vermont shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

Sec. 54. 32 V.S.A. § 9741(2) is amended to read:

(2) Drugs intended for human use, durable medical equipment, mobility enhancing equipment, and prosthetic devices and supplies, including blood, blood plasma, insulin, and medical oxygen, used in treatment intended to alleviate human suffering or to correct, in whole or in part, human physical disabilities; provided however, that toothbrushes, floss, and similar items of nominal value given by dentists and hygienists to patients during treatment are supplies used in treatment to alleviate human suffering or to correct, in whole or part, human physical disabilities and are exempt under this subdivision.

Sec. 54a. 32 V.S.A. § 9741(14) is amended to read:

(14) Tangible personal property which becomes an ingredient or component part of, or is consumed or destroyed or loses its identity in the manufacture of tangible personal property for sale; machinery and equipment for use or consumption directly and exclusively, except for isolated or occasional uses, in the manufacture of tangible personal property for sale, or in the manufacture of other machinery or equipment, parts, or supplies for use in the manufacturing process; and devices used to monitor manufacturing machinery and equipment or the product during the manufacturing process. Machinery and equipment used in administrative, managerial, sales, or other nonproduction activities, or used prior to the first production operation or subsequent to the initial packaging of a product, shall not be exempt from tax, unless such uses are merely isolated or occasional or unless the machinery used for initial packaging is also used for secondary packaging as part of an integrated process. Machinery and equipment shall not include buildings and structural components thereof. For purposes of this subdivision, it shall be rebuttably presumed that uses are not isolated or occasional if they total more than four percent of the time the machinery or equipment is operated. For the purposes of this subsection, “manufacture” includes extraction of mineral

deposits, the entire printing and ~~book-making~~ bookmaking process, and the entire publication process.

Sec. 55. SALES AND USE TAX REBATES FOR MOBILE HOMES

(a) Notwithstanding the provisions of 32 V.S.A. chapters 231 and 233 and 24 V.S.A. § 138, sales and use tax, local option sales tax, or property transfer tax shall not apply to sales to individuals of mobile homes purchased after April 1, 2011 but before July 1, 2012 to replace a mobile home that was damaged or destroyed as a result of flooding and storm damage that occurred as a result of a federally declared disaster in Vermont in 2011.

(b) Any resident of Vermont who purchased a mobile home that meets the criteria under subsection (a) of this section shall be entitled to a reimbursement in the amount of any sales and use tax, local option sales tax, or property transfer tax paid.

(c) The department of taxes may establish standards and procedures necessary to implement this section. The department of taxes shall reimburse taxpayers that qualify under subsection (a) of this section.

Sec. 56. 16 V.S.A. § 4025(a) is amended to read:

(a) An education fund is established to be comprised of the following:

* * *

(6) ~~One-third~~ Thirty-five percent of the revenues raised from the sales and use tax imposed by 32 V.S.A. chapter 233 ~~of Title 32~~.

* * *

Sec. 56a. 32 V.S.A. § 435(b) is amended to read:

(b) The general fund shall be composed of revenues from the following sources:

* * *

(11) ~~Two-thirds~~ Sixty-five percent of the revenue from sales and use taxes levied pursuant to chapter 233 of this title;

* * *

* * * Electrical Energy Generating Tax Provisions * * *

Sec. 57. REPEAL

32 V.S.A. § 5402a (electric generating plant education property tax) is repealed.

Sec. 58. 32 V.S.A § 8661 is amended to read:

§ 8661. TAX LEVY

(a) There is hereby assessed ~~each year~~ upon electric generating plants constructed in the state subsequent to July 1, 1965, and having a name plate generating capacity of 200,000 kilowatts, or more, a state tax ~~in accordance with the following table:~~ at the rate of \$0.0025 per kWh of electrical energy produced.

~~If megawatt hour production is:~~	~~tax is:~~
~~Less than 2,300,000 megawatt hours~~	~~\$2.0 million~~
~~2,300,000 to 3,800,000 megawatt hours~~	~~\$2.0 million plus \$0.40 per megawatt hour over 2,300,000~~
~~3,800,001 to 4,200,000 megawatt hours~~	~~\$2.6 million~~
~~Over 4,200,000 megawatt hours~~	~~\$2.6 million plus \$0.40 per megawatt hour over 4,200,000~~

~~For purposes of this section, “megawatt hour production” means the average of net production for sale in the three most recent preceding calendar years. The tax imposed by this section shall be paid to the commissioner in equal quarterly installments on the electrical energy generated in the prior quarter on or before the 25th day of the calendar month succeeding the quarter ending on the last day of March, June, September, and December by the person or corporation then owning or operating such electric generating plant.~~

~~(b) If an entity subject to this tax generates no electricity during the tax year due to termination or expiration of a necessary license, or due to permanent cessation of operations, no tax shall be due for that year.~~

~~(c) A person or corporation failing to make returns or pay the tax imposed by this section within the time required shall be subject to and governed by the provisions of sections 3202, 3203, 5868, and 5873~~ 3203 of this title.

* * * Meals and Rooms Tax Provisions * * *

Sec. 59. 32 V.S.A. § 9202(3) is amended to read:

(3) “Hotel” means an establishment which holds itself out to the public by offering sleeping accommodations for a consideration, whether or not the major portion of its operating receipts is derived therefrom and whether or not the sleeping accommodations are offered to the public by the owner or proprietor or lessee, sublessee, mortgagee, licensee, or any other person or the

agent of any of the foregoing. The term includes but is not limited to; inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished-room houses, boarding houses, and private clubs, as well as any building or structure or part thereof to the extent to which any such building or structure or part thereof in fact is held out to the public by offering sleeping accommodations for a consideration. The term shall not include the following:

(A) a hospital, licensed under 18 V.S.A. chapter 43 ~~of Title 18~~, or a ~~sanatorium, convalescent home, nursing home, or a home for the aged~~ residential care home, assisted living residence, home for the terminally ill, therapeutic community residence as defined pursuant to 33 V.S.A. chapter 71, or independent living facility;

* * *

Sec. 60. 32 V.S.A. § 9202(10)(D)(ii) is amended to read:

(D) "Taxable meal" shall not include:

* * *

(ii) Food or beverage, including that described in subdivision (10)(C) of this section:

* * *

(IV) prepared by the employees thereof and served in any hospital licensed under 18 V.S.A. chapter 43 ~~of Title 18, or a sanatorium, convalescent home, nursing home or home for the aged;~~

* * *

(XI) served or furnished on the premises of a continuing care retirement community certified under 8 V.S.A. chapter 151 ~~of Title 8; or~~

(XII) prepared and served by the employees, volunteers, or contractors of any nursing home, residential care home, assisted living residence, home for the terminally ill, therapeutic community residence as defined pursuant to 33 V.S.A. chapter 71, or independent living facility; provided, however, that "contractor" under this subdivision excludes meals provided by a restaurant as defined by subdivision (15) of this section when those meals are not otherwise available generally to residents of the facility;

Sec. 61. 32 V.S.A. § 9202(18) is added to read:

(18) "Independent living facility" means a congregate living environment, however named, for profit or otherwise, that meets the definitions of housing complexes for older persons as enumerated in 9 V.S.A.

§ 4503(b) and (c), or housing programs designed to meet the needs of individuals with a handicap or disability as defined in 9 V.S.A. § 4501(2) and (3).

Sec. 62. 32 V.S.A. § 8557(a) is amended to read:

(a) Sums for the expenses of the operation of training facilities and curriculum of the Vermont fire service training council not to exceed ~~\$800,000.00~~ \$950,000.00 per year shall be paid to the fire safety special fund created by 20 V.S.A. § 3157 by insurance companies, including surplus lines companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the state of Vermont within 30 days after notice from the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation of such estimated expenses. Captive companies shall be excluded from the effect of this section. The commissioner shall annually, on or before July 1, apportion such charges among all such companies and shall assess them for the same on a fair and reasonable basis as a percentage of their gross direct written premiums on such insurance written during the second prior calendar year on property situated in the state. An amount not less than \$100,000.00 shall be specifically allocated to the provision of what are now or formerly referred to as Level I, units I, II, and III (basic) courses for entry level firefighters. An amount not less than \$150,000.00 shall be specifically allocated to the emergency medical services special fund established under 18 V.S.A. § 908 for the provision of training programs for emergency medical technicians, advanced emergency medical technicians, and paramedics. The department of health shall present a plan to the joint fiscal committee which shall review the plan prior to release of any funds.

Sec. 63. EFFECTIVE DATES

This act shall take effect on passage, except:

(1) Secs. 1 (petroleum cleanup fee), 2 (petroleum cleanup fund outreach), 8 (extraordinary relief), 14 (reporting requirements), 21 (affordable housing tax credit), 22 (downtown tax credit for disaster expenses), 23 (limitation on downtown tax credits for fiscal year 2013), 24 (low income property transfer tax exemption), and 54 (dental equipment) of this act shall take effect on July 1, 2012.

(2) Sec. 9 (link to Internal Revenue Code) of this act shall apply to taxable years beginning on and after January 1, 2011, and Sec. 12 (estate tax

link to Internal Revenue Code) of this act shall apply to decedents dying on or after January 1, 2011.

(3) Sec. 16 (increasing minimum tax on certain C corporations) of this act shall apply to taxable years beginning on and after January 1, 2012.

(4) Secs. 10 (netting), 25 (homestead filing), 26 (health savings accounts) 27, 28, and 29 (moving final date for filing renter rebate or property tax adjustment claims), 30 (renter rebate cap), 31a (double counting for claimants under 65) of this act shall take effect on January 1, 2013 and apply to property tax adjustments, renter rebate claims, and homestead declarations for 2013 and after.

(5) Secs. 38 (education base rates) and 39 (education base amount) shall take effect on passage and apply to education property tax rates and the base education amount for fiscal year 2013.

(6) Secs. 41 through 43 (wastewater permits) of this act shall take effect retroactively on July 1, 2011 and apply only to wastewater permits issued after that date.

(7) Sec. 49 (auction sale exemption) of this act shall take effect retroactively on May 24, 2011.

(8) Sec. 54a (secondary packaging) shall take effect retroactively on January 1, 2012.

(9) Secs. 56 and 56a (sales tax allocation) shall take effect on July 1, 2013.

(10) Secs. 57 (repeal) and 58 (electrical generation tax) of this act shall take effect on July 1, 2012 and apply to power generated after that date.

(11) Secs. 59 (rooms tax definitions), 60 (meals tax definitions), and 61 (definition of independent living facility) of this act shall take effect on passage and apply retroactively to July 1, 2012.

COMMITTEE ON THE PART OF THE SENATE COMMITTEE ON THE PART OF THE HOUSE

SEN. ANN E. CUMMINGS

REP. JANET ANCEL

SEN. MARK A. MACDONALD

REP. CAROLYN W. BRANAGAN

SEN. RICHARD A. WESTMAN

REP. JAMES O. CONDON

Which was considered and adopted on the part of the House.

Recess

At seven o'clock and fifty-five minutes in the evening, the Speaker declared a recess until eight o'clock and thirty minutes in the evening.

At eight o'clock and thirty minutes in the evening, the Speaker called the House to order.

Message from the Senate No. 76

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 138. An act relating to calculation of criminal sentences and record keeping for search warrants.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

S. 199

Senate bill, entitled

An act relating to immunization exemptions and the immunization pilot program

J.R.S. 54

Joint resolution, entitled

Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc

Message from the Senate No. 77

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 781. An act relating to making appropriations for the support of government.

And has accepted and adopted the same on its part.

Rules Suspended; Report of Committee of Conference Adopted

H. 781

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to making appropriations for the support of government

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill recommended that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2013 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of state government during fiscal year 2013. It is the express intent of the general assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2012. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2013 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the general assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the general assembly that this act serve as the primary source and reference for appropriations for fiscal year 2013.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during

which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the commissioner of finance and management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending June 30, 2013.

Sec. A.103 DEFINITIONS

(a) For the purposes of this act:

(1) "Encumbrances" means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The commissioner of finance and management shall make final decisions on the appropriateness of encumbrances.

(2) "Grants" means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the state for services or supplies and means cash or other direct assistance, including pension contributions.

(3) "Operating expenses" means property management, repair and maintenance, rental expenses, insurance, postage, travel, energy and utilities, office and other supplies, equipment, including motor vehicles, highway materials, and construction, expenditures for the purchase of land, and construction of new buildings and permanent improvements, and similar items.

(4) "Personal services" means wages and salaries, fringe benefits, per diems, and contracted third party services, and similar items.

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the state appropriations shall control, notwithstanding receipts being greater or less than anticipated.

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2013, the governor, with the approval of the legislature or the joint fiscal committee if the legislature is not in session, may accept federal funds available to the state of Vermont, including block grants in lieu of or in

addition to funds herein designated as federal. The governor, with the approval of the legislature or the joint fiscal committee if the legislature is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2013, federal funds available to the state of Vermont and designated as federal in this and other acts of the 2012 session of the Vermont general assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The governor may spend such funds for such purposes for no more than 45 days prior to legislative or joint fiscal committee approval. Notice shall be given to the joint fiscal committee without delay if the governor intends to use the authority granted by this section, and the joint fiscal committee shall meet in an expedited manner to review the governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized state positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2013 except for new positions authorized by the 2012 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriation of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations and/or government functions. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>

<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community</u>
	<u>Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation</u>
	<u>actions</u>

(b) The C sections contain any amendments to the current fiscal year and the D sections contain fund transfers and reserve allocations for the upcoming budget year.

Sec. B.100 Secretary of administration - secretary's office

Personal services	781,049
Operating expenses	<u>98,019</u>
Total	879,068
Source of funds	
General fund	<u>879,068</u>
Total	879,068

Sec. B.101 Information and innovation - communications and information technology

Personal services	7,277,590
Operating expenses	6,142,373
Grants	<u>900,000</u>
Total	14,319,963
Source of funds	
Internal service funds	14,090,577
Interdepartmental transfers	<u>229,386</u>
Total	14,319,963

Sec. B.102 Finance and management - budget and management

Personal services	1,051,469
Operating expenses	<u>237,448</u>
Total	1,288,917
Source of funds	
General fund	1,055,204
Interdepartmental transfers	<u>233,713</u>
Total	1,288,917

Sec. B.103 Finance and management - financial operations

Personal services	2,530,508
Operating expenses	<u>291,793</u>
Total	2,822,301
Source of funds	
Internal service funds	<u>2,822,301</u>
Total	2,822,301

Sec. B.104 Human resources - operations

Personal services	5,544,850
Operating expenses	<u>635,826</u>
Total	6,180,676
Source of funds	
General fund	1,520,545
Special funds	213,814
Internal service funds	3,443,391
Interdepartmental transfers	<u>1,002,926</u>
Total	6,180,676

Sec. B.105 Human resources - employee benefits & wellness

Personal services	1,038,445
Operating expenses	<u>720,645</u>
Total	1,759,090
Source of funds	
Internal service funds	1,745,417
Interdepartmental transfers	<u>13,673</u>
Total	1,759,090

Sec. B.106 Libraries

Personal services	1,887,486
Operating expenses	1,479,724
Grants	<u>69,118</u>
Total	3,436,328
Source of funds	
General fund	2,391,244
Special funds	126,425
Federal funds	815,264
Interdepartmental transfers	<u>103,395</u>
Total	3,436,328

Sec. B.107 Tax - administration/collection

Personal services	12,420,214
Operating expenses	<u>3,056,262</u>
Total	15,476,476
Source of funds	
General fund	13,973,154
Special funds	1,390,600
Interdepartmental transfers	<u>112,722</u>
Total	15,476,476
Sec. B.108 Buildings and general services - administration	
Personal services	1,647,902
Operating expenses	<u>208,339</u>
Total	1,856,241
Source of funds	
Interdepartmental transfers	<u>1,856,241</u>
Total	1,856,241
Sec. B.109 Buildings and general services - engineering	
Personal services	2,089,763
Operating expenses	<u>343,727</u>
Total	2,433,490
Source of funds	
Interdepartmental transfers	<u>2,433,490</u>
Total	2,433,490
Sec. B.110 Buildings and general services - information centers	
Personal services	3,057,602
Operating expenses	1,164,759
Grants	<u>33,000</u>
Total	4,255,361
Source of funds	
General fund	592,251
Transportation fund	3,638,110
Special funds	<u>25,000</u>
Total	4,255,361
Sec. B.111 Buildings and general services - purchasing	
Personal services	761,351
Operating expenses	<u>134,005</u>
Total	895,356
Source of funds	
General fund	<u>895,356</u>

Total	895,356
Sec. B.112 Buildings and general services - postal services	
Personal services	619,080
Operating expenses	<u>121,154</u>
Total	740,234
Source of funds	
General fund	35,716
Internal service funds	<u>704,518</u>
Total	740,234
Sec. B.113 Buildings and general services - copy center	
Personal services	634,249
Operating expenses	<u>128,012</u>
Total	762,261
Source of funds	
Internal service funds	<u>762,261</u>
Total	762,261
Sec. B.114 Buildings and general services - fleet management services	
Personal services	542,830
Operating expenses	<u>126,436</u>
Total	669,266
Source of funds	
Internal service funds	<u>669,266</u>
Total	669,266
Sec. B.115 Buildings and general services - federal surplus property	
Personal services	72,596
Operating expenses	<u>19,196</u>
Total	91,792
Source of funds	
Enterprise funds	<u>91,792</u>
Total	91,792
Sec. B.116 Buildings and general services - state surplus property	
Personal services	71,437
Operating expenses	<u>96,094</u>
Total	167,531
Source of funds	
Internal service funds	<u>167,531</u>
Total	167,531

Sec. B.117 Buildings and general services - property management

Personal services	1,240,875
Operating expenses	<u>1,099,421</u>
Total	2,340,296
Source of funds	
Internal service funds	<u>2,340,296</u>
Total	2,340,296

Sec. B.118 Buildings and general services - workers' compensation insurance

Personal services	1,226,115
Operating expenses	<u>306,347</u>
Total	1,532,462
Source of funds	
Internal service funds	<u>1,532,462</u>
Total	1,532,462

Sec. B.119 Buildings and general services - general liability insurance

Personal services	275,346
Operating expenses	<u>59,879</u>
Total	335,225
Source of funds	
Internal service funds	<u>335,225</u>
Total	335,225

Sec. B.120 Buildings and general services - all other insurance

Personal services	24,132
Operating expenses	<u>20,823</u>
Total	44,955
Source of funds	
Internal service funds	<u>44,955</u>
Total	44,955

Sec. B.121 Buildings and general services - fee for space

Personal services	11,852,272
Operating expenses	<u>13,747,132</u>
Total	25,599,404
Source of funds	
Internal service funds	<u>25,599,404</u>
Total	25,599,404

Sec. B.122 Geographic information system

Grants	<u>378,700</u>
Total	378,700
Source of funds	
Special funds	<u>378,700</u>
Total	378,700
Sec. B.123 Executive office - governor's office	
Personal services	1,204,827
Operating expenses	<u>404,987</u>
Total	1,609,814
Source of funds	
General fund	1,416,314
Interdepartmental transfers	<u>193,500</u>
Total	1,609,814
Sec. B.124 Legislative council	
Personal services	2,061,578
Operating expenses	<u>214,458</u>
Total	2,276,036
Source of funds	
General fund	<u>2,276,036</u>
Total	2,276,036
Sec. B.125 Legislature	
Personal services	3,585,526
Operating expenses	<u>3,289,626</u>
Total	6,875,152
Source of funds	
General fund	<u>6,875,152</u>
Total	6,875,152
Sec. B.126 Legislative information technology	
Personal services	394,911
Operating expenses	<u>550,361</u>
Total	945,272
Source of funds	
General fund	<u>945,272</u>
Total	945,272
Sec. B.127 Joint fiscal committee	
Personal services	1,277,145
Operating expenses	<u>131,624</u>

Total	1,408,769
Source of funds	
General fund	<u>1,408,769</u>
Total	1,408,769
Sec. B.128 Sergeant at arms	
Personal services	469,253
Operating expenses	<u>68,280</u>
Total	537,533
Source of funds	
General fund	<u>537,533</u>
Total	537,533
Sec. B.129 Lieutenant governor	
Personal services	141,223
Operating expenses	<u>31,849</u>
Total	173,072
Source of funds	
General fund	<u>173,072</u>
Total	173,072
Sec. B.130 Auditor of accounts	
Personal services	3,435,521
Operating expenses	<u>142,405</u>
Total	3,577,926
Source of funds	
General fund	379,580
Special funds	53,099
Internal service funds	<u>3,145,247</u>
Total	3,577,926
Sec. B.131 State treasurer	
Personal services	2,588,617
Operating expenses	347,133
Grants	<u>16,484</u>
Total	2,952,234
Source of funds	
General fund	988,481
Special funds	1,874,673
Interdepartmental transfers	<u>89,080</u>
Total	2,952,234

Sec. B.132 State treasurer - unclaimed property

Personal services	793,619
Operating expenses	<u>238,102</u>
Total	1,031,721
Source of funds	
Private purpose trust funds	<u>1,031,721</u>
Total	1,031,721

Sec. B.133 Vermont state retirement system

Personal services	7,053,372
Operating expenses	<u>30,257,342</u>
Total	37,310,714
Source of funds	
Pension trust funds	<u>37,310,714</u>
Total	37,310,714

Sec. B.134 Municipal employees' retirement system

Personal services	2,271,444
Operating expenses	<u>526,796</u>
Total	2,798,240
Source of funds	
Pension trust funds	<u>2,798,240</u>
Total	2,798,240

Sec. B.135 State labor relations board

Personal services	171,850
Operating expenses	<u>42,114</u>
Total	213,964
Source of funds	
General fund	198,620
Special funds	2,788
Interdepartmental transfers	<u>12,556</u>
Total	213,964

Sec. B.136 VOSHA review board

Personal services	25,760
Operating expenses	<u>20,770</u>
Total	46,530
Source of funds	
General fund	23,265
Interdepartmental transfers	<u>23,265</u>

Total	46,530
Sec. B.137 Homeowner rebate	
Grants	<u>14,545,808</u>
Total	14,545,808
Source of funds	
General fund	<u>14,545,808</u>
Total	14,545,808
Sec. B.138 Renter rebate	
Grants	<u>9,623,000</u>
Total	9,623,000
Source of funds	
General fund	2,886,900
Education fund	<u>6,736,100</u>
Total	9,623,000
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	<u>3,243,196</u>
Total	3,243,196
Source of funds	
Education fund	<u>3,243,196</u>
Total	3,243,196
Sec. B.140 Municipal current use	
Grants	<u>12,640,000</u>
Total	12,640,000
Source of funds	
General fund	<u>12,640,000</u>
Total	12,640,000
Sec. B.141 Lottery commission	
Personal services	1,649,942
Operating expenses	<u>1,387,667</u>
Total	3,037,609
Source of funds	
Enterprise funds	<u>3,037,609</u>
Total	3,037,609
Sec. B.142 Payments in lieu of taxes	
Grants	<u>5,800,000</u>
Total	5,800,000

Source of funds	
Special funds	<u>5,800,000</u>
Total	5,800,000
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	<u>184,000</u>
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000
Sec. B.145 Total general government	
Source of funds	
General fund	66,637,340
Transportation fund	3,638,110
Special funds	10,089,099
Education fund	9,979,296
Federal funds	815,264
Internal service funds	57,402,851
Interdepartmental transfers	6,303,947
Enterprise funds	3,129,401
Pension trust funds	40,108,954
Private purpose trust funds	<u>1,031,721</u>
Total	199,135,983
Sec. B.200 Attorney general	
Personal services	7,518,981
Operating expenses	<u>977,285</u>
Total	8,496,266
Source of funds	
General fund	3,801,997
Special funds	1,278,455
Tobacco fund	459,000
Federal funds	745,364
Interdepartmental transfers	<u>2,211,450</u>

Total	8,496,266
Sec. B.201 Vermont court diversion	
Grants	<u>1,830,866</u>
Total	1,830,866
Source of funds	
General fund	1,310,869
Special funds	<u>519,997</u>
Total	1,830,866
Sec. B.202 Defender general - public defense	
Personal services	8,335,000
Operating expenses	<u>892,734</u>
Total	9,227,734
Source of funds	
General fund	8,714,446
Special funds	<u>513,288</u>
Total	9,227,734
Sec. B.203 Defender general - assigned counsel	
Personal services	3,663,580
Operating expenses	<u>48,909</u>
Total	3,712,489
Source of funds	
General fund	3,587,225
Special funds	<u>125,264</u>
Total	3,712,489
Sec. B.204 Judiciary	
Personal services	28,807,441
Operating expenses	8,192,875
Grants	<u>70,000</u>
Total	37,070,316
Source of funds	
General fund	31,030,271
Special funds	2,967,507
Tobacco fund	39,871
Federal funds	888,205
Interdepartmental transfers	<u>2,144,462</u>
Total	37,070,316
Sec. B.205 State's attorneys	

Personal services	9,365,417
Operating expenses	<u>1,413,992</u>
Total	10,779,409
Source of funds	
General fund	8,382,669
Special funds	16,884
Federal funds	31,000
Interdepartmental transfers	<u>2,348,856</u>
Total	10,779,409
Sec. B.206 Special investigative unit	
Grants	<u>1,252,650</u>
Total	1,252,650
Source of funds	
General fund	1,152,650
Federal funds	<u>100,000</u>
Total	1,252,650
Sec. B.207 Sheriffs	
Personal services	3,339,862
Operating expenses	<u>274,773</u>
Total	3,614,635
Source of funds	
General fund	<u>3,614,635</u>
Total	3,614,635
Sec. B.208 Public safety - administration	
Personal services	1,788,617
Operating expenses	<u>469,509</u>
Total	2,258,126
Source of funds	
General fund	1,706,775
Federal funds	<u>551,351</u>
Total	2,258,126
Sec. B.209 Public safety - state police	
Personal services	44,109,260
Operating expenses	
Grants	<u>6,860,000</u>
Total	58,012,353
Source of funds	
General fund	20,087,245

Transportation fund	25,238,498
Special funds	2,585,518
Federal funds	9,011,627
Interdepartmental transfers	<u>1,089,465</u>
Total	58,012,353
Sec. B.210 Public safety - criminal justice services	
Personal services	7,234,576
Operating expenses	2,496,734
Grants	<u>33,600</u>
Total	9,764,910
Source of funds	
General fund	6,948,145
Special funds	1,685,406
Federal funds	<u>1,131,359</u>
Total	9,764,910
Sec. B.211 Public safety - emergency management	
Personal services	1,324,091
Operating expenses	693,266
Grants	<u>1,515,892</u>
Total	3,533,249
Source of funds	
Federal funds	<u>3,533,249</u>
Total	3,533,249
Sec. B.212 Public safety - fire safety	
Personal services	4,927,464
Operating expenses	1,435,551
Grants	<u>206,000</u>
Total	6,569,015
Source of funds	
General fund	600,735
Special funds	5,591,200
Federal funds	332,080
Interdepartmental transfers	<u>45,000</u>
Total	6,569,015
Sec. B.213 Public safety - homeland security	
Personal services	9,514,027
Operating expenses	222,337
Grants	<u>3,000,000</u>

Total	12,736,364
Source of funds	
General fund	427,007
Federal funds	<u>12,309,357</u>
Total	12,736,364
Sec. B.214 Radiological emergency response plan	
Personal services	662,736
Operating expenses	374,180
Grants	<u>1,284,594</u>
Total	2,321,510
Source of funds	
Special funds	<u>2,321,510</u>
Total	2,321,510
Sec. B.215 Military - administration	
Personal services	472,318
Operating expenses	405,416
Grants	<u>100,000</u>
Total	977,734
Source of funds	
General fund	<u>977,734</u>
Total	977,734
Sec. B.216 Military - air service contract	
Personal services	5,206,919
Operating expenses	<u>1,214,629</u>
Total	6,421,548
Source of funds	
General fund	471,703
Federal funds	<u>5,949,845</u>
Total	6,421,548
Sec. B.217 Military - army service contract	
Personal services	3,762,000
Operating expenses	<u>9,185,720</u>
Total	12,947,720
Source of funds	
General fund	125,876
Federal funds	<u>12,821,844</u>
Total	12,947,720

Sec. B.218 Military - building maintenance

Personal services	938,770
Operating expenses	<u>437,499</u>
Total	1,376,269
Source of funds	
General fund	<u>1,376,269</u>
Total	1,376,269

Sec. B.219 Military - veterans' affairs

Personal services	501,009
Operating expenses	125,246
Grants	<u>205,000</u>
Total	831,255
Source of funds	
General fund	677,808
Special funds	71,041
Federal funds	<u>82,406</u>
Total	831,255

Sec. B.220 Center for crime victims' services

Personal services	1,590,567
Operating expenses	321,278
Grants	<u>9,289,817</u>
Total	11,201,662
Source of funds	
General fund	1,164,892
Special funds	5,996,342
Federal funds	<u>4,040,428</u>
Total	11,201,662

Sec. B.221 Criminal justice training council

Personal services	1,277,366
Operating expenses	<u>1,195,505</u>
Total	2,472,871
Source of funds	
General fund	2,221,393
Interdepartmental transfers	<u>251,478</u>
Total	2,472,871

Sec. B.222 Agriculture, food and markets - administration

Personal services	876,873

Operating expenses	378,386
Grants	<u>388,910</u>
Total	1,644,169
Source of funds	
General fund	1,130,085
Special funds	254,851
Federal funds	160,961
Global Commitment fund	56,272
Interdepartmental transfers	<u>42,000</u>
Total	1,644,169

Sec. B.223 Agriculture, food and markets - food safety and consumer protection

Personal services	2,733,957
Operating expenses	567,250
Grants	<u>2,400,000</u>
Total	5,701,207
Source of funds	
General fund	2,173,755
Special funds	2,912,594
Federal funds	573,852
Global Commitment fund	34,006
Interdepartmental transfers	<u>7,000</u>
Total	5,701,207

Sec. B.224 Agriculture, food and markets - agricultural development

Personal services	1,090,891
Operating expenses	534,548
Grants	<u>1,361,000</u>
Total	2,986,439
Source of funds	
General fund	756,937
Special funds	1,438,908
Federal funds	745,143
Interdepartmental transfers	<u>45,451</u>
Total	2,986,439

Sec. B.225 Agriculture, food and markets - laboratories, agricultural resource management and environmental stewardship

Personal services	3,114,267
Operating expenses	751,280
Grants	<u>933,674</u>

Total	4,799,221
Source of funds	
General fund	1,844,046
Special funds	1,947,242
Federal funds	754,469
Interdepartmental transfers	<u>253,464</u>
Total	4,799,221
Sec. B.226 Financial regulation - administration	
Personal services	1,700,967
Operating expenses	<u>192,064</u>
Total	1,893,031
Source of funds	
Special funds	<u>1,893,031</u>
Total	1,893,031
Sec. B.227 Financial regulation - banking	
Personal services	1,344,820
Operating expenses	<u>252,764</u>
Total	1,597,584
Source of funds	
Special funds	<u>1,597,584</u>
Total	1,597,584
Sec. B.228 Financial regulation - insurance	
Personal services	5,663,896
Operating expenses	<u>446,457</u>
Total	6,110,353
Source of funds	
Special funds	4,101,506
Federal funds	1,268,147
Global Commitment fund	615,700
Interdepartmental transfers	<u>125,000</u>
Total	6,110,353
Sec. B.229 Financial regulation - captive insurance	
Personal services	3,600,947
Operating expenses	<u>429,555</u>
Total	4,030,502
Source of funds	
Special funds	<u>4,030,502</u>
Total	4,030,502

 Sec. B.230 Financial regulation - securities

Personal services	529,156
Operating expenses	<u>153,631</u>
Total	682,787
Source of funds	
Special funds	<u>682,787</u>
Total	682,787

Sec. B.231 Financial regulation - health care administration

Personal services	2,695,600
Operating expenses	<u>102,964</u>
Total	2,798,564
Source of funds	
Special funds	2,029,462
Federal funds	236,136
Global Commitment fund	432,966
Interdepartmental transfers	<u>100,000</u>
Total	2,798,564

Sec. B.232 Secretary of state

Personal services	6,029,934
Operating expenses	1,857,787
Grants	<u>945,114</u>
Total	8,832,835
Source of funds	
General fund	1,518,552
Special funds	5,239,283
Federal funds	2,000,000
Interdepartmental transfers	<u>75,000</u>
Total	8,832,835

Sec. B.233 Public service - regulation and energy

Personal services	9,693,417
Operating expenses	2,041,069
Grants	<u>4,428,959</u>
Total	16,163,445
Source of funds	
Special funds	10,345,714
Federal funds	843,755
ARRA funds	4,909,080
Interdepartmental transfers	27,200

Enterprise funds	<u>37,696</u>
Total	16,163,445
Sec. B.234 Public service board	
Personal services	2,682,650
Operating expenses	<u>392,931</u>
Total	3,075,581
Source of funds	
Special funds	2,823,980
ARRA funds	<u>251,601</u>
Total	3,075,581
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	3,668,108
Operating expenses	509,310
Grants	<u>810,000</u>
Total	4,987,418
Source of funds	
Special funds	<u>4,987,418</u>
Total	4,987,418
Sec. B.236 Human rights commission	
Personal services	408,510
Operating expenses	<u>63,794</u>
Total	472,304
Source of funds	
General fund	391,093
Federal funds	<u>81,211</u>
Total	472,304
Sec. B.237 Liquor control - administration	
Personal services	2,606,023
Operating expenses	<u>519,774</u>
Total	3,125,797
Source of funds	
Tobacco fund	6,661
Enterprise funds	<u>3,119,136</u>
Total	3,125,797
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	1,968,858
Operating expenses	<u>408,275</u>

Total	2,377,133
Source of funds	
Tobacco fund	285,284
Enterprise funds	<u>2,091,849</u>
Total	2,377,133
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	804,429
Operating expenses	<u>362,234</u>
Total	1,166,663
Source of funds	
Enterprise funds	<u>1,166,663</u>
Total	1,166,663
Sec. B.240 Total protection to persons and property	
Source of funds	
General fund	106,194,812
Transportation fund	25,238,498
Special funds	67,957,274
Tobacco fund	790,816
Federal funds	58,191,789
ARRA funds	5,160,681
Global Commitment fund	1,138,944
Interdepartmental transfers	8,765,826
Enterprise funds	<u>6,415,344</u>
Total	279,853,984
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	8,968,380
Operating expenses	3,216,136
Grants	<u>5,235,805</u>
Total	17,420,321
Source of funds	
General fund	5,048,148
Special funds	7,517
Tobacco fund	291,330
Federal funds	9,307,818
Global Commitment fund	415,000
Interdepartmental transfers	<u>2,350,508</u>
Total	17,420,321
Sec. B.301 Secretary's office - global commitment	

Grants	<u>1,170,904,293</u>
Total	1,170,904,293
Source of funds	
General fund	176,116,234
Special funds	19,403,040
Tobacco fund	31,343,693
State health care resources fund	266,423,947
Federal funds	676,929,244
Interdepartmental transfers	<u>688,135</u>
Total	1,170,904,293
Sec. B.302 Rate setting	
Personal services	819,376
Operating expenses	<u>82,162</u>
Total	901,538
Source of funds	
Global Commitment fund	<u>901,538</u>
Total	901,538
Sec. B.303 Developmental disabilities council	
Personal services	235,696
Operating expenses	58,633
Grants	<u>248,388</u>
Total	542,717
Source of funds	
Federal funds	<u>542,717</u>
Total	542,717
Sec. B.304 Human services board	
Personal services	301,131
Operating expenses	<u>47,907</u>
Total	349,038
Source of funds	
General fund	113,997
Federal funds	149,715
Interdepartmental transfers	<u>85,326</u>
Total	349,038
Sec. B.305 AHS - administrative fund	
Personal services	350,000
Operating expenses	<u>4,650,000</u>
Total	5,000,000

Source of funds	
Interdepartmental transfers	<u>5,000,000</u>
Total	5,000,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	104,339,779
Operating expenses	3,063,851
Grants	<u>24,260,263</u>
Total	131,663,893
Source of funds	
General fund	941,059
Special funds	1,552,963
Federal funds	79,787,828
ARRA funds	76,790
Global Commitment fund	45,228,136
Interdepartmental transfers	<u>4,077,117</u>
Total	131,663,893
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Grants	<u>672,639,153</u>
Total	672,639,153
Source of funds	
Global Commitment fund	<u>672,639,153</u>
Total	672,639,153
Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver	
Grants	<u>201,240,298</u>
Total	201,240,298
Source of funds	
General fund	87,683,279
Federal funds	<u>113,557,019</u>
Total	201,240,298
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	<u>29,191,562</u>
Total	29,191,562
Source of funds	
General fund	27,776,633
Global Commitment fund	<u>1,414,929</u>

Total	29,191,562
Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched	
Grants	<u>44,440,781</u>
Total	44,440,781
Source of funds	
General fund	18,573,485
Federal funds	<u>25,867,296</u>
Total	44,440,781
Sec. B.311 Health - administration and support	
Personal services	5,668,858
Operating expenses	1,946,031
Grants	<u>3,370,200</u>
Total	10,985,089
Source of funds	
General fund	1,039,062
Special funds	579,063
Federal funds	5,642,395
ARRA funds	35,000
Global Commitment fund	<u>3,689,569</u>
Total	10,985,089
Sec. B.312 Health - public health	
Personal services	31,255,732
Operating expenses	5,670,400
Grants	<u>33,940,880</u>
Total	70,867,012
Source of funds	
General fund	6,851,240
Special funds	10,345,713
Tobacco fund	1,594,000
Federal funds	34,079,848
ARRA funds	110,000
Global Commitment fund	16,771,971
Interdepartmental transfers	1,104,240
Permanent trust funds	<u>10,000</u>
Total	70,867,012
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	2,791,666

Operating expenses	327,258
Grants	<u>27,804,134</u>
Total	30,923,058
Source of funds	
General fund	3,296,756
Special funds	363,884
Tobacco fund	1,386,234
Federal funds	5,858,397
Global Commitment fund	19,667,787
Interdepartmental transfers	<u>350,000</u>
Total	30,923,058
Sec. B.314 Mental health - mental health	
Personal services	7,560,273
Operating expenses	1,028,785
Grants	<u>165,312,253</u>
Total	173,901,311
Source of funds	
General fund	1,477,732
Special funds	6,836
Federal funds	6,713,296
Global Commitment fund	165,683,447
Interdepartmental transfers	<u>20,000</u>
Total	173,901,311
Sec. B.316 Department for children and families - administration & support services	
Personal services	37,308,143
Operating expenses	6,637,625
Grants	<u>1,506,996</u>
Total	45,452,764
Source of funds	
General fund	15,331,675
Special funds	250,000
Federal funds	14,167,492
Global Commitment fund	15,442,598
Interdepartmental transfers	<u>260,999</u>
Total	45,452,764
Sec. B.317 Department for children and families - family services	
Personal services	23,343,490
Operating expenses	3,251,569

Grants	<u>60,440,303</u>
Total	87,035,362
Source of funds	
General fund	21,282,433
Special funds	1,691,637
Federal funds	26,652,367
Global Commitment fund	37,244,871
Interdepartmental transfers	<u>164,054</u>
Total	87,035,362
Sec. B.318 Department for children and families - child development	
Personal services	3,292,420
Operating expenses	367,946
Grants	<u>61,380,763</u>
Total	65,041,129
Source of funds	
General fund	26,506,976
Special funds	1,820,000
Federal funds	27,902,282
Global Commitment fund	8,805,419
Interdepartmental transfers	<u>6,452</u>
Total	65,041,129
Sec. B.319 Department for children and families - office of child support	
Personal services	8,769,222
Operating expenses	<u>3,990,861</u>
Total	12,760,083
Source of funds	
General fund	2,992,459
Special funds	455,718
Federal funds	8,924,306
Interdepartmental transfers	<u>387,600</u>
Total	12,760,083
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	1,827,113
Grants	<u>11,382,054</u>
Total	13,209,167
Source of funds	
General fund	9,459,167
Global Commitment fund	<u>3,750,000</u>

Total	13,209,167
Sec. B.321 Department for children and families - general assistance	
Grants	<u>6,649,371</u>
Total	6,649,371
Source of funds	
General fund	4,845,580
Federal funds	1,111,320
Global Commitment fund	<u>692,471</u>
Total	6,649,371
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>24,860,290</u>
Total	24,860,290
Source of funds	
Federal funds	<u>24,860,290</u>
Total	24,860,290
Sec. B.323 Department for children and families - reach up	
Grants	<u>47,930,572</u>
Total	47,930,572
Source of funds	
General fund	18,256,509
Special funds	19,916,856
Federal funds	7,882,807
Global Commitment fund	<u>1,874,400</u>
Total	47,930,572
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Personal services	20,000
Operating expenses	90,000
Grants	<u>11,547,664</u>
Total	11,657,664
Source of funds	
Federal funds	<u>11,657,664</u>
Total	11,657,664
Sec. B.325 Department for children and families - office of economic opportunity	
Personal services	268,987
Operating expenses	66,265

Grants	<u>4,976,859</u>
Total	5,312,111
Source of funds	
General fund	1,304,908
Special funds	57,990
Federal funds	3,746,725
Global Commitment fund	<u>202,488</u>
Total	5,312,111
Sec. B.326 Department for children and families - OEO - weatherization assistance	
Personal services	160,534
Operating expenses	130,839
Grants	<u>7,682,112</u>
Total	7,973,485
Source of funds	
Special funds	<u>7,973,485</u>
Total	7,973,485
Sec. B.327 Department for children and families - Woodside rehabilitation center	
Personal services	3,695,668
Operating expenses	<u>575,294</u>
Total	4,270,962
Source of funds	
General fund	791,852
Global Commitment fund	3,424,218
Interdepartmental transfers	<u>54,892</u>
Total	4,270,962
Sec. B.328 Department for children and families - disability determination services	
Personal services	4,506,460
Operating expenses	<u>1,138,408</u>
Total	5,644,868
Source of funds	
Federal funds	5,398,351
Global Commitment fund	<u>246,517</u>
Total	5,644,868
Sec. B.329 Disabilities, aging, and independent living - administration & support	

Personal services	24,854,382
Operating expenses	<u>3,344,406</u>
Total	28,198,788
Source of funds	
General fund	6,808,267
Special funds	1,281,646
Federal funds	11,735,745
Global Commitment fund	5,887,278
Interdepartmental transfers	<u>2,485,852</u>
Total	28,198,788
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>21,051,422</u>
Total	21,051,422
Source of funds	
General fund	8,361,703
Federal funds	7,640,264
Global Commitment fund	4,411,955
Interdepartmental transfers	<u>637,500</u>
Total	21,051,422
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,481,457</u>
Total	1,481,457
Source of funds	
General fund	364,064
Special funds	223,450
Federal funds	648,943
Global Commitment fund	<u>245,000</u>
Total	1,481,457
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>8,795,971</u>
Total	8,795,971
Source of funds	
General fund	1,535,695
Special funds	70,000
Federal funds	4,062,389
Global Commitment fund	7,500

Interdepartmental transfers	<u>3,120,387</u>
Total	8,795,971
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>157,203,376</u>
Total	157,203,376
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	<u>156,672,931</u>
Total	157,203,376
Sec. B.334 Disabilities, aging, and independent living -TBI home and community based waiver	
Grants	<u>4,772,899</u>
Total	4,772,899
Source of funds	
Global Commitment fund	<u>4,772,899</u>
Total	4,772,899
Sec. B.335 Corrections - administration	
Personal services	1,992,190
Operating expenses	<u>226,070</u>
Total	2,218,260
Source of funds	
General fund	<u>2,218,260</u>
Total	2,218,260
Sec. B.336 Corrections - parole board	
Personal services	251,226
Operating expenses	<u>70,819</u>
Total	322,045
Source of funds	
General fund	<u>322,045</u>
Total	322,045
Sec. B.337 Corrections - correctional education	
Personal services	4,072,336
Operating expenses	<u>640,774</u>
Total	4,713,110
Source of funds	

Education fund	4,337,051
Interdepartmental transfers	<u>376,059</u>
Total	4,713,110
Sec. B.338 Corrections - correctional services	
Personal services	98,971,228
Operating expenses	17,406,483
Grants	<u>7,445,709</u>
Total	123,823,420
Source of funds	
General fund	118,338,441
Special funds	483,963
Federal funds	470,962
Global Commitment fund	4,133,739
Interdepartmental transfers	<u>396,315</u>
Total	123,823,420
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>10,149,922</u>
Total	10,149,922
Source of funds	
General fund	<u>10,149,922</u>
Total	10,149,922
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	447,238
Operating expenses	<u>345,501</u>
Total	792,739
Source of funds	
Special funds	<u>792,739</u>
Total	792,739
Sec. B.341 Corrections - Vermont offender work program	
Personal services	912,386
Operating expenses	<u>548,231</u>
Total	1,460,617
Source of funds	
Internal service funds	<u>1,460,617</u>
Total	1,460,617
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	15,077,958

Operating expenses	<u>4,024,056</u>
Total	19,102,014
Source of funds	
Special funds	10,606,072
Federal funds	7,084,986
Global Commitment fund	<u>1,410,956</u>
Total	19,102,014
Sec. B.343 Commission on women	
Personal services	253,203
Operating expenses	<u>63,368</u>
Total	316,571
Source of funds	
General fund	311,571
Special funds	<u>5,000</u>
Total	316,571
Sec. B.344 Retired senior volunteer program	
Grants	<u>131,096</u>
Total	131,096
Source of funds	
General fund	<u>131,096</u>
Total	131,096
Sec. B.345 Green Mountain Care Board	
Personal services	2,199,217
Operating expenses	<u>276,798</u>
Total	2,476,015
Source of funds	
General fund	467,038
Special funds	392,351
Global Commitment fund	1,477,740
Interdepartmental transfers	<u>138,886</u>
Total	2,476,015
Sec. B.346 Total human services	
Source of funds	
General fund	578,852,411
Special funds	78,295,386
Tobacco fund	34,615,257
State health care resources fund	266,423,947

Education fund	4,337,051
Federal funds	1,122,742,323
ARRA funds	221,790
Global Commitment fund	1,177,114,510
Internal service funds	1,460,617
Interdepartmental transfers	21,704,322
Permanent trust funds	<u>10,000</u>
Total	3,285,777,614
Sec. B.401 Labor - programs	
Personal services	24,050,596
Operating expenses	5,544,657
Grants	<u>1,873,000</u>
Total	31,468,253
Source of funds	
General fund	2,894,425
Special funds	3,363,869
Federal funds	23,751,533
Interdepartmental transfers	<u>1,458,426</u>
Total	31,468,253
Sec. B.402 Total labor	
Source of funds	
General fund	2,894,425
Special funds	3,363,869
Federal funds	23,751,533
Interdepartmental transfers	<u>1,458,426</u>
Total	31,468,253
Sec. B.500 Education - finance and administration	
Personal services	5,276,764
Operating expenses	1,864,917
Grants	<u>12,333,500</u>
Total	19,475,181
Source of funds	
General fund	2,905,528
Special funds	13,204,648
Education fund	795,372
Federal funds	1,732,359
Global Commitment fund	829,274
Interdepartmental transfers	<u>8,000</u>
Total	19,475,181

Sec. B.501 Education - education services

Personal services	12,258,423
Operating expenses	1,596,567
Grants	<u>124,528,547</u>
Total	138,383,537
Source of funds	
General fund	5,715,014
Special funds	2,532,427
Federal funds	<u>130,136,096</u>
Total	138,383,537

Sec. B.502 Education - special education: formula grants

Grants	<u>155,177,546</u>
Total	155,177,546
Source of funds	
Education fund	154,947,546
Global Commitment fund	<u>230,000</u>
Total	155,177,546

Sec. B.503 Education - state-placed students

Grants	<u>15,500,000</u>
Total	15,500,000
Source of funds	
Education fund	<u>15,500,000</u>
Total	15,500,000

Sec. B.504 Education - adult education and literacy

Grants	<u>7,463,656</u>
Total	7,463,656
Source of funds	
General fund	787,995
Education fund	5,800,000
Federal funds	<u>875,661</u>
Total	7,463,656

Sec. B.505 Education - adjusted education payment

Grants	<u>1,160,482,149</u>
Total	1,160,482,149
Source of funds	
Education fund	<u>1,160,482,149</u>
Total	1,160,482,149

Sec. B.506 Education - transportation

Grants	<u>16,366,435</u>
Total	16,366,435
Source of funds	
Education fund	<u>16,366,435</u>
Total	16,366,435

Sec. B.507 Education - small school grants

Grants	<u>7,585,338</u>
Total	7,585,338
Source of funds	
Education fund	<u>7,585,338</u>
Total	7,585,338

Sec. B.508 Education - capital debt service aid

Grants	<u>84,801</u>
Total	84,801
Source of funds	
Education fund	<u>84,801</u>
Total	84,801

Sec. B.509 Education - tobacco litigation

Personal services	140,405
Operating expenses	47,015
Grants	<u>804,511</u>
Total	991,931
Source of funds	
Tobacco fund	<u>991,931</u>
Total	991,931

Sec. B.510 Education - essential early education grant

Grants	<u>5,966,869</u>
Total	5,966,869
Source of funds	
Education fund	<u>5,966,869</u>
Total	5,966,869

Sec. B.511 Education - technical education

Grants	<u>13,018,754</u>
Total	13,018,754
Source of funds	

Education fund	<u>13,018,754</u>
Total	13,018,754
Sec. B.512 Education - Act 117 cost containment	
Personal services	1,093,827
Operating expenses	130,269
Grants	<u>91,000</u>
Total	1,315,096
Source of funds	
Special funds	<u>1,315,096</u>
Total	1,315,096
Sec. B.513 Appropriation and transfer to education fund	
Grants	<u>282,317,280</u>
Total	282,317,280
Source of funds	
General fund	<u>282,317,280</u>
Total	282,317,280
Sec. B.514 State teachers' retirement system	
Personal services	7,974,488
Operating expenses	25,138,141
Grants	<u>63,613,130</u>
Total	96,725,759
Source of funds	
General fund	63,613,130
Pension trust funds	<u>33,112,629</u>
Total	96,725,759
Sec. B.515 Total general education	
Source of funds	
General fund	355,338,947
Special funds	17,052,171
Tobacco fund	991,931
Education fund	1,380,547,264
Federal funds	132,744,116
Global Commitment fund	1,059,274
Interdepartmental transfers	8,000
Pension trust funds	<u>33,112,629</u>
Total	1,920,854,332
Sec. B.600 University of Vermont	

Grants	<u>40,746,633</u>
Total	40,746,633
Source of funds	
General fund	36,740,477
Global Commitment fund	<u>4,006,156</u>
Total	40,746,633
Sec. B.601 Vermont Public Television	
Grants	<u>547,683</u>
Total	547,683
Source of funds	
General fund	<u>547,683</u>
Total	547,683
Sec. B.602 Vermont state colleges	
Grants	<u>23,107,247</u>
Total	23,107,247
Source of funds	
General fund	<u>23,107,247</u>
Total	23,107,247
Sec. B.603 Vermont state colleges - allied health	
Grants	<u>1,116,503</u>
Total	1,116,503
Source of funds	
General fund	711,096
Global Commitment fund	<u>405,407</u>
Total	1,116,503
Sec. B.604 Vermont interactive technology	
Grants	<u>785,679</u>
Total	785,679
Source of funds	
General fund	<u>785,679</u>
Total	785,679
Sec. B.605 Vermont student assistance corporation	
Grants	<u>18,363,607</u>
Total	18,363,607
Source of funds	
General fund	<u>18,363,607</u>
Total	18,363,607

 Sec. B.606 New England higher education compact

Grants	<u>84,000</u>
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000

Sec. B.607 University of Vermont - Morgan Horse Farm

Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1

Sec. B.608 Total higher education

Source of funds	
General fund	80,339,790
Global Commitment fund	<u>4,411,563</u>
Total	84,751,353

Sec. B.700 Natural resources - agency of natural resources - administration

Personal services	2,750,386
Operating expenses	834,016
Grants	<u>45,510</u>
Total	3,629,912
Source of funds	
General fund	3,423,982
Special funds	54,484
Federal funds	25,000
Interdepartmental transfers	<u>126,446</u>
Total	3,629,912

Sec. B.701 Natural resources - state land local property tax assessment

Operating expenses	<u>2,128,733</u>
Total	2,128,733
Source of funds	
General fund	1,707,233
Interdepartmental transfers	<u>421,500</u>
Total	2,128,733

Sec. B.702 Fish and wildlife - support and field services

Personal services	13,553,595
Operating expenses	5,095,830
Grants	<u>731,517</u>
Total	19,380,942
Source of funds	
General fund	2,301,129
Special funds	20,000
Fish and wildlife fund	16,877,322
Interdepartmental transfers	<u>182,491</u>
Total	19,380,942
Sec. B.703 Forests, parks and recreation - administration	
Personal services	975,288
Operating expenses	593,461
Grants	<u>1,815,492</u>
Total	3,384,241
Source of funds	
General fund	1,113,363
Special funds	1,307,878
Federal funds	<u>963,000</u>
Total	3,384,241
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	4,550,319
Operating expenses	562,277
Grants	<u>501,000</u>
Total	5,613,596
Source of funds	
General fund	3,096,073
Special funds	975,069
Federal funds	1,412,454
Interdepartmental transfers	<u>130,000</u>
Total	5,613,596
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	5,781,254
Operating expenses	<u>2,165,473</u>
Total	7,946,727
Source of funds	
General fund	333,431
Special funds	<u>7,613,296</u>
Total	7,946,727

Sec. B.706 Forests, parks and recreation - lands administration

Personal services	450,740
Operating expenses	<u>1,208,771</u>
Total	1,659,511
Source of funds	
General fund	385,306
Special funds	179,205
Federal funds	1,050,000
Interdepartmental transfers	<u>45,000</u>
Total	1,659,511

Sec. B.707 Forests, parks and recreation - youth conservation corps

Grants	<u>574,702</u>
Total	574,702
Source of funds	
General fund	42,320
Special funds	188,382
Federal funds	94,000
Interdepartmental transfers	<u>250,000</u>
Total	574,702

Sec. B.708 Forests, parks and recreation - forest highway maintenance

Personal services	20,000
Operating expenses	<u>159,925</u>
Total	179,925
Source of funds	
General fund	<u>179,925</u>
Total	179,925

Sec. B.709 Environmental conservation - management and support services

Personal services	4,163,151
Operating expenses	884,656
Grants	<u>137,426</u>
Total	5,185,233
Source of funds	
General fund	1,104,692
Special funds	1,960,991
Federal funds	1,633,669
Interdepartmental transfers	<u>485,881</u>
Total	5,185,233

Sec. B.710 Environmental conservation - air and waste management

Personal services	9,671,663
Operating expenses	6,666,655
Grants	<u>2,419,500</u>
Total	18,757,818
Source of funds	
General fund	646,287
Special funds	14,493,478
Federal funds	3,313,053
Interdepartmental transfers	<u>305,000</u>
Total	18,757,818
Sec. B.711 Environmental conservation - office of water programs	
Personal services	13,686,115
Operating expenses	1,786,364
Grants	<u>2,637,546</u>
Total	18,110,025
Source of funds	
General fund	5,361,698
Special funds	5,565,217
Federal funds	6,518,985
Interdepartmental transfers	<u>664,125</u>
Total	18,110,025
Sec. B.712 Environmental conservation - tax-loss-Connecticut river flood control	
Operating expenses	<u>34,700</u>
Total	34,700
Source of funds	
General fund	3,470
Special funds	<u>31,230</u>
Total	34,700
Sec. B.713 Natural resources board	
Personal services	2,365,799
Operating expenses	<u>351,832</u>
Total	2,717,631
Source of funds	
General fund	751,745
Special funds	<u>1,965,886</u>
Total	2,717,631
Sec. B.714 Total natural resources	

Source of funds	
General fund	20,450,654
Special funds	34,355,116
Fish and wildlife fund	16,877,322
Federal funds	15,010,161
Interdepartmental transfers	<u>2,610,443</u>
Total	89,303,696
Sec. B.800 Commerce and community development - agency of commerce and community development - administration	
Personal services	1,952,092
Operating expenses	602,833
Grants	<u>1,404,570</u>
Total	3,959,495
Source of funds	
General fund	2,834,495
Federal funds	1,100,000
Interdepartmental transfers	<u>25,000</u>
Total	3,959,495
Sec. B.801 Economic, housing, and community development	
Personal services	7,994,679
Operating expenses	1,480,643
Grants	<u>6,994,833</u>
Total	16,470,155
Source of funds	
General fund	6,046,558
Special funds	3,971,206
Federal funds	6,422,391
Interdepartmental transfers	<u>30,000</u>
Total	16,470,155
Sec. B.802 Historic sites - special improvements	
Operating expenses	<u>13,000</u>
Total	13,000
Source of funds	
Special funds	<u>13,000</u>
Total	13,000
Sec. B.803 Community development block grants	
Grants	<u>11,210,494</u>
Total	11,210,494

Source of funds	
Federal funds	<u>11,210,494</u>
Total	11,210,494
Sec. B.804 Downtown transportation and capital improvement fund	
Personal services	79,041
Grants	<u>304,925</u>
Total	383,966
Source of funds	
Special funds	<u>383,966</u>
Total	383,966
Sec. B.805 Tourism and marketing	
Personal services	1,194,596
Operating expenses	1,657,545
Grants	<u>143,500</u>
Total	2,995,641
Source of funds	
General fund	<u>2,995,641</u>
Total	2,995,641
Sec. B.806 Vermont life	
Personal services	720,000
Operating expenses	<u>53,053</u>
Total	773,053
Source of funds	
Enterprise funds	<u>773,053</u>
Total	773,053
Sec. B.807 Vermont council on the arts	
Grants	<u>507,607</u>
Total	507,607
Source of funds	
General fund	<u>507,607</u>
Total	507,607
Sec. B.808 Vermont symphony orchestra	
Grants	<u>113,821</u>
Total	113,821
Source of funds	
General fund	<u>113,821</u>
Total	113,821

Sec. B.809 Vermont historical society

Grants	<u>807,694</u>
Total	807,694
Source of funds	
General fund	<u>807,694</u>
Total	807,694

Sec. B.810 Vermont housing and conservation board

Grants	<u>28,407,233</u>
Total	28,407,233
Source of funds	
Special funds	13,993,588
Federal funds	<u>14,413,645</u>
Total	28,407,233

Sec. B.811 Vermont humanities council

Grants	<u>172,670</u>
Total	172,670
Source of funds	
General fund	<u>172,670</u>
Total	172,670

Sec. B.812 Total commerce and community development

Source of funds	
General fund	13,478,486
Special funds	18,361,760
Federal funds	33,146,530
Interdepartmental transfers	55,000
Enterprise funds	<u>773,053</u>
Total	65,814,829

Sec. B.900 Transportation - finance and administration

Personal services	9,524,960
Operating expenses	1,931,538
Grants	<u>310,000</u>
Total	11,766,498
Source of funds	
Transportation fund	10,882,996
Federal funds	<u>883,502</u>
Total	11,766,498

Sec. B.901 Transportation - aviation

Personal services	1,724,402
Operating expenses	4,079,395
Grants	<u>376,500</u>
Total	6,180,297
Source of funds	
Transportation fund	2,983,547
Federal funds	<u>3,196,750</u>
Total	6,180,297
Sec. B.902 Transportation - buildings	
Operating expenses	<u>2,661,000</u>
Total	2,661,000
Source of funds	
Transportation fund	1,556,000
TIB fund	<u>1,105,000</u>
Total	2,661,000
Sec. B.903 Transportation - program development	
Personal services	36,309,069
Operating expenses	247,244,191
Grants	<u>37,369,326</u>
Total	320,922,586
Source of funds	
Transportation fund	32,466,313
TIB fund	16,673,911
Federal funds	257,640,181
Interdepartmental transfers	3,770,000
Local match	1,372,181
TIB proceeds fund	<u>9,000,000</u>
Total	320,922,586
Sec. B.904 Transportation - rest areas construction	
Personal services	170,000
Operating expenses	<u>5,973,000</u>
Total	6,143,000
Source of funds	
Transportation fund	116,628
TIB fund	1,041,168
Federal funds	<u>4,985,204</u>
Total	6,143,000
Sec. B.905 Transportation - maintenance state system	

Personal services	34,893,490
Operating expenses	34,458,501
Grants	<u>50,000</u>
Total	69,401,991
Source of funds	
Transportation fund	68,615,000
Federal funds	686,991
Interdepartmental transfers	<u>100,000</u>
Total	69,401,991
Sec. B.906 Transportation - policy and planning	
Personal services	3,823,747
Operating expenses	1,289,488
Grants	<u>4,985,709</u>
Total	10,098,944
Source of funds	
Transportation fund	1,878,444
Federal funds	7,773,303
Interdepartmental transfers	<u>447,197</u>
Total	10,098,944
Sec. B.907 Transportation - rail	
Personal services	3,695,897
Operating expenses	<u>23,648,091</u>
Total	27,343,988
Source of funds	
Transportation fund	9,508,058
TIB fund	1,509,000
Federal funds	10,024,977
ARRA funds	<u>6,301,953</u>
Total	27,343,988
Sec. B.908 Transportation - public transit	
Personal services	724,629
Operating expenses	168,280
Grants	<u>24,745,887</u>
Total	25,638,796
Source of funds	
Transportation fund	7,482,900
Federal funds	<u>18,155,896</u>
Total	25,638,796

Sec. B.909 Transportation - central garage

Personal services	3,729,034
Operating expenses	<u>14,924,210</u>
Total	18,653,244
Source of funds	
Internal service funds	<u>18,653,244</u>
Total	18,653,244

Sec. B.910 Department of motor vehicles

Personal services	16,717,817
Operating expenses	8,960,544
Grants	<u>50,000</u>
Total	25,728,361
Source of funds	
Transportation fund	22,630,649
Federal funds	<u>3,097,712</u>
Total	25,728,361

Sec. B.911 Transportation - town highway structures

Grants	<u>6,333,500</u>
Total	6,333,500
Source of funds	
Transportation fund	<u>6,333,500</u>
Total	6,333,500

Sec. B.912 Transportation - town highway Vermont local roads

Grants	<u>400,000</u>
Total	400,000
Source of funds	
Transportation fund	235,000
Federal funds	<u>165,000</u>
Total	400,000

Sec. B.913 Transportation - town highway class 2 roadway

Grants	<u>7,248,750</u>
Total	7,248,750
Source of funds	
Transportation fund	<u>7,248,750</u>
Total	7,248,750

Sec. B.914 Transportation - town highway bridges

Personal services	4,200,000
Operating expenses	<u>16,646,405</u>
Total	20,846,405
Source of funds	
Transportation fund	624,804
TIB fund	962,303
Federal funds	16,712,123
Local match	1,547,175
TIB proceeds fund	<u>1,000,000</u>
Total	20,846,405
Sec. B.915 Transportation - town highway aid program	
Grants	<u>25,982,744</u>
Total	25,982,744
Source of funds	
Transportation fund	<u>25,982,744</u>
Total	25,982,744
Sec. B.916 Transportation - town highway class 1 supplemental grants	
Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750
Sec. B.917 Transportation - town highway: state aid for nonfederal disasters	
Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000
Sec. B.917.1 Transportation - town highway: state aid for federal disasters	
Grants	<u>3,600,000</u>
Total	3,600,000
Source of funds	
Transportation fund	400,000
Federal funds	<u>3,200,000</u>
Total	3,600,000
Sec. B.918 Transportation - municipal mitigation grant program	
Grants	<u>1,262,998</u>

Total	1,262,998
Source of funds	
Transportation fund	247,998
Federal funds	<u>1,015,000</u>
Total	1,262,998
Sec. B.919 Transportation - public assistance grant program	
Grants	<u>66,500,000</u>
Total	66,500,000
Source of funds	
Special funds	3,500,000
Federal funds	<u>63,000,000</u>
Total	66,500,000
Sec. B.920 Transportation board	
Personal services	70,496
Operating expenses	<u>12,504</u>
Total	83,000
Source of funds	
Transportation fund	<u>83,000</u>
Total	83,000
Sec. B.921 Total transportation	
Source of funds	
Transportation fund	200,555,081
TIB fund	21,291,382
Special funds	3,500,000
Federal funds	390,536,639
ARRA funds	6,301,953
Internal service funds	18,653,244
Interdepartmental transfers	4,317,197
Local match	2,919,356
TIB proceeds fund	<u>10,000,000</u>
Total	658,074,852
Sec. B.1000 Debt service	
Operating expenses	<u>72,111,263</u>
Total	72,111,263
Source of funds	
General fund	63,667,340
General obligation bonds debt service fund	2,321,565
Transportation fund	2,482,442

TIB debt service fund	1,758,486
Special funds	628,150
ARRA funds	<u>1,253,280</u>
Total	72,111,263

Sec. B.1001 Total debt service

Source of funds	
General fund	63,667,340
General obligation bonds debt service fund	2,321,565
Transportation fund	2,482,442
TIB debt service fund	1,758,486
Special funds	628,150
ARRA funds	<u>1,253,280</u>
Total	72,111,263

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2013, \$4,793,000 is appropriated or transferred from the next generation initiative fund created in 16 V.S.A. § 2887 as prescribed below:

(1) Workforce development. The amount of \$1,863,400 as follows:

(A) Workforce Education and Training Fund (WETF). The amount of \$1,303,400 is transferred to the Vermont workforce education and training fund created in 10 V.S.A. § 543 and subsequently appropriated to the department of labor for workforce development. Up to seven percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for the Vermont career internship program pursuant to 10 V.S.A. § 544.

(B) Adult Technical Education Programs. The amount of \$360,000 is appropriated to the department of labor working with the workforce development council. This appropriation is for the purpose of awarding grants to regional technical centers and comprehensive high schools to provide adult technical education, as that term is defined in 16 V.S.A. § 1522, to unemployed and underemployed Vermont adults.

(C) The amount of \$200,000 is appropriated to the agency of commerce and community development to issue performance grants to the University of Vermont and the Vermont center for emerging technologies for patent development and commercialization of technology and to enhance the development of high technology businesses and next generation employment opportunities throughout Vermont.

(2) Loan repayment. The amount of \$330,000 as follows:

(A) Health care loan repayment. The amount of \$300,000 is appropriated to the agency of human services – Global Commitment for the department of health to use for health care loan repayment. The department shall use these funds for a grant to the area health education centers (AHEC) for repayment of commercial or governmental loans for postsecondary health-care-related education or training owed by persons living and working in Vermont in the health care field.

(B) Large animal veterinarians' loan forgiveness. The amount of \$30,000 is appropriated to the agency of agriculture, food and markets for a loan forgiveness program for large animal veterinarians pursuant to 6 V.S.A. § 20.

(3) Scholarships and grants. The amount of \$2,544,500 as follows:

(A) Nondegree VSAC grants. The amount of \$494,500 is appropriated to the Vermont Student Assistance Corporation. These funds shall be for the purpose of providing nondegree grants to Vermonters to improve job skills and increase overall employability, enabling them to enroll in a postsecondary education or training program, including adult technical education that is not part of a degree or accredited certificate program. A portion of these funds shall be used for grants for indirect educational expenses to students enrolled in training programs. The grants shall not exceed \$3,000 per student. None of these funds shall be used for administrative overhead.

(B) National Guard Educational Assistance. The amount of \$150,000 is appropriated to Military – administration to be transferred to the Vermont Student Assistance Corporation for the national guard educational assistance program established in 16 V.S.A. § 2856.

(C) Scholarships. The amount of \$1,500,000 is appropriated to the University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation for need-based scholarships to Vermont residents. These funds shall be divided equally among the University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall reserve these funds for students attending institutions other than the University of Vermont or the Vermont State Colleges. None of these funds shall be used for administrative overhead. Each entity will target these funds in a manner that brings to bear the maximum benefits of its unique missions and constituencies to further the workforce and economic development objectives of the state, participation in postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. By July 1, 2012, each entity will

present a plan to the workforce development council (WDC) for deploying the scholarships along with proposed measurable short- and long-term outcomes. This will form the basis for a recommendation for funding in fiscal year 2014.

(D) Dual enrollment programs. The amount of \$400,000 is appropriated to the Vermont State Colleges for dual enrollment programs. The state colleges shall develop a voucher program that will allow Vermont students to attend programs at a postsecondary institution other than the state college system when programs at the other institutions are better academically or geographically suited to student need.

(4) Science Technology Engineering and Math (STEM) Incentive. The amount of \$55,100 is appropriated to the agency of commerce and community development for an incentive payment pursuant to Sec. 6 of No. 52 of the Acts of 2011.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR FISCAL YEAR 2014 NEXT GENERATION FUND DISTRIBUTION

(a) The department of labor, in coordination with the agency of commerce and community development, the agency of human services, and the department of education, and in consultation with the workforce development council, shall recommend to the governor no later than November 1, 2012 how \$4,793,000 from the next generation fund should be allocated or appropriated in fiscal year 2014 to provide maximum benefit to workforce development, participation in postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The department of labor shall actively and publically promote the availability of these funds to eligible entities that have not previously been funded.

Sec. B.1101 ONE-TIME ELECTIONS EXPENSE APPROPRIATION

(a) In fiscal year 2013, there is appropriated to the secretary of state for 2012 primary and general elections:

<u>General fund</u>	<u>\$135,000</u>
<u>Special fund</u>	<u>\$375,000</u>

Sec. B.1102 ONE-TIME UNEMPLOYMENT INSURANCE INTEREST

(a) The amount of \$1,888,385 in general funds is appropriated in fiscal year 2013 to the department of labor for unemployment insurance interest payments to the federal government.

Sec. B.1103 ONE-TIME SERGEANT AT ARMS SECURITY APPROPRIATION

(a) The amount of \$20,000 in general funds is appropriated in fiscal year 2013 to the sergeant at arms for use in the event that unforeseen security is needed in the state house. Any unused portion shall carry forward for use in subsequent years until expended.

Sec. B.1104 ONE-TIME LEGAL AID HOMEOWNER ASSISTANCE APPROPRIATION

(a) The amount of \$200,000 in general funds is appropriated in fiscal year 2013 to the department of financial regulation – banking to be used to provide a grant to Vermont Legal Aid to fund legal services for homeowners facing foreclosure.

Sec. B.1105 [DELETED]

Sec. B.1106 ONE-TIME WORKING LANDSCAPE APPROPRIATION

(a) The amount of \$1,175,000 in general funds is appropriated in fiscal year 2013 to the agency of agriculture, food and markets for direct grants and investments in food and forest systems pursuant to 6 V.S.A. § 4607, including grants that enable farmers' markets to accept electronic benefit transfer funds and \$175,000 of this amount is to fund two (2) limited service working landscape staff positions in the agency.

Sec. B.1107 ONE-TIME MOBILE HOME AFFORDABILITY AND TECHNICAL ASSISTANCE

(a) The amount of \$450,000 in general funds is appropriated in fiscal year 2013 to the department of economic, housing and community development for purposes described in Sec. 12 of S.99 of the 2012 legislative session.

Sec. B.1200 FISCAL YEAR 2013 PAY ACT APPROPRIATIONS

(a) Executive Branch. The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the defender general, nonmanagement, supervisory, and corrections bargaining units for the period of July 1, 2012 through June 30, 2014; the collective bargaining agreement with the Vermont Troopers' Association for the period of July 1, 2012 through June 30, 2013; and salary increases for employees in the executive branch not covered by the bargaining agreement shall be funded in fiscal year 2013 as follows:

(1) Fiscal Year 2013.

(A) General Fund. The amount of \$11,729,056 is appropriated from the general fund to the secretary of administration for distribution to

departments to fund the collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$3,400,000 is appropriated from the transportation fund to the secretary of administration for distribution to the agency of transportation, the transportation board, and the department of public safety to fund collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund collective bargaining agreements and the requirements of this act. The estimated amounts are \$16,236,181 from special fund, federal, and other sources.

(D) With due regard to the possible availability of other funds, for fiscal year 2013, the secretary of administration may transfer from the various appropriations and various funds and from the receipts of the liquor control board such sums as the secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by state funds.

(E) The appropriations authorized by this subsection shall include sufficient funding to ensure the administration of exempt pay plans authorized under 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The chief justice of the Vermont supreme court may extend the provisions of the judiciary's collective bargaining agreement to judiciary employees who are not covered by the bargaining agreement.

(2) The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2012 through June 30, 2014 and salary increases for employees not covered by the bargaining agreement shall be funded in fiscal year 2013 as follows:

(A) Fiscal Year 2013: General Fund. The amount of \$1,720,000 is appropriated from the general fund to the judiciary to fund the collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2012 through June 30, 2013, the legislature shall be funded as follows:

(1) Fiscal Year 2013: The amount of \$285,000 is appropriated from the general fund to the legislature.

Sec. BB.1200 FISCAL YEAR 2014 PAY ACT APPROPRIATIONS

(a) Executive Branch. The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the defender general, nonmanagement, supervisory, and corrections bargaining units for the period of July 1, 2012 through June 30, 2014; and salary increases for employees in the executive branch not covered by the bargaining agreement shall be funded in fiscal year 2014 as follows:

(1) Fiscal Year 2014.

(A) General Fund. The amount of \$7,171,193 is appropriated from the general fund to the secretary of administration for distribution to departments to fund the collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$2,200,000 is appropriated from the transportation fund to the secretary of administration for distribution to the agency of transportation, the transportation board, and the department of public safety to fund the collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the collective bargaining agreements and the requirements of this act. The estimated amounts are \$11,591,844 from special fund, federal, and other sources.

(D) With due regard to the possible availability of other funds, for fiscal year 2014, the secretary of administration may transfer from the various appropriations and various funds and from the receipts of the liquor control board such sums as the secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by state funds.

(E) The appropriations authorized by this subsection shall include sufficient funding to ensure the administration of exempt pay plans authorized under 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The chief justice of the Vermont supreme court may extend the provisions of the judiciary's collective bargaining agreement to judiciary employees who are not covered by the bargaining agreement.

(2) The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2012 through June 30, 2014 and salary increases for

employees not covered by the bargaining agreement shall be funded in fiscal year 2014 as follows:

(A) Fiscal Year 2014: General Fund. The amount of \$893,972 is appropriated from the general fund to the judiciary to fund the collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2013 through June 30, 2014, the legislature shall be funded as follows:

(1) Fiscal Year 2014. The amount of \$180,000 is appropriated from the general fund to the legislature.

Sec. C.100 Sec. B.306 of No. 63 of the Acts of 2011, as amended by Sec. 16 of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	~~86,056,056~~	81,496,056
Operating expenses	~~(1,759,604)~~	2,800,396
Grants	<u>7,604,073</u>	<u>7,604,073</u>
Total	91,900,525	91,900,525
Source of funds		
General fund	489,014	489,014
Special funds	1,579,123	1,579,123
Federal funds	39,064,279	39,064,279
ARRA funds	2,505,044	2,505,044
Global Commitment fund	44,185,948	44,185,948
Interdepartmental transfers	<u>4,077,117</u>	<u>4,077,117</u>
Total	91,900,525	91,900,525

Sec. C.101 Sec. B.307 of No. 63 of the Acts of 2011, as amended by Sec. 17 of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Grants	~~638,970,335~~	<u>631,851,208</u>
Total	~~638,970,335~~	<u>631,851,208</u>
Source of funds		
Global Commitment fund	~~638,970,335~~	<u>631,851,208</u>
Total	~~638,970,335~~	<u>631,851,208</u>

Sec. C.102 Sec. B.345 of No. 63 of the Acts of 2011, as amended by Sec. 46 of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

Sec. B.345 Total human services	~~3,099,050,587~~	3,091,931,460
Source of funds		
General fund	537,608,844	537,608,844
Special funds	77,476,829	77,476,829
Tobacco fund	40,609,204	40,609,204
State health care resources fund	234,205,524	234,205,524
Catamount fund	25,226,979	25,226,979
Education fund	4,307,984	4,307,984
Federal funds	1,052,684,505	1,052,684,505
ARRA funds	6,592,649	6,592,649
Global Commitment fund	~~1,100,160,788~~	1,093,041,661
Internal service funds	1,463,890	1,463,890
Interdepartmental transfers	18,703,391	18,703,391
Permanent trust funds	<u>10,000</u>	<u>10,000</u>
Total	~~3,099,050,587~~	3,091,931,460

Sec. C.103 Sec. 68 of No. 75 of the Acts of the 2011 Adj. Sess. (2012) is added to read:

Sec. 68. REVERSIONS

(a) Notwithstanding any other provisions of law, in fiscal year 2012:

(1) The following amounts shall revert to the general fund from the accounts indicated:

* * *

1150400000 Buildings and general services - information centers 80,000.00

Sec. C.200 18 V.S.A. § 1130(b)(1) is amended to read:

(b)(1) The department of health shall establish an immunization pilot program with the ultimate goal of ensuring universal access to vaccines for all Vermonters at no charge to the individual and to reduce the cost at which the state may purchase vaccines. The pilot program shall be in effect from January 1, 2010, through December 31, ~~2012~~ 2014. During the term of the pilot program, the department shall purchase, provide for the distribution of, and monitor the use of vaccines as provided for in this subsection and subsection (c) of this section. The cost of the vaccines and an administrative surcharge shall be reimbursed by health insurers as provided for in subsections (e) and (f) of this section.

Sec. C.201 POTENTIAL PROPERTY VALUATION LOSS; CURRENT HOMEOWNERS

(a) Due to the extreme emergency circumstances created by Tropical Storm Irene and the emergency need for additional hospital beds, the department of mental health is developing a temporary hospital in Morrisville. Any current homeowner as of May 1, 2012, whose property abuts the temporary Morrisville facility, identified by the commissioner of mental health and licensed by the department of health to provide acute inpatient services, who sells at a loss his or her principal residence, as defined in 32 V.S.A. § 10002a(a), as a result of the temporary facility's operations shall be compensated for that loss. The valuation of the loss shall be determined by an independent assessor paid for by the department and cannot exceed 25 percent of the appraised value. Any compensation under this section shall be paid for from the budget of the department of mental health. The department of mental health shall inform the general assembly of any costs incurred and shall present any offsetting budgetary need as part of the budget adjustment process. The department shall explore utilization of Federal Emergency Management Agency (FEMA) funds, Global Commitment, or other matching resources in making these payments.

(b) This section shall apply to any current homeowner as of May 1, 2012, as defined in subsection (a) of this section, and shall sunset September 1, 2015.

Sec. C.202 ONE-TIME APPROPRIATION FOR FEDERAL FUNDS REDUCTION

(a) The amount of \$5,100,000 in general funds is appropriated in fiscal year 2012 to the secretary of administration, to be reserved pending emergency board action to allocate these funds to offset reduced federal funding. Pursuant to 32 V.S.A. § 706, the emergency board is authorized to allocate and transfer, to the extent necessary, this appropriation to offset the loss of federal funds.

Sec. C.203 Sec. D.101(b) of No. 63 of the Acts of 2011, as amended by Sec. 72a of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

(b) The amount of ~~\$37,983,264~~ \$43,003,264 is unreserved and made available for expenditure in fiscal year 2012 from the human services caseload reserve created by 32 V.S.A. § 308b.

Sec. C.204 GRANTS FROM FISCAL YEAR 2012 WORKFORCE EDUCATION AND TRAINING FUNDS

(a) Any amounts remaining in the workforce education and training fund allocated to the department of labor in fiscal year 2012 shall be carried forward to fiscal year 2013.

Sec. C.205 Sec. 73 of No. 75 of the Acts of the 2011 Adj. Sess. (2012) is amended to read:

Sec. 73. FISCAL YEAR 2012 GENERAL FUND REVENUE ESTIMATE AND GENERAL FUND BALANCE

~~(a) Any increase in the January 2012 emergency board fiscal year 2012 general fund revenue estimate above the July 21, 2011 estimate shall be reserved in the human services caseload reserve, and any decrease in the estimate shall be unreserved from the human services caseload reserve established in 32 V.S.A. § 308b.~~

~~(b)~~ At the end of fiscal year 2012, ~~notwithstanding subsection (a) of this section and~~ notwithstanding 32 V.S.A. §§ 308c and 308d, after the general fund budget stabilization reserve attains its statutory maximum, up to \$15,000,000 of any additional unreserved and undesignated general fund balance shall be appropriated to the secretary of administration to be reserved for transfer upon approval of the emergency board to the department of buildings and general services for pending state building projects in central Vermont that are a direct result of the impact of damage to state properties at the Waterbury complex from Tropical Storm Irene. The secretary shall provide a quarterly report to the house and senate committees on appropriations and to the house committee on corrections and institutions and the senate committee on institutions on any funds that are available under this provision and on funds obligated and expended from the available funds. Any remaining balance shall be deposited into the human services caseload reserve established in 32 V.S.A. § 308b to be used for caseload costs, offsets to federal funding changes, or related human service expenditures in fiscal year 2013.

Sec. C.206 CONTINGENT TRANSFER OF TRANSPORTATION OR TRANSPORTATION INFRASTRUCTURE BOND FUNDS

(a)(1) At the end of fiscal year 2012, if there is a surplus in the transportation infrastructure bond fund, the amount of the surplus or \$255,595, whichever is less, shall be transferred to the transportation infrastructure bonds debt service fund for the purpose of funding 2014 debt service obligations.

(2) At the end of fiscal year 2012, if the amount transferred under subdivision (1) of this subsection is less than \$255,595, to the extent the transportation fund surplus reserve has a positive balance, the following amount from the reserve shall be transferred to the transportation infrastructure bonds debt service fund: \$255,595 or the amount of the positive balance in the transportation fund surplus reserve, whichever is less, minus any amount transferred under subdivision (1) of this subsection.

(b) If a positive balance remains in the transportation fund surplus reserve following any transfer required under subdivision (a)(2) of this section, the amount of the positive balance or \$300,000, whichever is less, shall be transferred to the central garage fund and allocated to the transportation equipment replacement account and is hereby appropriated in fiscal year 2013 to the agency of transportation – central garage fund referenced in Sec. B.909 of this act (Transportation – central garage (8110000200)) for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

Sec. C.207 FISCAL YEAR 2012 APPROPRIATION TRANSFER

(a) Notwithstanding 32 V.S.A. § 706, in fiscal year 2012 the commissioner of finance and management is authorized to transfer \$25,000 of the general fund appropriation from the department of buildings and general services – information centers to the department of tourism and marketing.

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$582,000 is appropriated from the property valuation and review administration special fund to the department of taxes for administration of the use tax reimbursement program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$582,000 from the property transfer tax that are deposited into the property valuation and review administration special fund shall be transferred into the general fund.

(2) The sum of \$13,688,640 is appropriated from the Vermont housing and conservation trust fund to the Vermont housing and conservation trust board. Notwithstanding 10 V.S.A. § 312, amounts above \$13,688,640 from the property transfer tax that are deposited into the Vermont housing and conservation trust fund shall be transferred into the general fund.

(3) The sum of \$3,295,476 is appropriated from the municipal and regional planning fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,295,476 from the property transfer tax that are deposited into the municipal and regional planning fund shall be transferred into the general fund. The \$3,295,476 shall be allocated as follows:

(A) \$2,508,076 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$408,700 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) \$378,700 to the Vermont center for geographic information.

Sec. D.101 FUND TRANSFERS AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) from the general fund to the:

(A) communications and information technology internal service fund established by 22 V.S.A. § 902a: \$900,000.

(B) next generation initiative fund established by 16 V.S.A. § 2887: \$4,793,000.

(C) facilities operations fund established in 29 V.S.A. § 160a: \$3,024,189.

(2) from the transportation fund to the downtown transportation and related capital improvement fund established by 24 V.S.A. § 2796 to be used by the Vermont downtown development board for the purposes of the fund: \$383,966.

(3) from the transportation infrastructure bond fund established by 19 V.S.A. § 11f to the transportation infrastructure bonds debt service fund for the purpose of funding fiscal year 2014 transportation infrastructure bonds debt service: \$1,764,213.

Sec. D.102 32 V.S.A. § 308c is amended to read:

§ 308c. GENERAL FUND AND TRANSPORTATION FUND SURPLUS
BALANCE RESERVES

(a) There is hereby created within the general fund a general fund surplus balance reserve, also known as the "rainy day reserve." After satisfying the requirements of section 308 of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year general fund surplus ~~not to exceed one percent of the appropriations from the general fund for the prior fiscal year~~ shall be reserved in the general fund surplus balance reserve. The general fund balance reserve shall not exceed five percent of the appropriations from the general fund for the prior fiscal year without legislative authorization. Monies from this reserve shall be available for appropriation by the general assembly.

(1) The emergency board shall, at the end of fiscal year 2013, determine at its July meeting the amount of available general funds that is greater than the amount of forecasted available general funds most recently adopted by the board for fiscal year 2013.

(2) Of the amount added to the general fund balance in fiscal year 2013, to the extent available, one-half of the amount identified in subdivision (1) of this subsection is hereby appropriated in the fiscal year just concluded for deposit in the supplemental property tax relief fund established by section 6075 of this title. If the amount added to the general fund balance reserve is insufficient to support both the appropriation in this subdivision and the appropriation in subdivision (3) of this subsection, the appropriation in this subdivision shall take precedence.

(3) Of the amount added to the general fund balance reserve, to the extent available, one-quarter of the amount identified in subdivision (1) of this subsection is hereby appropriated in the fiscal year just concluded to the secretary of administration to be used only upon emergency board action to transfer these funds to appropriations to offset reduced federal funding.

(b) There is hereby created within the transportation fund a transportation fund ~~surplus~~ balance reserve. After satisfying the requirements of section 308a of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year transportation fund surplus shall be reserved in the transportation fund ~~surplus~~ balance reserve. Monies from this reserve shall be available for appropriation by the general assembly.

(c) In any fiscal year, if the general assembly determines there are insufficient revenues to fund expenditures for the operation of state government at a level the general assembly finds prudent and required, it may specifically appropriate the use of the general fund and transportation fund balance reserves to compensate for a reduction of revenues or fund such unforeseen or emergency needs as the general assembly may determine.

(d) Determination of the amounts of the general fund and transportation fund balance reserves shall be made by the commissioner of finance and management and reported, along with the amounts appropriated pursuant to subsection (a) of this section, to the legislative joint fiscal committee at its first meeting following September 1 of each year.

Sec. D.103 32 V.S.A. § 6075 is added to read:

§ 6075. SUPPLEMENTAL PROPERTY TAX RELIEF FUND

(a) There is created a special fund to be called the “supplemental property tax relief fund.” The purpose of the fund is to provide education property tax relief as determined by this section and further action of the legislature. The fund shall be administered by the commissioner of taxes. The fund shall consist of receipts from subdivision 308c(a)(2) of this title.

(b) Of the deposit made in the fund pursuant to subdivision 308c(a)(2) of this title, an amount not to exceed 50 percent of the increase in the forecasted available general fund projected for fiscal year 2014, shall be transferred and appropriated to the education fund. For the purposes of this calculation, any increase in the forecasted available general fund shall be reduced by the total of any legislative action projected to increase general fund taxes that result in additional revenue in excess of \$1,000,000 over the revenue raised without legislative action in fiscal year 2014.

(c) Notwithstanding any other provision of law, an amount equal to the amount transferred to the education fund under subsection (b) of this section shall be added to the base amount used to calculate the general fund transfer under 16 V.S.A. § 4025(a)(2) for fiscal year 2105.

(d) The remaining balance in the supplemental property tax relief fund shall be available for the development of proposals for property tax relief. Uses that could be considered are: incentives or rewards to promote or control education spending while improving quality, ways to reduce the base percentage of income used to determine income sensitivity, options to increase the base education payment, and additional deposits into the education fund to reduce tax rates.

(e) By January 15, 2014, the joint fiscal office shall prepare a review and projection of revenues in the education fund which shall include identifying the historical trends in both the share of property tax and nonproperty tax revenues, and in the general fund transfer to the education fund.

Sec. D.103.1 REPEAL

(a) 32 V.S.A. § 308c(a)(1),(2), and (3) (calculation, appropriation, and deposit in the supplemental property tax relief fund) are repealed on June 30, 2014.

(b) 32 V.S.A. § 6075 (supplemental property tax relief fund) is repealed on June 30, 2014.

(c) 32 V.S.A. § 308d (revenue shortfall reserve; creation and purpose) is repealed.

Sec. D.103.2 TRANSITIONAL PROVISIONS

(a) Upon repeal of 32 V.S.A. § 308d, the balance in the revenue shortfall reserve shall be transferred to the general fund balance ("rainy day") reserve created in 32 V.S.A. § 308c(a).

(b) The additions to the general fund balance reserve in fiscal year 2013 due to Sec. D.109(b) of this act and subsection (a) of this section shall not be

considered as part of “the amount added to the general fund balance reserve” for purposes of 32 V.S.A. § 308c(a).

Sec. D.104 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

(a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2012 in the tobacco litigation settlement fund shall remain for appropriation in fiscal year 2013.

Sec. D.105 TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the tobacco trust fund at the end of fiscal year 2013 and any additional amount necessary to ensure the balance in the tobacco litigation settlement fund at the close of fiscal year 2013 is not negative shall be transferred from the tobacco trust fund to the tobacco litigation settlement fund in fiscal year 2013.

Sec. D.106 FISCAL YEAR 2012 CONTINGENT TOBACCO PROGRAMS APPROPRIATION

(a) To the extent that the revenue received from the Master Settlement Agreement exceeds \$31,000,000 in fiscal year 2012, up to \$500,000 from the Tobacco Settlement Fund is appropriated to the department of health for use by the tobacco evaluation and review board in fiscal year 2013.

Sec. D.107 TRANSFER OF NATIONAL MORTGAGE FORECLOSURE SETTLEMENT FUNDS

(a) Any funds received in fiscal year 2012 or 2013 from the national mortgage foreclosure settlement that are deposited into the fees and reimbursement special fund (#21638) in the office of the attorney general shall be transferred to the general fund except for any amount the settlement may require to be directed to the department of financial regulation.

(b) Receipt of these funds enables the state to fund \$1,100,000 in affordable housing initiatives, including grants for foreclosure and homeownership counseling, financing mobile homes, increasing the state’s affordable housing tax credit, capacity building among state and nonprofit agencies to assist mobile home owners, and exemption from several taxes to replace homes destroyed by recent flooding and natural disasters.

Sec. D.108 FISCAL YEAR 2013 TRANSFERS AND APPROPRIATIONS

(a) The following general fund transfers and appropriations are authorized, effective May 1, 2013. Prior to these transfers and appropriations, the secretary of administration and the commissioner of finance and management

shall make findings that the transfers do not create a projected negative balance in the general fund and reduce the reserve position anticipated for the close of fiscal year 2013.

(1) Transferred and appropriated to the education fund: \$2,100,000.

(2) Transferred to the clean energy development fund: \$3,000,000.

(3) Appropriated to the Vermont State Colleges, subject to the approval of the secretary of administration to provide funding for a Brattleboro community college facility. To the extent this appropriation is made, the bond proceeds dedicated for this purpose in H.785 of the 2012 legislative session will be reduced: \$1,475,000.

(b) The transfers in subsection (a) of this section can be made prior to May 1, 2013 upon a vote and a determination by the emergency board established under 32 V.S.A. § 131 that sufficient revenues will be available to authorize the transfers.

Sec. D.108.1 [DELETED]

Sec. D.109 FISCAL YEAR 2013 CASELOAD RESERVE UTILIZATION

(a) The amount of \$16,240,000 is unreserved and made available for expenditure in fiscal year 2013 from the human services caseload reserve created by 32 V.S.A. § 308b.

(b) In fiscal year 2013, any remaining balance in the human service caseload reserve shall be transferred to the general fund balance ("rainy day") reserve established in 32 V.S.A. § 308c(a).

* * * GENERAL GOVERNMENT * * *

Sec. E.100 FEDERAL EMERGENCY MANAGEMENT AGENCY REPORTING AND OVERSIGHT

(a) The secretary of administration shall report to the joint fiscal committee at each of its scheduled meetings in fiscal year 2013 on funding received from the Federal Emergency Management Agency (FEMA) Public Assistance Program and associated emergency relief and assistance funds match for the damages due to Tropical Storm Irene. The report shall include:

(1) a projection of the total funding needs for the FEMA Public Assistance Program and to the extent possible, details about the projected funding by state agency or municipality;

(2) spending authority (appropriated and excess receipts) granted to date for the FEMA Public Assistance Program and the associated emergency relief and assistance funds match; and

(3) actual expenditures to date made from the spending authority granted and to the extent possible, details about the expended funds by state agency or municipality.

(b) Reports shall be posted on the legislative and administration websites after submission.

Sec. E.100.1 32 V.S.A. § 306a is added to read:

§ 306a. PURPOSE OF THE STATE BUDGET

(a) Purpose of the state budget. The state budget, consistent with Chapter I, Article 7 of Vermont's constitution, should "be instituted for the common benefit, protection, and security of the people, nation, or community..." The state budget should be designed to address the needs of the people of Vermont in a way that advances human dignity and equity.

(b) Spending and revenue policies will seek to promote economic well-being among the people of Vermont, and foster a vibrant economy. Integral to achieving the purpose of the state budget is continuous evaluation of the raising and spending of public funds by systems of outcome measurement based on indicators that measure success in accomplishing the purposes of the state budget.

(c) Spending and revenue policies will reflect the public policy goals established in state law and recognize every person's need for health, housing, dignified work, education, food, social security, and a healthy environment.

(d) As consistent with state law and in conjunction with the federal government, the budget will reflect support for economic development, public safety, transportation, and other infrastructure needs.

(e) Revenue measures shall also be based on the principles of sustainability and stability. The administration shall develop budget and revenue proposals as part of a transparent and accountable process with direct and meaningful participation from Vermont residents.

Sec. E.100.2 PURPOSE OF THE STATE BUDGET

(a) Public participation. The administration will develop a process for public participation in the development of budget goals, as well as general prioritization and evaluation of spending and revenue initiatives. This process shall begin by October 1, 2012.

(b) Current services. The administration shall develop and publish annually for public review as part of the budget submission process a current services budget, providing the public with an estimate of what the current level

of services is projected to cost in the next fiscal year. The initial current services budget shall be submitted with the administration's fiscal year 2014 budget proposal.

Sec. E.101 Information and innovation – communications and information technology

(a) Of this appropriation, \$700,000 is for a grant to the Vermont telecommunications authority established in 30 V.S.A. § 8061, and \$200,000 is for a grant from the department of information and innovation to the secretary of administration's office to support the telecommunications infrastructure.

(b) The commissioner shall work with relevant departments of state government on the server consolidation project, as described in the January 9, 2010 "State of Vermont IT Assessment Recommendations" report by TPI, Inc. Although no appreciable savings were realized in fiscal year 2012, the pursuit of server consolidation should continue with the objective of reducing the cost of providing information technology services.

Sec. E.101.1 3 V.S.A. § 2222 is amended to read:

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

(a) In addition to the duties expressly set forth elsewhere by law the secretary shall:

* * *

(9) Submit to the general assembly concurrent with the governor's annual budget request required under 32 V.S.A. § 306, a strategic plan for information technology which outlines the significant deviations from the previous year's information technology plan, and which details the plans for information technology activities of state government for the following fiscal year as well as the administration's financing recommendations for these activities. All such plans shall be reviewed and approved by the ~~commissioner of information and innovation~~ state chief information officer prior to being included in the governor's annual budget request. The plan shall identify the proposed sources of funds for each project identified. The plan shall also contain a review of the state's information technology and an identification of priority projects by agency. The plan shall include, for any proposed information technology activity with a cost in excess of \$100,000.00:

* * *

(B) the cost savings ~~and/or~~ and any service delivery improvements which will accrue to the public or to state government;

* * *

(10) The secretary shall annually submit to the general assembly a five-year information technology plan which indicates the anticipated information technology activities of the legislative, executive, and judicial branches of state government. For purposes of this section, "information technology activities" shall mean:

* * *

(B) the design, construction, purchase, installation, maintenance, or operation of systems, including ~~both hardware and~~ software, and services which perform or are contracted under Administrative Bulletin 3.5 to perform these activities.

* * *

(g)(1) The secretary of administration shall obtain independent expert review of any recommendation for any information technology activity initiated after July 1, 1996, as information technology activity is defined by subdivision (a)(10) of this section, when its total cost is \$500,000.00 or greater or when required by the state chief information officer. Documentation of ~~such~~ this independent review shall be included when plans are submitted for review pursuant to subdivisions (a)(9) and (10) of this section. The independent review shall include:

- (A) an acquisition cost assessment;
- (B) a technology architecture review;
- (C) an implementation plan assessment;
- (D) a cost analysis and a model for benefit analysis; and
- (E) a procurement negotiation advisory services contract.

(2) The secretary of administration may assess the costs of ~~such reviews~~ any review to the ~~departments~~ entity making the information technology recommendations.

* * *

Sec. E.101.2 22 V.S.A. § 901 is amended to read:

§ 901. DEPARTMENT OF INFORMATION AND INNOVATION

The department of information and innovation, created in 3 V.S.A. § 2283b, shall have all the responsibilities assigned to it by law, including the following:

* * *

(2) to manage ~~GOVnet~~ wide-area network connectivity within state government;

* * *

(4)(A) to review and approve information technology activities ~~in all departments~~ within state government with a cost in excess of \$100,000.00, and annually submit to the general assembly a strategic plan and a budget for information technology as required of the secretary of administration by 3 V.S.A. § 2222(a)(9). For purposes of this section, “information technology activities” is defined in 3 V.S.A. § 2222(a)(10);

(B) to provide oversight, monitoring, and control of information technology activities within state government with a cost in excess of \$100,000.00. The cost of the oversight, monitoring, and control shall be assessed to the entity requesting the activity;

(C) to review and approve in accordance with agency of administration policies the assignment of appropriate project managers for information technology activities within state government with a cost in excess of \$100,000.00; and

(D) to provide standards for the management, organization, and tracking of information technology activities within state government with a cost in excess of \$100,000.00;

* * *

(11) to provide technical support and services to the departments of human resources and of finance and management for the statewide central accounting and encumbrance system, the statewide budget development system, the statewide human resources management system, and other agency of administration systems as may be assigned by the secretary;

(12) to review and approve in accordance with agency of administration policies all new information technology position requests and new information technology classifications within state government.

Sec. E.102 32 V.S.A. § 6(b) is amended to read:

(b) Requests for federal funds shall include a specific request for reimbursement of indirect costs. Awards of statewide indirect costs will be deposited into the general fund except statewide indirect costs will be deposited into the transportation fund for costs recovered by the agency of transportation. The commissioner of finance and management may authorize departments to retain recovered indirect cost receipts.

Sec. E.109 Buildings and general services – engineering

(a) The \$2,433,490 interdepartmental transfer in this appropriation shall be from the general bond fund appropriation in the Capital Appropriations Act of the 2012 session.

Sec. E.110 REPEAL

(a) 19 V.S.A. § 41 (funding for rest areas, information centers, and welcome centers from the general fund) is repealed.

Sec. E.124 Legislative council

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the legislative council and carried forward into fiscal year 2013, the amount of \$55,000 shall revert to the general fund.

Sec. E.125 Legislature

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the legislature and carried forward into fiscal year 2013, the amount of \$503,000 shall revert to the general fund.

Sec. E.125.1 4 V.S.A. § 601(c) is amended to read:

~~(c) The members of the judicial nominating board shall be entitled to compensation of \$30.00 a day for the time spent in the performance of their duties, and reimbursement for their actual and necessary expenses incurred in the performance of their duties~~ Legislative members of the board shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 406. Members of the board who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses in the same manner as board members are compensated under 32 V.S.A. § 1010. All compensation and reimbursement shall be paid from the legislative appropriation.

Sec. E.125.2 REPEAL

(a) 4 V.S.A. § 606 (expenses of board; payment) is repealed.

Sec. E.126 Legislative information technology

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated for legislative information technology and carried forward into fiscal year 2013, the amount of \$5,000 shall revert to the general fund.

Sec. E.127 Joint fiscal committee

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the joint fiscal committee and carried forward into fiscal year 2013, the amount of \$10,000 shall revert to the general fund.

Sec. E.128 Sergeant at arms

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the sergeant at arms and carried forward into fiscal year 2013, the amount of \$95,000 shall revert to the general fund.

Sec. E.132 27 V.S.A. § 1253(a) is amended to read:

(a) All funds received under this chapter, including the proceeds from the sale of unclaimed property under section 1252 of this title, shall forthwith be received by the treasurer, except that the treasurer shall retain in a separate fund an amount not exceeding \$100,000.00 or ~~50~~ 55 percent of the funds received during the previous year, whichever is greater, from which he or she shall make prompt payment of claims duly allowed by him or her as provided in this section. The treasurer shall record the name and last known address of each owner appearing on the holder's reports and the names and last known address of each insured person or annuitant and beneficiary, and with respect to each policy or annuity listed in the report of an insurance company its number, the name of the company, and the amount due. The record shall be available for public inspection at all reasonable hours.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2013, investment fees shall be paid from the corpus of the fund.

Sec. E.134 MUNICIPAL EMPLOYEES RETIREMENT

(a) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period July 1, 2012 through June 30, 2013, contributions shall be made by group A members at the rate of 2.5 percent of earnable compensation, by group B members at the rate of 4.5 percent of earnable compensation, and by group C members at the rate of 9.25 percent of earnable compensation.

Sec. E.141 Lottery commission

(a) Of this appropriation, the lottery commission shall transfer \$150,000 to the department of health, office of alcohol and drug abuse programs, to support the gambling addiction program.

(b) The Vermont state lottery shall provide assistance and work with the Vermont council on problem gambling on systems and program development.

(c) The lottery commission shall study the option of allowing the sale of lottery tickets online. The study shall examine how the online system would be administered, the fiscal impact of allowing lottery tickets to be sold online, and any other relevant issues. The commission shall report its findings and any recommendations to the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs by January 15, 2013.

Sec. E.142 Payments in lieu of taxes

(a) This appropriation is for state payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act.

Sec. E.142.1 32 V.S.A. § 4967 is amended to read:

§ 4967. TRANSMISSION OF TAXES TO DIRECTOR AND CREDIT TO SPECIAL FUND

(a) All moneys received by supervisors in the collection of taxes or otherwise in the performance of their official duties, ~~except fees,~~ shall be paid by them to the ~~director quarterly, on the first Tuesday in February, May, August, and November.~~ Such ~~director shall keep separate accounts of the moneys so received by him or her from the respective supervisors~~ department of finance and management to be credited to special fund accounts, which are hereby established.

(b) Revenues collected pursuant to this section shall be disbursed based on warrants authorized by the commissioner of finance and management under the authority granted by section 461 of this title, and shall be expended consistent with the budgets adopted pursuant to subsections 4961(b) and (c) of this title.

Sec. E.143 Payments in lieu of taxes – Montpelier

(a) Payments in lieu of taxes under this section shall be paid from the PILOT special fund under 32 V.S.A. § 3709.

Sec. E.144 Payments in lieu of taxes – correctional facilities

(a) Payments in lieu of taxes under this section shall be paid from the PILOT special fund under 32 V.S.A. § 3709.

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

(a) Notwithstanding any other provisions of law, the office of the attorney general, Medicaid fraud and residential abuse unit, is authorized to retain, subject to appropriation, one-half of the state share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the state share of restitution to the Medicaid program. All such designated additional recoveries retained shall be used to finance Medicaid fraud and residential abuse unit activities.

(b) Of the revenue available to the attorney general under 9 V.S.A. § 2458(b)(4), \$725,000 is appropriated in Sec. B.200 of this act.

Sec. E.202 Defender general – public defense

(a) The establishment of one (1) new exempt position – Staff Attorney I – is authorized in fiscal year 2013.

Sec. E.205 State's attorneys

(a) Notwithstanding any provision of law to the contrary, within the appropriations to the state's attorneys contained in this act, the executive director of the department of state's attorneys shall allocate funds so that as soon as possible but not later than June 30, 2013, deputy state's attorneys are at the correct step for length of service, in accordance with the state's attorney addendum to the attorney pay plan.

Sec. E.205.1 EXPANSION OF RAPID RESPONSE TEAM; REPORT

(a) On or before November 15, 2012, the department of sheriffs and state's attorneys shall report to the nonviolent misdemeanor sentence review committee on the advisability and feasibility of expanding the Chittenden County Rapid Intervention Community Court (RICC) program model on a statewide basis or to particular additional counties. The report shall consider how the RICC program would translate to other jurisdictions in light of its purpose of diverting low-level criminal cases to community social service providers rather than the criminal division of the superior court if the crime is driven by a readily identifiable social issue such as substance abuse or mental illness. For purposes of preparing the report, the department shall consult with the department of public safety, the Vermont police association, the Vermont sheriffs' association, the court administrator, and the defender general.

Sec. E.208 Public safety – administration

(a) Of the funds appropriated to the department of public safety, \$25,000 shall be used to make a grant to the Essex County sheriff's department for a performance-based contract to provide law enforcement service activities agreed upon by both the commissioner of public safety and the sheriff.

Sec. E.209 Public safety – state police

(a) Of this appropriation, \$35,000 in special funds shall be available for snowmobile law enforcement activities and \$35,000 in general funds shall be available to the southern Vermont wilderness search and rescue team, which comprises state police, the department of fish and wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of the \$255,000 allocated for grants funded in this section, \$190,000 shall be used by the Vermont drug task force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the commissioner to fund the work of the drug task force and to support the efforts of the mobile enforcement team (gang task force) or carried forward.

Sec. E.210 Public safety – criminal justice services

(a) Of this appropriation, \$126,000 is to support the costs of two (2) civilian computer forensics analyst positions.

Sec. E.212 Public safety – fire safety

(a) Of this general fund appropriation, \$55,000 shall be granted to the Vermont rural fire protection task force for the purpose of designing dry hydrants.

Sec. E.214 Public safety – emergency management – radiological emergency response plan

(a) Of this special fund appropriation, up to \$30,000 shall be available to contract with any radio station serving the emergency planning zone for the emergency alert system.

Sec. E.215 Military – administration

(a) The amount of \$250,000 shall be disbursed to the Vermont Student Assistance Corporation for the national guard educational assistance program established in 16 V.S.A. § 2856. Of this amount, \$100,000 shall be general funds from this appropriation, and \$150,000 shall be Next Generation special funds, as appropriated in Sec. B.1100(a)(3)(B) of this act.

Sec. E.219 Military – veterans' affairs

(a) Of this appropriation, \$5,000 shall be used for continuation of the Vermont medal program, \$4,800 shall be used for the expenses of the

governor's veterans' advisory council, \$7,500 shall be used for the Veterans' Day parade, \$5,000 shall be granted to the Vermont state council of the Vietnam Veterans of America to fund the service officer program, and \$5,000 shall be used for the military, family, and community network.

Sec. E.220 Center for crime victims' services

(a) Of this appropriation, the amount of \$806,195 from the domestic and sexual violence special fund created by 13 V.S.A. § 5360 is appropriated for the Vermont network against domestic and sexual violence. Expenditures from the domestic and sexual violence special fund shall not exceed revenues.

(b) The unexpended amounts derived from the \$10 and \$20 increases as specified in Sec. E.220(a) of No. 63 of the Acts of 2011 shall be transferred to the domestic and sexual violence special fund created by 13 V.S.A. § 5360.

Sec. E.220.1 13 V.S.A. § 5360 is added to read:

§ 5360. DOMESTIC AND SEXUAL VIOLENCE SPECIAL FUND

A domestic and sexual violence special fund is established, to be managed in accordance with 32 V.S.A. chapter 7, subchapter 5 and administered by the center for crime victims services created in section 5361 of this title. The revenues of the fund shall consist of that portion of the additional surcharge on penalties and fines imposed by section 7282 of this title deposited in the domestic and sexual violence special fund and that portion of the town clerks' fee for issuing and recording civil marriage or civil union licenses in 32 V.S.A. § 1712(1) deposited in the domestic and sexual violence special fund. The fund may be expended by the center for crime victims services for budgeted grants to the Vermont network against domestic and sexual violence and for the criminal justice training council position dedicated to domestic violence training, pursuant to 20 V.S.A. § 2365(c).

Sec. E.220.2 13 V.S.A. § 7282(a) is amended to read:

(a) In addition to any penalty or fine imposed by the court or judicial bureau for a criminal offense or any civil penalty imposed for a traffic violation, including any violation of a fish and wildlife statute or regulation, violation of a motor vehicle statute, or violation of any local ordinance relating to the operation of a motor vehicle, except violations relating to seat belts and child restraints and ordinances relating to parking violations, the clerk of the court or judicial bureau shall levy an additional surcharge of:

* * *

(8)(A) For any offense or violation committed after June 30, 2006, but before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the victims' compensation special fund.

(B) For any offense or violation committed after June 30, 2008, \$36.00, of which \$28.75 shall be deposited in the victims' compensation special fund.

(C) For any offense or violation committed after June 30, 2009, \$41.00, of which ~~\$33.75~~ \$23.75 shall be deposited in the victims' compensation special fund created by section 5359 of this title, and of which \$10.00 shall be deposited in the domestic and sexual violence special fund created by section 5360 of this title.

Sec. E.220.3 32 V.S.A. § 1712 is amended to read:

§ 1712. TOWN CLERKS

Town clerks shall receive the following fees in the matter of vital registration:

(1) For issuing and recording a civil marriage or civil union license, \$45.00 to be paid by the applicant, \$10.00 of which sum shall be retained by the town clerk as a fee, \$20.00 of which shall be deposited in the ~~victims' compensation~~ domestic and sexual violence special fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the state treasurer in a return filed quarterly upon forms furnished by the state treasurer and specifying all fees received by him or her during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.

* * *

Sec. E.220.4 20 V.S.A. § 2365(c) is amended to read:

(c) The Vermont police academy shall employ a domestic violence trainer for the sole purpose of training Vermont law enforcement and related practitioners on issues related to domestic violence. Funding for this position shall be transferred by the center for crime victims services from the ~~victims' compensation~~ domestic and sexual violence special fund created by 13 V.S.A. § 5359 5360.

Sec. E.222 Agriculture, food and markets – administration

(a) The establishment of two (2) new classified positions – one (1) Program Services Clerk and one (1) Systems Developer I – is authorized in fiscal year 2013.

(b) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the agency of agriculture, food and markets for the Two Plus Two Program and carried forward into fiscal year 2013, the amount of \$25,000 shall revert to the general fund.

Sec. E.223 Agriculture, food and markets – food safety and consumer protection

(a) The establishment of one (1) classified position – Dairy Product Specialist II – is authorized in fiscal year 2013.

Sec. E.224 Agriculture, food and markets – agricultural development

(a) The establishment of one (1) limited service classified position – Senior Agricultural Development Specialist – is authorized in fiscal year 2013.

Sec. E.228 Financial regulation – insurance

(a) The department of financial regulation shall use the Global Commitment funds appropriated in this section for the insurance division for the purpose of funding certain health-care-insurance-related department of financial regulation programs, projects, and activities to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.231 Financial regulation – health care administration

(a) The department of financial regulation shall use the Global Commitment funds appropriated in this section for the health care administration division for the purpose of funding certain health-care-related department of financial regulation programs, projects, and activities to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.232 Secretary of state

(a) Of this special fund appropriation, \$492,991 represents the corporation division of the secretary of state's office, and these funds shall be from the securities regulation and supervision fund in accordance with 9 V.S.A. § 5613(b).

Sec. E.233 30 V.S.A. § 211(c) is added to read:

(c) An enterprise fund is established in the department of public service to consist of revenues from the resale of power and to support the activities authorized in this section and sections 212 and 212a of this title. Balances shall remain in the fund at the end of each fiscal year, and the fund shall be

appropriated and expended in accordance with 32 V.S.A. § 462(b). These monies shall not be available to meet the general obligations of the state.

* * * HUMAN SERVICES * * *

Sec. E.300 Agency of human services – secretary’s office

(a) The establishment of seven (7) new classified positions – two (2) Systems Developer II, one (1) Senior Systems Developer, one (1) Enterprise Business Analyst, two (2) Systems Developer III, and one (1) Project Manager – is authorized in fiscal year 2013.

Sec. E.300.1 REIMBURSEMENT RATES FOR SERVICE PROVIDERS

(a) The agency shall provide an inventory of the payment rates for various community service providers in the area of child welfare, including PNMI, child development, substance abuse, and long-term care services. The inventory shall list the types of programs, including residential programs and methods of reimbursement, including those subject to rate setting by provider type, as well as the most recent base year utilized for market or cost-based reimbursement methodologies. A list of rates paid to out-of-state residential providers and the methodology used to determine the rates shall also be included. This inventory shall be reported to the house and senate committees on appropriations by February 1, 2013 and shall include any recommendations to change reimbursement rates, methods, or basis.

Sec. E.301 Secretary’s office – Global Commitment

(a) The agency of human services shall use the funds appropriated in this section for payment of the actuarially certified premium required under the intergovernmental agreement between the agency of human services and the managed care organization in the department of Vermont health access as provided for in the Global Commitment for Health Waiver (“Global Commitment”) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the state funds appropriated in this section, a total estimated sum of \$28,308,986 is anticipated to be certified as state matching funds under the Global Commitment as follows:

(1) \$17,645,850 certified state match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$22,854,150 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$40,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services

under Global Commitment shall be transferred from the Global Commitment fund to the Medicaid reimbursement special fund created in 16 V.S.A. § 2959a.

(2) \$3,902,237 certified state match available from local education agencies for direct school-based health services, including school nurse services, that increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

(3) \$2,180,067 certified state match available from local education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for school-aged children.

(4) \$2,393,532 certified state match available via the University of Vermont's child health improvement program for quality improvement initiatives for the Medicaid program.

(5) \$2,187,300 certified state match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.301.1 CONTIGUOUS BODY PARTS ULTRASOUND

(a) Beginning July 1, 2012 and thereafter, the department of Vermont health access shall reduce spending on ultrasound services by implementing a payment reduction on contiguous body parts.

Sec. E.301.2 SPECIAL FUND APPLIED IN GLOBAL COMMITMENT WAIVER

(a) Notwithstanding any law to the contrary, \$350,000 of the special fund appropriation shall be from the evidence based practice fund.

Sec. E.302 PAYMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS PROVIDING RESIDENTIAL CHILD CARE SERVICES

(a) Notwithstanding any other provision of law, for state fiscal year 2013, the division of rate setting shall calculate payment rates for private nonmedical institutions (PNMI) providing residential child care services as follows:

(1) General rule. The division of rate setting shall calculate PNMI per diem rates for state fiscal year 2013 as 100 percent of each program's final per diem rate in effect on June 30, 2012. These rates shall be issued as final.

(2) Reporting requirements.

(A) Providers are required to submit annual audited financial statements to the division within 30 days of receipt from their certified public

accountant, but no later than four months following the end of each provider's fiscal year.

(B) Providers are not required to submit funding applications pursuant to section 3 of the PNMI rate setting rules for state fiscal year 2013.

(3) Exception to the general rule. For programs categorized by the placement authorizing departments (PADs) as crisis/stabilization programs with typical lengths of stay from 0 to 10 days, final rates for state fiscal year 2013 are set retroactively as follows:

(A) The allowable budget is 100 percent of the final approved budget for the rate year which includes June 30, 2012. The monthly allowable budget is the allowable budget divided by 12.

(B) Within five days of the end of each month in state fiscal year 2013, the program shall submit the prior month's census to the division of rate setting. The per diem rate shall be set for the prior month by dividing the monthly allowable budget amount by the total number of resident days for the month just ended.

(4) Adjustments to rates. Rate adjustment applications may not be used as a tool to circumvent the rate setting process for state fiscal year 2013 in order to submit a new budget for the entire program or for the sole reason that actual costs incurred by the facility exceed the rate of payment.

(A) The following provisions amend section 8 of the PNMI rules regarding adjustments to rates for state fiscal year 2013:

(i) The three-month waiting period of section 8.1(b) for the submission of a rate adjustment application is waived.

(ii) In rate adjustment applications, the division shall only consider budget information specific to the program change and limited to direct program costs. Providers may not apply for increases to costs that are part of the current program and rate structure before the program change.

(iii) In its findings and order, the division may elect to use financial information from prior approved budget submissions to determine allowable costs related to the program change.

(iv) The materiality test in section 8.1(c) is waived.

(B) Adjustments to rates based on changes in licensed capacity. Programs that increase or decrease licensed capacity in state fiscal year 2013 shall provide prior written notification to the division of the change in licensed capacity.

(i) Decreased licensed capacity. In the case of programs that decrease licensed capacity in state fiscal year 2013, programs must have prior written approval from the PADs before applying to the division for an adjustment to the state fiscal year 2013 per diem rate.

(I) The allowable budget amount for state fiscal year 2013 may be no more than the final approved budget for the rate year which includes June 30, 2012.

(II) In its application for a rate adjustment, a program shall provide to the division financial and staffing information directly related to the decrease in licensed capacity.

(III) In its findings and order, the division shall reduce the allowable budget amount by any decreased costs directly related to the change in licensed capacity.

(IV) The division shall divide the final allowable budget amount by the estimated occupancy level at the new licensed capacity to calculate the per diem rate.

(ii) Increased licensed capacity. In the case of programs that increase licensed capacity in state fiscal year 2013, the division shall automatically adjust the program's rate as follows:

(I) The initial allowable budget is 100 percent of the final approved budget amount for the rate year that includes June 30, 2012.

(II) With prior written approval from the PADs, programs may apply to the division for an adjustment to the allowable budget for costs directly related to the program change.

(III) The division shall divide the final allowable budget amount by the estimated occupancy level at the new licensed capacity to calculate the per diem rate.

Sec. E.306 Department of Vermont health access – administration

(a) The establishment of six (6) new classified positions – Nurse Case Manager – is authorized in fiscal year 2013.

Sec. E.306.1 8 V.S.A. § 4089k is amended to read:

§ 4089k. HEALTH CARE INFORMATION TECHNOLOGY REINVESTMENT FEE

~~(a)(1) Beginning October 1, 2009 and annually thereafter, each~~ Each health insurer shall pay a fee into the health IT fund established in 32 V.S.A. § 10301 in the amount of 0.199 of one percent of all health insurance claims paid by the

health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid in ~~installments~~ one installment due by ~~November 1, January 1, April 1, and June 1.~~

* * *

(d)(2) If any health insurer fails to pay the fee established in subsection (a) of this section within 45 days after ~~notice from the secretary of administration of the amount due~~ the installment due date, the secretary of administration, or his or her designee, shall notify the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation of the failure to pay. In addition to any other remedy or sanction provided for by law, if the commissioner finds, after notice and an opportunity to be heard, that the health insurer has violated this section or any rule or order adopted or issued pursuant to this section, the commissioner may take any one or more of the following actions:

* * *

Sec. E.306.2 8 V.S.A. § 4089l is amended to read:

§ 4089l. HEALTH CARE CLAIMS ASSESSMENT

(a)(1) ~~Beginning October 1, 2011 and annually thereafter, each~~ Each health insurer shall pay an assessment into the state health care resources fund established in 33 V.S.A. § 1901d in the amount of 0.80 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid in ~~installments on November 1, one installment due by January 1, April 1, and June 1.~~

* * *

(c) As used in this section:

(1) "Health insurance" means any group or individual health care benefit policy, contract, or other health benefit plan offered, issued, renewed, or administered by any health insurer, including any health care benefit plan offered, issued, renewed, or administered by any health insurance company, any nonprofit hospital and medical service corporation, any dental service corporation, or any managed care organization as defined in 18 V.S.A. § 9402. The term includes comprehensive major medical policies, contracts, or plans and Medicare supplemental policies, contracts, or plans, but does not include Medicaid, VHAP, or any other state health care assistance program financed in whole or in part through a federal program, unless authorized by federal law and approved by the general assembly. The term does not include policies

issued for specified disease, accident, injury, hospital indemnity, long-term care, disability income, or other limited benefit health insurance policies, except that any policy providing coverage for dental services shall be included.

* * *

(d) If any health insurer fails to pay the fee established in subsection (a) of this section within 45 days after ~~notice from the secretary of administration of the amount due~~ the installment due date, the secretary of administration or his or her designee shall notify the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation of the failure to pay. In addition to any other remedy or sanction provided for by law, if the commissioner finds, after notice and an opportunity to be heard, that the health insurer has violated this section or any rule or order adopted or issued pursuant to this section, the commissioner may take any one or more of the following actions:

* * *

Sec. E.307 33 V.S.A. § 2073 is amended to read:

§ 2073. VPHARM ASSISTANCE PROGRAM

* * *

(d)(1) An individual shall contribute a co-payment of \$1.00 for prescriptions where the cost-sharing amount required by Medicare Part D is ~~\$29.99 or less~~ than \$30.00, and a co-payment of \$2.00 for prescriptions where the cost-sharing amount required by Medicare Part D is \$30.00 or more. A pharmacy may not refuse to dispense a prescription to an individual who does not provide the co-payment.

* * *

Sec. E.307.1 33 V.S.A. § 2074(c) is amended to read:

(c) Benefits under VermontRx shall be subject to payment of a premium and co-payment amounts by the recipient in accordance with the provisions of this section.

* * *

(4) A recipient shall contribute a co-payment of \$1.00 for prescriptions costing ~~\$29.99 or less~~ than \$30.00, and a co-payment of \$2.00 for prescriptions costing \$30.00 or more. A pharmacy may not refuse to dispense a prescription to an individual who does not provide the co-payment.

Sec. E.307.2 VHAP AND MEDICAID CO-PAYS

(a) The following co-payments for individuals enrolled in the VHAP and Medicaid programs are hereby authorized and set by the general assembly, pursuant to 33 V.S.A. § 1901(b), and may be promulgated in rules by the secretary of human services or designee, in accordance with 33 V.S.A. § 1901(a)(1), and are effective upon adoption of rules pursuant to Sec. E.307.10 of this act:

(1) co-payments that apply to prescriptions and durable medical equipment/supplies: enrolled individuals shall contribute a co-payment of not more than \$1.00 for prescriptions or durable medical equipment/supplies costing less than \$30.00, a co-payment of \$2.00 for prescriptions or durable medical equipment/supplies costing \$30.00 or more but less than \$50.00, and a co-payment of \$3.00 for prescriptions or durable medical equipment/supplies costing \$50.00 or more;

(2) co-payments that apply to hospital outpatient services: not more than \$3.00 per hospital visit;

(3) co-payments that apply to hospital emergency room services: for individuals enrolled in VHAP, \$25.00 per hospital visit;

(4) co-payments that apply to hospital inpatient stays: for individuals enrolled in Medicaid, the \$75.00 co-payment for inpatient hospital stays is eliminated.

Sec. E.307.3 33 V.S.A. § 1910 is amended to read:

§ 1910. LIABILITY OF THIRD PARTIES; LIENS

* * *

~~(b)(1)~~ The agency shall have a lien against the insurer, to the extent of the amount paid by the agency for past medical expenses, on any recovery from the insurer, whenever:

~~(1)~~ the agency pays medical expenses or renders medical services on behalf of a recipient who has been injured or has suffered an injury, illness, or disease; and

~~(2)~~ the recipient asserts a claim against an insurer as a result of the injury, illness, or disease.

(2) Effective July 1, 2013, the recipient's insurer or alleged liable party's insurer, if any, shall take reasonable steps to discover the existence of the agency's medical assistance. Payment to the recipient instead of the agency does not discharge the insurer from payment of the agency's claim.

* * *

Sec. E.307.3.1 IMPLEMENTATION OF INSURERS' OBLIGATIONS

(a) The department of Vermont health access shall prepare and distribute an outreach document reminding insurers of their obligations under Sec. E.307.3 of this act. At a minimum, the outreach document will reinforce insurers' obligation to seek out Medicaid liens, and outline reporting requirements, including savings amount achieved. The outreach document may provide examples of areas of concern and department contact information.

Sec. E.307.4 DENTAL COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN

(a) The secretary of human services shall apply to the Centers for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 42 C.F.R. Section 430.12 to eliminate the adult dental benefit maximum as applied to pregnant women receiving benefits under the Dr. Dynasaur/Medicaid program and to enable pregnant women to receive the same dental benefits that are available for children on Dr. Dynasaur/Medicaid for the duration of the pregnancy and through the end of the calendar month during which the 60th day following the end of pregnancy occurs.

(b) Upon approval of the state plan amendment pursuant to subsection (a) of this section, the secretary of human services shall adopt rules pursuant to 3 V.S.A. chapter 25 to implement the expansion of dental coverage for pregnant women.

Sec. E.307.5 PRIMARY CARE CASE MANAGEMENT REIMBURSEMENT METHODOLOGY

(a) The department of Vermont health access shall conduct an analysis of the impact of revising the primary care case management reimbursement methodology. The analysis shall include the methodologies considered, the impact on providers, and delivery system implications. The department shall provide its analysis to the health access oversight committee at its December 2012 meeting.

Sec. E.307.6 33 V.S.A. § 1901 is amended to read:

§ 1901. ADMINISTRATION OF PROGRAM

* * *

(a)(4) A manufacturer of pharmaceuticals purchased by individuals receiving state pharmaceutical assistance in programs administered under this chapter shall pay to the department of Vermont health access, as the secretary's designee, a rebate on all ~~pharmaceuticals~~ pharmaceutical claims for which

state-only funds are expended in an amount ~~at least as favorable as the rebates provided under 42 U.S.C. section 1396r-8 paid to the department in connection with Medicaid and programs funded under the Global Commitment to Health~~ Medicaid Section 1115 waiver that is in proportion to the state share of the total cost of the claim, as calculated annually on an aggregate basis, and based on the full Medicaid rebate amount as provided for in Section 1927(a) through (c) of the federal Social Security Act, 42 U.S.C. Section 1396r-8.

* * *

Sec. E.307.7 33 V.S.A. § 2073 is amended to read:

§ 2073. VPHARM ASSISTANCE PROGRAM

* * *

(f) A manufacturer of pharmaceuticals purchased by individuals receiving assistance from VPharm established under this section shall pay to DVHA, as required by section 1901 of this title, a rebate on all ~~pharmaceuticals~~ pharmaceutical claims for which state-only funds are expended in an amount ~~at least as favorable as the rebate paid to DVHA in connection with the Medicaid program~~ that is in proportion to the state share of the total cost of the claim, as calculated annually on an aggregate basis, and based on the full Medicaid rebate amount as provided for in Section 1927(a) through (c) of the federal Social Security Act, 42 U.S.C. Section 1396r-8.

Sec. E.307.8 33 V.S.A. § 2074 is amended to read:

§ 2074. VERMONTRX PROGRAM

* * *

~~(d) Any manufacturer of pharmaceuticals purchased by individuals receiving assistance from VermontRx established under this section shall pay to DVHA, as required by section 1901 of this title, a rebate on all pharmaceuticals for which state-only funds are expended in an amount at least as favorable as the rebate paid to DVHA in connection with the Medicaid program. [REPEALED]~~

Sec. E.307.9 VPHARM REVIEW

(a) The commissioner of Vermont health access shall review the VPHARM program beneficiary premium and co-payment structure as well as the current and anticipated pharmaceutical manufacturing rebate compliance and payments levels. The commissioner shall make recommendations to the house and senate committees on appropriations, the house committee on health care,

and the senate committee on health and welfare by January 15, 2013 regarding changes to the VPHARM program premium or co-payment structure.

Sec. E.307.10 EXPEDITED RULES

(a) Notwithstanding any contrary provision in 3 V.S.A. chapter 25, and in order to implement Sec. E.307.2(a) (VHAP and Medicaid co-pays) of this act, the agency of human services may adopt expedited rules in accordance with this section. Expedited rules under this section shall have the full force and effect of rules adopted under 3 V.S.A. chapter 25.

(b) Notwithstanding 3 V.S.A. chapter 25 and Sec. F4 of No. 146 of the Acts of the 2009 Adj. Sess. (2010), the agency shall:

(1) Adopt the expedited rule without prefiling or filing in proposed or final proposed form, and adopt the expedited rule after whatever notice and hearing that the agency finds to be practicable under the circumstances. The agency shall make reasonable efforts to ensure that expedited rules are known to persons who may be affected by them. These efforts may occur prior to passage of this act and also shall occur on adoption of the rules by the agency.

(2) File expedited rules adopted under this section with the secretary of state and with the legislative committee on administrative rules. The legislative committee on administrative rules shall distribute copies of expedited rules to the appropriate standing committees.

(3) Ensure that expedited rules adopted under this section shall include as much of the information required for the filing of a proposed rule as is practicable under the circumstances.

(c) On a majority vote of the entire committee, the committee may object under this subsection if an expedited rule is:

(1) beyond the authority of the agency;

(2) contrary to the intent of the legislature; or

(3) arbitrary.

(d) When objection is made under subsection (c) of this section, on majority vote of the entire committee, the committee may file the objection in certified form with the secretary of state. The objection shall contain a concise statement of the committee's reasons for its action. The secretary shall affix to each objection a certification of its filing and as soon as practicable transmit a copy to the agency. After a committee objection is filed with the secretary under this subsection, to the extent that the objection covers a rule or portion of a rule, the burden of proof thereafter shall be on the agency in any action for

judicial review or for enforcement of the rule to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, and is not arbitrary. If the agency fails to meet its burden of proof, the court shall declare the whole or portion of the rule objected to invalid. The failure of the committee to object to a rule is not an implied legislative authorization of its substantive or procedural lawfulness.

Sec. E.307.11 ELIGIBILITY RESTORATION

(a) To the extent allowable under federal law and provided the commissioner determines that an operational approach can be developed, notwithstanding any other provision of law, the commissioner of Vermont health access may restore eligibility for those individuals who have lost their eligibility for Medicare Savings Plan coverage due to COLA increases in their Social Security benefits effective January 1, 2012. Such restoration should be limited to cases where the commissioner determines a substantial hardship for an individual has been created and potential additional costs would otherwise be incurred by the state.

Sec. E.308 FISCAL YEAR 2013 NURSING HOME RATE SETTING

(a) Beginning July 1, 2012, notwithstanding any other provisions of law, the division of rate setting shall maintain the decrease by one-half in the case-mix weights for the following Vermont RUG-III resource utilization groups: Impaired Cognition A (IA1), Challenging Behavior A (BA1), Reduced Physical Functioning A 2 (PA2), and Reduced Physical Functioning A 1 (PA1). The decrease by one-half in these case-mix weights shall be maintained in each facility's average case-mix score for Medicaid residents from picture dates in the January 2010, April 2010, and July 2010 quarters, which were used to set the July 2010, October 2010, and January 2011 rates.

Sec. E.308.1 DVHA – MEDICAID LONG TERM CARE

(a) The funding for the Choices for Care program in fiscal year 2013 includes the appropriations in this section and anticipates at least \$4,400,000 of fiscal year 2012 unexpended appropriations. The administration anticipates making new investments of at least \$1,100,000. Prior to the implementation of these or alternate investments, the secretary of human services and the commissioner of disabilities, aging, and independent living shall work with providers and stakeholders to assure that the impact of changes in funding and proposed methods of delivery by the providers is clear and practical and ensure that the expected outcomes for clients are achieved and shall present their suggested investments for review and comment by the health access oversight committee.

(b) The agency of human services and department of disabilities, aging, and independent living shall report to the joint fiscal committee any submission made to CMS to change the Choices for Care waiver rate reimbursement structure. Before implementation of any CMS approved changes to the Choices for Care waiver rate reimbursement structure, notification shall be made to the house and senate committees on appropriations or to the joint fiscal committee if the general assembly is not in session.

Sec. E.308.2 LONG-TERM CARE CONTINUUM OF RESIDENTIAL SERVICES

(a) The agency of human services and department of disabilities, aging, and independent living shall prepare a report in consultation with consumer and provider groups on the continuum of residential options for long-term care services that are currently available to moderate and low income seniors. The report shall identify the appropriate range of residential options that will be needed to meet the needs of moderate and low income seniors over the next 10, 15, and 20 years. The report shall also include the reimbursement rates across the continuum of residential options identified and the potential sources of funding for such options.

Sec. E.309 HEALTH CARE COVERAGE; LEGAL IMMIGRANT CHILDREN AND PREGNANT WOMEN

(a) Beginning July 1, 2012 and thereafter, in accordance with the provisions of the federal Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111-3, Section 214, the agency of human services shall provide coverage under Medicaid and CHIP to legal immigrant children and pregnant women who are residing lawfully in Vermont and who have not met the five-year waiting period required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Sec. E.309.1. Sec. E.309.2(a) of No. 63 of the Acts of 2011, as amended by Sec. 99 of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

(a) Beginning July 1, 2012, the commissioner of Vermont health access shall implement interim measures comparable to the family planning option of section 2303 of the Affordable Care Act of 2010 until such time as the state is able to modify necessary rules and procedures related to eligibility and services to implement the family planning option of section 2303 of the Affordable Care Act of 2010, Public Law 111-148.

Sec. E.311 33 V.S.A. § 2004(b) is amended to read:

(b) Fees collected under this section shall fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633, analysis of prescription drug data needed by the attorney general's office for enforcement activities, the Vermont prescription monitoring system established in 18 V.S.A. chapter 84A, and the evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2 of chapter 91 of Title 18. The fees shall be collected in the evidence-based education and advertising fund established in section 2004a of this title.

Sec. E.311.1 33 V.S.A. § 2004a(a) is amended to read:

(a) The evidence-based education and advertising fund is established in the treasury as a special fund to be a source of financing for activities relating to fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633, analysis of prescription drug data needed by the attorney general's office for enforcement activities, the Vermont prescription monitoring system established in 18 V.S.A. chapter 84A, and for the evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2 of Title 18. Monies deposited into the fund shall be used for the purposes described in this section.

Sec. E.311.2 Health – administration and support (FQHC Look-Alike Clinics)

(a) Of these Global Commitment funds, up to \$310,200 shall be used to support the costs of developing three federally qualified health center (FQHC) Look-Alike clinics. The Gifford Medical Center in Randolph shall receive up to \$100,000, the Five Town Health Alliance in Bristol shall receive up to \$110,000, and the Battenkill Valley Health Center in Arlington shall receive up to \$100,200 for the purpose of meeting all of the FQHC Program requirements enabling each clinic to submit an application certifying its program to the Health Resources and Services Administration (HRSA) and, if approved, to the Centers for Medicare and Medicaid Services (CMS).

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2013 and as provided in this section, the department of health shall provide grants in the amount of \$475,000, of which \$135,000 is state general funds and \$340,000 is AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. It is the intent of the general assembly that if the AIDS Medication Rebates special funds appropriated in this subsection are unavailable, the funding for Vermont AIDS service and peer-support organizations for client-based support services shall be maintained through the

general fund or other state-funding sources. The department of health AIDS program shall meet at least quarterly with the community advisory group (CAG) with current information and data relating to service initiatives. The funds shall be allocated as follows:

(A) AIDS Project of Southern Vermont, \$120,768;

(B) HIV/HCV Resource Center, \$36,689;

(C) VT CARES, \$220,133;

(D) Twin States Network, \$45,160;

(E) People with AIDS Coalition, \$52,250.

(2) Ryan White Title II funds for AIDS services and the AIDS Medication Assistance Program (AMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by state general funds.

(3)(A) The secretary of human services shall immediately notify the joint fiscal committee if at any time there are insufficient funds in AMAP to assist all eligible individuals. The secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to AMAP medications until such time as the general assembly can take action.

(B) As provided in this section, the secretary of human services shall work in collaboration with the AMAP advisory committee, which shall be composed of no less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2013, the department of health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; anti-stigma campaigns; and promotion of needle exchange programs. No more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of

the department of health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(b) Funding for the tobacco programs in fiscal year 2013 shall consist of the \$1,594,000 in tobacco funds and \$302,507 in Global Commitment funds appropriated in Sec. B.312 of this act. The tobacco evaluation and review board shall determine how these funds are allocated to tobacco cessation, community-based, media, public education, surveillance, and evaluation activities. This allocation shall include funding for tobacco cessation programs that serve pregnant women.

Sec. E.312.1 SUSTAINABILITY OF TOBACCO PROGRAMS

(a) The secretary of administration, the tobacco evaluation and review board, the department of health, and the blueprint for health shall develop a plan for tobacco program funding for fiscal years 2014 through 2016 at a level necessary to maintain the gains made in preventing and reducing tobacco use that have been accomplished since their inception. The plan shall consider the inclusion of monies that have been withheld by manufacturers in prior years under the master settlement but may be received by the state in the future. The plan shall be presented to the general assembly on or before January 15, 2013.

Sec. E.312.2 [DELETED]

Sec. E.313 Health – alcohol and drug abuse programs

(a) For the purpose of meeting the need for outpatient substance abuse services when the preferred provider system has a waiting list of five days or more or there is a lack of qualified clinicians to provide services in a region of the state, a state-qualified alcohol and drug abuse counselor may apply to the department of health, division of alcohol and drug abuse programs, for time-limited authorization to participate as a Medicaid provider to deliver clinical and case coordination services, as authorized.

(b)(1) In accordance with federal law, the division of alcohol and drug abuse programs may use the following criteria to determine whether to enroll a state-supported Medicaid and uninsured population substance abuse program in the division's network of designated providers, as described in the state plan:

(A) The program is able to provide the quality, quantity, and levels of care required under the division's standards, licensure standards, and accreditation standards established by the commission on accreditation of rehabilitation facilities, the joint commission on accreditation of health care organizations, or the commission on accreditation for family services.

(B) Any program that is currently being funded in the existing network shall continue to be a designated program until further standards are developed, provided the standards identified in subdivision (b)(1) of this section are satisfied.

(C) All programs shall continue to fulfill grant or contract agreements.

(2) The provisions of subdivision (1) of this subsection shall not preclude the division's "request for bids" process.

(c) Prior to the issuance of grants to the recovery centers in fiscal year 2013 and thereafter, the recovery network advisory board shall recommend to the department of health how such funds should be allocated by center.

(d) The advisory board shall research national standards of peer supports and core services to be provided by recovery centers. By September 15, 2012, the board shall develop a set of standards, core services, and monthly performance measures to be submitted for approval to the department of health – alcohol and drug abuse programs and the department of mental health. The board may collaborate with the department of health, the department of mental health, and the designated agencies regarding standards, core services, and performance measures as well as optional additional services. To the extent possible, adoption of the standards, core services, and performance measures shall be a condition of state grant funding in fiscal year 2013 and shall be a requirement for grant funding in subsequent fiscal years.

(e) Notwithstanding 32 V.S.A. § 706, in fiscal year 2012 or fiscal year 2013 or both, transfers of funds from funds appropriated within the agency of human services are authorized to the department of health – alcohol and drug abuse programs as necessary to provide \$100,000 of additional grant funding to recovery centers in fiscal year 2013.

Sec. E.318 Department for children and families – child development

(a) The commissioner for children and families shall reserve up to one-half of one percent of the child care family assistance program funds to assist child care facilities that are at risk of closing due to financial hardship. The commissioner shall develop guidelines for providing assistance and shall prioritize relief to child care programs in areas of the state with high poverty and low access to high quality child care. If the commissioner determines that the child care center is at risk of closure because operations of a child care program are not fiscally sustainable, he or she may provide assistance to transition children served by the child care operator in an orderly fashion to help secure other child care opportunities for children served by the program in

an effort to minimize a disruption of services. The commissioner has the authority to request tax returns and other financial documents to verify the financial hardship and ability to sustain operations. The commissioner shall report to the joint fiscal committee at its November 2012 meeting on the distribution of reserved funds.

Sec. E.318.1 ACCESS TO HIGH-QUALITY EARLY EDUCATION

(a) In consultation with appropriate state agencies, community partners, and stakeholder groups, the building bright futures state council shall develop recommendations to increase access to high-quality early care and education for Vermont children as follows:

(1) In order to increase access to high-quality early care and education for three- and four-year-old children, the council shall develop recommendations designed to:

(A) Promote equitable opportunities throughout the state, including the availability of publicly supported programs to similarly situated families in different communities;

(B) Determine the best way to use community-based child care and education programs and review the interaction between developing publicly funded school-based pre-kindergarten and kindergarten programs and the infrastructure and financial health of existing child care programs in the private and nonprofit sector and how that interaction affects programs serving infants through age two;

(C) The council shall present its recommendations concerning subdivision (1) of this subsection to the house and senate committees on education on or before January 15, 2013.

(2) The council shall develop recommendations for a long-term financial sustainability plan for funding a comprehensive system of early childhood services that shall include early care and education, prevention and early intervention, nutrition, mental health and physical health, and include new ways to leverage federal funds.

(A) The council shall present an initial report concerning subdivision (2) of this subsection to the house committee on human services, the senate committee on health and welfare, and the house and senate committees on appropriations on or before January 15, 2013.

Sec. E.318.2 [DELETED]

Sec. E.321 GENERAL ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM

(a) Commencing with state fiscal year 2007, the agency of human services may establish a housing assistance program within the general assistance program to create flexibility to provide these general assistance benefits. The purpose of the program is to mitigate poverty and serve applicants more effectively than they are currently served with the same amount of general assistance funds. The program shall operate in a consistent manner within existing statutes and rules except that it may grant exceptions to this program's eligibility rules and may create programs and services as alternatives to these rules. Eligible activities shall include, among others, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, and related services that assure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The program may operate in up to 12 districts designated by the secretary of human services. This program will be budget neutral. For each district in which the agency operates the program, it shall establish procedures for evaluating the pilot and its effects. The agency shall report annually to the general assembly on its findings from the programs, its recommendations for changes in the general assistance program, and a plan for further implementation of the program.

(c) The agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of the general assistance flexibility program.

(d) In fiscal year 2013, the agency of human service shall make its annual report to the general assembly by December, 15, 2012. The report shall specifically:

(1) Provide data on the number of persons and families served in fiscal years 2010, 2011, and 2012 by the general assistance housing assistance program and any other state-funded housing assistance programs.

(2) Provide data on the causes and circumstances that result in individuals or families requiring housing assistance.

(3) Identify the primary drivers of the need for such services and the primary barriers individuals and families have in maintaining safe and stable housing.

(4) Include an inventory of existing programs and program funding available for emergency, low income, and transitional housing.

(5) Include the outcome measures currently used to evaluate the effectiveness and accountability of emergency, low income, and transitional housing and make recommendations for any additional or alternative outcome measures.

(6) Make recommendations regarding reallocation of current funding for these programs if such reallocation would result in better outcomes, particularly regarding eviction prevention and accessing and maintaining safe stable housing for the populations in need or at risk of needing housing assistance and the option of providing direct vendor payments of benefits for habitually homeless individuals.

(7) Identify the outcome-based priority for any additional investment in housing assistance programs.

Sec. E.321.1 33 V.S.A. § 2301 is amended to read:

§ 2301. BURIAL RESPONSIBILITY

* * *

~~(c) When a person other than one described in subsection (a) or (b) of this section dies in the town of domicile without sufficient known assets to pay for burial, the burial shall be arranged and paid for by the town. The department shall reimburse the town up to \$250.00 for expenses incurred.~~

~~(d)~~ In all other cases the department shall arrange for and pay up to the maximum amount established by rule for the burial of eligible persons who die in this state or residents of this state who die within the state or elsewhere when the persons are without sufficient known assets to pay for their burial.

~~(e)~~(d) For the purpose of this chapter, “burial” means the final disposition of human remains including interring or cremating a decedent and the ceremonies directly related to that cremation or interment at the gravesite; and “funeral” means the ceremonies prior to burial by interment, cremation, or other method.

Sec. E.323 [DELETED]

Sec. E.324 HOME HEATING FUEL ASSISTANCE/LIHEAP

(a) For the purpose of a crisis set-aside, for seasonal home heating fuel assistance through December 31, 2012, and for program administration, the commissioner of finance and management shall transfer \$2,550,000 from the home weatherization assistance trust fund to the home heating fuel assistance fund to the extent that federal LIHEAP or similar federal funds are not available. An equivalent amount shall be returned to the home weatherization

trust fund from the home heating fuel assistance fund to the extent that federal LIHEAP or similar federal funds are received. Should a transfer of funds from the home weatherization assistance trust fund be necessary for the 2012–2013 crisis set-aside and for seasonal home heating fuel assistance through December 31, 2012 and if LIHEAP funds awarded as of December 31, 2012 for fiscal year 2013 do not exceed \$2,550,000, subsequent payments under the home heating fuel assistance program shall not be made prior to January 30, 2013. Notwithstanding any other provision of law, payments authorized by the office of home heating fuel assistance shall not exceed funds available, except that for fuel assistance payments made through December 31, 2012, the commissioner of finance and management may anticipate receipts into the home weatherization assistance trust fund.

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the general fund appropriation in this section, \$792,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal McKinney emergency shelter funds. Grant decisions shall be made with assistance from the coalition of homeless Vermonters.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the special fund appropriation in this section, \$750,000 is for the replacement and repair of home heating equipment.

(b) Appropriations from the weatherization trust fund may be limited based on the revenue forecast for the fund from the gross receipts tax as adopted pursuant to 32 V.S.A. § 305a.

Sec. E.329 VERMONT VETERANS' HOME; REGIONAL BED CAPACITY

(a) The agency of human services shall not include the bed count at the Vermont veterans' home when recommending and implementing policies that are based on or intended to impact regional nursing home bed capacity in the state.

Sec. E.329.1 [DELETED]

Sec. E.338 Corrections – correctional services

(a) The establishment of seventeen (17) new classified positions – sixteen (16) Correctional Officer I and one (1) Corrections Housing Program

Coordinator – is authorized in fiscal year 2013. The Correctional Officer I positions will accommodate the conversion of temporary Correctional Officer I positions to full-time classified status.

Sec. E.342 Vermont veterans' home – care and support services

(a) If Global Commitment fund monies are unavailable, the total funding for the Vermont veterans' home shall be maintained through the general fund or other state funding sources.

(b) The Vermont veterans' home will use the Global Commitment funds appropriated in this section for the purpose of increasing the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

* * * LABOR * * *

Sec. E.400 REPEAL

(a) 16 V.S.A. § 2887(c) (allocations of next generation initiative funds to regional technical centers) is repealed.

Sec. E.401 Labor – programs

(a) A three-year continuation is authorized beginning in fiscal year 2013 for three (3) existing limited service workers' compensation investigator positions.

(b) One (1) classified adjudicator position (position # 820176) is authorized to be converted to one (1) permanent workers' compensation investigator position in fiscal year 2013.

Sec. E.401.1 21 V.S.A. § 1101 is amended to read:

§ 1101. APPRENTICESHIP DIVISION AND COUNCIL

The apprenticeship division and state apprenticeship council, hereinafter referred to as the "council," shall be located within the department of labor. The commissioner of labor shall supervise the work of the division, and shall be the chair of the council. The council shall consist of ~~10~~ 12 members, four ex officio members and ~~six~~ eight members who shall be appointed by the governor. Of the ex officio members, one shall be the commissioner of labor; or designee, one shall be the commissioner of public safety; or designee, one shall be the commissioner of education or designee, and one shall be the director of the apprenticeship division who shall act as secretary of the council without vote. The council shall be composed of persons familiar with apprenticeable occupations. Of the ~~appointive~~ appointed members, three shall be individuals who ~~on account of previous vocation, employment, occupation,~~

~~or affiliation can be classed as~~ represent employers and ~~three, three~~ shall be individuals who ~~on account of previous vocation, employment, occupation, or affiliation can be classed as employees~~ represent employee organizations, and two shall be members of the public. Appointment of the employer and the employee members shall be made for the term of three years except the employer and employee members first appointed shall be appointed for the term of one, two, and three years respectively. The governor shall annually designate one member of the council as chair. Each member of the council who is not a salaried official or employee of the state shall be entitled to compensation and expenses as provided in 32 V.S.A. § 1010.

Sec. E.401.2 21 V.S.A. § 1347 is amended to read:

§ 1347. NONDISCLOSURE OR MISREPRESENTATION

* * *

(c) The person liable under this section shall repay such amount to the commissioner for the fund. In addition to the repayment, if the commissioner finds that a person intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits, the person shall pay an additional penalty of 15 percent of the amount of the overpaid benefits. Such amount may be collectible by civil action in a Vermont district or superior court, in the name of the commissioner. ~~No action shall be commenced for the collection of such amount more than five years after the date of such determination under this section or the final decision confirming the liability of such person on an appeal from such determination.~~

(d) In any case in which under this section a person is liable to repay any amount to the commissioner for the fund, the commissioner may withhold, in whole or in part, any future benefits payable to such person, and credit such withheld benefits against the amount due from such person until it is repaid in full, less any penalties assessed under subsection (c) of this section. ~~No benefits shall be withheld after five years from the date of such determination or the date of the final decision confirming the liability of such person on an appeal from such determination.~~

(e) In addition to the foregoing, when it is found by the commissioner that a person intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits and in the event the person is not prosecuted under section 1368 of this title and penalty provided in section 1373 of this title is not imposed, the person shall be disqualified and shall not be entitled to receive benefits to which he or she would otherwise be entitled after the determination for such number of weeks not exceeding 26 as the commissioner shall deem just, ~~provided, however, that no benefits shall be~~

~~denied to a claimant because of such determination after three years from the date thereof or the date of final decision on an appeal from such determination.~~ The notice of determination shall also specify the period of disqualification imposed hereunder.

* * *

Sec. E.401.3 21 V.S.A. § 1451 is amended to read:

§ 1451. DEFINITIONS

For the purpose of this subchapter:

* * *

(4) “Short-time compensation employer” means an employer who has one or more employees covered by an approved “Short-Time Compensation Plan.” ~~Both employers with experience rating records and employers who make payments in lieu of tax contributions to the UI Trust Fund may become short-time compensation employers.~~ “Short-time compensation employer” includes an employer with experience-rating records and an employer who makes payments in lieu of tax contributions to the unemployment compensation trust fund and that meets the following:

(A) Has five or more employees covered by an approved short-time compensation plan.

(B) Is not delinquent in the payment of contributions or reimbursement, or in the reporting of wages.

(C) Is not a negative balance employer. For the purposes of this section, a negative balance employer is an employer who has for three or more consecutive calendar years prior to applying for the STC plan paid more in unemployment benefits to its employees than it has contributed to its unemployment insurance account. In the event that an employer has been a negative balance employer for three consecutive years, the employer shall be ineligible for participation unless the commissioner grants a waiver based upon extenuating economic conditions or other good cause.

* * *

(7) “Fringe benefits” means benefits, including health insurance, retirement benefits, paid vacations and holidays, sick leave, and similar benefits that are incidents of employment.

(8) “Intermittent employment” means employment that is not continuous but may consist of intervals of weekly work and intervals of no weekly work.

(9) "Seasonal employment" means employment with an employer who experiences at least a 20-percent difference between its highest level of employment during a particular season and its lowest level of employment during the off-season in each of the previous three years as reported to the department, or employment with an employer on a temporary basis during a particular season.

Sec. E.401.4 21 V.S.A. § 1452 is amended to read:

§ 1452. CRITERIA FOR APPROVAL

An employer wishing to participate in an STC program shall submit a department of labor electronic application or a signed written short-time compensation plan to the commissioner for approval. The commissioner may approve an STC plan only if the following criteria are met:

* * *

(3) the plan ~~specifies any impact on~~ outlines to the commissioner the extent to which fringe benefits, including health insurance, of employees participating in the plan may be reduced, which shall be factored into the evaluation of the business plan for resolving the conditions that lead to the need for the STC plan;

* * *

(6) the plan certifies that the STC employer will notify the department within 24 hours after any layoff of an employee, at which time the commissioner shall have the right to terminate the STC plan;

(7) the identified workweek reduction is applied consistently throughout the duration of the plan unless otherwise approved by the department;

~~(6)~~(8) the plan applies to at least 10 percent of the employees in the affected unit, and when ~~applicable~~ determined to be applicable by the commissioner applies to all affected employees of the unit equally;

~~(7)~~(9) the plan will not subsidize seasonal employers during the off-season, nor subsidize employers who have traditionally used part-time employees or intermittent employment;

~~(8)~~(10) the employer agrees to maintain records relative to the plan for a period of three years and furnish reports relating to the proper conduct of the plan and agrees to allow the commissioner or his or her authorized representatives access to all records necessary to verify the plan prior to approval and, after approval, to monitor and evaluate application of the plan;

~~(9)~~(11) the plan certifies that the collective bargaining agent or agents for the employees, if any, have agreed to participate in the program. If there is no bargaining unit, the employer specifies how he or she will notify the employees in the affected group and work with them to implement the program once the plan is approved; and

~~(10)~~(12) in addition to subdivisions (1) through ~~(9)~~(11) of this section, the commissioner shall take into account any other factors which may be pertinent to the approval and proper implementation of the plan.

Sec. E.401.5 21 V.S.A. § 1453 is amended to read:

§ 1453. APPROVAL OR REJECTION; RESUBMISSION

The commissioner shall approve or reject a plan in writing within 30 days of its receipt, and in the case of rejection shall state the reasons therefor. The reasons for rejection shall be final and nonappealable, but the employer shall be allowed to submit another plan for approval, that addresses the reasons that led to the rejection of the original plan.

Sec. E.401.6 21 V.S.A. § 1454 is amended to read:

§ 1454. EFFECTIVE DATE; DURATION

A plan shall be effective on the date specified in the plan or on a date mutually agreed upon by the employer and the commissioner. It shall expire at the end of the sixth full calendar month after its effective date or on the date specified in the plan if such date is earlier; provided, that the plan is not previously revoked by the commissioner; or on the effective date of any transfer of ownership of the legal business entity. If a plan is revoked or terminated by the commissioner, it shall terminate on the date specified in the commissioner's written order of revocation. No employer shall be eligible for a short-time compensation plan that results in an employee receiving benefits in excess of 26 times the amount of regular unemployment benefits payable to such individual for a week of total unemployment.

Sec. E.401.7 21 V.S.A. § 1458 is amended to read:

§ 1458. SHORT-TIME COMPENSATION BENEFITS

* * *

(f)(1) If an individual works in the same week for both the short-time employer and another employer and his or her combined hours of work for both employers are equal to or greater than 81 percent of the usual hours of work with the short-time employer, he or she shall not be entitled to benefits

under these short-time provisions or the unemployment compensation provisions.

(2) If an individual works in the same week for both the short-time employer and another employer and his or her combined hours of work for both employers are equal to or less than 80 percent of the usual hours of work for the short-time employer, the benefit amount payable for that week shall be the weekly unemployment compensation amount reduced by the same percentage that the combined hours are of the usual hours of work. A week for which benefits are paid under this provision shall count as a week of short-time compensation.

(3) An individual who does not work during a week for the short-time employer, and is otherwise eligible, shall be paid his or her full weekly unemployment compensation benefit amount under the provisions of the regular unemployment compensation program. Such a week shall not be counted as a week for which short-time compensation benefits were received.

(4) An individual who does not work the short-time employer's identified workweek reduction hours as certified by the application due to the use of paid vacation or personal time shall be paid benefits for the week under the partial unemployment compensation provisions of the regular unemployment compensation program.

~~(4)~~(5) An individual who does not work for the short-time employer during a week but works for another employer and is otherwise eligible, shall be paid benefits for that week under the partial unemployment compensation provisions of the regular UI program. Such a week shall not be counted as a week with respect to which STC benefits were received.

Sec. E.401.8 COMPLIANCE WITH UNITED STATES DEPARTMENT OF LABOR

(a) In the event that the United States secretary of labor determines that any provision of the short-time compensation program (21 V.S.A. chapter 19, subchapter 3) is not in conformance with 26 U.S.C. § 3306(v) as added by the federal Layoff Prevention Act of 2012, the provision shall be unenforceable.

Sec. E.401.9 SHORT-TIME COMPENSATION FUNDING

(a) The commissioner of labor is hereby authorized to pursue federal funding for Vermont's short-time compensation program, if after an analysis of the eligibility requirements for receiving such funding, he or she concludes that doing so would be in the best interest of the state of Vermont.

Sec. E.401.10 33 V.S.A. § 4110 is amended to read:

§ 4110. EMPLOYER OBLIGATIONS

* * *

(c) As used in this section:

(1) “Employee” ~~means:~~

(A) means an individual who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986; and

(B) does not include an employee of a federal or state agency performing intelligence or counterintelligence functions, if the head of such agency has determined that reporting pursuant to this section with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(2) “Employer” has the meaning given such term in Section 3401(d) of the Internal Revenue Code of 1986 and includes any governmental entity and any labor organization.

(3) “First date of employment” is the first day services are performed for compensation as a new hire.

(4) “New hire” means an employee ~~for whom a W-4 filing is required and whose wages have not been reported by the filing employer to the department of labor during the last reporting quarter~~ who:

(A) has not previously been employed by the employer; or

(B) was previously employed by the employer but has been separated from that employment for at least 60 consecutive days.

Sec. E.401.11 21 V.S.A. § 1301a is amended to read:

§ 1301a. DEPARTMENT OF LABOR; COMPOSITION

The department of labor, created by ~~section 3 V.S.A. § 212 of Title 3~~, shall consist of a commissioner of labor, the Vermont employment security board, the Vermont workforce development division, the economic and labor market information division, the workforce development council, the unemployment insurance and wages division, and the workers’ compensation and safety division. The chair of the employment security board shall be the commissioner of labor ex officio. The deputy commissioner of labor or a designee chosen by the commissioner may serve as chair in the absence of the commissioner as the commissioner’s designee.

* * * K-12 EDUCATION * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in this section for school health services, including school nurses, shall be used for the purpose of funding certain health-care-related projects. It is the goal of these projects to reduce the rate of uninsured or underinsured persons or both in Vermont and to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.502 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,400,654 shall be used by the department of education in fiscal year 2013 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the commissioner shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d). In addition to funding for 16 V.S.A. § 2967(b)(2)–(6), up to \$172,611 may be used by the department of education for its participation in the higher education partnership plan.

Sec. E.503 Education – state-placed students

(a) The independence place program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

Sec. E.504 Education – adult education and literacy

(a) Of this appropriation, \$4,000,000 from the education fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 1049a(c).

Sec. E.505 Education – adjusted education payment

(a) Notwithstanding any other provision of law, up to \$50,000 of the education funds appropriated in this section may be used to reimburse districts for excess homestead tax amounts collected in previous fiscal years that the department has verified were the result of error in data or calculation. Any sums reimbursed shall be used solely as an additional revenue source to the receiving district for the current or next fiscal year.

Sec. E.512 Education – Act 117 cost containment

(a) Notwithstanding any other provision of law, expenditures made from this section shall be counted under 16 V.S.A. § 2967(b) as part of the state's 60

percent of the statewide total special education expenditures of funds which are not derived from federal sources.

Sec E.513 [DELETED]

Sec. E.514 State teachers' retirement system

(a) The annual contribution to the Vermont state teachers' retirement system shall be \$64,932,755, of which \$60,182,755 shall be contributed in accordance with 16 V.S.A. § 1944(g)(2) and an additional \$4,750,000 in general funds.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$10,303,147 is the "normal contribution," and \$49,879,608 is the "accrued liability contribution."

(c) A combination of \$63,613,130 in general funds and an estimated \$1,319,625 of Medicare Part D reimbursement funds is utilized to achieve funding at \$4,750,000 above the actuarially recommended level of \$60,182,755.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont

(a) The commissioner of finance and management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds or both.

(c) If Global Commitment fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the general fund or other state funding sources.

(d) The University of Vermont will use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this program, currently representing a significant number of physicians practicing in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to the uninsured or underinsured persons or both in Vermont and across the nation.

Sec. E.602 Vermont state colleges

(a) The commissioner of finance and management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont manufacturing extension center for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds or both.

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the general fund or other state funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 250 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries and uninsured or underinsured persons or both.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the general fund to the Vermont Student Assistance Corporation to be deposited into the trust fund established in 16 V.S.A. § 2845.

(b) Except as provided in subsection (a) of this section, not less than 93 percent of grants shall be used for direct student aid.

(c) Funds available to the Vermont Student Assistance Corporation pursuant to Sec. E.215(a) of this act shall be used for the purposes of 16 V.S.A. § 2856. Any unexpended funds from this allocation shall carry forward for this purpose.

* * * NATURAL RESOURCES * * *

Sec. E.700 3 V.S.A. § 2805 is amended to read:

§ 2805. ENVIRONMENTAL PERMIT FUND

(a) There is hereby established a special fund to be known as the environmental permit fund for the purpose of implementing the programs specified under the provisions of subsections 2822(i) and (j) of this title. Revenues to the fund shall be those. Within the fund, there shall be two accounts: the environmental permit account and the air pollution control account. Unless otherwise specified, fees collected in accordance with subsections 2822(i) and (j) of this title, and 10 V.S.A. § 2625 and gifts and

appropriations shall be deposited in the environmental permit account. Fees collected in accordance with subsections 2822(j)(1), (k), (l), and (m) of this title shall be deposited in the air pollution control account. The environmental permit fund shall be used to implement the programs specified under section 2822 of this title. The secretary of natural resources shall be responsible for the fund and shall account for the revenues and expenditures of the agency of natural resources. The environmental permit fund shall be subject to the provisions of 32 V.S.A. chapter 7, subchapter 5. The environmental permit fund shall be used to cover a portion of the costs of administering the environmental division established under 4 V.S.A. chapter 27. The amount of \$143,000.00 per fiscal year shall be disbursed for this purpose.

(b) Any fee required to be collected under subdivision 2822(j)(1) of this title shall be utilized solely to cover all reasonable (direct or indirect) costs required to support the operating permit program authorized under 10 V.S.A. chapter 23 of Title 10. Any fee required to be collected under subsections subsection 2822(k), (l), or (m) of this title for air pollution control permits or registrations or motor vehicle registrations shall be utilized solely to cover all reasonable (direct or indirect) costs required to support the programs authorized under 10 V.S.A. chapter 23 of Title 10. Fees collected pursuant to subsections 2822(k), (l), and (m) of this title shall be used by the secretary to fund activities related to the secretary's hazardous or toxic contaminant monitoring programs and motor vehicle-related programs. The environmental permit fund shall be subject to the provisions of subchapter 5 of chapter 7 of Title 32, except that any unencumbered environmental permit fund balance in excess of those fees collected under subdivision 2822(j)(1) and subsections (k), (l), and (m) of this title, and in excess of \$350,000.00 from those fees collected from environmental permit fund sources other than subdivision 2822(j)(1) and subsections (k), (l), and (m) at the close of a fiscal year shall revert to the general fund. The environmental permit fund shall be used to cover a portion of the costs of administering the environmental division established under chapter 27 of Title 4. The amount of \$143,000.00 per fiscal year shall be disbursed for this purpose.

Sec. E.704 Forests, parks and recreation - forestry

(a) This special fund appropriation shall be authorized, notwithstanding the provisions of 3 V.S.A. § 2807(c)(2).

Sec. E.709 10 V.S.A. § 1174 is amended to read:

§ 1174. APPROPRIATION EXPENDITURE FOR SUPPORT OF THE CONNECTICUT COMMISSION

~~The sum of \$1,500.00 annually, or so much thereof as may be necessary, is hereby appropriated out of any fund not otherwise appropriated.~~ The department of environmental conservation shall make an expenditure for the purpose of carrying out the provisions of Article VII of the compact, section 1158 of this title, relating to payment by the state to the Connecticut commission of the proportionate share of the state in the expenses of said commission. This appropriation expenditure is conditioned upon payment by the other compacting states of their proportionate amounts.

Sec. E.709.1 10 V.S.A. § 1175(c) is added to read:

(c) Funds received pursuant to subsection (a) of this section shall be credited to a special fund, established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, from which payments shall be made in accordance with section 1176 of this title.

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec. E.800 Agency of commerce and community development – administration

(a) The establishment of one (1) new classified position – Economic Research Analyst – is authorized in fiscal year 2013 to perform economic analysis including VEGI modeling within the agency of commerce and community development.

Sec. E.800.1 TROPICAL STORM IRENE RELIEF INITIATIVE

(a) The secretary of administration and the secretary of commerce and community development shall:

(1) Work to include nondesignated counties in the area targeted by the U.S. Department of Housing and Urban Development (HUD) for 80 percent of the pending community development block grant disaster recovery allocation to Vermont;

(2) Hold regional public hearings regarding unmet housing, economic recovery, and infrastructure needs in the county for inclusion in the agency's disaster action plan for the use of community development block grant disaster recovery funding. Groups and organizations that have not been directly involved with the economic development strategy shall be included and allocated adequate presentation time;

(3) Ensure agency participation at a senior level with the southeastern Vermont economic development strategy board;

(4) Provide a single point of contact and serve as a resource for affected communities on tax credits and other funding to assist with recovery;

(5) Coordinate Federal Emergency Management Agency (FEMA) and state assistance to address housing needs.

(b) The secretary of administration and the secretary of commerce and community development shall find \$100,000 within funds appropriated to the agency of commerce and community development and its programs or other funds that come available for this purpose to provide grants for communities and/or regional organizations involved in Tropical Storm Irene recovery in non-HUD disaster recovery assistance designated counties. These funds may also be used as matching funds.

Sec. E.800.2 STUDY; AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT AND INTEGRATED ECONOMIC DEVELOPMENT ASSISTANCE

(a) On or before January 15, 2013, the agency of commerce and community development shall conduct a study and deliver a report of its findings and recommendations to the house and senate committees on appropriations, the house committee on commerce and economic development, and the senate committee on economic development, housing and general affairs, addressing the following:

(1) whether a separate department of economic development should be created within the agency;

(2) how the agency can most effectively build stronger connections and integrated service delivery at the regional level with and through the regional development corporations;

(3) the most effective model for a single portal, through which businesses and entrepreneurs can access all state, regional, and local economic development assistance;

(4) assess the ability of the regional development corporations to be a true partner in meeting the economic development needs of the state and assess the appropriate structure, state funding, and outcome measurement of these organizations.

(b) In conducting the study, the secretary of commerce and community development shall consult with individuals who have private sector marketing and business experience and may contract with a third party with government,

economic development, and management expertise. The study shall specifically consider and update the policy and legislative recommendations adopted by the commission on the future of economic development.

Sec. E.800.3 REPEAL

(a) 10 V.S.A. § 2 (unified economic development budget) is repealed.

Sec. E.800.4 STUDY; EXPANSION OF PROPERTY-ASSESSED CLEAN ENERGY PROGRAM TO INCLUDE COMMERCIAL REAL ESTATE

(a) On or before January 15, 2013, the commissioner of public service, in collaboration with the department of financial regulation, the office of the treasurer, Housing Vermont, the Vermont housing and conservation board, the department of economic, housing and community development, the Vermont bankers' association, and other interested private sector stakeholders, shall conduct a study on the feasibility, benefits, and costs of expanding Vermont's property-assessed clean energy program to include commercial real estate, and shall submit its findings and recommendations to the house committee on commerce and economic development, the senate committee on economic development, housing and general affairs, and the house and senate committees on natural resources and energy. The study shall specifically consider appropriate measures to ensure sufficient funding and adequate reserves are available to incorporate commercial real estate into the program.

Sec. E.800.5 VERMONT TRAINING PROGRAM

(a) Notwithstanding 10 V.S.A. § 531, the secretary may authorize up to ten percent of the funds allocated within the Vermont training program for employers that meet at least one but less than three of the criteria specified within 10 V.S.A. § 531(b) and (c)(3). The secretary shall report to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs by January 15, 2013 on the use or proposed use of funds under this provision.

(b) The secretary shall report to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs by January 15, 2013 on any funds used in fiscal year 2012 and used or proposed to be used in fiscal year 2013 for the purposes of 10 V.S.A. § 531(d)(2) and shall report with the commissioner of labor on the number of employers who have applied for and/or received workforce training funds from more than one state program within fiscal years 2012 and 2013.

Sec. E.800.6 [DELETED]

Sec. E.801 Economic, housing, and community development

(b) Of this appropriation \$25,000 is for a performance contract to develop the composite technology industry statewide.

Sec. E.801.1 REPEAL

(a) Sec. 10a(b) of No. 52 of the Acts of 2011 (Vermont training program, grant eligibility repeal) is repealed.

Sec. E.803 Community development block grants

(a) Community development block grants shall carry forward until expended.

Sec. E.805 Tourism and marketing

(a) Funds granted to the Shires of Vermont shall be made through a performance contract. One provision of the contract will ensure the marketing of businesses in the southeast corner of Vermont, not limited to those associated with the local chamber of commerce.

Sec. E.806 3 V.S.A. § 2473a is amended to read:

§ 2473a. VERMONT LIFE MAGAZINE

* * *

(c) ~~A revolving~~ An enterprise fund for the operation of Vermont Life magazine is created, which shall consist of all revenues derived from the sale of Vermont Life magazine, advertising in Vermont life magazine, the sale of other products under the Vermont life label, digital and other emerging media, advisory services, sponsorships, grants, events, promotions, competitions, partnerships, licensing, fundraisers, markups on retail sales of other parties' products, other commercial activities that are consistent with Vermont Life values and supportive of the Vermont brand and approved by the secretary with the consultation of the Vermont Life Advisory Board established in Executive Order #22-2, any interest earned by Vermont Life magazine, and all sums which are from time to time appropriated for the support of Vermont Life magazine and its operations.

(d) All expenses incurred in the production, publication, and sale of Vermont Life magazine, advertising, and other products under the Vermont Life label shall be paid from the ~~revolving~~ enterprise fund.

(e) The receipt and expenditure of moneys from the ~~revolving~~ enterprise fund shall be under the supervision of the business manager and at the direction of the publisher, subject to the provisions of this section. Vermont Life magazine shall maintain accurate and complete records of all receipts and

expenditures by and from the fund, and shall make an annual report on the condition of the fund to the secretary of the agency, who shall in turn provide the report to the secretary of administration.

* * * TRANSPORTATION * * *

Sec. E.909 Transportation – central garage

(a) Of this appropriation, \$5,888,573 is appropriated from the transportation equipment replacement account within the central garage fund for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

Sec. E.910 ALLOCATION OF SNOWMOBILE REGISTRATION REVENUE

(a) Notwithstanding 23 V.S.A. § 3214(a), for the period July 1, 2009 to April 4, 2012, the full amount of revenue from the sale of resident and nonresident snowmobile registrations shall be allocated to the agency of natural resources for use by (Vermont Association of Snow Travelers) VAST, and for the purposes described in that subsection.

Sec. E.915 Transportation – town highway aid program

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(a).

Sec. E.922 19 V.S.A. § 11a is amended to read:

§ 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE DEPARTMENT OF PUBLIC SAFETY

No transportation funds shall be appropriated for the support of government other than for the agency of transportation, the transportation board, transportation pay act funds, construction of transportation capital facilities used by the agency of transportation, transportation debt service, the department of buildings and general services information centers, and the department of public safety. The amount of transportation funds appropriated to the department of public safety shall:

- ~~(1) in fiscal year 2010 not exceed \$30,850,000.00;~~
- ~~(2) in fiscal year 2011 not exceed \$28,350,000.00; and~~
- ~~(3) in fiscal year 2012 not exceed \$25,250,000.00.~~

Sec. E.1100 [DELETED]

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. C.100 (fiscal year 2012 budget adjustment, DVHA – administration), C.101 (fiscal year 2012 budget adjustment, DVHA – Medicaid program – Global Commitment), C.102 (fiscal year 2012 budget adjustment, human services function total), C.103 (fiscal year 2012 budget adjustment, general fund reversions), C.200 (immunization pilot program extension), C.201 (potential property valuation loss; current homeowners), C.202 (one-time appropriation for federal funds reduction), C.203 (fiscal year 2012 budget adjustment, human services caseload reserve expenditures), C.204 (allocation of workforce and education training grants), C.205 (fiscal year 2012 budget adjustment, general fund revenue estimate and balance), C.206 (contingent transfer of transportation or transportation infrastructure bond funds), C.207 (fiscal year 2012 general fund appropriation transfer), D.104 (tobacco litigation settlement fund balance), D.107 (transfer of national mortgage foreclosure settlement funds), E.307.10 (expedited rules for VHAP/Medicaid co-pays), E.311 and E.311.1 (Vermont prescription monitoring system), E.313(e) (health – alcohol and drug abuse programs), E.801.1 (Vermont training program, grant eligibility repeal of repeal), and E.910 (allocation of snowmobile registration revenue) of this act shall take effect upon passage.

*M. JANE KITCHEL
RICHARD W. SEARS
DIANE B. SNELLING*

Committee on the part of the Senate

*MARTHA P. HEATH
MITZI JOHNSON
HOWARD T. CRAWFORD*

Committee on the part of the House

Pending the question, Shall the House adopt the report of the Committee of Conference? **Rep. Heath of Westford** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the report of the Committee of Conference? was decided in the affirmative. Yeas, 113. Nays, 18.

Those who voted in the affirmative are:

Acinapura of Brandon *	Bissonnette of Winooski	Brennan of Colchester
Ancel of Calais	Bohi of Hartford	Burke of Brattleboro
Andrews of Rutland City	Botzow of Pownal	Buxton of Tunbridge
Atkins of Winooski	Bouchard of Colchester	Campion of Bennington
Bartholomew of Hartland	Branagan of Georgia	Canfield of Fair Haven

Cheney of Norwich	Jewett of Ripton	Myers of Essex
Christie of Hartford	Johnson of South Hero	Nuovo of Middlebury
Clark of Vergennes	Johnson of Canaan	O'Brien of Richmond
Clarkson of Woodstock	Kitzmiller of Montpelier	Olsen of Jamaica
Conquest of Newbury	Klein of East Montpelier	O'Sullivan of Burlington
Copeland-Hanzas of Bradford	Koch of Barre Town	Pearce of Richford
Corcoran of Bennington	Komline of Dorset	Peaslee of Guildhall
Courcelle of Rutland City	Krebs of South Hero	Peltz of Woodbury
Crawford of Burke	Krowinski of Burlington	Perley of Enosburgh
Dakin of Chester	Kupersmith of South Burlington	Potter of Clarendon
Davis of Washington	Lanpher of Vergennes	Pugh of South Burlington
Deen of Westminster	Larocque of Barnet	Ralston of Middlebury
Devereux of Mount Holly	Lawrence of Lyndon	Ram of Burlington
Donahue of Northfield	Lenes of Shelburne	Shand of Weathersfield
Donovan of Burlington	Leriche of Hardwick	Sharpe of Bristol
Edwards of Brattleboro	Lewis of Berlin	Stevens of Waterbury
Ellis of Waterbury	Lippert of Hinesburg	Stevens of Shoreham
Emmons of Springfield	Lorber of Burlington	Stuart of Brattleboro
Evans of Essex	Macaig of Williston	Sweaney of Windsor
Fisher of Lincoln	Malcolm of Pawlet	Taylor of Barre City
Frank of Underhill	Manwaring of Wilmington	Toll of Danville
French of Shrewsbury	Marek of Newfane	Townsend of Randolph
French of Randolph	Martin of Springfield	Trieber of Rockingham
Gilbert of Fairfax	Martin of Wolcott	Waite-Simpson of Essex
Grad of Moretown	Masland of Thetford	Webb of Shelburne
Greshin of Warren	McAllister of Highgate	Wilson of Manchester
Haas of Rochester	McCullough of Williston	Wizowaty of Burlington
Head of South Burlington	McFaun of Barre Town	Woodward of Johnson
Heath of Westford	Miller of Shaftsbury	Wright of Burlington
Helm of Fair Haven	Mook of Bennington	Yantachka of Charlotte
Hooper of Montpelier	Moran of Wardsboro	Young of Glover
Howard of Cambridge	Mrowicki of Putney	Zagar of Barnard
Jerman of Essex	Munger of South Burlington	

Those who voted in the negative are:

Browning of Arlington	Hubert of Milton	Shaw of Pittsford
Burditt of West Rutland	Kilmartin of Newport City	Smith of New Haven
Degree of St. Albans City	Marcotte of Coventry	Strong of Albany
Dickinson of St. Albans Town	Pearson of Burlington	Turner of Milton *
Hebert of Vernon	Reis of St. Johnsbury	Winters of Williamstown
Higley of Lowell	Savage of Swanton	
	Scheuermann of Stowe	

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Consejo of Sheldon	Fagan of Rutland City
Batchelor of Derby	Donaghy of Poultney	Howrigan of Fairfield
Condon of Colchester	Eckhardt of Chittenden	Keenan of St. Albans City

Lewis of Derby
McNeil of Rutland Town
Morrissey of Bennington

Partridge of Windham
Poirier of Barre City
Russell of Rutland City

South of St. Johnsbury
Spengler of Colchester
Till of Jericho

Rep. Acinapura of Brandon explained his vote as follows:

“Mr. Speaker:

I voted ‘yes’ because this is a good budget. Importantly, it provides millions of dollars for those with disabilities, those in need of mental health services and those greatly affected by tropical storm Irene.

Yet, I remain concerned that we have not exercised sufficient restraint with respect to spending. I am convinced that we can not sustain a spending rate of over 5% per year based on my understanding of future uncertainties.

I have emphasized to all that in the coming year, I anticipate millions of dollars in cuts in federal funds, less tax revenues generated from a weak economy, significant dollar needs for information technology and the requirement for more money for the systemic changes in the delivery of mental health services and health care reform.

I, therefore, stressed the need for putting more dollars into reserves so we would neither have to make significant cuts nor raise taxes next year. I could not convince my colleagues to reserve more money. I hope I am wrong in my analysis.

But, if I am correct, I urge this body to find the will next year to exercise spending restraint so we don’t have to raise taxes.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

A 6% growth rate in state spending is not a sustainable budget. We proposed numerous bills that may have assisted in saving money but, unfortunately, most were never even considered. It is disappointing that these ideas continue to fall upon deaf ears. Thank you.”

Report of Committee of Conference Adopted

H. 496

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill, entitled

An act relating to preserving Vermont's working landscape

Respectfully reported that it has met and considered the same and recommended that the Senate recede from its proposals of amendment and that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. chapter 207 is amended to read:

CHAPTER 207. PROMOTION AND MARKETING OF VERMONT
FOODS AND PRODUCTS

Subchapter 1. Agricultural Practices and Production

* * *

Subchapter 2. The Vermont Working Lands Enterprise Program

§ 4603. LEGISLATIVE FINDINGS

The general assembly finds:

(1) The report issued by the Council on the Future of Vermont indicates that over 97 percent of Vermonters polled endorsed the value of the "working landscape" as key to our future.

(2) Vermont's unique agricultural and forest assets—its working landscape—are crucial to the state's economy, communities, character, and culture. These assets provide jobs, food and fiber, energy, security, tourism and recreational opportunities, and a sense of well-being. They contribute to Vermont's reputation for quality, resilience, and self-reliance.

(3) Human activity involving Vermont's agricultural and forestland has been integral to the development of Vermont's economy, culture, and image. Sustainable land use will need to balance economic development demands with the other services the land provides, many of which have economic benefits beyond the agriculture and forest product sectors. Some of these benefits include clean air and water, recreational opportunities, ecosystem restoration, scenic vistas, and wildlife habitat.

(4) The agriculture and forest product sectors are similar and share many of the same challenges. There are potential benefits to be realized by the joining of these sectors in development planning and coordination, making policy decisions, and leveraging economic opportunities.

(5) The agriculture and forest product sectors provide renewable and harvestable products that form the basis of Vermont's land-based economy. The conversion of these raw commodities into value-added products within our borders represents further economic and employment opportunities.

(6) Vermont is in the midst of an agricultural renaissance and is at the forefront of the local foods movement. The success has been due to the efforts of skilled and dedicated farmers, creative entrepreneurs, and the strategic investment of private and public funds.

(7) State investment in a given industry or economic sector is often essential to stimulate and attract additional private and philanthropic investment. The combination of public, private, and foundation support can create enterprise opportunities that any one of them alone cannot. Grants issued as a result of No. 52 of the Acts of 2011 helped create jobs and economic activity in the agricultural sector. They also leveraged private and foundation investments.

(8) Vermont's land-based economy has proven to be a driver for Vermont's ongoing economic recovery.

(9) Value-added and specialty Vermont products are a growing source of revenue for Vermont's agricultural producers, many of whom have benefited from the existing infrastructure requirements of commodity producers. Both export and instate markets are necessary options for the agriculture and forest product sectors' economic development.

(10) The Vermont brand is highly regarded both nationally and internationally. Forest management is seen as crop management by those active in the forest product industry. An actively managed forest is a healthy and productive one.

(11) Vermont's agriculture and forest product sectors have not been perceived or treated as businesses by the traditional business and lending communities. They often lack available capital and financial package options that match their stage of development.

(12) Financial service and workforce development programs need to be customized to meet the unique needs of Vermont's agriculture and forest product sectors. Landowner education and labor skills training are also important for future productive management of forestlands.

(13) Scale is an important determining factor for the successful development of businesses that utilize Vermont's agriculture and forest products. Other limiting factors include labor and transportation costs, support services, resource base, and the regulatory environment.

(14) Workers' compensation, health care, energy costs, and regulatory requirements are a major concern to the agriculture and forest product sectors. For example, workers' compensation premiums for loggers may run as high as 48 percent of each dollar of wages.

(15) The amount of land in Vermont is finite, and part of its community and economic value is tied to the way it is used. Farmland and forestland that are developed for other uses affect the future viability of remaining farms and forest enterprises.

(16) A forestland owner is often not the person actively engaged in the business of land management, such as planning, harvesting, or marketing the raw product, whereas in agricultural operations, the farmer often owns both the land and the business. Many farm operations have woodlots that have traditionally been used for syrup, timber, and firewood production.

(17) Vermonters' perception of and support for local wood and forest products is not at the same level as it is for local food. Public outreach and education efforts need to be created to address the public's perception of actively managed working lands and the people who perpetuate them. Over the last decade, consumers of wood products have become more interested in production and management methods, certification programs, and the source of the raw materials.

(18) Vermont's forest products industry has been in decline for many years, in part due to rising costs, a poor housing market, and a lack of manufacturing. The total value of the forest product industry has dropped from \$1.8 billion to \$1.3 billion since 2007. If wood chips were priced at the equivalent BTU replacement value of oil, they would command a higher price. The number of active sawmills has also declined to fewer than 20 today.

(19) The average age of Vermont's farmers and loggers is over 55 years and the average age of forestland owners is over 65. Attention needs to be brought to efforts that will ensure intergenerational succession and lower those averages. Economically viable farm and forest-based operations are critical to that goal. "Legacy" skills such as farming and logging are disappearing, as the children of those making a living from those skills often aspire to different employment opportunities.

(20) Access to land is a challenge for many, especially younger, people who want the opportunity to make a living from productive use of the land. Farm and forestland ownership is often out of reach for young people who do not have some sort of assistance.

(21) The Vermont forest product sector contains approximately 7,000 jobs, and approximately 57,000 jobs are in Vermont's food system.

(22) Regulations for forest product enterprises need to reflect a balance between economic development and responsible land use practices. There is a need to assess regulations involving the primary processing and transportation elements of the forest product sector.

(23) Seventy-six percent of Vermont's 4.5 million acres is forested, 84 percent of which is privately owned. Sustainable management of state-owned forestlands represents an opportunity for private sector forest businesses.

(24) Forest product sector representatives have identified needs for their industry including market development, additional secondary processing facilities, lower energy and transportation costs, and capital for growth enterprises as well as research and development for new and improved value-added products that make use of Vermont's forest resources. Factors such as health care, labor, and energy policies in Canada contribute to the northward flow of Vermont logs. Research is needed in order to develop strategies that will help keep Vermont's forest product sector competitive.

(25) Vermont's Use Value Appraisal (Current Use) Program is critically important to every component of Vermont's agriculture and forest product sectors. It also helps keep Vermont forestland productive and healthy through the requirement of active forest management plans.

(26) Dairy enterprises remain Vermont's leading source of agricultural revenues, with an estimated annual economic impact of over \$2 billion or approximately 75 percent of total gross agricultural output.

(27) Recent grants and educational programs have started to address the lack of slaughter and meat-processing facilities in the state; however, there continues to be a strong need to further these efforts.

§ 4604. LEGISLATIVE INTENT

It is the intent of the general assembly in adopting this subchapter to:

(1) stimulate a concerted economic development effort on behalf of Vermont's agriculture and forest product sectors by systematically advancing entrepreneurship, business development, and job creation;

(2) recognize and build on the similarities and unique qualities of Vermont's agriculture and forest product sectors;

(3) increase the value of Vermont's raw and value-added products through the development of in-state and export markets;

(4) attract a new generation of entrepreneurs to Vermont's farm, food system, forest, and value-added chain by facilitating more affordable access to the working landscape;

(5) provide assistance to agricultural and forest product businesses in navigating the regulatory process;

(6) use Vermont's brand recognition and reputation as a national leader in food systems development, innovative entrepreneurship, and as a "green" state to leverage economic development and opportunity in the agriculture and forest product sectors;

(7) promote the benefits of Vermont's working lands, from the economic value of raw and value-added products to the public value of ecological stability, land stewardship, recreational opportunities, and quality of life;

(8) increase the amount of state investment in working lands enterprises, particularly when it leverages private and philanthropic funds; and

(9) support the people and businesses that depend on Vermont's renewable land-based resources and the sustainable and productive use of the land by coordinating and integrating financial products and programs.

§ 4605. VERMONT WORKING LANDS ENTERPRISE FUND

There is created a special fund in the state treasury to be known as the "Vermont working lands enterprise fund." Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5:

(1) the fund shall be administered and the monies of the funds shall be expended by the Vermont working lands enterprise board created in section 4606 of this title;

(2) the fund shall be composed of moneys from time to time appropriated to the fund by the general assembly or received from any other source, private or public, approved by the board, and unexpended balances and any earnings shall remain in the fund from year to year; and

(3) the board shall make expenditures from the fund consistent with the duties and authority of the board established by section 4607 of this title.

§ 4606. VERMONT WORKING LANDS ENTERPRISE BOARD

(a) Creation. There is created a Vermont working lands enterprise board, which for administrative purposes shall be attached to the agency of agriculture, food and markets.

(b) Organization of board. The board shall be composed of:

(1) the secretary of agriculture, food and markets or designee, who shall serve as chair;

(2) the commissioner of forests, parks and recreation or designee;

(3) the secretary of commerce and community development or designee;

(4) the following members appointed by the speaker of the house:

(A) one member who is a representative of the Vermont forest industry who is also a forester;

(B) one member who is actively engaged in commodity maple production;

(5) the following members appointed by the senate committee on committees:

(A) one member who is actively engaged in wood products manufacturing;

(B) one member who is a representative of one of the two largest membership-based agricultural organizations in Vermont who is not a dairy farmer;

(6) the following members appointed by the governor:

(A) one member who is a representative of Vermont's dairy industry who is also a dairy farmer;

(B) one member who is a representative of a membership-based forestland owner organization;

(7) the following members appointed by the Vermont agricultural and forest products development board:

(A) one member who is actively engaged in value-added agricultural products manufacturing; and

(B) two members actively engaged in providing marketing assistance, market development, or business and financial planning;

(8) the following members, who shall serve as ex officio, nonvoting members:

(A) the manager of the Vermont economic development authority or designee;

(B) the executive director of the Vermont sustainable jobs fund or designee; and

(C) the executive director of the Vermont housing conservation board or designee.

(c) Member terms. The members designated in subdivisions (b)(4)–(7) of this section shall be appointed to initial terms of one year for members appointed by the governor, two years for members appointed by the senate committee on committees, and three years for members appointed by the speaker of the house. Thereafter, each appointed member shall serve a term of three years or until his or her earlier resignation or removal. A vacancy shall be filled by the appointing authority for the remainder of the unexpired term. An appointed member shall not serve more than three consecutive three-year terms.

(d) Officers; committees. The board may elect officers, establish one or more committees or subcommittees, and adopt such procedural rules as it shall determine necessary and appropriate to perform its work.

(e) Quorum; meetings; voting. A majority of the sitting members shall constitute a quorum, and action taken by the board may be authorized by a majority of the members present and voting at any regular or special meeting at which a quorum is present. The board may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication, including an electronic, telecommunications, and video- or audio-conferencing conference telephone call, by which all members participating may simultaneously or sequentially communicate with each other during the meeting. A member participating in a meeting by this means is deemed to be present in person at the meeting.

(f) Compensation. Private sector members shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010(b) for each day spent in the performance of their duties, and each member shall be reimbursed from the fund for his or her actual and necessary expenses incurred in carrying out his or her duties.

§ 4607. POWERS AND DUTIES OF THE VERMONT WORKING LANDS

ENTERPRISE BOARD

(a) The Vermont working lands enterprise board shall have the authority:

(1) to establish an application process and eligibility criteria for awarding grants, loans, incentives, and other investments in agricultural and forestry enterprises and in food and forest systems;

(2) to award grants and other investments, which may include loans underwritten and administered through the Vermont economic development authority;

(3) to enter into performance contracts with one or more persons in order to provide investment and services to agricultural and forestry enterprises, including:

(A) technical assistance and product research services;

(B) marketing assistance, market development, and business and financial planning;

(C) organizational, regulatory, and development assistance; and

(D) feasibility studies of facilities or capital investments to optimize construction and other cost efficiencies;

(4) to identify workforce needs and programs in order to develop training and incentive opportunities for the agriculture and forest product sectors after consulting with the department of labor;

(5) to identify strategic statewide infrastructure and investment priorities considering:

(A) leveraging opportunities;

(B) economic clusters;

(C) return-on-investment analysis;

(D) other considerations the board determines appropriate; and

(6) to pursue and accept grants or other funding from any public or private source and to administer such grants or funding consistent with their terms.

(b) The agency of agriculture, food and markets shall provide administrative support to the extent authorized by the secretary of agriculture, food and markets, and with the assistance of the department of forests, parks and recreation to the extent authorized by the commissioner of forests, parks and recreation, in order to support the board in the performance of its duties pursuant to this section.

Sec. 2. 6 V.S.A. § 2966 is amended to read:

§ 2966. AGRICULTURAL AND FOREST PRODUCTS DEVELOPMENT BOARD; ORGANIZATION; DUTIES AND AUTHORITY

(a) Purpose. The purpose of this section is to create a permanent Vermont agricultural and forest products development board that is authorized and empowered as the state's primary agricultural and forest products development entity.

(1) The board is charged with:

(A) optimizing the agricultural and forestry use of Vermont lands and other agricultural resources;

* * *

(2) The board shall:

(A) review existing strategies and plans and ~~develop, implement,~~ and continually update a comprehensive statewide plan to guide and encourage agricultural and forest products development and new and expanded markets for agricultural and forest products;

(B) advise and make recommendations to the secretaries of relevant state agencies, the governor, the director of the state experiment station, the University of Vermont extension service, and the general assembly on the adoption and amendment of laws, regulations, and governmental policies that affect agricultural development, land use, access to capital, the economic opportunities provided by Vermont agriculture and forest products, and the well-being of the people of Vermont;

(C) monitor and report on Vermont's progress in achieving the agricultural economic development goals identified by the board; ~~and~~

(D) balance the needs of production methods with the opportunities to market products that enhance Vermont agriculture and forest products; and

(E) prepare a comprehensive report, in consultation with the agency of agriculture, food and markets and the department of forests, parks and recreation, indicating the progress made by the working lands enterprise board with regard to all activities authorized by this section. The report shall be presented to the senate and house committees on agriculture, the senate committees on economic development, housing and general affairs and on natural resources and energy, and the house committee on commerce and economic development on or before January 15, 2013.

(b) Board created. The Vermont agricultural and forest products development board is hereby created. The exercise by the board of the powers conferred upon it in this section constitutes the performance of essential governmental functions.

(c) Powers and duties. The board shall have the authority and duty to:

* * *

(5) obtain information from other planning entities, including the ~~farm-to-plate~~ farm to plate investment program;

* * *

(d) Comprehensive agricultural and forest products economic development plan.

(1) Using information available from previous and ongoing agricultural and forest products development planning efforts, such as the ~~farm-to-plate~~ farm to plate investment program's strategic plan, and the board's own data and assumptions, the board shall develop and implement a comprehensive agricultural and forest products economic development plan for the state of Vermont. The plan shall include, at minimum, the following:

(A) an assessment of the current status of agriculture and forestry in Vermont;

(B) current and projected workforce composition and needs;

(C) a profile of emerging business and industry sectors projected to present future agricultural and forest products economic development opportunities, and a cost-benefit analysis of strategies and resources necessary to capitalize on these opportunities;

(D) a profile of current components of physical and social infrastructure affecting agricultural and forest products economic development;

(E) a profile of government-sponsored programs, agricultural and forest products economic development resources, and financial incentives designed to promote and support agricultural and forest products economic development, and a cost-benefit analysis of continued support, expansion, or abandonment of these programs, resources, and incentives;

(F) the use of the Vermont brand to further agricultural and forest products economic development;

* * *

(2) Based on its research and analysis, the board shall establish in the plan a set of clear strategies with defined and measurable outcomes for agricultural and forest products economic development, the purpose of which shall be to guide long-term agricultural and forest products economic development policymaking and planning.

* * *

(4) The board shall conduct a periodic review and revision of the comprehensive agricultural and forest products economic development plan as often as is necessary in its discretion, but at minimum every five years, to ensure the plan remains current, relevant, and effective for guiding and evaluating agricultural and forest products economic development policy.

* * *

(e) Annual report. The board shall make available a report, at least annually, to the administration, the house committee on agriculture, the senate committee on agriculture, the house committee on commerce and economic development, the senate committee on economic development, housing and general affairs, and the people of Vermont on the state's progress toward attaining the goals and outcomes identified in the comprehensive agricultural and forest products economic development plan.

(f) Composition of board.

(1) The board shall be composed of ~~12~~ 16 members. In making appointments to the board pursuant to this section, the governor, the speaker of the house, and the president pro tempore of the senate shall coordinate their selections to ensure, to the greatest extent possible, that the board members selected by them reflect the following qualities:

(A) proven leadership in a broad range of efforts and activities to promote and improve the Vermont agricultural or forest products economy and the quality of life of Vermonters;

(B) demonstrated innovation, creativity, collaboration, pragmatism, and willingness to make long-term commitments of time, energy, and effort;

(C) geographic, gender, ethnic, social, political, and economic diversity;

(D) diversity of agricultural and forest products enterprise location, size, and sector of the for-profit agricultural and forest products business community members; and

(E) diversity of interest of the nonprofit or nongovernmental organization community members.

(2) Members of the board shall include the following:

(A) ~~four~~ five members appointed by the governor:

(i) a person with expertise in rural economic development issues;

(ii) an employee of a Vermont postsecondary institution experienced in researching issues related to agriculture or forestry;

(iii) a person familiar with the agricultural or forest tourism industry; ~~and~~

(iv) an agricultural lender; and

(v) a person with expertise and professional experience in forest products manufacturing.

(B) ~~four~~ six members appointed by the speaker of the house of representatives:

(i) a person who produces an agricultural commodity other than dairy products;

(ii) a person who creates a value-added product using ingredients substantially produced on Vermont farms;

(iii) a person with expertise in sales and marketing; ~~and~~

(iv) a person representing the feed, seed, fertilizer, or equipment enterprises;

(v) a forester; and

(vi) a sawmill operator.

(C) ~~four~~ five members appointed by the committee on committees of the senate:

(i) a representative of Vermont's dairy industry who is also a dairy farmer;

(ii) a person with expertise in land planning and conservation efforts that support Vermont's working landscape;

(iii) a representative from a Vermont agricultural advocacy organization; ~~and~~

(iv) a person with experience in providing youth with educational opportunities enhancing understanding of agriculture or forestry; and

(v) a logger.

(3) The secretary of agriculture, food and markets or his or her designee shall be ~~a nonvoting~~, an ex officio, nonvoting member. The secretary may provide staff support from the agency of agriculture, food and markets as resources permit.

(4) The secretary of commerce and community development or his or her designee shall be ~~a nonvoting~~, an ex officio, nonvoting member.

(5) The commissioner of forests, parks and recreation or his or her designee shall be an ex officio, nonvoting member. The commissioner may provide staff support from the department of forests, parks and recreation as resources permit.

* * *

Sec. 3. 10 V.S.A. chapter 15 is amended to read:

CHAPTER 15. VERMONT HOUSING AND CONSERVATION
TRUST FUND

* * *

§ 302. POLICY, FINDINGS, AND PURPOSE

(a) The dual goals of creating affordable housing for Vermonters, and conserving and protecting Vermont's agricultural land and forestland, historic properties, important natural areas, and recreational lands are of primary importance to the economic vitality and quality of life of the state.

(b) In the best interests of all of its citizens and in order to improve the quality of life for Vermonters and to maintain for the benefit of future generations the essential characteristics of the Vermont countryside, Vermont should encourage and assist in creating affordable housing and in preserving the state's agricultural land and forestland, historic properties, important natural areas, and recreational lands.

(c) It is the purpose of this chapter to create the Vermont housing and conservation trust fund to be administered by the Vermont housing and conservation board to further the policies established by subsections (a) and (b) of this section.

§ 303. DEFINITIONS

As used in this chapter:

(1) "Board" means the Vermont housing and conservation board established by this chapter.

(2) "Fund" means the Vermont housing and conservation trust fund established by this chapter.

(3) "Eligible activity" means any activity which will carry out either or both of the dual purposes of creating affordable housing and conserving and

protecting important Vermont lands, including activities which will encourage or assist:

(A) the preservation, rehabilitation or development of residential dwelling units which are affordable to lower income Vermonters;

(B) the retention of agricultural land for agricultural use, and of forestland for forestry use;

(C) the protection of important wildlife habitat and important natural areas;

(D) the preservation of historic properties or resources;

(E) the protection of areas suited for outdoor public recreational activity;

(F) the development of capacity on the part of an eligible applicant to engage in an eligible activity.

* * *

§ 311. CREATION OF THE VERMONT HOUSING AND CONSERVATION BOARD

(a) There is created and established a body politic and corporate to be known as the "Vermont housing and conservation board" to carry out the provisions of this chapter. The board is constituted a public instrumentality exercising public and essential governmental functions, and the exercise by the board of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function of the state. The board is exempt from licensure under 8 V.S.A. chapter 73 ~~of Title 8~~.

(b) The board shall consist of the following 11 members:

(1) The secretary of agriculture, food and markets or his or her designee.

(2) The secretary of human services or his or her designee.

(3) The secretary of natural resources or his or her designee.

(4) The executive director of the Vermont housing finance agency or his or her designee.

(5) Three public members appointed by the governor with the advice and consent of the senate, who shall be residents of the state and who shall be experienced in creating affordable housing or conserving and protecting Vermont's agricultural land and forestland, historic properties, important natural areas, or recreational lands, one of whom shall be a representative of

lower income Vermonters and one of whom shall be a farmer as defined in 32 V.S.A. § 3752(7).

(6) One public member appointed by the speaker of the house, who shall not be a member of the general assembly at the time of appointment.

(7) One public member appointed by the senate committee on committees, who shall not be a member of the general assembly at the time of appointment.

(8) Two public members appointed jointly by the speaker of the house and the president pro tempore of the senate as follows:

(A) One member from the nonprofit affordable housing organizations that qualify as eligible applicants under subdivision 303(4) of this title who shall not be an employee or board member of any of those organizations at the time of appointment.

(B) One member from the nonprofit conservation organizations whose activities are eligible under subdivision 303(3) of this title who shall not be an employee or member of the board of any of those organizations at the time of appointment.

* * *

§ 321. GENERAL POWERS AND DUTIES

* * *

(d) On behalf of the state of Vermont, the board shall seek and administer federal farmland protection and forestland conservation funds to facilitate the acquisition of interests in land to protect and preserve in perpetuity important farmland for future agricultural use and forestland for future forestry use. Such funds shall be used to implement and effectuate the policies and purposes of this chapter. In seeking federal farmland protection and forestland conservation funds under this subsection, the board shall seek to maximize state participation in the federal wetlands reserve program ~~in order~~ and such other programs as is appropriate to allow for increased or additional implementation of conservation practices on farmland and forestland protected or preserved under this chapter.

* * *

§ 324. STEWARDSHIP

If an activity funded by the board involves acquisition by the state of an interest in real property for the purpose of conserving and protecting agricultural land or forestland, important natural areas, or recreation lands, the

board, in its discretion, may make a one-time grant to the appropriate state agency or municipality. The grant shall not exceed ten percent of the current appraised value of that property interest and shall be used to support its proper management or maintenance or both.

* * *

Sec. 4. REPEAL

The following sections are repealed in their entirety:

(1) 6 V.S.A. chapter 162, subchapter 1 (Vermont agricultural innovation center).

(2) 6 V.S.A. § 2963a (comprehensive plan for the future development of diversified agriculture).

(3) 6 V.S.A. § 2964 (Vermont seal of quality).

Sec. 5. FUNDING PRIORITIES

(a) The amounts appropriated from the general fund to the Vermont working lands enterprise fund established in 6 V.S.A. § 4605 shall be used by the working lands enterprise board for the following purposes:

(1) For enterprise grants to entrepreneurs, including grants to leverage private capital, jump-start new businesses, help beginning farmers access land, and support diversification projects that add value to farm and forest commodities. These initial investments are intended to fund an enterprise grant pilot program, and it is the intent of the general assembly to commit additional investment in subsequent years upon demonstration of success of the program.

(2) For wraparound services to growth companies, including technical assistance, business planning, financial packaging, and other services required by companies ready to transition to the next stage of growth. These initial investments are intended to fund a growth company services pilot program, and it is the intent of the general assembly to commit additional investment in subsequent years upon demonstration of success of the program.

(3) For state infrastructure investments, including investment in private and nonprofit sectors for creative diversification projects, value-added manufacturing, processing, storage, distribution, and collaborative ventures. These initial investments are intended to fund an infrastructure investment pilot program, and it is the intent of the general assembly to commit additional investment in subsequent years upon demonstration of success of the program.

(b) In designing its application process and criteria, and in awarding funding pursuant to its authority under 6 V.S.A. § 4607, the board shall consider the most effective means of encouraging participation in the process by individuals and enterprises that have not availed themselves of these opportunities in the past, and by individuals and enterprises who have not recently received funding from the state or a state-funded entity, as the board deems appropriate.

(c) The agency of agriculture, food and markets shall utilize funds appropriated to it for the purposes of this act to perform its full duties to the Vermont working lands enterprise board, to provide administrative support to the Vermont agricultural and forest products development board, and to provide reimbursement for travel expenses incurred by Vermont agricultural and forest products development board members pursuant to 6 V.S.A. § 2966(h).

Sec. 6. IMPLEMENTATION; EFFECTIVE DATE

(a) This act shall take effect on passage, except that Sec. 4(1) (repeal of agriculture innovation center) of this act shall take effect on March 31, 2013.

(b) Board members appointed pursuant to 6 V.S.A. § 4606 shall be appointed no later than June 30, 2012.

COMMITTEE ON THE PART OF THE SENATE	COMMITTEE ON THE PART OF THE HOUSE

SEN. VINCENT ILLUZZI	REP. CAROLYN W. PARTRIDGE
SEN. VIRGINIA V. LYONS	REP. WILLIAM C. STEVENS
SEN. HAROLD W. GIARD	REP. RICHARD H. LAWRENCE

Which was considered and adopted on the part of the House.

Rules Suspended; Action Ordered Messaged to Senate Forthwith and Bills Delivered to the Governor Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and action on the bills were ordered messaged to the Senate forthwith and the bills delivered to the Governor forthwith.

H. 496

House bill, entitled

An act relating to preserving Vermont's working landscape

H. 781

House bill, entitled

An act relating to making appropriations for the support of government

H. 782

House bill, entitled

An act relating to miscellaneous tax changes for 2012

Adjournment

At nine o'clock and forty-five minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at ten o'clock and thirty minutes in the forenoon.

Saturday, May 5, 2012

At ten o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Kevin Christie of Hartford, VT.

Rules Suspended; Senate Proposal of Amendment Concurred in**H. 766**

On motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to the national guard

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. The Office of the Adjutant General is directed to report by January 15, 2013 to the senate committees on judiciary and government operations and to the house committees on judiciary and general and military affairs on recommendations for statutory changes regarding discipline of enlisted personnel in the Vermont National Guard. The report shall present the various offenses that have resulted in discharges from the Vermont National Guard during the last five (5) or more years, and shall be presented in such form as to not cause to be revealed the identity of the enlisted personnel. The report shall also contain a detailed comparison of other states which have elected to make or not make similar changes, and any other information the Office of the Adjutant General believes to be relevant.

Sec. 2. 20 V.S.A. § 369 is added to read:

§ 369. AWARDS AND MEDALS

Upon the approval of the governor, the adjutant general may, from time to time, create and design such awards and medals to recognize meritorious service or outstanding achievement for members of the Vermont National Guard. The adjutant general will cause to be published a roster of these awards and medals, the criteria and process for awarding them, and a description or specification of the award and medals. All awards and medals will be presented in the name of the state of Vermont and be awarded to a member or retired member of the Vermont National Guard or if the member is deceased to the member's spouse, child, parent, sibling, or grandchild or, if none, to a person designated by the executor of the estate.

Sec. 3. 20 V.S.A. § 603 is amended to read:

§ 603. ARMS AND EQUIPMENT; PAY AND RATIONS

When the national guard, or part thereof, is ordered out under the provisions of section 366, 601, or 602 of this title, the state shall furnish arms and equipment necessary for each officer, warrant officer, and enlisted person; and they shall be entitled to ~~pay and rations~~ pay, subsistence, and quarters allowance equivalent to that paid to members of the armed forces of the United States for officers, warrant officers, and enlisted persons of corresponding grade and time in service as designated in the U.S. pay tables.

Sec. 4. 20 V.S.A. § 608 is added to read:

§ 608. CIVILIAN LEAVE OPTION

If any member of the Vermont national guard is ordered to state active duty by the governor, the service member shall have the right to take leave without pay from his or her civilian employment. No member of the national guard shall be required to use or exhaust his or her vacation or other accrued leave from his or her civilian employment for a period of active service.

Sec. 5. 20 V.S.A. § 609 is added to read:

§ 609. STAY OF LEGAL PROCEEDINGS BECAUSE OF SERVICE IN NATIONAL GUARD

(a)(1) If a service member of the Vermont National Guard who is ordered to state active duty by the governor is a party to a civil or administrative proceeding in any Vermont court, the proceeding:

(A) may be stayed by the court on its own motion; or

(B) shall be stayed by application of the member or person acting on behalf of the member, unless the court finds that the proceeding would not be materially affected by reason of the member's absence or that the member can participate by telephone or other electronic means.

(2) A motion for a stay under this subsection may be filed or the court may issue such a stay at any time during the period of active service. Any stay issued shall not remain in effect for more than 30 days after the completion of state active duty.

(b) An application for a stay pursuant to subdivision (a)(1)(B) of this section shall include a letter or other communication from the member or a person on his or her behalf setting forth facts stating the manner in which the member's duty requirements materially affect the member's ability to appear and stating a date when the member is expected to be available to appear, together with any information from the member's commanding officer.

(c)(1) This section shall not apply to:

(A) proceedings involving relief from abuse orders under 15 V.S.A. chapter 21, subchapter 1;

(B) proceedings involving orders against stalking or sexual assault under 12 V.S.A. chapter 178;

(C) proceedings involving abuse prevention orders for vulnerable adults under 33 V.S.A. chapter 69, subchapter 1; or

(D) civil operator's license suspension proceedings under 23 V.S.A. § 1205.

(2) If a service member is unable to appear at a hearing due to responsibilities related to state active duty service, the court may issue interim or ex parte orders in proceedings identified in subdivision (A), (B), or (C) of this subsection, and the department of motor vehicles may suspend a civil operator's license. If the court issued any order while the member was on state active duty, upon the member's return, he or she shall, upon request, be entitled to a hearing and the opportunity to move to strike or modify the order or suspension issued in his or her absence. If the civil operator's license is reinstated, there shall be no reinstatement fee.

Sec. 5a. 12 V.S.A. § 553 is amended to read:

§ 553. MEMBER OF ARMED SERVICES; TOLLING STATUTE OF LIMITATIONS

When an inhabitant of this state is in the military or naval service of the United States; or is a member of the Vermont National Guard and has been ordered to state active duty and, at the time of entering such service or duty, had a cause of action against another person, or another person had a cause of action against him or her, the time spent in such military or naval service out of this state or the time spent in state active duty shall not be taken as part of the time limited for the bringing of an action by or against him or her founded on such causes. The limitation period for a cause of action shall be tolled during the duration of the person's out of state military or naval service, or state active duty service, plus an additional 60 days.

Sec. 6. 21 V.S.A. § 492 is amended to read:

§ 492. RIGHTS AND BENEFITS

* * *

(c)(1) If any member of the Vermont National Guard with civilian employer-sponsored insurance coverage is ordered to state active duty by the governor for up to 30 days, the service member may, at the member's option, continue his or her civilian health insurance under the same terms and conditions as were in effect for the month preceding the member's call to state active duty, including a continuation of the same levels of employer and employee contributions toward premiums and cost-sharing.

(2) If a member of the Vermont National Guard is called to state active duty for more than 30 days, the member may continue his or her civilian health insurance. For a member whose employer chooses not to continue regular contributions toward premiums and cost-sharing during the period of the member's state active duty in excess of 30 days, the state of Vermont shall be responsible for paying the employer's share of the premium and cost-sharing.

(3) The office of the adjutant general shall administer this subsection and may adopt policies, procedures, and guidelines to carry out the purposes of this subsection, including developing employee notice requirements, enforcement provisions, and a process for the state to remit the employer's share of premiums and cost-sharing to the appropriate entities pursuant to subdivision (2) of this subsection.

Sec. 7. 16 V.S.A. § 2537 is amended to read:

§ 2537. ARMED SERVICES SCHOLARSHIPS

* * *

(b) Definitions:

(1) "Vermont National Guard" as used in this section will be deemed to include Vermont army national guard and Vermont air national guard.

(2) "Active duty for national guard Vermont National Guard and for active reserve forces" means full-time duty in the active military service of the United States and includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.

(3) "Inactive duty" means training performed by members of a reserve component while not on active duty and includes unit training assemblies, training periods, military flight periods and other equivalent duty and while on state duty on order of the governor or the governor's representative.

(4) "Armed forces of the United States" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(5) "Child" means a natural or adoptive child of a member of the Vermont National Guard or armed forces, and includes a stepchild.

Sec. 8. 16 V.S.A. § 2856 is amended to read:

§ 2856. EDUCATIONAL ASSISTANCE; INTEREST FREE LOANS

(a) An active member of the Vermont ~~army national guard or the air national guard~~ National Guard may be eligible for an interest-free loan in an academic year for financial assistance to pay for tuition and fees for courses taken at a Vermont college, university, regional technical center, or other programs approved pursuant to policies adopted in accordance with subsection (f) of this section. ~~Academic year awards may be up to the in-state tuition rate at the University of Vermont for that year.~~

(b) To be eligible for an educational loan under this section, a person shall:

(1) be an active member in good standing of a ~~federally recognized~~ federally recognized unit of the Vermont ~~army national guard or air national guard~~ National Guard;

(2) have successfully completed basic training or commissioning; and

(3) ~~not hold a baccalaureate degree or higher; and~~

~~(4)~~ be enrolled in a program that leads to a postsecondary degree, diploma or be studying for relevant continuing education purposes.

(c) A loan made under this section shall be interest free and may be partially or completely cancelled and forgiven for a person who:

(1) submits certification that the person has successfully completed the course; and

(2) submits certification that the person has completed two years of national guard service for each full academic year award. Service requirements for less than a full academic year award shall be proportionate to the amount of the award. The board shall determine the amount of loan to be cancelled for each completed year of service. The amount cancelled for each year of service shall not exceed 50 percent of the loan.

(d) The adjutant general shall provide ~~a certificate~~ documentation of eligibility ~~to each person who has been found to be eligible~~ for educational assistance under this section for each academic period. ~~The certificate shall be valid for one academic year.~~

(e) ~~A person shall not be eligible for educational assistance under this section for any courses taken after he or she has been awarded a baccalaureate degree or is no longer an active member in good standing of the Vermont army national guard or the air national guard~~ The loan of a person who loses eligibility under this section while enrolled in a course shall go into repayment pursuant to the terms of the loan, and the person shall be ineligible for further assistance under this section until the loan is repaid in full.

(f) The board, in consultation with the office of the adjutant general, shall adopt ~~rules~~ policies, procedures, and guidelines necessary to implement the provisions of this section, which shall include application requirements, annual loan requirements, loan forgiveness requirements, and annual loan amounts based on available funds. ~~Rules~~ The policies, procedures, and guidelines shall include definitions of “successful completion of a course,” “relevant continuing education courses” and what constitutes an “academic year.” Rules adopted by the Vermont ~~state colleges~~ State Colleges under section 2183 of this title, prior to its repeal, shall remain valid under this section and shall be administered by the corporation.

(g) [Repealed.]

(h) The availability of loans made under this subchapter is subject to funds appropriated to the Vermont ~~army or air national guard~~ National Guard for that purpose.

and that after passage the title of the bill be amended to read: “An act relating to the rehabilitation of Vermont National Guard members and certain rights and responsibilities of guard members and their employers”

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment to House Proposal of Amendment
Concurred in with a Further Amendment Thereto;
Rules Suspended and Bill Messaged to Senate Forthwith**

S. 106

The Senate concurred in the House proposal of amendment to the Senate proposal of amendment to House bill, entitled

An act relating to miscellaneous changes to municipal government law

With the following proposal of amendment thereto:

First: In Sec. 24 (auditor website; audit findings), in subdivision (a)(1), after “a summary of all embezzlements and” by striking out “other financial fraud” and inserting in lieu thereof false claims, as that term is described in 13 V.S.A. § 3016,

Second: By adding a new section to be numbered Sec. 8a to read as follows:

Sec. 8a. PLAINFIELD TOWN MEETINGS

Notwithstanding any provision of law to the contrary, for three years subsequent to the effective date of this act, the polling place of the town of Plainfield may be located; any annual and special meetings may be conducted; and with the permission of the school, any other public meetings may be conducted at the Twinfield Union School in Marshfield, Vermont.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment? **Reps. Jewett of Ripton, Atkins of Winooski, Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of Milton, Martin of Wolcott, Mook of Bennington, Sweaney of Windsor, and Townsend of Randolph** moved to concur in the Senate proposal of amendment to the House proposal of amendment with a further amendment thereto as follows:

By striking Sec. 30 (effective date) in its entirety and inserting in lieu thereof the following:

* * * Search and Rescue * * *

Sec. 30. SEARCH AND RESCUE OPERATIONS; INTERIM PROTOCOL;
DEPARTMENT OF PUBLIC SAFETY

(a) By the effective date of this act, the department of public safety (the “department”) shall develop and implement an interim protocol establishing

responsibility and authority for search and rescue operations. The interim protocol shall be based upon the following standards and organizational structure:

(1) Standards. The interim protocol shall require:

(A) all search and rescue operations be made pursuant to the incident command system set forth in subdivision (2) of this subsection;

(B) an immediate response to every search and rescue call for help, which shall include an immediate call to the department's search and rescue team without regard to whether the call for help may be classified as a missing person complaint as that term is described in 20 V.S.A. chapter 112; and

(C) the earliest possible rescue or recovery of every person needing search and rescue assistance.

(2) Incident command system. Notwithstanding any provision of law to the contrary, the search and rescue team within the department of public safety shall have lead responsibility for search and rescue operations in any municipality in Vermont without an established police department or which is not under contract with a sheriff to provide law enforcement services pursuant to 24 V.S.A. § 291a. In any municipality with an established police department that has at least one officer who has obtained high-level search and rescue training and training on the incident command system or in any municipality under contract with a sheriff who has obtained that training, the chief of police or the sheriff shall determine whether that police department or sheriff will assume lead responsibility for search and rescue operations in that municipality. Only such a municipal police department or sheriff confirming in writing to the department its assumption of lead responsibility shall have that responsibility and, if so responsible, shall be required to collaborate with the department in the implementation of this interim protocol. In all other instances, the search and rescue team shall have lead responsibility. No matter what entity has lead responsibility in any municipality, the department shall be required to perform the following actions in order to form a reliable incident command system conforming to the standards set forth in this subsection.

(A) Assessment of resources.

(i) The department, on a barracks-by-barracks basis, shall assess all available resources existing within the state that are capable of assisting the department in search and rescue operations. These resources shall include all of those within the department and the departments of fish and wildlife and of health; sheriffs; local police departments; municipal and volunteer fire

departments; local search and rescue organizations; and any other state, local, or nongovernmental agency with relevant expertise and experience.

(ii) The assessment shall include an evaluation of the strengths of each resource in terms of its capability to contribute to different aspects and types of search and rescue operations. The department shall confirm with a resource that resource's strengths and capabilities.

(B) Organization; database.

(i) Based on its assessment of resources, the department shall organize the resources into different categories based on geographic areas of the state; availability; and the capability to perform incident-specific search and rescue operations.

(ii) The department shall enter the resources into a database organized based on those categories. The database shall be maintained and continually updated by the department.

(C) Utilization. For every search and rescue call for help, the department shall utilize the database in order to deploy appropriate search and rescue resources when responding to a call for help.

(D) Training. By July 1, 2014, the department's search and rescue team and all Vermont game wardens shall obtain high level search and rescue operations training and training on the incident command system.

(b) The interim protocol shall be implemented pursuant to this section until further legislative action by the general assembly.

(c) As used in this section, "search and rescue" means the search for and provision of aid to people who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways.

Sec. 31. SEARCH AND RESCUE STRATEGIC PLAN DEVELOPMENT COMMITTEE

(a) Creation of committee; purpose. There is created a search and rescue strategic plan development committee to recommend how search and rescue operations should be conducted in Vermont on a permanent basis. As used in this section, "search and rescue" means the search for and provision of aid to people who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways.

(b) Membership. The search and rescue strategic plan development committee shall be composed of 13 members. The members of the committee shall be as follows:

(1) One member of the house appointed by the speaker.

(2) One member of the senate appointed by the committee on committees.

(3) The commissioner of public safety or designee.

(4) The commissioner of fish and wildlife or designee.

(5) The president of the Vermont Police Association or designee.

(6) The president of the Vermont Sheriffs' Association, Inc. or designee.

(7) The team leader of Stowe Mountain Rescue or designee.

(8) The team leader of Colchester Technical Rescue or designee.

(9) One licensed first responder appointed by the commissioner of health.

(10) Two members of the Vermont Coalition of Fire & Rescue Services, Inc. appointed by the chair of the coalition, one of whom shall be a professional firefighter and one of whom shall be a volunteer firefighter.

(11) One public member with experience in search and rescue operations and in the incident command system appointed by the governor.

(12) One member of the National Ski Patrol appointed by the northern regional director of the National Ski Patrol's eastern division.

(c) Structure; decision-making. The committee shall elect two co-chairs from its membership, at least one of whom shall be a legislative member. The provisions of 1 V.S.A. § 172 (joint authority of three or more) shall apply to the meetings and decision-making of the committee.

(d) Powers and duties. The committee shall:

(1) review the existing method, responsibility, and organizational structure for conducting search and rescue operations in Vermont, including any existing statutory, rule, or policy requirements, if any, and identify the advantages and disadvantages of the current system;

(2) consider models used in other states for managing search and rescue operations;

(3) determine whether the department of public safety or a different state agency should be responsible for supervising search and rescue operations for people who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways;

(4) consider and evaluate different organizational structures in order to recommend how to most effectively manage Vermont's search and rescue processes and resources;

(5) determine whether minimum qualifications, certification, or other credentialing should be required for persons participating in search and rescue operations and whether search and rescue responders who are not state employees should be provided with insurance coverage;

(6) develop a database of available statewide resources capable of assisting in search and rescue operations, which may be organized pursuant to different geographic regions of the state;

(7) consider the feasibility of establishing an online database of persons who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways that would provide automatic notice to first responders;

(8) develop and recommend a method of reviewing completed search and rescue operations and how those operations could be improved;

(9) recommend guidelines that would enable communication among search and rescue resources in responding to a call for help;

(10) recommend methods of balancing speed versus safety in responding to calls for help in order to create the greatest level of efficiency;

(11) determine whether a new chapter for search and rescue operations should be added within Title 20 of the Vermont Statutes Annotated; and

(12) determine whether firefighters and law enforcement officers should be required to obtain training in search and rescue operations and on the incident command system as part of certification or recertification requirements.

(e) Consultant. The co-chairs of the committee, in consultation with the commissioner of the department of public safety, may hire a consultant who professionally specializes in search and rescue operations in order to assist the committee in its duties.

(f) Report. The committee shall report its findings and recommendations, together with draft legislation in order to implement those recommendations, to the general assembly on or before December 15, 2012.

(g) Number of meetings; term of committee. The committee may meet no more than five times and shall cease to exist on December 15, 2012.

(h) Reimbursement. Members of the committee who are not employees of the state of Vermont shall be reimbursed at the per diem rate set forth in

32 V.S.A. § 1010. Legislative members shall be entitled to the same per diem compensation and reimbursement for necessary expenses for attendance at a meeting when the general assembly is not in session as provided to members of standing committees under 2 V.S.A. § 406.

(i) Assistance. The legislative council shall provide administrative, legal, and drafting support to the committee.

* * * Emergency Medical Services * * *

Sec. 32. 18 V.S.A. § 901 is amended to read:

§ 901. POLICY

It is the policy of the state of Vermont that all persons who suffer sudden and unexpected illness or injury should have access to the emergency medical services system in order to prevent loss of life or the aggravation of the illness or injury, and to alleviate suffering. The system should include competent emergency medical care provided by adequately trained, licensed, credentialed, and equipped personnel acting under appropriate medical control. Persons involved in the delivery of emergency medical care should be encouraged to maintain and advance their levels of training and ~~certification~~ licensure, and to upgrade the quality of their vehicles and equipment.

Sec. 33. 18 V.S.A. § 903 is amended to read:

§ 903. AUTHORIZATION FOR PROVISION OF EMERGENCY MEDICAL SERVICES

Notwithstanding any other provision of law, including provisions of 26 V.S.A. chapter 23 of Title 26, persons who are ~~certified~~ licensed and credentialed to provide emergency medical care pursuant to the requirements of this chapter and implementing regulations are hereby authorized to provide such care without further certification, registration or licensing.

Sec. 34. 18 V.S.A. § 904 is amended to read:

§ 904. ADMINISTRATIVE PROVISIONS

(a) In order to carry out the purposes and responsibilities of this chapter, the department of health may contract for the provision of specific services.

(b) The secretary of human services, upon the recommendation of the ~~department~~ commissioner of health, may issue regulations to carry out the purposes and responsibilities of this chapter.

Sec. 35. 18 V.S.A. § 906 is amended to read:

§ 906. EMERGENCY MEDICAL SERVICES DIVISION;
RESPONSIBILITIES

To implement the policy of section 901, the department of health shall be responsible for:

(1) Developing and implementing minimum standards for training emergency medical personnel in basic life support and advanced life support, and ~~certifying their~~ licensing emergency medical personnel according to their level of training and competence.

(2) Developing and implementing minimum standards for vehicles used in providing emergency medical care, designating the types and quantities of equipment that must be carried by these vehicles, and registering those vehicles according to appropriate classifications.

(3) Developing a statewide system of emergency medical services including but not limited to planning, organizing, coordinating, improving, expanding, monitoring and evaluating emergency medical services.

(4) Establishing by rule minimum standards for the credentialing of emergency medical personnel by their affiliated agency, which shall be required in addition to the licensing requirements of this chapter in order for a person to practice as an emergency medical provider. Credentialing shall consist of the minimum and appropriate requirements necessary to ensure that an emergency medical provider can demonstrate the competence and minimum skills necessary to practice within his or her scope of licensure. Any rule shall balance the need for documenting competency against the burden placed on rural or smaller volunteer squads with little or no administrative staff.

(5) Developing volunteer and career response time standards for urban and rural requests for emergency services.

(6) Training, or assisting in the training of, emergency medical personnel.

~~(5)~~(7) Assisting hospitals in the development of programs which will improve the quality of in-hospital services for persons requiring emergency medical care.

~~(6)~~(8) Developing and implementing procedures to insure that emergency medical services are rendered only with appropriate medical control. For the provision of advanced life support, appropriate medical control shall include at a minimum:

(A) written protocols between the appropriate officials of receiving hospitals and ~~ambulance services~~ emergency medical services districts defining their operational procedures;

(B) where necessary and practicable, direct communication between emergency medical personnel and a physician or person acting under the direct supervision of a physician;

(C) when such communication has been established, a specific order from the physician or person acting under the direct supervision of the physician to employ a certain medical procedure;

(D) use of advanced life support, when appropriate, only by emergency medical personnel who are certified by the department of health to employ advanced life support procedures.

~~(7)~~(9) Establishing requirements for the collection of data by emergency medical personnel and hospitals as may be necessary to evaluate emergency medical care.

~~(8)~~(10) Establishing, by rule, ~~levels of individual certification and application forms for advanced emergency medical care~~ license levels for emergency medical personnel. The commissioner shall use the guidelines established by the National Highway Traffic Safety Administration (NHTSA) in the U.S. Department of Transportation as a standard or other comparable standards, except that a felony conviction shall not necessarily disqualify an applicant. The rules shall also provide that:

(A) An individual may apply for and obtain one or more additional ~~certifications~~ licenses, including ~~certification~~ licensure as an advanced emergency medical technician or as a paramedic.

(B) An individual ~~certified~~ licensed by the commissioner as an emergency medical technician, advanced emergency medical technician, or a paramedic, who is ~~affiliated with a licensed ambulance service, fire department, or rescue service~~ credentialed by an affiliated agency, shall be able to practice fully within the scope of practice for such level of ~~certification~~ licensure as defined by NHTSA's National EMS Scope of Practice Model ~~notwithstanding any law or rule to the contrary~~ consistent with the license level of the affiliated agency, and subject to the medical direction of the ~~commissioner or designee~~ emergency medical services district medical advisor.

(C) Unless otherwise provided under this section, an individual seeking any level of ~~certification~~ licensure shall be required to pass an examination approved by the commissioner for that level of ~~certification~~

licensure. Written and practical examinations shall not be required for ~~recertification~~ relicensure; however, to maintain ~~certification~~ licensure, all individuals shall complete a specified number of hours of continuing education as established by rule by the commissioner. The commissioner shall ensure that continuing education classes are available online and provided on a regional basis to accommodate the needs of volunteers and part-time individuals, including those in rural areas of the state.

(D) If there is a hardship imposed on any applicant for a ~~certification~~ license under this section because of unusual circumstances, the applicant may apply to the commissioner for a temporary or permanent waiver of one or more of the ~~certification~~ licensure requirements, which the commissioner may grant for good cause.

(E) An applicant who has served as ~~an advanced emergency medical technician, such as a hospital corpsman or a medic in the United States Armed Forces, or who is licensed as a registered nurse or a physician's physician assistant~~ shall be granted a permanent waiver of the training requirements to become a ~~certified~~ licensed emergency medical technician, an advanced emergency medical technician, or a paramedic, provided the applicant passes the applicable examination approved by the commissioner for that level of ~~certification~~ licensure and further provided that the applicant is ~~affiliated with a rescue service, fire department, or licensed ambulance service~~ credentialed by an affiliated agency.

(F) An applicant who is ~~certified~~ registered on the National Registry of Emergency Medical Technicians as an ~~EMT-basic, EMT-intermediate, emergency medical technician, an advanced emergency medical technician, or a paramedic~~ shall be granted ~~certification~~ licensure as a Vermont ~~EMT-basic, EMT-intermediate, emergency medical technician, an advanced emergency medical technician, or a paramedic~~ without the need for further testing, provided he or she is ~~affiliated with an ambulance service, fire department, or rescue service, credentialed by an affiliated agency~~ or is serving as a medic with the Vermont National Guard.

(G) ~~No advanced certification shall be required for a trainee in established advanced training programs leading to certification as an advanced emergency medical technician, provided that the trainee is supervised by an individual holding a level of certification for which the trainee is training and the student is enrolled in an approved certification program.~~

Sec. 36. 18 V.S.A. § 906a is added to read:

§ 906a. RELICENSURE; GRACE PERIOD

A person certified or licensed as an emergency medical provider shall have six months after his or her certification or license has expired to resubmit the necessary information for renewal of the certificate or license.

Sec. 37. 18 V.S.A. § 906b is added to read:

§ 906b. TRANSITIONAL PROVISION; CERTIFICATION TO
LICENSURE

Every person certified as an emergency medical provider shall have his or her certification converted to the comparable level of licensure. Until such time as the department of health issues licenses in lieu of certificates, each certified emergency medical provider shall have the right to practice in accordance with his or her level of certification.

Sec. 38. 18 V.S.A. § 908 is added to read:

§ 908. EMERGENCY MEDICAL SERVICES SPECIAL FUND

(a) The emergency medical services special fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 comprising revenues received by the department from the general fund that are designated for this special fund and public and private sources as gifts, grants, and donations together with additions and interest accruing to the fund. The commissioner of health shall administer the fund to the extent funds are available to support online and regional training programs, data collection and analysis, and other activities relating to the training of emergency medical personnel and delivery of emergency medical services and ambulance services in Vermont, as determined by the commissioner, after consulting with the EMS advisory committee established under section 909 of this title. Any balance at the end of the fiscal year shall be carried forward in the fund.

(b) From the funds in the emergency medical services special fund, the commissioner of health shall develop and implement by September 1, 2012 online training opportunities and offer regional classes to enable individuals to comply with the requirements of subdivision 906(9)(c) of this title.

Sec. 39. 18 V.S.A. § 909 is added to read:

§ 909. EMS ADVISORY COMMITTEE

(a) The commissioner shall establish an advisory committee to advise on matters relating to the delivery of emergency medical services (EMS) in Vermont.

(b) The advisory committee shall be chaired by the commissioner or his or her designee and shall include the following 14 other members:

(1) four representatives of EMS districts. The representatives shall be selected by the EMS districts in four regions of the state. Those four regions shall correspond with the geographic lines used by the public safety districts pursuant to 20 V.S.A. § 5. For purposes of this subdivision, an EMS district located in more than one public safety district shall be deemed to be located in the public safety district in which it serves the greatest number of people;

(2) a representative from the Vermont Ambulance Association, or designee;

(3) a representative from the initiative for rural emergency medical services program at the University of Vermont, or designee;

(4) a representative from the Professional Firefighters of Vermont, or designee;

(5) a representative from the Vermont Career Fire Chiefs Association, or designee;

(6) a representative from the Vermont State Firefighters' Association, or designee;

(7) an emergency department director of a Vermont hospital appointed by the Vermont Association of Emergency Department Directors, or designee;

(8) an emergency department nurse manager of a Vermont hospital appointed by the Vermont Association of Emergency Department Nurse Managers, or designee;

(9) a representative from the Vermont State Firefighters' Association who serves on a first response or FAST squad;

(10) a representative from the Vermont Association of Hospitals and Health Systems, or designee; and

(11) a local government member not affiliated with emergency medical services, firefighter services, or hospital services, appointed by the Vermont League of Cities and Towns.

(c) The committee shall meet not less than quarterly in the first year and not less than twice annually each subsequent year and may be convened at any time by the commissioner or his or her designee or at the request of seven committee members.

(d) Beginning January 1, 2014 and for the ensuing two years, the committee shall report annually on the emergency medical services system to the house committees on commerce and economic development and on human services and to the senate committees on economic development, housing and

general affairs and on health and welfare. The committee's initial and ensuing reports shall include each EMS district's response times to 911 emergencies in the previous year based on information collected from the Vermont department of health's division of emergency medical services and recommendations on the following:

(1) whether Vermont EMS districts should be consolidated such as along the geographic lines used by the four public safety districts established under 20 V.S.A. § 5;

(2) whether every Vermont municipality should be required to have in effect an emergency medical services plan providing for timely and competent emergency responses; and.

(3) whether the state should establish directives addressing when an agency can respond to a nonemergency request for transportation of a patient if doing so will leave the service area unattended or unable to respond to an emergency call in a timely fashion.

Sec. 40. 24 V.S.A. § 2651 is amended to read:

§ 2651. DEFINITIONS

As used in this chapter:

(1) "Advanced emergency medical treatment" means those portions of emergency medical treatment as defined by the department of health, which may be performed by ~~certified~~ licensed emergency medical services personnel acting under the supervision of a physician within a system of medical control approved by the department of health.

* * *

(4) "Basic emergency medical treatment" means those portions of emergency medical treatment, as defined by the department of health, which may be exercised by ~~certified~~ licensed emergency medical services personnel acting under their own authority.

* * *

(6) "Emergency medical personnel" means persons, including volunteers, ~~certified~~ licensed by the department of health to provide emergency medical treatment on behalf of an ~~organization such as an ambulance service or first responder service~~ affiliated agency whose primary function is the provision of emergency medical treatment. The term does not include duly licensed or registered physicians, dentists, nurses, or ~~physicians'~~ physician assistants when practicing in their customary work setting.

* * *

(15) “Volunteer personnel” means persons who are ~~certified~~ licensed by the department of health to provide emergency medical treatment on behalf of an affiliated agency without expectation of remuneration for the treatment rendered other than nominal payments and reimbursement for expenses, and who do not depend in any significant way on the provision of such treatment for their livelihood.

(16) “Affiliated agency” means an ambulance service or first responder service licensed under this chapter, including a fire department, rescue squad, police department, ski patrol, hospital, or other entity licensed to provide emergency medical services under this chapter.

Sec. 41. 24 V.S.A. § 2657 is amended to read:

§ 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL SERVICES DISTRICTS

(a) It shall be the function of each emergency medical services district to foster and coordinate emergency medical services within the district, in the interest of affording adequate ambulance services within the district. Each emergency medical services district shall have powers which include, but are not limited to, the power to:

* * *

(3) Enter into agreements and contracts for furnishing technical, educational ~~or, and~~ support services and credentialing related to the provision of emergency medical treatment.

* * *

(8) Sponsor or approve programs of education approved by the department of health which lead to the ~~certification~~ licensure of emergency medical services personnel.

(9) ~~Cooperate~~ Establish medical control within the district with physicians and representatives of medical facilities ~~to establish medical control within the district,~~ including written protocols with the appropriate officials of receiving hospitals defining their operational procedures.

(10) Assist the department of health in a program of testing for ~~certification~~ licensure of emergency medical services personnel.

(11) Assure that each affiliated agency in the district has implemented a system for the credentialing of all its licensed emergency medical personnel.

(12) Develop protocols for providing appropriate response times to requests for emergency medical services.

* * *

Sec. 42. 24 V.S.A. § 2682 is amended to read:

§ 2682. POWERS OF STATE BOARD

(a) The state board shall administer this subchapter and shall have power to:

(1) Issue licenses for ambulance services and first responder services under this subchapter.

* * *

(3) Make, adopt, amend, and revise, as it deems necessary or expedient, reasonable rules in order to promote and protect the health, safety, and welfare of members of the public using, served by, or in need of, emergency medical treatment. Any rule may be repealed within 90 days of the date of its adoption by a majority vote of all the district boards. Such rules may cover or relate to:

(A) Age, training, credentialing, and physical requirements for emergency medical services personnel.

* * *

Sec. 43. REPEAL

Sec. 20(c) of No. 142 of the Acts of the 2009 Adj. Sess. (2010) (EMS services exceeding scope of practice of affiliated agency) is repealed.

Sec. 44. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

* * *

(12) "Public employment" means the following:

* * *

(K) other municipal workers, including volunteer firefighters and rescue and ambulance squads while acting in ~~the line of duty, after the governing officials of such municipal body so vote~~ any capacity under the direction and control of the fire department or rescue and ambulance squads;

(L) members of any regularly organized private volunteer fire department while acting in ~~the line of duty after election by the organization to have its members covered by this chapter~~ any capacity under the direction and control of the fire department;

(M) members of any regularly organized private volunteer rescue or ambulance squad while acting in ~~the line of duty after election by the organization to have its members covered by this chapter~~ any capacity under the direction and control of the rescue or ambulance squad;

* * *

Sec. 45. EFFECTIVE DATES

This act shall take effect on July 1, 2012 except for this section and the following sections, which shall take effect on passage:

(1) Sec. 22 (amending 30 V.S.A. § 8102);

(2) Sec. 24 (auditor website; audit findings);

(3) Sec. 30 (search and rescue operations; interim protocol; department of public safety); and

(4) Sec. 31 (search and rescue strategic plan development committee).

and that after passage the title of the bill be amended to read: "An act relating to miscellaneous changes to municipal government law, to internal financial controls, and to the management of search and rescue operations"

Pending the question, Shall the House concur with Senate proposal of amendment with further proposal of amendment? **Rep. Jewett of Ripton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House concur with Senate proposal of amendment with further proposal of amendment? was decided in the affirmative. Yeas, 133. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon
Ancel of Calais
Andrews of Rutland City
Atkins of Winooski
Bartholomew of Hartland
Bissonnette of Winooski
Bohi of Hartford
Botzow of Pownal
Bouchard of Colchester
Branagan of Georgia
Browning of Arlington

Burditt of West Rutland
Burke of Brattleboro
Buxton of Tunbridge
Campion of Bennington
Cheney of Norwich
Christie of Hartford
Clark of Vergennes
Clarkson of Woodstock
Condon of Colchester
Conquest of Newbury
Consejo of Sheldon

Corcoran of Bennington
Courcelle of Rutland City
Crawford of Burke
Dakin of Chester
Davis of Washington
Deen of Westminster
Degree of St. Albans City
Devereux of Mount Holly
Dickinson of St. Albans
Town
Donahue of Northfield

Donovan of Burlington	Kupersmith of South	Peltz of Woodbury
Eckhardt of Chittenden	Burlington	Perley of Enosburgh
Edwards of Brattleboro	Lanpher of Vergennes	Potter of Clarendon
Ellis of Waterbury	Larocque of Barnet	Pugh of South Burlington
Emmons of Springfield	Lawrence of Lyndon	Ralston of Middlebury
Evans of Essex	Lenes of Shelburne	Ram of Burlington
Fagan of Rutland City	Leriche of Hardwick	Reis of St. Johnsbury
Fisher of Lincoln	Lewis of Berlin	Russell of Rutland City
Frank of Underhill	Lippert of Hinesburg	Savage of Swanton
French of Shrewsbury	Lorber of Burlington	Scheuermann of Stowe
French of Randolph	Macaig of Williston	Shand of Weathersfield
Gilbert of Fairfax	Malcolm of Pawlet	Sharpe of Bristol
Grad of Moretown	Manwaring of Wilmington	Shaw of Pittsford
Greshin of Warren	Marcotte of Coventry	Smith of New Haven *
Haas of Rochester	Marek of Newfane	South of St. Johnsbury
Head of South Burlington	Martin of Springfield	Stevens of Waterbury
Heath of Westford	Martin of Wolcott	Stuart of Brattleboro
Hebert of Vernon	Masland of Thetford	Sweaney of Windsor
Helm of Fair Haven	McAllister of Highgate	Taylor of Barre City
Higley of Lowell	McCullough of Williston	Till of Jericho
Hooper of Montpelier	McFaun of Barre Town	Toll of Danville
Howard of Cambridge	Miller of Shaftsbury	Townsend of Randolph
Hubert of Milton	Mook of Bennington	Trieber of Rockingham
Jerman of Essex	Moran of Wardsboro	Turner of Milton
Jewett of Ripton	Mrowicki of Putney	Waite-Simpson of Essex
Johnson of South Hero	Munger of South Burlington	Webb of Shelburne
Johnson of Canaan	Myers of Essex	Wilson of Manchester
Kilmartin of Newport City	Nuovo of Middlebury	Winters of Williamstown
Kitzmiller of Montpelier	O'Brien of Richmond	Wizowaty of Burlington
Klein of East Montpelier	Olsen of Jamaica	Woodward of Johnson
Koch of Barre Town	O'Sullivan of Burlington	Wright of Burlington
Komline of Dorset	Pearce of Richford	Yantachka of Charlotte
Krebs of South Hero	Pearson of Burlington	Young of Glover
Krowinski of Burlington	Peaslee of Guildhall	Zagar of Barnard

Those who voted in the negative are: none

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Donaghy of Poultney	Partridge of Windham
Batchelor of Derby	Howrigan of Fairfield	Poirier of Barre City
Brennan of Colchester	Keenan of St. Albans City	Spengler of Colchester
Canfield of Fair Haven	Lewis of Derby	Stevens of Shoreham
Copeland-Hanzas of Bradford	McNeil of Rutland Town	Strong of Albany
	Morrissey of Bennington	

Rep. Lenes of Shelburne explained her vote as follows:

“Mr. Speaker:

This has been a long and difficult process from the beginning of why we initially introduced this legislation. I thank the members for all their 'yes' votes. If this legislation results in even one rescue, it is worth all our efforts. Thank you."

Rep. Smith of New Haven explained his vote as follows:

"Mr. Speaker:

This bill has gone through a long process of twists and turns, presenting the legislative process at its best and at its worst. A difficult process but, in the end, we came together with a much needed bill. Thank you."

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Message from the Senate No. 78

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 63. Joint resolution relating to final adjournment of the General Assembly in 2012.

J.R.S. 64. Joint resolution honoring the competitive accomplishments and international educational outreach of the University of Vermont's Lawrence Debate Union.

In the adoption of which the concurrence of the House is requested.

**Favorable Report; Third Reading Ordered; Rules Suspended;
Bill Read Third Time and Passed in Concurrence.**

S. 180

Rep. Shand of Weathersfield, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to the universal service fund and establishment of a high-cost program

Reported in favor of its passage.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the bill ought to pass in concurrence.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence.

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

Senate Proposal of Amendment Concurred in

H. 774

The Senate proposed to the House to amend House bill, entitled

An act relating to meat inspection, delivery of liquid fuels, dairy operations, and animal foot baths

First: By adding Sec. 3a to read:

Sec. 3a. AGENCY OF AGRICULTURE, FOOD AND MARKETS;
EDUCATION AND OUTREACH REGARDING HUMANE HANDLING
AND SLAUGHTER

(a) On or before October 15, 2012, the secretary of agriculture, food and markets, after consultation with representatives of organizations with an interest in itinerant or custom slaughter, shall:

(1) conduct regional outreach regarding humane treatment of livestock, humane slaughter of livestock, and sanitary slaughtering and processing methods; and

(2) make available to the public, including itinerant slaughterers and their customers, informational materials regarding humane treatment of livestock, humane slaughter of livestock, and sanitary slaughtering and processing methods.

(b) On or before January 15, 2013, the secretary of agriculture, food and markets shall report back to the senate and house committees on agriculture regarding how the secretary of agriculture, food and markets complied with the requirements of subsection (a) of this section.

Second: In Sec. 4, subsection (b) in the first sentence after the word “fuels”, by inserting sold at retail, as defined by 32 V.S.A. § 9701(5)

Third: In Sec. 9, in 6 V.S.A. § 796, by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b)(1) The secretary shall adopt rules to implement regulation of animal foot baths for livestock, including:

(A) if appropriate, a ban on the use of certain chemicals, such as formaldehyde, as foot baths; and

(B) requirements for the administration of foot baths, the type of chemicals used, disposal of the chemicals found in used foot baths, and additional requirements deemed necessary by the secretary.

(2) The secretary shall work with the commissioner of health and the secretary of natural resources in drafting the rules to be adopted under this subsection.

(3) In adopting the rules required by this subsection, the secretary shall utilize information regarding the use of formaldehyde from the federal Department of Health and Human Services Agency for Toxic Substances and Disease Registry and from the ongoing investigation of the use of formaldehyde for agricultural practices conducted by the commissioner of health in collaboration with the secretary of agriculture, food and markets and the secretary of natural resources.

(4) The secretary may adopt emergency rules for the use of foot baths on Vermont farms if the secretary determines such rules are necessary to protect the public health, safety, and welfare.

Fourth: By adding Secs. 10a–10e to read as follows:

Sec. 10a. STATEMENT OF PURPOSE; HUMANE TREATMENT; GESTATION

It shall be the purpose of Secs. 10b through 10e of this act related to humane treatment of animals to prohibit the cruel confinement of sows during gestation in a manner that does not allow them to turn around freely, lie down, stand up, or fully extend their limbs.

Sec. 10b. 13 V.S.A. § 351 is amended to read:

§ 351. DEFINITIONS

As used in this chapter:

- (1) “Animal” means all living sentient creatures, not human beings.
- (2) “Secretary” means the secretary of agriculture, food and markets.

* * *

(13) “Livestock and poultry husbandry practices” means the raising, management, and using of animals to provide humans with food, fiber, or transportation in a manner consistent with:

(A) husbandry practices recommended for the species by agricultural colleges and the U.S. Department of Agriculture Extension Service;

(B) husbandry practices modified for the species to conform to the Vermont environment and terrain; and

(C) husbandry practices that minimize pain and suffering.

* * *

(14) "Enclosure" means a cage, crate, or other structure used to confine an animal, including what is commonly described as a "gestation crate" for sows.

(15) "Farm" means the land, buildings, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber and does not include live animal markets.

(16) "Farm owner or operator" means any person who owns or controls the operations of a farm and does not include any nonmanagement employee, contractor, or consultant.

(17) "Fully extending the animal's limbs" means fully extending all limbs without touching the side of an enclosure.

(18) "Sow in gestation" means a pregnant animal of the porcine species kept for the primary purpose of breeding.

(19) "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.

Sec. 10c. 13 V.S.A. § 351b is amended to read:

§ 351b. SCOPE OF SUBCHAPTER

This subchapter shall not apply to:

(1) activities regulated by the department of fish and wildlife pursuant to 10 V.S.A. Part 4 of Title 10;

(2) scientific research governed by accepted procedural standards subject to review by an institutional animal care and use committee;

(3) livestock and poultry husbandry practices for raising, management and use of animals, provided that livestock and husbandry practices for raising, management, and use of animals shall not be an exception to a violation of section 367 of this title;

(4) veterinary medical or surgical procedures; and

(5) the killing of an animal as provided by ~~sections 20 V.S.A. §§ 3809 and 3545 of Title 20.~~

Sec. 10d. 13 V.S.A. § 353 is amended to read:

§ 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

(a) Penalties.

* * *

(4)(A) Except as provided in subdivision (B) of this subdivision (4), a person found in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be imprisoned not more than one year or fined not more than \$2,000.00, or both. Second and subsequent convictions shall be punishable by a sentence of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

(B) A law enforcement officer shall issue a civil citation to a person who violates subdivision 352(3), (4), or (9) of this title if the person has not been previously adjudicated in violation of this chapter. A person adjudicated in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be assessed a civil penalty of not more than \$500.00. At any time prior to the person admitting the violation and paying the assessed penalty, the state's attorney may withdraw the complaint filed with the judicial bureau and file an information charging a violation of subdivision 352(3), (4), or (9) of this title in the criminal division of the superior court.

(b) In addition to any other sentence the court may impose, the court may require a defendant convicted of a violation under section 352 or 352a of this title to:

(1) Forfeit any rights to the animal subjected to cruelty, and to any other animal, except livestock or poultry owned, possessed, or in the custody of the defendant.

(2) Repay the reasonable costs incurred by any person, municipality, or agency for providing care for the animal prior to judgment. If the court does not order a defendant to pay all the applicable costs incurred or orders only partial payment, it shall state on the record the reasons for that action.

(3) Forfeit any future right to own, possess, or care for any animal for a period which the court deems appropriate.

(4) Participate in available animal cruelty prevention programs or educational programs, or both, or obtain psychiatric or psychological

counseling, within a reasonable distance from the defendant's residence. If a juvenile is adjudicated delinquent under section 352 or 352a of this title, the court may order the juvenile to undergo a psychiatric or psychological evaluation and to participate in treatment that the court determines to be appropriate after due consideration of the evaluation. The court may impose the costs of such programs or counseling upon the defendant when appropriate.

(5) Permit periodic unannounced visits for a period up to one year by a humane officer to inspect the care and condition of any animal permitted by the court to remain in the care, custody, or possession of the defendant. Such period may be extended by the court upon motion made by the state.

(6) Enjoin a slaughterer, packer, or stockyard operator, as those terms are defined in 6 V.S.A. § 3131, from operating due to a violation of section 367 of this title.

* * *

Sec. 10e. 13 V.S.A. § 367 is added to read:

§ 367. UNLAWFUL CONFINEMENT OF SOW DURING GESTATION

(a) Prohibition. No farm owner or operator may knowingly tether or confine a sow during gestation in an enclosure in a manner that prevents the sow from turning around freely, lying down, standing up, and fully extending its limbs.

(b) Exceptions. The prohibition in subsection (a) of this section shall not apply:

(1) During examination or testing or individual treatment of or operation on an animal for veterinary purposes;

(2) During transportation;

(3) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions or educational programs;

(4) To the humane slaughter of an animal in accordance with 6 V.S.A. chapter 201 and the rules adopted pursuant to 6 V.S.A. § 3133 pertaining to the slaughter of animals; and

(5) To a sow during the seven-day period prior to the sow's expected date of giving birth.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. McAllister of Highgate** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By striking Secs. 10a through 10e and inserting in lieu thereof new Secs. 10a and 10b to read:

Sec. 10a. FINDINGS

The general assembly finds and declares that for the purposes of the maple products labeling part of this act:

(1) Maple syrup production capacity has increased significantly in recent years.

(2) There is increased interest in maple syrup that is certified for food safety.

(3) The Vermont sugaring industry has requested the creation of a voluntary certification program.

Sec. 10b. 6 V.S.A. § 488a is added to read:

§ 488a. VOLUNTARY CERTIFICATION

The secretary may establish by rule a voluntary program for maple syrup production certification which shall be made available upon the request of a person engaged in producing maple syrup or maple products, a dealer, or a processor. The secretary may obtain from the person engaged in producing maple syrup or maple products, the dealer, or the processor reimbursement for the cost of the inspection certification incurred by the agency. The reimbursement fee charged for certification shall be reasonably proportionate to the cost of performing the inspection.

Which was agreed to.

Recess

At eleven o'clock and fifty-five minutes in the forenoon, the Speaker declared a recess until twelve o'clock and forty-five minutes in the afternoon.

At one o'clock and thirty minutes in the afternoon, the Speaker called the House to order.

**Rules Suspended; Addendum to the Committee of
Conference Report Adopted**

S. 113

On motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

Respectfully reported that it has met and considered the same and recommended that the Senate accede to the House proposals of amendment in the first, second, and fourth instances, that the House recede from its third proposal of amendment, and that the bill be further amended as follows:

First: After Sec. 2, before the internal reference preceding Sec. 3, by adding two new sections to be Secs. 2a and 2b to read:

Sec. 2a. 16 V.S.A. § 131 is amended to read:

§ 131. DEFINITIONS

For the purposes of this subchapter, “comprehensive health education” means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment. The term includes the study of:

* * *

(11) How to recognize and prevent sexual abuse and sexual violence, including developmentally appropriate instruction about promoting healthy and respectful relationships, developing and maintaining effective communication with trusted adults, recognizing sexually offending behaviors, and gaining awareness of available school and community resources. An employee of the school shall be in the room during the provision of all instruction or information presented under this subdivision (11).

Sec. 2b. REPORT; MANDATORY REPORTERS

On or before January 15, 2013, the commissioner for children and families or designee, the commissioner of education or designee, and a representative of the Vermont Network Against Domestic and Sexual Violence shall consider and present recommendations to the general assembly for best practices in responding to a student’s disclosures of abuse or neglect revealed in connection with the provision of comprehensive health education under 16 V.S.A. § 131(11).

Second: By striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. EDUCATIONAL OPPORTUNITIES WORKING GROUP

(a) There is created a working group that, in consultation with the James M. Jeffords Center for Policy Research at the University of Vermont ("the Jeffords Center"), shall review and evaluate how Vermont's current education system allocates financial and other resources in a way that promotes high quality, equitable educational opportunities for students throughout the state and how impediments to opportunity, such as poverty and substance abuse, may be mitigated. Using a facilitated process, the working group shall identify the data needed to fulfill its charge, the availability of the data, and the process by which it will obtain the data.

(b) The working group shall be composed of:

(1) one member of the house appointed by the speaker of the house;

(2) one member of the senate appointed by the committee on committees;

(3) one member of the administration appointed by the governor; and

(4) three members of the public, one each appointed by the governor, the speaker, and the committee on committees.

(c) The office of legislative council, the joint fiscal office, the office of finance and management, and the departments of education, of information and innovation, and of taxes shall assist the working group to identify the data required for its examination of the issues outlined in this section.

(d) Appointments pursuant to subsection (b) of this section shall be made by June 1, 2012. The office of legislative council shall convene the first meeting of the working group by July 1, 2012, at which meeting the members shall elect a chair and design the facilitated process to guide the group's work.

(e) By December 15, 2012, the working group shall report to the house and senate committees on education its findings and recommendations for the design of further studies and implementation strategies.

(f) The working group may meet no more than six times during the 2012–2013 interim. For attendance at meetings during adjournment of the general assembly, legislative members of the working group shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406. Members of the public shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

(g) The working group may spend up to \$30,000.00 of funds appropriated to the legislature for fiscal year 2013 for research services and other assistance from the Jeffords Center as the working group establishes a work plan and conducts its evaluations.

Third: In Sec. 6, in 16 V.S.A. § 570(d)(2) (harassment, hazing, and bullying prevention advisory council), by striking out subdivision (G) in its entirety and inserting in lieu thereof a new subdivision (G) to read:

(G) other members selected by the commissioner, at least one of whom shall be a current secondary student who has witnessed or experienced harassment, hazing, or bullying in the school environment.

COMMITTEE ON THE PART OF
THE SENATE

SEN. KEVIN J. MULLIN
SEN. PHILIP E. BARUTH
SEN. SARA BRANON KITTELL

COMMITTEE ON THE PART OF
THE HOUSE

REP. JOHANNAH L. DONOVAN
REP. GARY L. GILBERT
REP. SARAH E. BUXTON

Pending the question, Shall the House adopt the report of the Committee of Conference? **Rep. Donovan of Burlington** moved to adopt the Addendum to the Committee of Conference report as follows:

That the initial Report of the Committee of Conference be rescinded, that the House recede from its proposals of amendment, and that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Sec. 2 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 2. SCHOOL DISTRICT MERGER INCENTIVE PROGRAM

* * *

~~(c) Board vote. On or before October 1, 2012, each supervisory union board shall vote whether to perform a more comprehensive analysis of potential merger, and shall report the results of its vote to the commissioner of education and the voters of each member school district. [Repealed.]~~

* * * Reimbursement; Initial Exploration of Joint Activity * * *

Sec. 2. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;
INITIAL EXPLORATION OF JOINT ACTIVITY; SUPERVISORY
UNIONS; SCHOOL DISTRICTS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$5,000.00 of fees paid by two or more supervisory unions or

two or more school districts for facilitation, legal, and other consulting services necessary for initial exploration of the value of providing services or performing duties jointly, which may include community engagement and lead to the identification of possible joint action, including the provision of shared programming, the operation of a joint contract school, the merger of supervisory unions, or the creation of union school districts pursuant to 16 V.S.A. chapter 11, subchapter 4 or the variations authorized by Secs. 15, 16, and 17 of this act and by No. 153 of the Acts of the 2009 Adj. Sess. (2010).

(b) This section is repealed on July 1, 2017.

* * * Reimbursement; Joint Activity other than Merger * * *

Sec. 3. REPEAL

Sec. 9a of No. 153 of the Acts of the 2009 Adj. Sess. (2010) (\$10,000.00 reimbursement of transitional costs for supervisory unions performing duties jointly) is repealed.

Sec. 4. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES; JOINT ACTIVITY OTHER THAN MERGER; SUPERVISORY UNIONS; SCHOOL DISTRICTS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$10,000.00 of fees paid by two or more supervisory unions or two or more school districts for:

(1) legal and other consulting services necessary to analyze in detail the advisability of providing services or performing duties jointly that will result in a measurable increase in opportunities for students and a decrease in costs; or

(2) transitional costs necessary to enter into and implement agreements to provide those services or perform those duties jointly; or

(3) both subdivisions (1) and (2) of this subsection.

(b) Each group of supervisory unions or school districts shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon submission to the commissioner of a written statement of the entities' analysis and conclusions, provided that no payment shall cause the total amount paid to exceed the \$10,000.00 limit.

(c) A group of supervisory unions or school districts that receives reimbursement under this section shall not be eligible to receive additional reimbursement under Sec. 5 or 9 of this act for the same proposal.

(d) This section is repealed on July 1, 2017.

* * * Reimbursement and Incentives; Merger of Supervisory Unions * * *

Sec. 5. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;
MERGER; SUPERVISORY UNIONS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$20,000.00 of fees paid by two or more supervisory unions for legal and other consulting services necessary to analyze the advisability of the merger into a fewer number of supervisory unions and to prepare a petition to the state board of education requesting adjustment of supervisory union boundaries.

(b) Each group of supervisory unions shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon submission of either a petition to the state board requesting that the boundaries be redrawn or a written statement of the entities' analysis supporting preservation of the current boundaries, provided that no payment shall cause the total amount paid to exceed the \$20,000.00 limit.

(c) Any transition facilitation grant funds paid pursuant to Sec. 6 of this act shall be reduced by the total amount of reimbursement provided under this section.

(d) This section is repealed on July 1, 2017.

Sec. 6. TRANSITION FACILITATION GRANT; MERGER;
SUPERVISORY UNIONS; SUNSET

(a) After state board of education approval of the petition of two or more supervisory unions to merge into a fewer number of supervisory unions, the commissioner of education shall pay to the new supervisory union board or the new group of boards a transition facilitation grant from the education fund of \$150,000.00, less reimbursement funds received under Sec. 5 of this act.

(b) This section is repealed on July 1, 2017.

Sec. 7. APPLICABILITY; RUTLAND-WINDSOR AND WINDSOR
SOUTHWEST SUPERVISORY UNIONS

If on or before July 1, 2012 the state board of education approves the petition of the Rutland-Windsor and Windsor Southwest Supervisory Unions to merge into a single, new supervisory union on or before July 1, 2013, then the new supervisory union shall be eligible to receive:

(1) the transition facilitation grant available under Sec. 6 of this act; and

(2) a one-time grant of \$100,000.00 from the education fund for the purposes of reducing taxes in the affected towns during fiscal year 2014.

Sec. 8. SUPERVISORY UNION SIZE AND STRUCTURE

(a) The secretary of administration or designee, in consultation with the commissioner of education or designee, shall explore the purpose, structure, duties, and authority of supervisory unions and design a revised structure based roughly on existing technical center service regions that results in no more than three supervisory unions within each region. The primary purpose of any design shall be to improve education quality. The secretary shall analyze the feasibility of the revised structure and shall develop a plan of transition. Among other things, the secretary shall:

(1) consider the optimal size of supervisory unions, in terms of geography and numbers of students, technical centers, schools, and school districts served;

(2) consider structural elements, such as:

(A) management models;

(B) staffing, including the most appropriate way to address existing contracts, staff consolidation, and salary equalization;

(C) special education services;

(D) financial and other data collection and management systems;

(E) transportation, including ownership of buses, merger of systems, and consolidation of routes;

(F) supervisory union boards, including structure, selection of members, district representation, and the purpose, authority, and membership of executive committees;

(G) supervisory union budgets, including the manner in which they are adopted and the method by which costs are assessed to the member districts;

(H) ownership of real and personal property;

(I) ability to borrow money; and

(J) alignment of curricula and calendars;

(3) consider ways in which the department and state board of education would support transition to a proposed structure; and

(4) estimate both the financial cost of transitioning to and the potential savings in the proposed structure.

(b) By January 15, 2013, the secretary shall report to the senate and house committees on education on the work required by this section. The secretary shall also provide recommendations for legislative action necessary to implement its proposed plan.

* * * Reimbursement and Incentives; Merger of School Districts * * *

Sec. 9. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;
MERGER; SCHOOL DISTRICTS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$20,000.00 of fees paid by a study committee established under 16 V.S.A. § 706 for legal and other consulting services necessary to analyze the advisability of creating a union school district or a unified union school district and to prepare the report required by 16 V.S.A. § 706b.

(b) The study committee shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon submission of the final report pursuant to 16 V.S.A. § 706c, provided that no payment shall cause the total amount paid to exceed the \$20,000.00 limit.

(c) Any transition facilitation grant funds paid to the union school board pursuant to Sec. 11 of this act shall be reduced by the total amount of reimbursement provided under this section.

(d) A regional education district ("RED") receiving incentives pursuant to Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act is not eligible to receive reimbursement under this section.

(e) This section is repealed on July 1, 2017.

Sec. 10. REPEAL

Sec. 168a of No. 122 of the Acts of the 2003 Adj. Sess. (2004), as amended by Sec. 23 of No. 66 of the Acts of 2007 and further amended by Sec. 5 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) (\$150,000.00 or five-percent transition aid to merging school districts), is repealed.

Sec. 11. TRANSITION FACILITATION GRANT; MERGER; SCHOOL
DISTRICTS; SUNSET

(a) After voter approval of the establishment of a union, unified union, or interstate school district, the commissioner of education shall pay to the district a transition facilitation grant from the education fund equal to the lesser of:

(1) five percent of the base education amount established in 16 V.S.A. § 4001(13) multiplied by the greater of either the combined enrollment or the average daily membership of the merging districts on October 1 of the year in which the successful vote is taken; or

(2) \$150,000.00.

(b) A grant awarded under this section shall be reduced by the total amount of reimbursement paid under Sec. 9 of this act.

(c)(1) A RED receiving incentives pursuant to Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act ("Act 153") is not eligible to receive a grant under this section.

(2) An interstate, union, or unified union school district, including a RED, that expands by merging with one or more additional school districts is not eligible to receive a grant under this section if the original merged district received a transition facilitation grant under this section, Act 153, or Sec. 168a of No. 122 of the Acts of the 2003 Adj. Sess. (2004), as amended by Sec. 23 of No. 66 of the Acts of 2007, as further amended by Sec. 5 of No. 153 of the Acts of the 2009 Adj. Sess. (2010), and as repealed by Sec. 10 of this act.

(d) This section is repealed on July 1, 2017.

Sec. 12. APPLICABILITY; JOINT CONTRACT SCHOOL

A transition facilitation grant pursuant to Sec. 11 of this act shall be paid proportionally based on enrollment to any group of districts if in fiscal year 2012 or 2013 the voters of each district approve the issuance of bonds upon which establishment of a joint contract school is conditioned. The combined enrollment of the grades newly being offered jointly by the contracting districts shall be used to calculate the amount awarded.

* * * Incentives; Regional Education Districts * * *

Sec. 13. Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 4. VOLUNTARY SCHOOL DISTRICT MERGER; INCENTIVES

(a) Equalized homestead property tax rates or RED incentive grant. A RED's plan of merger shall provide whether, upon merger, the RED shall receive an equalization of its homestead property tax rates during the first four years following merger or an incentive grant during the first year following merger.

(1)(A) Equalized homestead property tax rates. Subject to the provisions of subdivision (2)(C) of this subsection subdivision (1) and

notwithstanding any other provision of law, the RED's equalized homestead property tax rate shall be:

(i) decreased by \$0.08 in the first year after the effective date of merger;

(ii) decreased by \$0.06 in the second year after the effective date of merger;

(iii) decreased by \$0.04 in the third year after the effective date of merger; and

(iv) decreased by \$0.02 in the fourth year after the effective date of merger.

(B) The household income percentage shall be calculated accordingly.

~~(2)(C)~~ During the years in which a RED's equalized homestead property tax rate is decreased pursuant to this subsection, the rate for each town within the RED shall not increase or decrease by more than five percent in a single year. The household income percentage shall be calculated accordingly.

(2) RED incentive grant. During the first year after the effective date of merger, the commissioner of education shall pay to the RED board a RED incentive grant from the education fund equal to \$400.00 per pupil based on the combined enrollment of the participating districts on October 1 of the year in which the successful vote was taken. The grant shall be in addition to funds received under 16 V.S.A. § 4028.

(3) On a Common level of appraisal. Regardless of whether a RED chooses to receive an equalization of its homestead property tax rates or a RED incentive grant, on and after the effective date of merger, the common level of appraisal shall be calculated independently for each town within the RED for purposes of determining the homestead property tax rate for each town.

* * *

(e) Consulting services reimbursement grant. From the education fund, the commissioner of education shall pay up to \$20,000.00 to the merger study committee established under 16 V.S.A. § 706 to reimburse the participating districts for legal and other consulting fees necessary for the analysis and report required by 16 V.S.A. § 706b. The study committee shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon completion of the final report, provided that no

payment shall cause the total amount paid to exceed the \$20,000.00 limit. In addition, any transition facilitation grant funds paid to the RED pursuant to ~~Sec. 5 of this act~~ subsection (g) of this section shall be reduced by the total amount of ~~funds provided~~ reimbursement paid under this subsection (e).

* * *

~~(g) Recent merger. If the Addison Northwest Unified Union School District becomes a body corporate and politic on or before July 1, 2010, then the merged district shall be entitled to receive any of the benefits set forth in this section that it elects and is otherwise eligible to receive if, on or before July 1, 2011:~~

~~(1) it notifies the commissioner of its election; and~~

~~(2) it provides the commissioner with a cost benefit analysis as required by Sec. 3(h) of this act. Transition facilitation grant.~~

(1) After voter approval of the plan of merger, the commissioner of education shall pay the RED a transition facilitation grant from the education fund equal to the lesser of:

(A) five percent of the base education amount established in 16 V.S.A. § 4001(13) multiplied by the greater of either the combined enrollment or the average daily membership of the merging districts on October 1 of the year in which the successful vote is taken; or

(B) \$150,000.00.

(2) A transition facilitation grant awarded under this subsection (g) shall be reduced by the total amount of reimbursement paid under subsection (e) of this section.

(h) This section is repealed on July 1, 2017.

* * * Interstate School Districts * * *

Sec. 14. Sec. 2(a) of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(a) Program created. There is created a school district merger incentive program under which the incentives outlined in Sec. 4 of this act shall be available to each new unified union school district created pursuant to Sec. 3 of this act ~~and~~; to each new district created under ~~that section~~ Sec. 3 of this act by the merger of districts that provide education by paying tuition; and to the Vermont members of any new interstate school district if the Vermont members jointly satisfy the size criterion of Sec. 3(a)(1) of this act and the new, merged district meets all other requirements of Sec. 3 of this act.

Incentives shall be available, however, only if the effective date of merger is on or before July 1, 2017.

* * * Other Types of Mergers Eligible for RED Incentives * * *

Sec. 15. TWO OR MORE MERGERS; REGIONAL EDUCATION DISTRICT INCENTIVES

(a) Notwithstanding Sec. 3(a)(1) of No. 153 of the Acts of the 2009 Adj. Sess. (2010) that requires a single regional education district ("RED") to have an average daily membership of at least 1,250 or result from the merger of at least four districts, or both, two or more new districts shall be eligible jointly for the incentives provided in Sec. 4 of No. 153 if:

(1) each new district is formed by the merger of at least two existing districts;

(2) each new district meets all criteria for RED formation other than the size criterion of Sec. 3(a)(1) of No. 153;

(3) one of the new districts provides education in all elementary and secondary grades by operating one or more schools and the other new district or districts pay tuition for students in one or more grades;

(4) each new district has the same effective date of merger;

(5) the new districts, when merged, are members of one supervisory union; and

(6) the new districts jointly satisfy the size criterion of Sec. 3(a)(1) of No. 153.

(b) This section is repealed on July 1, 2017.

Sec. 16. UNION ELEMENTARY SCHOOL DISTRICTS; REGIONAL EDUCATION DISTRICT INCENTIVES

(a) If a majority of the local elementary school districts in the member towns of an existing union high school district merge to form a union elementary school district pursuant to 16 V.S.A. chapter 11 that operates all grades not offered by the union high school district, then, notwithstanding provisions of No. 153 of the Acts of the 2009 Adj. Sess. (2010) to the contrary, the new union elementary school district is eligible for the incentives provided to a regional education district ("RED") in Sec. 4 of that act, provided that the new district complies with the employment and labor relations provisions of Sec. 4(g) of that act and further provided that the effective date of the merger into the union elementary school district is within the period required for RED formation.

(b) This section is repealed on July 1, 2017.

Sec. 17. MODIFIED UNIFIED UNION SCHOOL DISTRICT

(a) Notwithstanding any provision of law to the contrary:

(1)(A) if all local elementary school districts in the member towns of an existing union high school or union middle school-high school district ("union high school district") vote whether to establish a unified union school district providing prekindergarten or kindergarten through grade 12; and

(B) if a majority but not all of the elementary school districts votes in favor of establishing the unified union school district; then

(2) a new modified union school district (the "modified union school district") shall be established that shall:

(A) provide to the students residing in the member towns of the union high school district education in those grades provided by the union high school district; and

(B) provide elementary education to the students residing in the current elementary school districts that voted in favor of the unified union school district.

(b) Establishment of the modified union school district shall:

(1) dissolve the union high school district, and any assets or liabilities held by the union high school district shall be transferred to the modified union school district; and

(2) dissolve the elementary school districts that voted in favor of establishing the unified union school district, and any assets or liabilities they hold as individual districts shall be transferred to the modified union school district.

(c) Notwithstanding provisions of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act to the contrary, the modified union school district is eligible for the incentives provided to a regional education district ("RED") in Sec. 4 of that act, provided that the modified union school district complies with the employment and labor relations provisions of Sec. 4(g) of that act and further provided that the effective date of the merger into the modified union school district is within the period required for RED formation.

(d) This section is repealed on July 1, 2017.

* * * Union School Districts Including REDs; Process * * *

Sec. 18. 16 V.S.A. § 706c is amended to read:

§ 706c. CONSIDERATION BY LOCAL SCHOOL DISTRICT BOARDS
AND APPROVAL BY STATE BOARD OF EDUCATION

(a) If a study committee prepares a report under section 706b of this chapter, the committee shall transmit the report to the school boards of each school district that participated in the study committee and any other school districts that the report identifies as necessary or advisable to the establishment of the proposed union school district for the review and comment of each school board.

(b) The study committee shall transmit the report to the commissioner who shall submit the report with his or her recommendations to the state board of education. That board after notice to the study committee and after giving the committee an opportunity to be heard shall consider the report and the commissioner's recommendations, and decide whether the formation of such union school district will be for the best interest of the state, the students, and the school districts proposed to be members of the union. The board may request the commissioner and the study committee to make further investigation and may consider any other information deemed by it to be pertinent. If, after due consideration and any further meetings as it may deem necessary, the board finds that the formation of the proposed union school district is in the best interests of the state, the students, and the school districts, it shall approve the report submitted by the committee, together with any amendments, as a final report of the study committee, and shall give notice of its action to the committee. The chair of the study committee shall file a copy of the final report with the town clerk of each proposed member district at least 20 days prior to the vote to establish the union.

Sec. 19. 16 V.S.A. § 706n is amended to read:

§ 706n. AMENDMENTS TO AGREEMENTS REACHED BY
ESTABLISHMENT VOTE, ORGANIZATION MEETING, OR
FINAL REPORT

(a) ~~Any~~ A specific condition or agreement ~~set forth as a distinct subsection under Article 1 of the warning required by section 706f of this chapter and adopted by the member districts pursuant to section 706f of this chapter~~ at the vote held to establish the union school district, or any amendment subsequently adopted pursuant to the terms of this section, may be amended only at a special or annual union district meeting; provided that the prior approval of the state board of education shall be secured if the proposed amendment concerns reducing the number of grades that the union is to operate. The warning for the meeting shall contain each proposed amendment as a separate article. The vote on each proposed amendment shall be by Australian ballot. Ballots shall

be counted in each member district, and the clerks of each member district shall transmit the results of the vote in that district to the union school district clerk. ~~Results~~ Although the results shall be reported to the public by member district; ~~however, no, an~~ amendment is effective ~~unless if~~ approved by a majority of ~~those~~ the electorate of the union district voting at that meeting.

(b) Any decision at the organization meeting may be amended by a majority of those present and voting at a union district meeting duly warned for that purpose.

(c) Any provision of the final report ~~which was not contained in a separate article that was included~~ in the warning required pursuant to section 706f of this chapter for the vote to form the union by reference to or incorporation of the entire report but that was not set forth as a distinct subsection under Article 1 of the warning may be amended by a simple majority vote of the union board of school directors, or by any other majority of the board as is specified for a particular matter in the report.

* * * Special Education; Transition to Employment

by Supervisory Unions * * *

Sec. 20. Sec. 23(b) of No. 153 of the Acts of the 2009 Adj Sess. (2010), as amended by Sec. 1 of No. 30 of the Acts of 2011, is further amended to read:

(b) Secs. 9 through 12 of this act shall take effect on passage and shall be fully implemented on July 1, 2013, subject to the provisions of existing contracts; provided, however, that the special education provisions of Sec. 9, 16 V.S.A. § 261a(a)(6), and the transportation provisions of Sec. 9, 16 V.S.A. § 261a(a)(8)(E), shall be fully implemented on July 1, 2014.

Sec. 21. SUPERVISORY UNION EMPLOYEES; SPECIAL EDUCATION; WORKING GROUP

(a) On or before July 1, 2012, the commissioner of education or the commissioner's designee shall convene a working group to develop a detailed plan by which supervisory unions shall fully implement, by July 1, 2014, the transition of special education staff employed by school districts to employment by supervisory unions as required by 16 V.S.A. § 261a(a)(6).

(b) The working group shall include department staff and representatives from at least the following constituencies: superintendents; school boards; principals; special educators; a teachers' organization as defined in 16 V.S.A. chapter 57; and business managers.

(c) The working group shall report to the advisory council on special education created by 16 V.S.A. § 2945 and to the house and senate committees

on education during the first week of the 2013 and 2014 legislative sessions regarding the progress of the plan required by this section, including a description of the ways in which specific impediments to implementation are being addressed. The working group also shall identify any amendments to statute necessary to achieve implementation by July 1, 2014 of the requirements of 16 V.S.A. § 261a.

* * * Appropriation * * *

Sec. 22. APPROPRIATION

The sum of \$650,000.00 is appropriated from the education fund to be used for the purposes of this act in fiscal year 2013.

* * * Excess Spending Provisions * * *

Sec. 23. 16 V.S.A. § 4001(6)(B) is amended to read:

(B) For purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), “education spending” shall not include:

* * *

(viii) Tuition paid by a district that does not operate a school and pays tuition for all resident students in kindergarten through grade 12, except in a district in which the electorate has authorized payment of an amount higher than the statutory rate pursuant to subsection 823(b) or 824(c) of this title.

* * * Vermont Municipal Employees’ Retirement System; Special Education Instructional Assistants and Transportation Employees; Transfer to Supervisory Union * * *

Sec. 24. 24 V.S.A. § 5051(10) and (11) are amended to read:

(10) “Employee” means the following persons employed on a regular basis by a school district or by a supervisory union for not less no fewer than 1,040 hours in a year and for not less no fewer than 30 hours a week for the school year, as defined in section 1071 of Title 16 V.S.A. § 1071, or for not less no fewer than 1,040 hours in a year and for not less no fewer than 24 hours a week year-round; provided, however, that if a person who was employed on a regular basis by a school district as either a special education or transportation employee and who was transferred to and is working in a supervisory union in the same capacity pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) and if that person is also employed on a regular basis by a school district within the supervisory union, then the person is an “employee” if these criteria are met by the combined hours worked for the supervisory union and school

district. The term shall also mean persons employed on a regular basis by a municipality other than a school district for ~~not less~~ no fewer than 1,040 hours in a year and for ~~not less~~ no fewer than 24 hours per week, including persons employed in a library at least ~~half~~ one-half of whose operating expenses are met by municipal funding:

* * *

(11) “Employer” means a municipality ~~or~~, a library at least ~~half~~ one-half of whose operating expenses are paid from municipal funds, or a supervisory union.

Sec. 25. 24 V.S.A. § 5053a is added to read:

§ 5053a. EMPLOYEES OF A SUPERVISORY UNION

(a) For purposes of this section, the term “transferred employee” means an employee under this chapter who transitioned from employment solely by a school district to employment, wholly or in part, by a supervisory union pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) as amended on June 3, 2010.

(b) A transferred employee from a participating school district shall remain an employee of the school district solely for the purpose of employer participation and employee membership in the system regardless of whether the supervisory union is a participant in the system on the date of transition. The membership and benefits of the transferred employee shall not be impaired or reduced by either negotiations with the supervisory union or school district under 21 V.S.A. chapter 22 or otherwise.

(c) If a supervisory union is a participant in the system on the date of transition, then:

(1) a transferred employee from a nonparticipating district shall not become a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee’s behalf;

(2) an existing employee of the supervisory union on the date of transition shall be a member to the extent the supervisory union is or becomes a participant in the system on the employee’s behalf; and

(3) a new employee of the supervisory union after the date of transition shall be a member to the extent the supervisory union is or becomes a participant in the system on the employee’s behalf.

(d) If a supervisory union is not a participant in the system on the date of transition, then:

(1) a transferred employee from a nonparticipating district shall not be a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee's behalf;

(2) an existing employee of the supervisory union on the date of transition shall not be a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee's behalf; and

(3) a new employee of the supervisory union after the date of transition shall not be a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee's behalf.

Sec. 26. TRANSITION; NEWLY MERGED DISTRICTS

(a) If two or more districts merge to form a union school district pursuant to 16 V.S.A. chapter 11, subchapter 4, or a regional education district pursuant to No. 153 of the Acts of the 2009 Adj. Sess. (2010) ("the new district") prior to the date on which employees covered by the municipal employees' retirement system provisions of 24 V.S.A. chapter 125 ("the system") transitioned from employment solely by a school district to employment, wholly or in part, by a supervisory union pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) as amended on June 3, 2010 ("the transition date"), then:

(1) on the first day of merger, the new district shall be a participant in the system on behalf of:

(A) an employee from a school district that merged to form the new district if the merging district was a participant in the system prior to merger; and

(B) a new employee hired by the new district after the effective date of merger into a job classification for which the new district is a participant in the system, if any;

(2) an employee from a school district that was not a participant in the system prior to merger shall not be a member of the system unless, through negotiations with the new district under 21 V.S.A. chapter 22, the new district becomes a participant in the system on the employee's behalf.

(b) If a new district is formed after the transition date, then the new district shall assume the responsibilities of any one or more of the merging districts that participate in the system; provided, however, that this subsection shall not

be construed to extend benefits to an employee who would not otherwise be a member of the system under any other provision of law.

(c) The existing membership and benefits of an employee shall not be impaired or reduced either by negotiations with the new district under 21 V.S.A. chapter 22 or otherwise.

(d) In addition to general responsibility for the operation of the Vermont municipal employees' retirement system pursuant to 24 V.S.A. § 5062(a), the responsibility for implementation of all sections of this act relating to the system is vested in the retirement board.

* * * Abuse Reporting * * *

Sec. 27. 16 V.S.A. § 563a is amended to read:

§ 563a. ~~SCHOOL BOARDS;~~ PREVENTION, IDENTIFICATION, AND
REPORTING OF CHILD SEXUAL ABUSE AND SEXUAL
VIOLENCE

The Each school board of a school district and governing body of an approved or recognized independent school shall ensure that adults employed in the schools maintained by the district within its jurisdiction receive orientation, information, or instruction on the prevention, identification, and reporting of child sexual abuse, as defined in 33 V.S.A. § 4912(8), and sexual violence. This shall include information regarding the signs and symptoms of sexual abuse, sexual violence, grooming processes, recognizing the dangers of child sexual abuse in and close to the home, and other predatory behaviors of sex offenders. The school board or governing body shall also provide opportunities for parents, guardians, and other interested persons to receive the same information. The department of education and the agency of human services shall provide materials and technical support to any school board or governing body that requests assistance in implementing this section.

Sec. 28. 33 V.S.A. § 4913(a) is amended to read:

(a) Any physician, surgeon, osteopath, chiropractor, or physician's assistant licensed, certified, or registered under the provisions of Title 26, any resident physician, intern, or any hospital administrator in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, emergency medical personnel as defined in 24 V.S.A. § 2651(6), dentist, psychologist, pharmacist, any other health care provider, child care worker, school superintendent, headmaster of an approved or recognized independent school as defined in 16 V.S.A. § 11, school teacher, school librarian, school principal, school guidance counselor, and any other individual who is ~~regularly~~ employed by a school district or an approved or

recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services ~~for five or more hours per week during the school year~~, mental health professional, social worker, probation officer, any employee, contractor, and grantee of the agency of human services who have contact with clients, police officer, camp owner, camp administrator, camp counselor, or member of the clergy who has reasonable cause to believe that any child has been abused or neglected shall report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours. As used in this subsection, "camp" includes any residential or nonresidential recreational program.

Sec. 29. 16 V.S.A. § 131 is amended to read:

§ 131. DEFINITIONS

For the purposes of this subchapter, "comprehensive health education" means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment. The term includes the study of:

* * *

(11) How to recognize and prevent sexual abuse and sexual violence, including developmentally appropriate instruction about promoting healthy and respectful relationships, developing and maintaining effective communication with trusted adults, recognizing sexually offending behaviors, and gaining awareness of available school and community resources. An employee of the school shall be in the room during the provision of all instruction or information presented under this subdivision (11).

Sec. 30. REPORT; MANDATORY REPORTERS

On or before January 15, 2013, the commissioner for children and families or designee, the commissioner of education or designee, and a representative of the Vermont Network Against Domestic and Sexual Violence shall consider and present recommendations to the general assembly for best practices in responding to a student's disclosures of abuse or neglect revealed in connection with the provision of comprehensive health education under 16 V.S.A. § 131(11).

* * * Working Group * * *

Sec. 31. EDUCATIONAL OPPORTUNITIES WORKING GROUP

(a) There is created a working group that, in consultation with the James M. Jeffords Center for Policy Research at the University of Vermont ("the Jeffords Center"), shall review and evaluate how Vermont's current education system allocates financial and other resources in a way that promotes high quality, equitable educational opportunities for students throughout the state and how impediments to opportunity, such as poverty and substance abuse, may be mitigated. Using a facilitated process, the working group shall identify the data needed to fulfill its charge, the availability of the data, and the process by which it will obtain the data.

(b) The working group shall be composed of:

(1) one member of the house appointed by the speaker of the house;

(2) one member of the senate appointed by the committee on committees;

(3) one member of the administration appointed by the governor; and

(4) three members of the public, one each appointed by the governor, the speaker, and the committee on committees.

(c) The office of legislative council, the joint fiscal office, the office of finance and management, and the departments of education, of information and innovation, and of taxes shall assist the working group to identify the data required for its examination of the issues outlined in this section.

(d) Appointments pursuant to subsection (b) of this section shall be made by June 1, 2012. The office of legislative council shall convene the first meeting of the working group by July 1, 2012, at which meeting the members shall elect a chair and design the facilitated process to guide the group's work.

(e) By December 15, 2012, the working group shall report to the house and senate committees on education its findings and recommendations for the design of further studies and implementation strategies.

(f) The working group may meet no more than six times during the 2012–2013 interim. For attendance at meetings during adjournment of the general assembly, legislative members of the working group shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406. Members of the public shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

(g) The working group may spend up to \$30,000.00 of funds appropriated to the legislature for fiscal year 2013 for research services and other assistance from the Jeffords Center as the working group establishes a work plan and conducts its evaluations.

* * * Harassment, Hazing, and Bullying Advisory Council * * *

Sec. 32. 16 V.S.A. § 570(d)(2)(G) is amended to read:

(G) other members selected by the commissioner, at least one of whom shall be a current secondary student who has witnessed or experienced harassment, hazing, or bullying in the school environment.

* * * Designated Schools; Tuition * * *

Sec. 33. 16 V.S.A. § 827(e) is amended to read:

(e) Notwithstanding any other provision of law to the contrary:

(1) the school districts of Pawlet, Rupert, and Wells may designate a public high school located in New York as the public high school of the district pursuant to the provisions of this section; ~~and~~

(2) unless otherwise directed by an affirmative vote of the school district, when the Wells board approves parental requests to pay tuition to a nondesignated approved independent or public school, the board shall pay tuition in an amount not to exceed the base education amount as determined under section 4011 of this title for the fiscal year in which tuition is being paid; and

(3) unless otherwise directed by an affirmative vote of the school district, when the Strafford board approves a parental request to pay tuition to a nondesignated approved independent or public school, the board shall pay tuition to the nondesignated school pursuant to section 824 of this title for the year in which the pupil is enrolled; provided, however, that it shall not pay tuition in an amount that exceeds the tuition paid to the designated school for the same academic year.

* * * Effective Dates * * *

Sec. 34. EFFECTIVE DATES; IMPLEMENTATION

(a) This section and Secs. 7, 8, 12, 24–31, and 33 of this act shall take effect on passage; provided that Sec. 33 shall apply to enrollment in the 2012–2013 academic year and after.

(b) All other sections of this act shall take effect on July 1, 2012.

COMMITTEE ON THE PART OF
THE SENATE

SEN. KEVIN J. MULLIN
SEN. PHILIP E. BARUTH
SEN. SARA BRANON KITTELL

COMMITTEE ON THE PART OF
THE HOUSE

REP. JOHANNAH L. DONOVAN
REP. GARY L. GILBERT
REP. SARAH E. BUXTON

Thereupon, **Rep. Olsen of Jamaica** moved to suspend the rules to permit consideration of items in violation of Mason's Manual of Legislative Procedure, Sec. 771(2).

Pending the question, Shall the House suspend rules to take up consideration of the Addendum to the Report of the Committee of Conference? **Rep. Deen of Westminster** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House suspend rules to take up consideration of the Addendum to the Report of the Committee of Conference? was decided in the affirmative. Yeas, 127. Nays, 2. A three-quarters vote of 98 needed.

Those who voted in the affirmative are:

Acinapura of Brandon	Edwards of Brattleboro	Leriche of Hardwick
Ancel of Calais	Ellis of Waterbury	Lewis of Berlin
Andrews of Rutland City	Emmons of Springfield	Lippert of Hinesburg
Atkins of Winooski	Evans of Essex	Lorber of Burlington
Bartholomew of Hartland	Fagan of Rutland City	Macaig of Williston
Bissonnette of Winooski	Fisher of Lincoln	Malcolm of Pawlet
Bohi of Hartford	Frank of Underhill	Manwaring of Wilmington
Bouchard of Colchester	French of Shrewsbury	Marek of Newfane
Branagan of Georgia	French of Randolph	Martin of Springfield
Browning of Arlington	Gilbert of Fairfax	Martin of Wolcott
Burditt of West Rutland	Grad of Moretown	Masland of Thetford
Burke of Brattleboro	Greshin of Warren	McAllister of Highgate
Buxton of Tunbridge	Haas of Rochester	McCullough of Williston
Campion of Bennington	Heath of Westford	McFaun of Barre Town
Cheney of Norwich	Hebert of Vernon	Miller of Shaftsbury
Christie of Hartford	Helm of Fair Haven	Mook of Bennington
Clark of Vergennes	Higley of Lowell	Moran of Wardsboro
Clarkson of Woodstock	Hooper of Montpelier	Mrowicki of Putney
Condon of Colchester	Howard of Cambridge	Munger of South Burlington
Conquest of Newbury	Hubert of Milton	Nuovo of Middlebury
Consejo of Sheldon	Jerman of Essex	O'Brien of Richmond
Copeland-Hanzas of	Johnson of South Hero	Olsen of Jamaica
Bradford	Johnson of Canaan	O'Sullivan of Burlington
Courcelle of Rutland City	Kilmartin of Newport City	Pearce of Richford
Crawford of Burke	Klein of East Montpelier	Pearson of Burlington
Dakin of Chester	Koch of Barre Town	Peaslee of Guildhall
Davis of Washington	Komline of Dorset	Peltz of Woodbury
Deen of Westminster	Krebs of South Hero	Perley of Enosburgh
Degree of St. Albans City	Krowinski of Burlington	Poirier of Barre City
Devereux of Mount Holly	Kupersmith of South	Potter of Clarendon
Dickinson of St. Albans	Burlington	Pugh of South Burlington
Town	Lanpher of Vergennes	Ralston of Middlebury
Donahue of Northfield	Larocque of Barnet	Ram of Burlington
Donovan of Burlington	Lawrence of Lyndon	Reis of St. Johnsbury
Eckhardt of Chittenden	Lenes of Shelburne	Russell of Rutland City

Savage of Swanton
 Scheuermann of Stowe
 Shand of Weathersfield
 Shaw of Pittsford
 Smith of New Haven
 South of St. Johnsbury
 Stevens of Waterbury
 Stuart of Brattleboro
 Sweaney of Windsor

Taylor of Barre City
 Till of Jericho
 Toll of Danville
 Townsend of Randolph
 Trieber of Rockingham
 Turner of Milton
 Waite-Simpson of Essex
 Webb of Shelburne
 Wilson of Manchester

Winters of Williamstown
 Wizowaty of Burlington
 Woodward of Johnson
 Wright of Burlington
 Yantachka of Charlotte
 Young of Glover
 Zagar of Barnard

Those who voted in the negative are:

Kitzmiller of Montpelier

Sharpe of Bristol

Those members absent with leave of the House and not voting are:

Aswad of Burlington
 Batchelor of Derby
 Botzow of Pownal
 Brennan of Colchester
 Canfield of Fair Haven
 Corcoran of Bennington
 Donaghy of Poultney

Head of South Burlington
 Howrigan of Fairfield
 Keenan of St. Albans City
 Lewis of Derby
 Marcotte of Coventry
 McNeil of Rutland Town
 Morrissey of Bennington

Myers of Essex
 Partridge of Windham
 Smith of Morristown
 Spengler of Colchester
 Stevens of Shoreham
 Strong of Albany

Pending the question, Shall the House adopt the Report of the Committee of Conference and the Addendum to the Report of the Committee of Conference? **Rep. Peltz of Woodbury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the Report of the Committee of Conference and the Addendum to the Report of the Committee of Conference? was decided in the affirmative. Yeas, 128. Nays, 2.

Those who voted in the affirmative are:

Acinapura of Brandon
 Ancel of Calais
 Andrews of Rutland City
 Atkins of Winooski
 Bartholomew of Hartland
 Bissonnette of Winooski
 Bohi of Hartford
 Botzow of Pownal
 Bouchard of Colchester
 Branagan of Georgia
 Browning of Arlington
 Burditt of West Rutland
 Burke of Brattleboro
 Buxton of Tunbridge
 Campion of Bennington

Cheney of Norwich
 Christie of Hartford
 Clark of Vergennes
 Clarkson of Woodstock
 Condon of Colchester
 Conquest of Newbury
 Consejo of Sheldon
 Copeland-Hanzas of
 Bradford
 Courcelle of Rutland City
 Crawford of Burke
 Dakin of Chester
 Deen of Westminster
 Degree of St. Albans City
 Devereux of Mount Holly

Dickinson of St. Albans
 Town
 Donahue of Northfield
 Donovan of Burlington
 Eckhardt of Chittenden
 Edwards of Brattleboro
 Ellis of Waterbury
 Emmons of Springfield
 Evans of Essex
 Fagan of Rutland City
 Fisher of Lincoln
 Frank of Underhill
 French of Shrewsbury
 French of Randolph
 Gilbert of Fairfax

Grad of Moretown	Macaig of Williston	Reis of St. Johnsbury
Haas of Rochester	Malcolm of Pawlet	Russell of Rutland City
Head of South Burlington	Manwaring of Wilmington	Savage of Swanton
Heath of Westford	Marcotte of Coventry	Scheuermann of Stowe
Hebert of Vernon	Marek of Newfane	Shand of Weathersfield
Helm of Fair Haven	Martin of Wolcott	Sharpe of Bristol
Higley of Lowell	Masland of Thetford	Shaw of Pittsford
Hooper of Montpelier	McAllister of Highgate	Smith of New Haven
Howard of Cambridge	McCullough of Williston	South of St. Johnsbury
Hubert of Milton	McFaun of Barre Town	Stevens of Waterbury
Jerman of Essex	Miller of Shaftsbury	Stuart of Brattleboro
Jewett of Ripton	Mook of Bennington	Sweaney of Windsor
Johnson of South Hero	Moran of Wardsboro	Taylor of Barre City
Johnson of Canaan	Mrowicki of Putney	Till of Jericho
Kilmartin of Newport City	Munger of South Burlington	Toll of Danville
Kitzmiller of Montpelier	Nuovo of Middlebury	Townsend of Randolph
Klein of East Montpelier	O'Brien of Richmond	Trieber of Rockingham
Koch of Barre Town	Olsen of Jamaica	Turner of Milton
Komline of Dorset	O'Sullivan of Burlington	Waite-Simpson of Essex
Krebs of South Hero	Pearce of Richford	Webb of Shelburne
Krowinski of Burlington	Pearson of Burlington	Wilson of Manchester
Kupersmith of South Burlington	Peaslee of Guildhall	Winters of Williamstown
Lanpher of Vergennes	Peltz of Woodbury *	Wizowaty of Burlington
Larocque of Barnet	Perley of Enosburgh	Woodward of Johnson
Lawrence of Lyndon	Poirier of Barre City	Wright of Burlington
Lenes of Shelburne	Potter of Clarendon	Yantachka of Charlotte
Lewis of Berlin	Pugh of South Burlington	Young of Glover
Lorber of Burlington	Ralston of Middlebury	Zagar of Barnard
	Ram of Burlington	

Those who voted in the negative are:

Davis of Washington	Greshin of Warren

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Keenan of St. Albans City	Partridge of Windham
Batchelor of Derby	Lewis of Derby	Smith of Morristown
Brennan of Colchester	Lippert of Hinesburg	Spengler of Colchester
Canfield of Fair Haven	Martin of Springfield	Stevens of Shoreham
Corcoran of Bennington	McNeil of Rutland Town	Strong of Albany
Donaghy of Poultney	Morrissey of Bennington	
Howrigan of Fairfield	Myers of Essex	

Rep. Peltz of Woodbury explained his vote as follows:

“Mr. Speaker:

With the passage of H.753 as part of S.113 regional education districts will receive voter approval, as will supervisory union mergers. Changing how we

structurally deliver education in Vermont takes time and careful review. Thank you for supporting this endeavor.”

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Message from the Senate No. 79

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 78. An act relating to wages for laid-off employees.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 62. Joint resolution relating to federal agriculture policy.

In the adoption of which the concurrence of the House is requested.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 778. An act relating to structured settlements.

And has accepted and adopted the same on its part.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon joint resolution of the following title:

J.R.S. 54. Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc.

And has accepted and adopted the same on its part.

Recess

At two o'clock and thirty minutes in the afternoon, the Speaker declared a recess until three o'clock in the afternoon.

At four o'clock and forty-five minutes in the afternoon, the Speaker called the House to order.

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the fifth day of May, 2012, he approved and signed bills originating in the House of the following titles:

H. 403 An act relating to foreclosure of mortgages

H. 503 An act relating to the certification of capitol police and constables and to legislative traffic control and parking

Rules Suspended; Senate Proposal of Amendment to House Proposal of Amendment to Senate Proposal of Amendment Concurred in

H. 78

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to wages for laid-off employees

Was taken up for immediate consideration.

The Senate concurred in the House proposal of amendment to the Senate proposal of amendment with a further proposal of amendment, as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. § 1971 is amended to read:

§ 1971. ~~EXTENT OF LIEN~~ UNPAID WAGES; STATUTORY LIEN;
PRIORITY OVER SUBSEQUENT MORTGAGE OR LIEN

(a) A statutory lien is created on the real and personal property of a corporation for up to 30 days of unpaid wages.

(b) ~~The liability of a corporation to wage-earners an employee for unpaid wages which were earned in the three months next for a 30-day period prior to the filing of a new mortgage or other lien upon the property and franchise of such corporation of the corporation, in all cases, shall be a first lien thereon, notwithstanding any mortgage or other lien thereon recorded after such wages were earned. An individual who works for wages, salary or hire at a rate of compensation not exceeding \$3,000.00 a year shall be deemed to be a wage earner within the meaning of this section. Notice of the lien if on personal~~

property shall be filed with the secretary of state's office and, if on real property, in the land records, by the employee or the department of labor acting on behalf of one or more employees. An employee who is owed wages or the department of labor acting on behalf of one or more employees may file an action to execute on the lien in the civil division of the superior court in the county in which the corporation has its principal place of business in the state, or in the civil division of the Washington County superior court.

Sec. 2. 11A V.S.A. § 14.03 is amended to read:

§ 14.03. ARTICLES OF DISSOLUTION; CONTENT OF NOTICE; NOTICE TO DEPARTMENT OF LABOR REGARDING UNPAID WAGES

(a) At any time after dissolution is authorized, the corporation may dissolve by delivering to the secretary of state for filing articles of dissolution setting forth:

- (1) the name of the corporation;
- (2) the date dissolution was authorized;
- (3) if dissolution was approved by the shareholders:
 - (A) the number of votes entitled to be cast on the proposal to dissolve; and
 - (B) either the total number of votes cast for and against dissolution or the total number of undisputed votes cast for dissolution and a statement that the number cast for dissolution was sufficient for approval;
- (4) if voting by voting groups was required, the information required by subdivision (3) of this subsection ~~must be~~ separately provided for each voting group entitled to vote separately on the plan to dissolve;
- (5) a statement as to the settlement of debts, the distribution of property, and the status of pending litigation;
- (6) a statement whether the corporation owes any unpaid wages to its employees.

(b) Subject to the provisions of section 14.09 of this title, a corporation is dissolved upon the effective date of its articles of dissolution.

(c) If a corporation owes unpaid wages to its employees, it shall also file a statement to that effect with the department of labor.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Bill Messaged to Senate Forthwith**H. 774**

House bill, entitled

An act relating to meat inspection, delivery of liquid fuels, dairy operations, and animal foot baths

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Report of Committee of Conference Adopted**H. 778**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to structured settlements

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill recommended that the House and Senate recede from their respective proposals of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 63, subchapter 5 is added to read:

Subchapter 5. Transfers of Structured Settlements

§ 2480aa. LEGISLATIVE INTENT; PUBLIC POLICY

Structured settlement agreements, which provide for payments to a person over a period of time, are often used in the settlement of actions such as personal injury or medical claims and serve a number of valid purposes, including protection of persons from economic victimization and assuring a person's ability to provide for his or her future needs and obligations. It is the policy of this state that such agreements, which have often been approved by a court, should not be set aside lightly or without good reason.

§ 2480bb. DEFINITIONS

In this subchapter:

(1) “Annuity issuer” means an insurer that has issued a contract to fund periodic payments under a structured settlement.

(2) “Dependents” includes a payee’s spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including alimony.

(3) “Discounted present value” means the present value of future payments determined by discounting such payments to the present using the most recently published Applicable Federal Rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service.

(4) “Gross advance amount” means the sum payable to the payee or for the payee’s account as consideration for a transfer of structured settlement payment rights before any reductions for transfer expenses or other deductions to be made from such consideration.

(5) “Independent professional advice” means advice of an attorney, certified public accountant, actuary, or other licensed professional adviser meeting all of the following requirements:

(A) The advisor is engaged by the payee to render advice concerning the legal, tax, or financial implications of a structured settlement or a transfer of structured settlement payment rights;

(B) The adviser’s compensation for rendering independent professional advice is not affected by occurrence or lack of occurrence of a settlement transfer; and

(C) A particular adviser is not referred to the payee by the transferee or its agent, except that the transferee may refer the payee to a lawyer referral service or agency operated by a state or local bar association.

(6) “Interested parties” means, with respect to any structured settlement, the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the payee’s death, the annuity issuer, the structured settlement obligor, and any other party that has continuing rights or obligations relating to the structured settlement payment rights which are the subject of the proposed transfer.

(7) “Net advance amount” means the gross advance amount less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under subdivision 2480cc(5) of this title.

(8) “Payee” means an individual who is receiving tax-free payments under a structured settlement and proposes to make a transfer of payment rights thereunder.

(9) “Periodic payments” includes both recurring payments and scheduled future lump sum payments.

(10) “Qualified assignment agreement” means an agreement providing for a qualified assignment within the meaning of section 130 of the United States Internal Revenue Code, United States Code Title 26, as amended from time to time.

(11) “Settled claim” means the original tort claim resolved by a structured settlement.

(12) “Structured settlement” means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim but does not refer to periodic payments in settlement of a workers’ compensation claim.

(13) “Structured settlement agreement” means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

(14) “Structured settlement obligor” means, with respect to any structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or a qualified assignment agreement.

(15) “Structured settlement payment rights” means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, where:

(A) the payee is domiciled in this state; or

(B) the structured settlement agreement was approved by a court in this state.

(16) “Terms of the structured settlement” include, with respect to any structured settlement, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement, and any order or other approval of any court or other government authority that authorized or approved such structured settlement.

(17) “Transfer” means any sale, assignment, pledge, hypothecation, or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration.

(18) “Transfer agreement” means the agreement providing for a transfer of structured settlement payment rights.

(19) “Transfer expenses” means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from

the gross advance amount, including, without limitation, court filing fees, attorney's fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions, and other payments to a broker or other intermediary.

(20) "Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

§ 2480cc. REQUIRED DISCLOSURES TO PAYEE

Not less than ten days prior to the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement in bold type in a size no smaller than 14 points setting forth:

(1) the amounts and due dates of the structured settlement payments to be transferred;

(2) the aggregate amount of such payments;

(3) the discounted present value of the payments to be transferred, which shall be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities," and the amount of the applicable federal rate used in calculating such discounted present value;

(4) the gross advance amount and the annual discount rate, compounded monthly, used to determine such figure;

(5) an itemized listing of all applicable transfer expenses, other than attorneys' fees and related disbursements payable by the payee in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such fees and disbursements;

(6) the net advance amount;

(7) the amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee, as well as a description of any other financial penalties the payee might incur with the transferee as a result of such a breach; and

(8) a statement that the payee has the right to cancel the transfer agreement, without penalty or further obligation, at any time before the date on which a court enters a final order approving the transfer agreement.

§ 2480dd. APPROVAL OF TRANSFERS OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

(a) No direct or indirect transfer of structured settlement payment rights shall be effective and no structured settlement obligor or annuity issuer shall be

required to make any payment directly or indirectly to any transferee of structured settlement payment rights unless the transfer has been approved in advance in a final court order based on express findings by such court that:

(1) the transfer is in the best interest of the payee taking into account the welfare and support of the payee's dependents, considering all relevant factors, including:

(A) the payee's ability to understand the financial terms and consequences of the transfer;

(B) the payee's capacity to meet his or her financial obligations, including the potential need for future medical treatment;

(C) the need, purpose, or reason for the transfer; and

(D) whether the transfer is fair and reasonable, considering the discount rate used to calculate the gross advance amount, the fees and expenses imposed on the payee, and whether the payee obtained more than one quote for the same or a substantially similar transfer.

(2)(A) the payee has been advised in writing by the transferee to seek independent professional advice regarding the financial advisability of the transfer and the other financial options available to the payee, if any, and:

(B)(i) that the payee has in fact received such advice; or

(ii) that such advice is unnecessary for good cause shown.

(3) the transfer does not contravene any applicable statute or the order of any court or other government authority.

(b) Any agreement to transfer future payments arising under a workers' compensation claim is prohibited.

(c) At the hearing on the transfer the court may, in its sole discretion, continue the hearing and require the payee to seek independent professional advice if the court determines that obtaining such advice should be required based on the circumstances of the payee or the terms of the transaction. If the court determines that independent professional advice should be required, the court may order that the costs incurred by a payee for independent professional advice be paid by the transferee, the payee, or another party, provided that the amount to be paid by the transferee shall not exceed one thousand five hundred dollars (\$1,500.00).

§ 2480ee. EFFECTS OF TRANSFER OF STRUCTURED SETTLEMENT
PAYMENT RIGHTS

Following a transfer of structured settlement payment rights under this subchapter:

(1) The structured settlement obligor and the annuity issuer shall, as to all parties except the transferee, be discharged and released from any and all liability for the transferred payments;

(2) The transferee shall be liable to the structured settlement obligor and the annuity issuer:

(A) if the transfer contravenes the terms of the structured settlement for any taxes incurred by such parties as a consequence of the transfer; and

(B) for any other liabilities or costs, including reasonable costs and attorney's fees, arising from compliance by such parties with the order of the court or arising as a consequence of the transferee's failure to comply with this subchapter;

(3) Neither the annuity issuer nor the structured settlement obligor may be required to divide any periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees; and

(4) Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of this subchapter.

§ 2480ff. PROCEDURE FOR APPROVAL OF TRANSFERS

(a) An application under this subchapter for approval of a transfer of structured settlement payment rights shall be made by the transferee and may be brought in the superior court, civil division, of the county in which the payee resides or in which the structured settlement obligor or the annuity issuer maintains its principal place of business or in any court that approved the structured settlement agreement.

(b) Not less than 20 days prior to the scheduled hearing on any application for approval of a transfer of structured settlement payment rights under section 2480dd of this title, the transferee shall file with the court and serve on all interested parties a notice of the proposed transfer and the application for its authorization, including with such notice:

(1) a copy of any court order approving the settlement;

(2) a written description of the underlying basis for the settlement;

(3) a copy of the transferee's application;

(4) a copy of the transfer agreement;

(5) a copy of the disclosure statement required under section 2481n of this title;

(6) a listing of each of the payee's dependents, together with each dependent's age;

(7) a statement setting forth whether, to the best of the transferee's knowledge after making a reasonable inquiry to the payee, the structured settlement obligor, and the annuity issuer, there have been any previous transfers or applications for transfer of any structured settlement payment rights of the payee and giving details of all such transfers or applications for transfer;

(8) if available to the transferee after making a good faith request of the payee, the structured settlement obligor and the annuity issuer, the following documents, which shall be filed under seal:

(A) a copy of the annuity contract;

(B) a copy of any qualified assignment agreement;

(C) a copy of the underlying structured settlement agreement;

(9) either a certification from an independent professional advisor establishing that the advisor has given advice to the payee on the financial advisability of the transfer and the other financial options available to the payee or a written request that the court determine that such advice is unnecessary pursuant to subdivision 2480dd(a)(2) of this title; and

(10) notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, which shall be not less than 15 days after service of the transferee's notice, in order to be considered by the court.

(c) The transferee shall file a copy of the application with the attorney general's office and a copy of the application and the payee's social security number with the office of child support, the department of taxes, and the department of financial regulation. The offices and departments receiving copies pursuant to this section shall permit the copies to be filed electronically.

(d) The payee shall attend the hearing unless attendance is excused for good cause.

§ 2480gg. GENERAL PROVISIONS; CONSTRUCTION

(a) The provisions of this subchapter may not be waived by any payee.

(b) Any transfer agreement entered into on or after the effective date of this subchapter by a payee who resides in this state shall provide that disputes

under such transfer agreement, including any claim that the payee has breached the agreement, shall be determined in and under the laws of this state. No such transfer agreement shall authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

(c) No transfer of structured settlement payment rights shall extend to any payments that are life-contingent unless, prior to the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for:

(1) periodically confirming the payee's survival; and

(2) giving the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.

(d) No payee who proposes to make a transfer of structured settlement payment rights shall incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee or any assignee based on any failure of such transfer to satisfy the conditions of this subchapter.

(e) Nothing contained in this subchapter shall be construed to authorize any transfer of structured settlement payment rights in contravention of any law or to imply that any transfer under a transfer agreement entered into prior to the effective date of this subchapter is valid or invalid.

(f) Compliance with the requirements set forth in section 2480cc of this title and fulfillment of the conditions set forth in section 2480dd of this title shall be solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer shall bear any responsibility for or any liability arising from noncompliance with such requirements or failure to fulfill such conditions.

Sec. 2. 9 V.S.A. § 2451 is amended to read:

§ 2451. PURPOSE

The purpose of this chapter is to complement the enforcement of federal statutes and decisions governing unfair methods of competition, ~~and~~ unfair or deceptive acts or practices, and anti-competitive practices in order to protect the public, and to encourage fair and honest competition.

Sec. 3. 9 V.S.A. § 2451a is amended to read:

§ 2451a. DEFINITIONS

For the purposes of this chapter:

(a) "Consumer" means any person who purchases, leases, contracts for, or otherwise agrees to pay consideration for goods or services not for resale in the ordinary course of his or her trade or business but for his or her use or benefit or the use or benefit of a member of his or her household, or in connection with the operation of his or her household or a farm whether or not the farm is conducted as a trade or business, or a person who purchases, leases, contracts for, or otherwise agrees to pay consideration for goods or services not for resale in the ordinary course of his or her trade or business but for the use or benefit of his or her business or in connection with the operation of his or her business.

(b) "Goods" or "services" shall include any objects, wares, goods, commodities, work, labor, intangibles, courses of instruction or training, securities, bonds, debentures, stocks, real estate, or other property or services of any kind. The term also includes bottled liquified petroleum (LP or propane) gas.

* * *

(h) "Collusion" means an agreement, contract, combination in the form of trusts or otherwise, or conspiracy to engage in price fixing, bid rigging, or market division or allocation of goods or services between or among persons.

Sec. 4. 9 V.S.A. § 2453a is added to read:

§ 2453a. PRACTICES PROHIBITED; CRIMINAL ANTITRUST VIOLATIONS

(a) Collusion is hereby declared to be a crime.

(b) Subsection (a) of this section shall not be construed to apply to activities of or arrangements between or among persons which are permitted, authorized, approved, or required by federal or state statutes or regulations.

(c) It is the intent of the general assembly that in construing this section and subsection 2451a(h) of this title, the courts of this state shall be guided by the construction of federal antitrust law and the Sherman Act, as amended, as interpreted by the courts of the United States.

(d) Nothing in this section limits the power of the attorney general or a state's attorney to bring civil actions for antitrust violations under section 2453 of this title.

(e) A violation of this section shall be punished by a fine of not more than \$100,000.00 for an individual or \$1,000,000.00 for any other person or by imprisonment not to exceed five years or both.

Sec. 5. 9 V.S.A. § 2453b is added to read:

§ 2453b. RETALIATION PROHIBITED

No person shall retaliate against, coerce, intimidate, threaten, or interfere with any other person who:

(1) has opposed any act or practice of the person which is collusive or in restraint of trade;

(2) has lodged a complaint or has testified, assisted, or participated in any manner with the attorney general or a state's attorney in an investigation of acts or practices which are collusive or in restraint of trade;

(3) is known by the person to be about to lodge a complaint or testify, assist, or participate in any manner in an investigation of acts or practices which are collusive or in restraint of trade; or

(4) is believed by the person to have acted as described in subdivision (1), (2), or (3) of this subsection.

Sec. 6. EFFECTIVE DATES

(a) Sec. 1 of this act shall take effect on July 1, 2012.

(b) Secs. 2, 3, 4, and 5 of this act and this section shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to structured settlements and to prohibiting collusion as an antitrust violation"

COMMITTEE ON THE PART OF
THE SENATE

SEN. ALICE W. NITKA
SEN. DIANE B. SNELLING
SEN. JEANETTE K. WHITE

COMMITTEE ON THE PART OF
THE HOUSE

REP. THOMAS F. KOCH
REP. LINDA J. WAITE-SIMPSON
REP. ELDRED M. FRENCH

Which was considered and adopted on the part of the House.

Message from the Senate No. 80

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 106. An act relating to miscellaneous changes to municipal government law.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 93. An act relating to labeling maple products.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered the reports of the Committees of Conference upon the disagreeing votes of the two Houses upon Senate bills of the following titles:

S. 113. An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools.

S. 199. An act relating to immunization exemptions and the immunization pilot program.

And has accepted and adopted the same on its part.

Rules Suspended to Interrupt Orders of the Day

On Motion of **Rep. Turner of Milton**, Orders of the Day were interrupted to consider JRS 62 and JRS 64.

Joint Resolution Adopted in Concurrence

J.R.S. 62

By Senate Committee on Agriculture,

J.R.S. 62. Joint resolution relating to federal agriculture policy.

Whereas, the dairy industry, a keystone industry in Vermont and the United States, supports rural communities, water recharge areas, valuable open space, recreational and sports opportunities, and tourism, and

Whereas, the dairy industry has an economic impact of an estimated \$14,000.00 per cow per year, primarily in the local economy, and

Whereas, the instability of fluid milk prices, the concentration of processing capacity, outdated regulations, and labor shortages are creating a crisis in the industry, and

Whereas, a significant loss of capacity would create a dependence on imported milk and other dairy products, would cause prices to consumers to increase, and would reduce our nation's food security, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress and the U.S. Department of Agriculture to acknowledge the importance of the dairy industry nationwide as well as the unique aspects of the dairy industry region by region through:

(1) addressing the problems of labor shortages within the dairy industry by providing more opportunity for training and education as well as a fair and sensible approach to migrant labor;

(2) adopting legislation that creates a uniform definition of the ownership of milk as it leaves the farm;

(3) ensuring that all dairy producers receive, with reasonable advance notice, the information related to any referendum on the federal milk marketing orders and that they have the opportunity to cast individual ballots on such a referendum;

(4) supporting the dairy section of the current proposed federal farm bill to include Dairy Gross Margin Insurance directly tied to the Dairy Stabilization Program to stabilize the price and provide an adequate safety net for Vermont dairy producers; and

(5) supporting an effective supply management program that utilizes a fixed base, which is critical to reforming the current dairy safety net and that in combination with the current Milk Income Loss contract program would provide a fiscally responsible way to manage risk in dairy production, *and be it further*

Resolved: That the General Assembly urges the U.S. Department of Justice and the Commodity Futures Trading Commission to inquire into the concentration in the milk processing sectors of the dairy industry and to determine whether anticompetitive conduct is working to the detriment of producers and consumers, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to U.S. Secretary of Agriculture Tom Vilsack, to U.S. Attorney General Eric Holder, to U.S. Commodity Futures Trading Corporation Chairman Gary

Was taken up read and adopted in concurrence.

Joint Resolution Adopted in Concurrence**J.R.S. 64**

By Senator Campbell,

J.R.S. 64. Joint resolution honoring the competitive accomplishments and international educational outreach of the University of Vermont's Lawrence Debate Union.

Whereas, debate is a defining characteristic of Vermont at the dinner table, in the classroom, during a traditional town meeting, and in the legislative chambers of the state house in Montpelier, and

Whereas, for over a century, University of Vermont (UVM) students have mastered the fine art of debate through participation in the Lawrence Debate Union (LDU), which ardent student debater Edwin W. Lawrence founded in 1899 and then helped to establish an endowment to perpetuate this most civilized form of verbal fisticuffs for future generations of UVM Catamounts to enjoy, and

Whereas, the LDU has distinguished itself among collegiate debate programs by earning an astounding International Debate Education Association global ranking of seven, immediately behind Oxford and Cambridge Universities in Great Britain and surpassing Harvard and Stanford, and

Whereas, this highly commendable evaluation resulted from LDU members winning debates across the globe against top competitors, and

Whereas, at the 2012 U.S. Universities Debating championship held in Oregon, three UVM debaters—Paul Gross (sixth), Jessica Bullock (seventh), and Drew Adamczyk (ninth)—were ranked among the top ten debaters in the United States, and no other competing school matched this feat, and

Whereas, at this same event, the UVM debating duo of John Sadek and Jessica Bullock reached the semifinal round of the national championship, and

Whereas, the members of the LDU are goodwill ambassadors for both UVM and our nation as they have conducted debating workshops since 1999 throughout the United States, in rural areas and inner cities, and abroad in Bangladesh, Chile, China, Estonia, Finland, Japan, Greece, Iraq, Latvia, Malaysia, Montenegro, Qatar, Serbia, Singapore, Slovenia, South Korea, Thailand, the United Kingdom, and Venezuela, proving that debaters are skilled diplomats, and

Whereas, the LDU is fortunate to have Professor Alfred Snider, affectionately known as Tuna, as its director, and outstanding faculty coaches David Register and Mary Nugent lend their expertise to the training of these truly talented and dedicated debaters, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly honors the competitive accomplishments and international educational outreach of the University of Vermont's Lawrence Debate Union, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Professor Alfred Snider at the University of Vermont.

Was taken up read and adopted in concurrence.

**Rules Suspended; Action Ordered Messaged to Senate Forthwith
and Bills Delivered to the Governor Forthwith**

On motion of **Rep. Turner of Milton**, the rules were suspended and action on the bills were ordered messaged to the Senate forthwith and the bills delivered to the Governor forthwith.

H. 78

House bill, entitled

An act relating to wages for laid-off employees

H. 766

House bill, entitled

An act relating to the national guard

H. 778

House bill, entitled

An act relating to structured settlements

Rules Suspended; Bill Messaged to Senate Forthwith

S. 180

Senate bill, entitled

An act relating to the universal service fund and establishment of a high-cost program

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Action on Bill Postponed Indefinitely

H. 794

House bill, entitled

An act relating to the management of search and rescue operations

Was taken up and on motion of **Rep. Leriche of Hardwick**, action on the bill was postponed indefinitely.

Message from the Senate No. 81

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 535. An act relating to racial disparities in the Vermont criminal justice system.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 95. An act relating to employment decisions based on credit, information, allowing school employees to be paid wages over the course of a year, and union organizing.

And has concurred therein.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 730. An act relating to miscellaneous consumer protection laws.

And has accepted and adopted the same on its part.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 774. An act relating to meat inspection, delivery of liquid fuels, dairy operations, and animal foot baths.

And has not concurred therein.

**Rules Suspended; Report of Committee of Conference Adopted;
Rules Suspended; Action Ordered Messaged to Senate Forthwith
and Bill Delivered to the Governor Forthwith**

H. 730

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Hosue bill, entitled

An act relating to miscellaneous consumer protection laws

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the House accede to the Senate's proposals of amendment, and that the bill be further amended by striking Sec. 13 in its entirety and inserting in lieu thereof a new Sec. 13 to read:

Sec. 13. 33 V.S.A. § 2607 is amended to read:

§ 2607. PAYMENTS TO FUEL SUPPLIERS

(a) The secretary of human services or designee shall certify fuel suppliers, excluding firewood and wood pellet suppliers, to be eligible to participate in the home heating fuel assistance program. Beneficiaries may use their seasonal fuel assistance benefit to obtain home heating fuel or energy only from a fuel supplier certified by the director, except that beneficiaries who heat with firewood or wood pellets may obtain their firewood or wood pellets from any supplier they choose.

(b) Certified fuel suppliers shall agree to conduct reasonable efforts in order to inform and assist beneficiaries in their service areas, maintain records of amounts and costs of all fuel deliveries, send periodic statements to customers receiving home heating fuel assistance informing them of their account's credit or debit balance as of the last statement, deliveries or usage since that statement and the charges for such, payments made or applied, indicating their source, since that statement, and the ending credit or debit balance. Certified fuel suppliers shall also agree to provide the secretary of human services or designee such information deemed necessary for the efficient administration of the program, ~~including information required to pay the beneficiary's benefits to the certified supplier after fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.~~

(c) Certified fuel suppliers shall not disclose the beneficiary status of recipients of home heating fuel assistance benefits, the names of recipients, or other information pertaining to recipients to anyone, except for purposes directly connected with administration of the home heating fuel assistance program or when required by law.

(d) Certified fuel suppliers shall also agree to enter into budget agreements with beneficiaries for annualized monthly payments for fuel supplies provided the beneficiary meets accepted industry credit standards, and shall grant program beneficiaries such cash discounts, preseason delivery savings, automatic fuel delivery agreements, and any other discounts granted to any other heating fuel customer or as the secretary of human services or designee may negotiate with certified fuel suppliers.

(e) The secretary of human services or designee shall provide each certified fuel supplier with a list of the households who are its customers and have been found eligible for annual home heating fuel assistance for the current year, the total amount of annual home heating fuel assistance that has been authorized for each household, and how the total amount has been allocated over the heating season. Each authorized amount shall function as a line of credit for each eligible household. The secretary or designee shall disburse authorized home heating fuel assistance benefits to certified fuel suppliers on behalf of eligible households ~~after fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.~~ Authorized benefits for oil, propane, kerosene, dyed diesel, and coal shall be paid after fuel is delivered and invoiced to the secretary or designee. Authorized benefits for electricity and natural gas shall be paid in full and credited to the eligible household's account at the same time benefit notices are issued to the eligible household.

(f) The secretary of human services or designee shall negotiate with one or more certified fuel suppliers to obtain the most advantageous pricing and payment terms, and delivery methods possible for eligible households.

(g)(1) The public service board shall require natural gas suppliers subject to regulation under 30 V.S.A § 203 to provide a discount program to customers with incomes no greater than 200 percent of the federal poverty level or who meet the department for children and families' means test of eligibility for LIHEAP crisis fuel assistance. Eligibility for the discount shall be verified by the department for children and families.

(2) In implementing the discount program, the board shall consider:

(A) Low income discount programs, rates, and cost structures of other Vermont regulated utilities.

(B) Low income discount programs, rates, and cost structures for gas customers in other states.

(C) Options for allocating the costs of the discount program that avoid or reduce the cost impact of the program on ineligible ratepayers, including consideration of each of the following:

(i) Use of any revenues collected from ratepayers that are in excess of the revenue requirement most recently determined by the board.

(ii) Use of revenues collected from ratepayers to fund system expansions that have not been placed in service.

(3) On or before January 15, 2013, the board shall:

(A) implement this subsection by order to each natural gas company subject to its jurisdiction; and

(B) report to the house committees on commerce and economic development and on human services, and to the senate committees on health and welfare and on economic development, housing and general affairs on its implementation of this subsection, including its consideration of the matters described in subdivision (2) of this subsection and the results of that consideration.

and that after passage the title of the bill be amended to read: "An act relating to consumer protection and low income heating assistance"

COMMITTEE ON THE PART OF THE SENATE	COMMITTEE ON THE PART OF THE THE HOUSE

SEN. VINCENT ILLUZZI

REP. MICHAEL J. MARCOTTE

SEN. TIMOTHY R. ASHE

REP. WILLIAM G. F. BOTZOW

SEN. JOHN F. CAMPBELL

REP. ERNEST W. SHAND

Which was considered and adopted on the part of the House.

On motion of **Rep. Turner of Milton**, the rules were suspended and action on the bill was ordered messaged to the Senate forthwith and the bill delivered to the Governor forthwith.

Joint Resolution Adopted in Concurrence

J.R.S. 63

By Senator Campbell,

J.R.S. 63. Joint resolution relating to final adjournment of the General Assembly in 2012.

Resolved by the Senate and House of Representatives

That when the President of the Senate and the Speaker of the House of Representatives adjourn their respective houses on the fifth day of May, 2012, they shall do so to reconvene on the twenty-second day of May, 2012, at ten o'clock in the forenoon if the Governor should fail to approve and sign any bill and should he return it to the house of origin with his objections in writing after such adjournment, but if the Governor should *not* so return any bill to either house, to be adjourned *sine die*.

Was taken up read and adopted in concurrence.

Message from the Senate No. 82

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that the Senate has on its part completed the business of the session and is ready to adjourn to a day certain, May 22, 2012, if necessary or if not necessary, then to be adjourned *sine die*, pursuant to the provisions of **J.R.S. 63**.

Senate Notified of Completion of House Business

Rep. Leriche of Hardwick moved that the House direct the Clerk to inform the Senate that the House has completed the business of the second half of the biennial session pursuant to J.R.S. 63.

Governor Notified of Completion of House Business

Rep. Leriche of Hardwick moved that the Speaker appoint a committee of six to inform the Governor that the House has completed the business of the second half of the biennial session and is ready to adjourn pursuant to J.R.S. 63.

Thereupon, the Speaker appointed as members of the committee:

Rep. Edwards of Brattleboro

Rep. Atkins of Winooski

Rep. Howrigan of Fairfield

Rep. Gilbert of Fairfax

Rep. McAllister of Highgate

Rep. Crawford of Burke

Governor Presented at the Bar of the House

The committee appointed to wait upon the Governor retired to the Executive Chamber and returned with His Excellency, Governor Peter Shumlin, and presented him at the bar of the House. The Governor addressed

the House and, having completed his remarks, was escorted from the Hall by the Committee.

Adjournment

At six o'clock and forty-three minutes in the evening, on motion of **Rep. Leriche of Hardwick**, the House adjourned pursuant to J.R.S. 63.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 392

House concurrent resolution designating April 2012 as Fair Housing Month in Vermont;

H.C.R. 393

House concurrent resolution honoring Audrey and William Keyes of Bridport for their exemplary community spirit;

H.C.R. 394

House concurrent resolution honoring William Paine of New Haven for his civic accomplishments;

H.C.R. 395

House concurrent resolution in memory of Addison County Sheriff James Coons;

H.C.R. 396

House concurrent resolution honoring John R. Stone Jr. on his 55th firefighting anniversary and for his outstanding community service in Bennington;

H.C.R. 397

House concurrent resolution honoring Kerry Clifford for her devotion to teaching young children;

H.C.R. 398

House concurrent resolution honoring Caroline and Hubert Daberer on their 90th birthdays and as the founders of Alpine Haven;

H.C.R. 399

House concurrent resolution commemorating the 85th anniversary of the landing in Springfield of Col. Charles A. Lindbergh in the Spirit of St. Louis;

H.C.R. 400

House concurrent resolution congratulating the Rutland Free Library on its 125th anniversary;

H.C.R. 401

House concurrent resolution congratulating Scott Santamore of Rutland on being the named the 2012 Boys & Girls Clubs of America Vermont Youth of the Year;

H.C.R. 402

House concurrent resolution congratulating the city of Burlington on being named a 2012 Tree City U.S.A.;

H.C.R. 403

House concurrent resolution honoring Nathaniel Tripp as an outstanding protector of the Connecticut River and its watershed;

H.C.R. 404

House concurrent resolution honoring former Representative Michael Bernhardt for his record of outstanding public service to Vermont;

H.C.R. 405

House concurrent resolution honoring former Londonderry town clerk and treasurer James Twitchell for his outstanding civic and community service;

H.C.R. 406

House concurrent resolution honoring Walter Mandel as an outstanding community leader;

H.C.R. 407

House concurrent resolution in memory of Anne O. Burke;

H.C.R. 408

House concurrent resolution honoring Thomas Cheney for his stellar service as aide to the speaker of the house of representatives;

H.C.R. 409

House concurrent resolution in memory of Edith Hunter of Weathersfield;

H.C.R. 410

House concurrent resolution congratulating the Vermont Business Roundtable on its 25th anniversary;

H.C.R. 411

House concurrent resolution honoring Evelyn T. Howard on the conclusion of her tenure as superintendent of the Addison Northeast Supervisory Union;

H.C.R. 412

House concurrent resolution congratulating Craftsbury Academy boys' basketball coach Terrence Kelleher on being named the Vermont Basketball Coaches Association 2011–2012 Division IV coach of the year;

H.C.R. 3000

House concurrent resolution honoring Marlene Velandar for her dedicated public service in the house clerk's office;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2012, seventy-second Adjourned session.]

FINAL MESSAGES AND COMMUNICATIONS**Message from the Senate No. 83**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 747. An act relating to cigarette manufacturers.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House proposal to Senate bill of the following title:

S. 99. An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing.

And has concurred therein.

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

J.R.H. 38. Joint resolution expressing concern over the *Reader's Digest* portrayal of mental illness.

And has adopted the same in concurrence.

The Senate has considered the reports of the Committees of Conference upon the disagreeing votes of the two Houses upon Senate bills of the following titles:

S. 116. An act relating to probate proceedings.

S. 199. An act relating to immunization exemptions and the immunization pilot program.

S. 200. An act relating to the reporting requirements of health insurers.

S. 217. An act relating to closely held benefit corporations.

S. 245. An act relating to requiring cardiovascular care instruction in public and independent schools.

S. 251. An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

And has accepted and adopted the same on its part.

The Governor has informed the Senate that on the fourth day of May, 2012, he approved and signed a bill originating in the Senate of the following title:

S. 181. An act relating to school resource officers.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 46. Senate concurrent resolution commemorating the centennial anniversary of the journey of the children from Lawrence, Massachusetts to Barre during the 1912 Bread and Roses Strike.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 382. House concurrent resolution in appreciation of Representative Ken Atkins of Winooski for offering M&M's® chocolate candies at roll call votes.

H.C.R. 392. House concurrent resolution designating April 2012 as Fair Housing Month in Vermont.

H.C.R. 393. House concurrent resolution honoring Audrey and William Keyes of Bridport for their exemplary community spirit.

H.C.R. 394. House concurrent resolution honoring William Paine of New Haven for his civic accomplishments.

H.C.R. 395. House concurrent resolution in memory of Addison County Sheriff James Coons.

H.C.R. 396. House concurrent resolution honoring John R. Stone Jr. on his 55th firefighting anniversary and for his outstanding community service in Bennington.

H.C.R. 397. House concurrent resolution honoring Kerry Clifford for her devotion to teaching young children.

H.C.R. 398. House concurrent resolution honoring Caroline and Hubert Daberer on their 90th birthdays and as the founders of Alpine Haven.

H.C.R. 399. House concurrent resolution commemorating the 85th anniversary of the landing in Springfield of Col. Charles A. Lindbergh in the Spirit of St. Louis.

H.C.R. 400. House concurrent resolution congratulating the Rutland Free Library on its 125th anniversary.

H.C.R. 401. House concurrent resolution congratulating Scott Santamore of Rutland on being the named the 2012 Boys & Girls Clubs of America Vermont Youth of the Year.

H.C.R. 402. House concurrent resolution congratulating the city of Burlington on being named a 2012 Tree City U.S.A..

H.C.R. 403. House concurrent resolution honoring Nathaniel Tripp as an outstanding protector of the Connecticut River and its watershed.

H.C.R. 404. House concurrent resolution honoring former Representative Michael Bernhardt for his record of outstanding public service to Vermont.

H.C.R. 405. House concurrent resolution honoring former Londonderry town clerk and treasurer James Twitchell for his outstanding civic and community service.

H.C.R. 406. House concurrent resolution honoring Walter Mandel as an outstanding community leader.

H.C.R. 407. House concurrent resolution in memory of Anne O. Burke.

H.C.R. 408. House concurrent resolution honoring Thomas Cheney for his stellar service as aide to the speaker of the house of representatives.

H.C.R. 409. House concurrent resolution in memory of Edith Hunter of Weathersfield.

H.C.R. 410. House concurrent resolution congratulating the Vermont Business Roundtable on its 25th anniversary.

H.C.R. 411. House concurrent resolution honoring Evelyn T. Howard on the conclusion of her tenure as superintendent of the Addison Northeast Supervisory Union.

H.C.R. 412. House concurrent resolution congratulating Craftsbury Academy boys' basketball coach Terrence Kelleher on being named the Vermont Basketball Coaches Association 2011–2012 Division IV coach of the year.

H.C.R. 3000. House concurrent resolution honoring Marlene Velandar for her dedicated public service in the house clerk's office.

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the third day of May, 2012, he approved and signed bills originating in the House of the following titles:

H. 440 An act relating to creating an agency and secretary of education and clarifying the purpose of the state board

H. 467 An act relating to limited liability for a landowner who permits a person to enter the owner's land for recreational use

H. 792 An act relating to approval of amendments to the charter of the city of Burlington

H. 793 An act relating to approval of amendments to the charter of the Winooski incorporated school district

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the seventh day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 784 An act relating to approval of the adoption and codification of the charter of the town of Williamstown**
- H. 785 An act relating to capital construction and state bonding budget adjustment**
- H. 787 An act relating to approval of amendments to the charter of the city of Montpelier**
- H. 790 An act relating to approval of amendments to the charter of the town of Hartford**

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the eighth day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 37 An act relating to telemedicine**
- H. 53 An act relating to the Interstate Wildlife Violator Compact**
- H. 254 An act relating to consumer protection**
- H. 556 An act relating to creating a private activity bond advisory committee**
- H. 773 An act relating to veterans' tax exception**
- H. 788 An act relating to approval of amendments to the charter of the town of Richmond**

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the ninth day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 272 An act relating to maintenance of private roads**
- H. 327 An act relating to the uniform principal and income act**

- H. 506 An act relating to commercial catering licenses, the export of vinous beverages, and outside consumption permits**
- H. 524 An act relating to the secretary of state and to the regulation of professions and occupations**
- H. 577 An act relating to public water systems**
- H. 786 An act relating to approval of amendments to the charter of the town of Windsor and to an amendment to the charter of the North Bennington Graded School District**

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the eleventh day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 78 An act relating to wages for laid-off employees**
- H. 475 An act relating to net metering and definitions of capacity**
- H.523 An act relating to revising the state highway condemnation law**
- H. 679 An act relating to creating a uniform capacity tax for solar renewable energy plants**
- H. 761 An act relating to executive branch fees, including motor vehicle and fish and wildlife fees**
- H. 771 An act relating to making technical corrections and other miscellaneous changes to education law**
- H. 780 An act relating to compensation for certain state employees**

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the fourteenth day of May, 2012, he approved and signed bills originating in the House of the following titles:

H. 535 An act relating to racial disparities in the Vermont criminal justice system

H. 627 An act relating to an opioid addiction treatment system

H. 730 An act relating to miscellaneous consumer protection laws

Message from the Governor

The Governor has informed the House of Representatives that on the fifteenth day of May, 2012, he returned without signature and vetoed a bill originating in the House of Representatives of the following title:

H.290 An act relating to adult protective services.

The Governor provided the following explanation:

"Coming from a private sector background, I have always been frustrated by unnecessary bureaucracy and paperwork that exists in state government. Instead of focusing on outcomes, these impediments to progress cost taxpayers too much money and deliver little by way of results.

This bill, H. 290, is an example of misplaced good intentions. By requiring expensive, time-consuming, and duplicative reports by the Agency of Human Services to the legislature, this bill distracts AHS from doing its job: protecting our most vulnerable Vermonters. I am vetoing this bill because it does nothing to advance the goal of protecting those vulnerable Vermonters, adds yet another layer of bureaucracy to state government, and wastes taxpayer dollars."

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the fifteenth day of May, 2012, he approved and signed bills originating in the House of the following titles:

H. 412 An act relating to harassment in educational settings

H. 413 An act relating to creating a civil action against those who abuse, neglect, or exploit a vulnerable adult

H. 496 An act relating to preserving Vermont's working landscape

H. 782 An act relating to miscellaneous tax changes for 2012

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the sixteenth day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 464 An act relating to hydraulic fracturing wells for natural gas and oil production**
- H. 485 An act relating to establishing universal recycling of solid waste**
- H. 559 An act relating to health care reform implementation**
- H. 747 An act relating to cigarette manufacturers**
- H. 766 An act relating to the rehabilitation of Vermont National Guard members and certain rights and responsibilities of guard members and their employers**
- H. 770 An act relating to the state's transportation system**

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the seventeenth day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 751 An act relating to jurisdiction of delinquency proceedings**
- H. 759 An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment**
- H. 769 An act relating to department of environmental conservation fees**
- H.781 An act relating to making appropriations for the support of government**

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the eighteenth day of May, 2012, he approved and signed bills originating in the House of the following titles:

H. 699 An act relating to scrap metal processors

H. 730 An act relating to miscellaneous consumer protection laws

H. 778 An act relating to structured settlements and to prohibiting collusion as an antitrust violation

Message from the Senate No. 84

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Governor has informed the Senate that on the seventh day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

S. 128. An act relating to recognition of the Missisquoi, St. Francis-Sokoki Band as a Native American Indian tribe.

S. 129. An act relating to recognition of the Koasek Abenaki of the Koas as a Native American Indian tribe.

The Governor has informed the Senate that on the eighth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

S. 215. An act relating to evaluating net costs of government purchasing.

S. 237. An act relating to the genuine progress indicator.

The Governor has informed the Senate that on the ninth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

S. 179. An act relating to amending perpetual conservation easements.

S. 203. An act relating to child support enforcement.

S. 222. An act relating to cost-sharing for employer-sponsored insurance assistance plans.

S. 226. An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction.

S. 236. An act relating to health care practitioner signature authority.

The Governor has informed the Senate that on the eleventh day of May, 2012 he approved and signed bills originating in the Senate of the following titles:

S. 37. An act relating to expungement and sealing of criminal history record.

S. 89. An act relating to organ and tissue donation and Medicaid for Working Persons with Disabilities.

S. 136. An act relating to vocational rehabilitation.

The Governor has informed the Senate that on the fourteenth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

S. 99. An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing.

S. 148. An act relating to expediting development of small and micro hydroelectric projects.

S. 202. An act relating to regulation of flood hazard areas, river corridors, and stream alteration.

S. 252. An act relating to the repeal or revision of reporting requirements.

The Governor has informed the Senate that on the fifteenth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

S. 116. An act relating to probate proceedings, powers of attorney, and county budget reserve funds.

S. 189. An act relating to expanding confidentiality of cases accepted by the court diversion project.

S. 217. An act relating to closely held benefit corporations.

S. 244. An act relating to referral to court diversion for driving with a suspended license.

The Governor has informed the Senate that on the sixteenth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

S. 106. An act relating to miscellaneous changes to municipal government law, to internal financial controls, to the management of search and rescue operations, and to emergency medical services.

S. 113. An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools.

S. 199. An act relating to immunization exemptions and the immunization pilot program.

S. 200. An act relating to pharmacy audits, reimbursement for ambulance services, and the reporting requirements of health insurers.

S. 223. An act relating to health insurance coverage for early childhood developmental disorders, including autism spectrum disorders.

S. 245. An act relating to requiring cardiovascular care instruction in public and independent schools.

The Governor has informed the Senate that on the seventeenth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

S. 95. An act relating to employment decisions based on credit, information, allowing school employees to be paid wages over the course of a year, and union organizing.

S. 183. An act relating to the testing of potable water supplies.

S. 251. An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

The Governor has informed the Senate that on the eighteenth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

S. 180. An act relating to the universal service fund and establishment of a high-cost program.

S. 214. An act relating to the Vermont energy act of 2012.

Tuesday, May 22, 2012

Rep. Klein of East Montpelier in Chair.

At ten o'clock in the forenoon the Speaker called the House to order.

At ten o'clock and five minutes in the forenoon, **Rep. Deen of Westminster** moved that the House adjourn *sine die*, which was agreed to.

CERTIFICATE

I hereby certify that the foregoing is a true Journal of the proceedings of the House of Representatives of the State of Vermont for the second part of the seventy-first biennial session, beginning on the third day of January, A.D. 2012.

s/s/ Donald G. Milne
Clerk of the House

JOURNAL OF THE HOUSE

OF THE

STATE OF VERMONT

ADJOURNED SESSION, 2012

VOLUME 3

**Appendices A and B
General Index and
Joint Assemblies**



Published by Authority

STATE OF VERMONT

BUILDINGS AND GENERAL SERVICES,

MIDDLESEX, VERMONT

Compiled and Edited by:

Donald G. Milne, Clerk of the House and Cathleen M. Cameron, Journal Clerk

APPENDIX A

Members, Officers and Standing Committees of the House of Representatives 2012 Adjourned Session

Prepared by Donald G. Milne, Clerk of the House

MEMBERS OF THE HOUSE

(Showing Town, Committee and Seat Number)

Shapleigh Smith, Speaker

Morristown, VT

Donald G. Milne, Clerk of the House

Washington, VT

Representatives	Town	Committee	Seat
Acinapura, Joe	Brandon	Appropriations, Clerk	107
Ancel, Janet	Calais	Ways and Means, Chair	135
Andrews, Margaret	Rutland City	Gen, Housing & Mil Affairs	14
Aswad, William N.	Burlington	Transportation	47
Atkins, Kenneth W.	Winooski	Government Operations, Vice-Chair	28
Bartholomew, John L.	Hartland	Agriculture	86
Batchelor, Lynn D.	Derby	Human Services	35
Bissonnette, Clement J.	Winooski	Transportation	39
Bohi, Charles W.	Hartford	Transportation	49
Botzow, William	Pownal	Commerce & Economic Dev., Chair	147
Bouchard, Robert A.	Colchester	Gen, Housing & Military Affairs	34
Branagan, Carolyn W.	Georgia	Ways and Means, Vice-Chair	17
Brennan, Patrick	Colchester	Transportation, Chair	76
Browning, Cynthia M.	Arlington	Corrections & Institutions	67
Burditt, Thomas B.	West Rutland	Human Services	75
Burke, Mollie S.	Brattleboro	Transportation	24
Buxton, Sarah E.	Tunbridge	Education, Clerk	44
Campion, Brian A.	Bennington	Education	16
Canfield, William	Fair Haven	Natural Resources and Energy	71
Cheney, Margaret	Norwich	Natural Resources and Energy, Vice-Chair	97
Christie, Kevin B.	Hartford	Education	10
Clark, Gregory	Vergennes	Education	113
Clarkson, Alison H.	Woodstock	Ways & Means, Clerk	46
Condon, James O.	Colchester	Ways and Means	69
Conquest, Chip	Newbury	Agriculture, Clerk	87
Consejo, Michel	Sheldon	Government Operations	9
Copeland-Hanzas, Sarah	Bradford	Health Care	133
Corcoran, Timothy	Bennington	Transportation	62
Courcelle, Gale P.	Rutland City	Transportation, Clerk	57
Crawford, Howard	Burke	Education, Vice-Clerk	92
Dakin, Leigh J.	Chester	Health Care, Clerk	91
Davis, Susan	Washington	Corrections & Institutions	51
Deen, David L.	Westminster	F. W. & W. R., Chair; Rules	136
Degree, Dustin A.	St. Albans City	Fish, Wildlife and Water Resources	18
Devereux, Dennis J.	Mount Holly	Government Operations	65
Dickinson, Eileen	St. Albans Town	Commerce & Economic Development	72

Representatives	Town	Committee	Seat
Donaghy, Andrew	Poultney	Judiciary	73
Donahue, Anne	Northfield	Human Services	20
Donovan, Johannah L.	Burlington	Education, Chair	144
Eckhardt, James R.	Chittenden	Health Care	78
Edwards, Sarah	Brattleboro	Natural Resources and Energy	53
Ellis, Rebecca M.	Waterbury	Natural Resources and Energy	56
Emmons, Alice M.	Springfield	Corrections & Institutions, Chair	61
Evans, Debbie G.	Essex	Government Operations, Clerk	79
Fagan, Peter J.	Rutland City	Fish, Wildlife & Water Resources	36
Fisher, Michael	Lincoln	Health Care, Chair	83
Frank, William R.	Underhill	Human Services, Clerk	15
French, Eldred	Shrewsbury	Judiciary	88
French, Patsy.	Randolph	Human Services	29
Gilbert, Gary L.	Fairfax	Education	90
Grad, Maxine Jo	Moretown	Judiciary, Vice-Chair	140
Greshin, Adam	Warren	Ways and Means	99
Haas, Sandy J.	Rochester	Human Services, Vice-Chair	50
Head, Helen	South Burlington	Gen. Housing & Military Affairs, Chair	30
Heath, Martha P.	Westford	Appropriations, Chair	96
Hebert, Michael J.	Vernon	Nat Res & Energy	33
Helm, Robert G.	Castleton	Appropriations	2
Higley, Mark A.	Lowell	Government Operations	37
Hooper, Mary S.	Montpelier	Corrections & Institutions	63
Howard, Adam B.	Cambridge	Transportation	122
Howrigan, Richard J.	Fairfield	Agriculture	25
Hubert, Ronald E.	Milton	Government Operations	38
Jerman, Timothy	Essex	Natural Resources & Energy, Clerk	150
Jewett, Willem	Ripton	Government Operations, Rules	132
Johnson, Mitzi	South Hero	Appropriations, Vice-Chair	98
Johnson, William	Canaan	Ways and Means	119
Keenan, Kathleen C.	St. Albans City	Appropriations	55
Kilmartin, Duncan F.	Newport City	Agriculture	102
Kitzmiller, Warren	Montpelier	Commerce & Economic Dev.	137
Klein, Anthony W.	East Montpelier	Natural Resources and Energy, Chair	60
Koch, Thomas F.	Barre Town	Judiciary, Rules	64
Komline, Patti	Dorset	Health Care	111
Krebs, Robert C.	South Hero	Fish, Wildlife & Water Resources	26
Krowinski, Jill	Burlington	Human Services	58
Kupersmith, Michele F.	South Burlington	Commerce & Ec Development, Clerk	32
Lanpher, Diane	Vergennes	Transportation	85
Larocque, Leigh B.	Barnet	Corrections & Institutions	121
Lawrence, Richard H.	Lyndon	Agriculture, Vice-Chair	108
Lenes, Joan G.	Shelburne	Corrections & Institutions, Clerk	48
Leriche, Lucy	Hardwick	Fish, Wildlife & Water Resources, Rules	131
Lewis, Patti J.	Berlin	Education	6
Lewis, Robert W.	Derby	Fish, Wildlife and Water Resources	7
Lippert, William J., Jr.	Hinesburg	Judiciary, Chair	124
Lorber, Jason P.	Burlington	Corrections and Institutions	93

Representatives	Town	Committee	Seat
Macaig, Terence	Williston	Corrections & Institutions	142
Malcolm, John W.	Pawlet	Natural Resources & Energy	129
Manwaring, Ann P.	Wilmington	Appropriations	13
Marcotte, Michael J.	Coventry	Commerce & Economic Dev., Vice-Chair	66
Marek, Richard	Newfane	Judiciary	138
Martin, Cynthia T.	Springfield	Judiciary,	134
Martin, Linda J.	Wolcott	Government Operations	80
Masland, James W.	Thetford	Ways and Means	82
McAllister, Norman H.	Highgate	Agriculture	70
McCullough, James M.	Williston	Fish, Wildlife & Water Res, Vice Chair	123
McFaun, Francis M.	Barre Town	Human Services	5
McNeil, James L.	Rutland Town	Agriculture	115
Miller, Alice	Shaftsbury	Appropriations	146
Mook, Anne H.	Bennington	Government Operations	89
Moran, John T.	Wardsboro	General, Housing & Mil Aff, Vice-Chair	106
Morrissey, Mary A.	Bennington	Health Care	74
Mrowicki, Michael	Putney	Human Services	126
Munger, Robert L.	South Burlington	Fish, Wildlife & Water Resources	3
Myers, Linda K.	Essex	Corrections & Institutions, Vice-Chair	100
Nuovo, Betty	Middlebury	Natural Resources and Energy	84
O'Brien, Anne T.	Richmond	Appropriations	128
O'Sullivan, Jean	Burlington	General, Housing & Mil Aff, Clerk	41
Olsen, Oliver K.	Jamaica	Ways and Means	117
Partridge, Carolyn W.	Windham	Agriculture, Chair	139
Pearce, Albert	Richford	Appropriations	105
Pearson, Christopher A.	Burlington	Health Care	52
Peaslee, Janice L.	Guildhall	Transportation	118
Peltz, Peter	Woodbury	Education	149
Perley, Peter E.	Enosburg	Education	104
Poirier, Paul N.	Barre City	Health Care	141
Potter, David E.	Clarendon	Transportation, Vice-Chair	130
Pugh, Ann D.	So. Burlington	Human Services, Chair	59
Ralston, Paul D.	Middlebury	Commerce & Economic Development	12
Ram, Kesha K.	Burlington	Ways and Means	42
Reis, Gerald W.	St. Johnsbury	Judiciary	101
Russell, Herbert A.	Rutland City	Commerce & Economic Development	21
Savage, Brian K.	Swanton	General, Housing & Military Affairs	114
Scheuermann, Heidi F.	Stowe	Commerce & Economic Development	77
Shand, Ernest W.	Weathersfield	Commerce & Economic Development	40
Sharpe, David	Bristol	Ways and Means	145
Shaw, Charles	Pittsford	Corrections & Institutions	116
Smith, Harvey T.	New Haven	General, Housing & Military Affairs	109
Smith, Shapleigh, Jr.	Morristown	Speaker; Rules, Chair <i>ex officio</i>	1
South, Robert C.	St. Johnsbury	Corrections and Institutions	8
Spengler, Kristy K.	Colchester	Health Care	94
Stevens, Thomas S.	Waterbury	General, Housing & Military Affairs	54
Stevens, William C.	Shoreham	Agriculture	68
Strong, Vicki M.	Albany	Health Care	19
Stuart, Valerie A.	Brattleboro	Education	31

Representatives	Town	Committee	Seat
Sweaney, Donna G.	Windsor	Government Operations, Chair	43
Taylor, Therese M.	Barre City	Agriculture	11
Till, George	Jericho	Health Care	143
Toll, Catherine B.	Danville	Appropriations	45
Townsend, Lawrence	Randolph	Government Operations	4
Trieber, Matthew	Rockingham	Human Services	120
Turner, Donald H.	Milton	Commerce & Economic Dev., Rules	110
Waite-Simpson, Linda	Essex	Judiciary	22
Webb, Kate	Shelburne	Fish, Wildlife & Water Resources, Clerk	41
Weston, Rachel	Burlington	Ways and Means	58
Wilson, Jeffrey D.	Manchester	Ways and Means	103
Winters, Philip C.	Williamstown	Appropriations	148
Wizowaty, Suzi	Burlington	Judiciary, Clerk	125
Woodward, Mark	Johnson	Health Care	127
Wright, Kurt	Burlington	Natural Resources & Energy	112
Yantachka, Michael I.	Charlotte	Natural Resources & Energy	81
Young, Samuel R.	Glover	Commerce & Economic Development	23
Zagar, Teo	Barnard	Agriculture	27

(Those members with an asterisks in front of their names resigned in January, 2011.)

**OFFICERS AND ASSISTANTS
OF THE HOUSE OF REPRESENTATIVES**

Name	Residence	Office
Donald G. Milne	Washington	Clerk of the House
William M. MaGill	Montpelier	First Assistant Clerk
Gwynn Zakov	Barre	Second Assistant Clerk
Cathleen M. Cameron	Montpelier	Journal Clerk
Jean Olson	Montpelier	Office Assistant
Marlene Velandier	Berlin	Resolution Clerk
Shapleigh Smith	Morristown	Speaker of the House
Thomas Cheney	Montpelier	Speaker's Assistant

**STANDING COMMITTEES
OF THE 2011
HOUSE OF REPRESENTATIVES**

Agriculture

Partridge of Windham, Chair
Lawrence of Lyndon, Vice Chair
Bartolomew of Hartland
Conquest of Newbury, Clerk
Howrigan of Fairfield
Kilmartin of Newport City
McAllister of Highgate
McNeil of Rutland Town
Stevens of Shoreham
Taylor of Barre City
Zagar of Barnard

Appropriations

Heath of Westford, Chair
Johnson of South Hero, Vice Chair
Helm of Castleton
Acinapura of Brandon, Clerk
Keenan of St. Albans City
Manwaring of Wilmington
Miller of Shaftsbury
O'Brien of Richmond
Pearce of Richford
Toll of Danville
Winters of Williamstown

Commerce & Economic Development

Botzow of Pownal, Chair
Marcotte of Coventry, Vice-Chair
Shand of Weathersfield
Dickinson of St. Albans Town
Kitzmiller of Montpelier
Kupersmith of South Burlington, Clerk
Ralston of Middlebury
Russell of Rutland City
Scheuermann of Stowe
Turner of Milton
Young of Glover

Corrections and Institutions

Emmons of Springfield, Chair
Myers of Essex, Vice-Chair
Lenes of Shelburne, Clerk
Browning of Arlington
Davis of Washington
Hooper of Montpelier
Larocque of Barnet
Lorber of Burlington
Macaig of Williston
Shaw of Pittsford
South of St. Johnsbury

Education

Donovan of Burlington, Chair
Crawford of Burke, Vice-Chair
Peltz of Woodbury
Buxton of Royalton, Clerk
Campion of Bennington
Christie of Hartford
Clark of Vergennes
Gilbert of Fairfax
Lewis of Berlin
Perley of Enosburgh
Stuart of Brattleboro

Fish, Wildlife and Water Resources

Deen of Westminster, Chair
McCullough of Williston, Vice Chair
Lewis of Derby
Degree of St. Albans City
Fagan of Rutland City
Krebs of South Hero
Leriche of Hardwick
Munger of South Burlington
Webb of Shelburne, Clerk

General, Housing & Military Affairs

Head of South Burlington, Chair
 Moran of Wardsboro, Vice-Chair
 Savage of Swanton
 Andrews of Rutland City
 Bouchard of Colchester
 O'Sullivan of Burlington, Clerk
 Smith of New Haven
 Stevens of Waterbury

Health Care

Fisher of Lincoln, Chair
 Copeland-Hanzas of Bradford, Vice-Chair
 Poirier of Barre City
 Dakin of Chester, Clerk
 Eckhardt of Chittenden
 Komline of Dorset
 Morrissey of Bennington
 Pearson of Burlington
 Spengler of Colchester
 Till of Jericho
 Woodward of Johnson

Judiciary

Lippert of Hinesburg, Chair
 Grad of Moretown, Vice-Chair
 Koch of Barre Town
 Donaghy of Poultney
 French of Shrewsbury
 Marek of Newfane
 Martin of Springfield
 Reis of St. Johnsbury
 Strong of Albany
 Waite-Simpson of Essex
 Wizowaty of Burlington, Clerk

Rules

Smith of Morristown, Chair *ex officio*
 Deen of Westminster
 Koch of Barre Town
 Jewett of Ripton
 Leriche of Hardwick
 Savage of Swanton
 Turner of Milton
 Milne, D., Clerk *ex officio*

Government Operations

Sweaney of Windsor, Chair
 Atkins of Winooski, Vice-Chair
 Devereux of Mount Holly
 Consejo of Sheldon
 Evans of Essex, Clerk
 Higley of Lowell
 Hubert of Milton
 Jewett of Ripton
 Martin of Wolcott
 Mook of Bennington
 Townsend of Randolph

Human Services

Pugh of South Burlington, Chair
 Haas of Rochester, Vice-Chair
 Donahue of Northfield
 Batchelor of Derby
 Burditt of West Rutland
 Frank of Underhill, Clerk
 French of Randolph
 Krowinski of Burlington
 McFaun of Barre Town
 Mrowicki of Putney
 Trieber of Rockingham

Natural Resources and Energy

Klein of East Montpelier, Chair
 Cheney of Norwich, Vice-Chair
 Canfield of Fair Haven
 Edwards of Brattleboro
 Ellis of Waterbury
 Hebert of Vernon
 Jerman of Essex, Clerk
 Malcolm of Pawlet
 Nuovo of Middlebury
 Wright of Burlington
 Yantachka of Charlotte

Transportation

Brennan of Colchester, Chair
 Potter of Clarendon, Vice-Chair
 Corcoran of Bennington
 Aswad of Burlington
 Bissonnette of Winooski
 Bohi of Hartford
 Burke of Brattleboro
 Courcelle of Rutland City, Clerk
 Howard of Cambridge
 Lanpher of Vergennes
 Peaslee of Guildhall

Ways and Means

Ancel of Calais, Chair
 Branagan of Georgia, Vice-Chair
 Sharp of Bristol
 Clarkson of Woodstock, Clerk
 Condon of Colchester
 Greshin of Warren
 Johnson of Canaan
 Masland of Thetford
 Olsen of Jamaica
 Ram of Burlington
 Wilson of Manchester

**LEGISLATIVE DISTRICTS
 AND THEIR REPRESENTATIVES**

District	Representatives
Addison-1	Betty A. Nuovo (D) Paul D. Ralston (D)
Addison-2	Willem Jewett(D)
Addison-3	Gregory S. Clark (R) Diane Lanpher (D)
Addison-4	Michael Fisher (D) David Sharpe(D)
Addison-5	Harvey T. Smith (R)
Addison-Rutland-1	William C. Stevens (I)
Bennington-1	William G.F. Botzow II (D)
Bennington-2-1	Brian A. Champion, Jr. (D) Timothy R. Corcoran, II (D)
Bennington-2-2	Anne H. Mook (D) Mary A. Morrissey (R)
Bennington-3	Alice Miller (D)
Bennington-4	Jeffrey Wilson (D)
Bennington-5	Cynthia M. Browning (D)
Bennington-Rutland-1	Patricia C. Komline (R)
Caledonia-1	Leigh B. Larocque (R)
Caledonia-2	Lucy Leriche (D)
Caledonia-3	Gerald W. Reis (R) Robert C. South (D)
Caledonia-4	Howard T. Crawford (R) Richard Lawrence (R)

District	Representatives
Caledonia-Washington-1	Catherine B. Toll (R)
Chittenden-1-1	William J. Lippert, Jr. (D)
Chittenden-1-2	Michael I. Yantachka (D)
Chittenden-2	Terence D. Macaig (D) James M. McCullough (D)
Chittenden-3-1	William N. Aswad (D) Kurt Wright (R)
Chittenden-3-2	Jean O'Sullivan (D)
Chittenden-3-3	Jason P. Lorber (D) Jill Krowinski (D)
Chittenden-3-4	Christopher A. Pearson (P) Kesha K. Ram (D)
Chittenden-3-5	Johannah L. Donovan (D) Suzi Wizowaty (D)
Chittenden-3-6	Kenneth W. Atkins (D) Clement J. Bissonnette (D)
Chittenden-3-7	Michele F. Kupersmith (D)
Chittenden-3-8	Ann D. Pugh (D)
Chittenden-3-9	Robert L. Munger (D)
Chittenden-3-10	Helen J. Head (D)
Chittenden-4	Anne T. O'Brien (D)
Chittenden-5-1	Kathryn L. Webb (D)
Chittenden-5-2	Joan G. Lenes (D)
Chittenden-6-1	Debbie G. Evans (D) Linda K. Myers (R)
Chittenden-6-2	Timothy Jerman (D) Linda J. Waite-Simpson (D)
Chittenden-6-3	Martha P. Heath (D)
Chittenden-7-1	Robert A. Bouchard (R) James O' Condon (D)
Chittenden-7-2	Patrick M. Brennan (R) Kristy K. Spengler (D)
Chittenden-8	William R. Frank (D) George W. Till (D)
Chittenden-9	Ronald E. Hubert (R) Donald H. Turner, Jr. (R)
Essex-Caledonia-1	Janice L. Peaslee (R)

District	Representatives
Essex-Caledonia-Orleans	William F. Johnson (R)
Franklin-1	Carolyn W. Branagan (R) Gary L. Gilbert (D)
Franklin-2	Eileen G. Dickinson (R) Richard J. Howrigan (D)
Franklin-3	Dustin A. Degree (R) Kathleen C. Keenan (D)
Franklin-4	Peter E. Perley (R)
Franklin-5	Michael Consejo (D) Brian K. Savage (R)
Franklin-6	Norman H. McAllister, Sr. (R) Albert Pearce (R)
Grand Isle-Chittenden-1	Mitzi Johnson (D) Robert C. Krebs (D)
Lamoille-1	Heidi E. Scheuermann (R)
Lamoille-2	Linda J. Martin (D)
Lamoille-3	Mark E. Woodward (D)
Lamoille-4	Adam B. Howard (R)
Lamoille-Washington-1	Peter Peltz (D) Shapleigh Smith, Jr. (D)
Orange-1	Susan Hatch Davis (P) Philip C. Winters (R)
Orange-2	Sarah Copeland-Hanzas (D)
Orange-Addison-1	Patsy J. French (D) Lawrence E. Townsend (D)
Orange-Caledonia-1	Charles Conquest (D)
Orleans-1	Lynn D. Batchelor (R) Robert W. Lewis, Jr., (R)
Orleans-2	Duncan F. Kilmartin (R) Michael J. Marcotte (R)
Orleans-Caledonia-1	Vicki M. Strong (R) Samuel R. Young (D)
Orleans-Franklin-1	Mark A. Higley (R)
Rutland-1-1	Andrew P. Donaghy (R)
Rutland-1-2	Thomas B. Burditt (R) David E. Potter (D)
Rutland-2	William P. Canfield (R) Robert G. Helm (R)

District	Representatives
Rutland-3	Eldred M. French (D)
Rutland-4	James L. McNeil (R)
Rutland-5-1	Peter J. Fagan (R)
Rutland-5-2	Margaret Andrews (D)
Rutland-5-3	Herbert A. Russell (D)
Rutland-5-4	Gale P. Courcelle (D)
Rutland-6	Charles Shaw (R)
Rutland-7	Joseph Acinapura (R)
Rutland-8	John W. Malcolm (D)
Rutland-Windsor-1	James R. Eckhardt (R)
Washington-1	Adam M. Greshin (I)
Washington-2	Anne B. Donahue (R) Maxine Jo Grad (D)
Washington-3-1	Paul N. Poirier (I)
Washington-3-2	Therese M. Taylor (D)
Washington-3-3	Patti J. Lewis (R)
Washington-4	Thomas F. Koch (R) Francis M. McFaun (R)
Washington-5	Mary S. Hooper (D) Warren Kitzmiller (D)
Washington-6	Janet F. Ancel (D)
Washington-7	Anthony W. Klein (D)
Washington-Chittenden-1	Rebecca M. Ellis (D) Thomas S. Stevens (D)
Windham-1	Michael J. Hebert (R)
Windham-2	Ann P. Manwaring (D)
Windham-3-1	Valerie A. Stuart (D)
Windham-3-2	Molly S. Burke (P)
Windham-3-3	Sarah R. Edwards (P)
Windham-4	Carolyn W. Partridge (D) Matthew A. Trieber (D)
Windham-5	David L. Deen (D) Michael Mrowicki (D)
Windham-6	Richard J. Marek (D)
Windham-Bennington-1	John Moran (D)
Windham-Bennington-Windsor-1	Oliver K. Olsen (R)

District	Representatives
Windsor-1-1	Leigh J. Dakin (D)
Windsor-1-2	Alice M. Emmons (D) Cynthia T. Martin (D)
Windsor-2-	Ernest W. Shand (D)
Windsor-3	Donna G. Sweaney (D)
Windsor-4	John L. Bartholomew (D)
Windsor-5	Alison H. Clarkson (D)
Windsor-6-1	Teo Zagar (D)
Windsor-6-2	Charles W. Bohi (D) Kevin B. Christie (D)
Windsor-Orange-1	Sarah E. Buxton (D)
Windsor-Orange-2	Margaret R. Cheney (D) James W. Masland (D)
Windsor-Rutland-1	Dennis J. Devereux (R)
Windsor-Rutland-2	Sandy J. Haas (P)

APPENDIX B

The following table includes all bills, joint resolutions, House resolutions, Executive Orders and Constitutional Proposals of Amendment acted on by the House of Representatives during the session of 2012, arranged numerically with the name of the person introducing the same. Under each title is an abbreviated history of the action taken on the document with references to the pages of the printed House Journal on which such record of action taken may be found. The number in parentheses following the number of the bill shows the session law number in those instances when such bill became a law.

Following is a list of abbreviations and their meanings:

act	action	fav	favorable
adj	adjourn	FW & WR	Fish, Wildlife and Water Resources
	adjournment		
adpt	adopt	fr	from
	adoption	GH&MA	General Housing and Military Affairs
adptd	adopted		
adv	adverse	Gov	Governor
	adversely	G O	Government Operations
agr	agreed	H	House
Agri	Agriculture	H C	Health Care
amend	amended	H S	Human Services
	amendment	indef	indefinitely
	amendments	instnc	instance
app	approve	Jt Assy	Joint Assembly
Appr	Appropriations	Judic	Judiciary
appt	appoint	lv	leave
	appointed	mess	message/d
	appoints	mo	motion
C	Committee	N R & E	Natural Resources and Energy
	Committees		
C of C	Committee of Conference	neg	negative
cal	Calendar	O of D	Orders of the Day
Comm	Commerce	offd	offered
cmt	committed	ord	order/d
con	concur	pass	passed/passage
	concurred	pndg	pending
	concurrence	pl	placed
cons	consider	pt of O	point of order
	consideration	postp	postpone/d
consti	constitution/al	prop	proposal
C & I	Corrections & Institutions		propose/d
delv	deliver/d	prov	provision/s
disagr/d	disagree/d	purs	pursuant
disp	dispense	qstn	question
divid	divide	R C	Roll Call
	divided	rd	read
	division	rdg	reading
Edu	Education	recd	received
ent	entered	recom	recommendation
exp	explained	recmt/d	recommit/d

reconsid/d	reconsider/ed	subst/d	substitute/d
	reconsideration	susp/d	suspend/ed
ref	referred		suspension
rej/d	reject/ed	sustnd	sustained
rel	relieve/d	tkn	taken
rep	report/ed	t	time
req	request/ed	T	Title
res	resolution	Trans	Transportation
resmd	resumed	W & M	Ways and Means
rl/d/s	rul/d/s	w	with
R	Rules	w o	without
Sen	Senate	wdr	withdraw
S O	Special Order	wdrn	withdrawn
stgs	stages		

HOUSE BILLS

By Representatives Dickinson of St. Albans Town, Botzow of Pownal, Kitzmiller of Montpelier, Kupersmith of South Burlington, Marcotte of Coventry, Russell of Rutland City, Shand of Weathersfield, Smith of New Haven, Stevens of Shoreham and Young of Glover,

H. 21. (No. 0084) An act relating to the mutual benefit enterprise act.

S pro of amend con in, 909; Delv to the Gov on 4/17/2012; Signed by Gov on 4/20/2012.

By Representatives Wizowaty of Burlington and Till of Jericho,

H. 37. (No. 0107) An act relating to telemedicine.

Rd 2nd Time, 549; Rep. Eckhardt of Chittenden rep/d for the C on H C, 549; Amend of C on H C agrd to and 3rd rdg Ordered, 552; Rd 3rd t and Passed, 623; S pro of amend con in w further amend thereto, as offd by Rep. Till of Jericho, 1231; Pass the H and S on 4/28/2012; Delv to the Gov on 5/7/2012; Signed by Gov on 5/8/2012.

By Representatives Grad of Moretown, Bouchard of Colchester, Fisher of Lincoln, French of Shrewsbury, Howrigan of Fairfield, Jerman of Essex, Koch of Barre Town, Moran of Wardsboro, Partridge of Windham, Pugh of South Burlington, Ram of Burlington, Savage of Swanton, Shand of Weathersfield, Stevens of Waterbury, Sweaney of Windsor and Wizowaty of Burlington,

H. 39. (No. 0080) An act relating to persons authorized to direct disposition of service members' remains.

Rep. Head of South Burlington moved to postp act until 2/15/2012 which was agrd to, 227; Rd 2nd Time, 270; Rep. Andrews of Rutland City rep/d for the C on General, Housing and Military Affairs, 270; Amend of C on General, Housing and Military Affairs agrd to and 3rd rdg Ordered, 270; Rd 3rd t and Passed, 272; Pass the H and S on 4/4/2012; Delv to the Gov on 4/11/2012; Signed by Gov on 4/13/2012.

By Representatives Bohi of Hartford and Christie of Hartford,

H. 51. An act relating to gold star and next-of-kin registration plates.

Rd 2nd Time, 153; Rep. Bohi of Hartford spoke for the C on Trans, 153; Rep. Rep. Helm of Fair Haven, recommended for the C on Appr, 154; Amend of C on Trans agrd to, 154; 3rd rdg Ordered, 154; Rd 3rd t and Passed, 192.

By Representatives Lewis of Derby, McAllister of Highgate, McNeil of Rutland Town and Reis of St. Johnsbury,

H. 53. (No. 0108) An act relating to the Interstate Wildlife Violator Compact.

S pro of amend con in, 1137; Delv to the Gov on 5/8/2012; Signed by Gov on 5/8/2012.

By Representatives Ram of Burlington, Buxton of Tunbridge, Christie of Hartford, Davis of Washington, Edwards of Brattleboro, Fisher of Lincoln, Larson of Burlington, Moran of Wardsboro, Munger of South Burlington, Pearson of Burlington, Russell of Rutland City, Savage of Swanton, Shand of Weathersfield, Weston of Burlington and Yantachka of Charlotte,

H. 59. An act relating to unfair housing practices.

Rep. Stevens of Waterbury moved to postp act until 1/26/2012 which was agrd to, 77; Rd 2nd Time, 83; Rep. Stevens of Waterbury rep/d for the C on General, Housing and Military Affairs, 83; 3rd rdg Ordered, 84; Rd 3rd t and Passed, 90.

By Representatives Consejo of Sheldon, Atkins of Winooski, Bissonnette of Winooski, Bohi of Hartford, Branagan of Georgia, Browning of Arlington, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Evans of Essex, Fisher of Lincoln, French of Randolph, Gilbert of Fairfax, Hooper of Montpelier, Howrigan of Fairfield, Jerman of Essex, Keenan of St. Albans City, Lenes of Shelburne, Martin of Wolcott, McAllister of Highgate, Miller of Shaftsbury, Mitchell of Barnard, Moran of Wardsboro, Mrowicki of Putney, Nuovo of Middlebury, Pearce of Richford, Pearson of Burlington, Perley of Enosburgh, Poirier of Barre City, Savage of Swanton, South of St. Johnsbury, Stevens of Waterbury, Stevens of Shoreham, Sweaney of Windsor, Townsend of Randolph, Waite-Simpson of Essex, Wilson of Manchester, Wizowaty of Burlington and Young of Glover,

H. 78. (No. 0124) An act relating to wages for laid-off employees.

Rd 2nd Time, 637; Rep. O'Sullivan of Burlington rep/d for the C on General, Housing and Military Affairs, 637; Amend of C on General, Housing and Military Affairs agrd to and 3rd rdg Ordered, 638; Rd 3rd t and Passed, 745; S pro of amend con in w further amend thereto, as offd by Rep. O'Sullivan of Burlington, 2170; S pro of amend con in, 2499; Delv to the Gov on 5/9/2012; Signed by Gov on 5/11/2012.

By Representatives Grad of Moretown, Heath of Westford, Cheney of Norwich, Donaghy of Poultney, French of Shrewsbury, Keenan of St. Albans City, Koch of Barre Town, Marek of Newfane, Martin of Springfield, Potter of Clarendon, Pugh of South Burlington, Reis of St. Johnsbury and Wizowaty of Burlington,

H. 150. An act relating to handheld use of portable electronic devices and primary seatbelt enforcement.

Rep. Brennan of Colchester moved to commit bill to the C on Judic which was agrd to., 50.

By Representative Ancel of Calais,

H. 157. (No. 0097) An act relating to restrictions on tanning beds.

Rep. Pugh of South Burlington moved to commit bill to the C on H C which was agrd to., 224; Rd 2nd Time, 639; Rep. Komline of Dorset rep/d for the C on H C, 639; Amend of C on H C agrd to and 3rd rdg Ordered, 639; Rd 3rd t and Passed, 745; Pass the H and S on 4/24/2012; Delv to the Gov on 4/26/2012; Enacted w o Gov's signature on 5/2/2012.

By Representatives Botzow of Pownal and Marcotte of Coventry,

H. 254. (No. 0109) An act relating to consumer protection.

S pro of amend con in, 1261; Delv to the Gov on 5/4/2012; Signed by Gov on 5/8/2012.

By Representatives Klein of East Montpelier and Deen of Westminster,

H. 258. (No. 0073) An act relating to public participation in environmental enforcement proceedings.

S pro of amend con in, 200; Pass the H and S on 2/7/2012; Delv to the Gov on 2/14/2012; Signed by Gov on 2/16/2012.

By Representatives Botzow of Pownal and Marcotte of Coventry,

H. 272. (No. 0123) An act relating to maintenance of private roads.

Rd 2nd Time, 624; Rep. Kupersmith of South Burlington rep/d for the C on Comm and Economic Development, 623; Amend of C on Comm and Economic Development agrd to, 624; R C Yeas = 139, Nays = 0, 624; 3rd rdg Ordered, 626; Rd 3rd t and Passed, 630; Pass the H and S on 4/25/2012; Delv to the Gov on 5/3/2012; Signed by Gov on 5/9/2012.

By Representatives Haas of Rochester, Batchelor of Derby, Davis of Washington, Donahue of Northfield, Fisher of Lincoln, Frank of Underhill, French of Randolph, Lippert of Hinesburg, McFaun of Barre Town, Mrowicki of Putney, Pearson of Burlington, Pugh of South Burlington, Trieber of Rockingham, Wizowaty of Burlington and Woodward of Johnson,

H. 290. An act relating to adult protective services.

S pro of amend con in, 2171; Delv to the Gov on 5/9/2012; Vetoed by the Gov on 5/15/2012.

By Representatives Wright of Burlington, Condon of Colchester, Degree of St. Albans City, Komline of Dorset and McAllister of Highgate,

H. 300. An act relating to the requirement of mandatory binding arbitration and the elimination of strikes and imposed contracts in connection with the collective bargaining for teachers' and school administrators' contracts.

Mo to relv/d C by Rep. Wright of Burlington disaagr to., 907; R C Yeas = 34, Nays = 105, 907.

By Representative Koch of Barre Town,

H. 327. (No. 0114) An act relating to the uniform principal and income act

Rd 2nd Time, 154; Rep. Koch of Barre Town rep/d for the C on Judic, 154; Amend of C on Judic agrd to, 156; 3rd rdg Ordered, 156; Rd 3rd t and Passed, 195; Pass the H and S on 4/25/2012; Delv to the Gov on 5/9/2012; Signed by Gov on 5/9/2012.

By Representatives Scheuermann of Stowe, Crawford of Burke, Dickinson of St. Albans Town, Eckhardt of Chittenden, Hebert of Vernon, Komline of Dorset, Larocque of Barnet, Lewis of Berlin, Manwaring of Wilmington, Marcotte of Coventry, Myers of Essex, Olsen of Jamaica, Pugh of South Burlington, Wilson of Manchester and Young of Glover,

H. 365. (No. 0077) An act relating to designating skiing and snowboarding as the official winter state sports.

Rep. Savage of Swanton moved to susp/d R and take up bill for immediate cons, 294; Rep. Moran of Wardsboro rep/d for the C on General, Housing and Military Affairs, 294; Amend of C on General, Housing and Military Affairs agrd to, 296; 3rd rdg Ordered, 296; Rd 3rd t and Passed, 297; Pass the H and S on 2/29/2012; Delv to the Gov on 3/5/2012; Signed by Gov on 3/8/2012

By Representative Martin of Wolcott,

H. 378. (No. 0081) An act relating to town payments of county taxes.

Pass the H and S on 4/4/2012; Delv to the Gov on 4/11/2012; Signed by Gov on 4/13/2012.

By Representatives Kupersmith of South Burlington and Koch of Barre Town,

H. 403. (No. 0102) An act relating to foreclosure of mortgages.

Rd 2nd Time, 157; Rep. Koch of Barre Town rep/d for the C on Judic, 157; Amend of C on Judic agrd to, 175; 3rd rdg Ordered, 175; Rd 3rd t and Passed, 195; S pro of amend con in w further amend thereto, as offd by Rep. Koch of Barre Town, 1042; Pass the H and S on 4/28/2012; Delv to the Gov on 5/3/2012; Signed by Gov on 5/5/2012.

By Representative Larson of Burlington,

H. 412. (No. 0140) An act relating to harrassment in educational settings.

Rep. Donovan of Burlington moved to commit bill to the C on Judic which was agrd to., 36; Rd 2nd Time, 712; Rep. Waite-Simpson of Essex rep/d for the C on Judic, 712; Amend of C on Judic agrd to and 3rd rdg Ordered, 714; Rd 3rd t and Passed, 745; S pro of amend con in, 1728; Delv to the Gov on 5/9/2012; Signed by Gov on 5/15/2012.

By Representative Grad of Moretown,

H. 413. (No. 0141) An act relating to creating a civil action against those who abuse, neglect, or exploit a vulnerable adult.

Rd 2nd Time, 175; Rep. Wizowaty of Burlington rep/d for the C on Judic, 175; Amend of C on Judic agrd to, 178; 3rd rdg Ordered, 178; Rd 3rd t and Passed, 195; Act postp until 4/13/2012 as moved by Rep. Lippert of Hinesburg, 913; Act postp until 4/18/2012 as moved by Rep. French of Shrewsbury, 980; S pro of amend con in w further amend thereto, as offd by Rep. Grad of Moretown, 1045; Pass the H and S on 4/28/2012; Delv to the Gov on 5/9/2012; Signed by Gov on 5/15/2012.

By Representatives Lorber of Burlington, Howard of Cambridge and Pearson of Burlington,

H. 427. An act relating to penalties for possession of marijuana.

Mo to relv/d C by Rep. Olsen of Jamaica disaagr to., 1126; R C Yeas = 21, Nays = 119, 1126.

By the Committee on Education,

H. 440. (No. 0098) An act relating to creating an agency and secretary of education and clarifying the purpose of the state board

Act postp to next legislative day as moved by Rep. Donovan of Burlington, 731; Rd 2nd Time, 739; Rep. Rep. Donovan of Burlington rep/d for the C on Edu, 739; Amend of C on Edu agrd to, 742; R C Yeas = 114, Nays = 17, 742; 3rd rdg Ordered, 744; Rep. Donovan of Burlington moved to amend the bill which was agrd to, 765; Rd 3rd t and Passed, 765; S pro of amend con in, 1139; Delv to the Gov on 4/28/2012; Signed by Gov on 5/3/2012.

By Representative Deen of Westminster,

H. 449. (No. 0082) An act relating to the designation of brook trout and walleye pike as the state fish of Vermont.

Rd 2nd Time, 84; Rep. Lewis of Derby rep/d for the C on Fish, Wildlife & Water Resources, 84; Amend of C on Fish, Wildlife & Water Resources agrd to and 3rd rdg Ordered, 85; Rd 3rd t and Passed, 90; S pro of amend con in, 893; Delv to the Gov on 4/12/2012; Signed by Gov on 4/13/2012.

By Representatives Burke of Brattleboro, Edwards of Brattleboro and Stuart of Brattleboro,

H. 459. (No. M010) An act relating to approval of amendments to the charter of the town of Brattleboro.

Rd 2nd Time, 706; Rep. Martin of Wolcott rep/d for the C on G O, 706; Amend of C on G O agrd to and 3rd rdg Ordered, 707; Rd 3rd t and Passed, 745; Act postp to next legislative day as moved by Rep. Martin of Wolcott, 1042; S pro of amend con in, 1047; Signed by Gov on 4/27/2012.

By the Committee on Ways and Means,

H. 461. (No. 0067) An act relating to the reimbursement of statewide education property taxes that were abated due to flood damage.

C Bill rd 1st t, 2; Ref to the C on Appr, 5; Rd 2nd Time, 15; Rep. Rep. Olsen of Jamaica spoke for the C on W & M, 15; Rep. Manwaring of Wilmington rep/d for the C on Appr, 15; 3rd rdg Ordered, 15; Rd 3rd t and Passed, 15; Pass the H and S on 1/17/2012; Signed by Gov on 1/18/2012.

By Representative Potter of Clarendon,

H. 462. An act relating to authorizing hunting licenses for persons with a visual limitation.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 3.

By Representative Consejo of Sheldon,

H. 463. An act relating to emergency medical personnel continuing education requirements.

Rd 1st t and ref to the C on H S, 3.

By Representatives Klein of East Montpelier and Peltz of Woodbury,

H. 464. (No. 0152) An act relating to hydraulic fracturing wells for natural gas and oil production.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 3; Rd 2nd Time, 112; Rep. McCullough of Williston rep/d for the C on Fish, Wildlife & Water Resources, 112; Amend of C on Fish, Wildlife & Water Resources agrd to and 3rd rdg Ordered, 114; Rd 3rd t and Passed, 126; S pro of amend not con in and C of C req/d upon mo of Rep. McCullough of Williston, 1142; Speaker appt McCullough of Williston, Krebs of South Hero and Webb of Shelburne as members of the C of C on the part of the H, 1145; C of C rep/d agrd to, 2149; R C Yeas = 103, Nays = 36, 2153; Delv to the Gov on 5/10/2012; Signed by Gov on 5/16/2012.

By Representatives Mook of Bennington and Campion of Bennington,

H. 465. An act relating to bail in cases of lewd and lascivious conduct with a child and to the inclusion of headmasters of independent schools as mandatory reporters of child abuse and neglect.

Rd 1st t and ref to the C on Judic, 3.

By Representative Botzow of Pownal,

H. 466. An act relating to river management and fluvial erosion hazard planning.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 3.

By Representative Peltz of Woodbury,

H. 467. (No. 0099) An act relating to limited liability for a landowner who permits a person to enter the owner's land for recreational use.

Rd 1st t and ref to the C on Judic, 4; Act postp to next legislative day as moved by Rep. French of Shrewsbury, 735; Rd 2nd Time, 737; Rep. Strong of Albany rep/d for the C on Judic, 737; 3rd rdg Ordered, 737; Rd 3rd t and Passed, 765; S pro of amend con in, 1728; Signed by Gov on 5/3/2012.

By Representative Klein of East Montpelier,

H. 468. An act relating to the Vermont Energy Act of 2012.

Rd 1st t and ref to the C on N R & E, 4; Rd 2nd Time, 654; Rep. Cheney of Norwich rep/d for the C on N R & E, 654; Amend of C on N R & E agrd to, 687; R C Yeas = 96, Nays = 45, 687; 3rd rdg Ordered, 690; Rep. Browning of Arlington, Komline of Dorset, Pearson of Burlington, and Poirier of Barre City moved to amend the bill, 745; Amend of Rep. Browning of Arlington ruled not germane, 746; Amend as offd by Rep. Jerman of Essex agrd to, 746; R C Yeas = 135, Nays = 2, 746; Passed, 748; R C Yeas = 91, Nays = 46, 748.

By Representative Shaw of Pittsford,

H. 469. An act relating to potable water supply and wastewater system isolation distances.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 4; Rd 2nd Time, 544; Rep. Krebs of South Hero, recommended for the C on Fish, Wildlife & Water Resources, 544; 3rd rdg Ordered, 545; Rd 3rd t and Passed, 548.

By Representative Shaw of Pittsford,

H. 470. An act relating to discontinuance of a public water system.

Rd 1st t and ref to the C on G O, 4; Cmt'd to C on Fish, Wildlife & Water Resources by mo of Rep. Sweaney of Windsor, 26.

By Representative Ancel of Calais,

H. 471. An act relating to child motorcycle passengers.

Rd 1st t and ref to the C on Trans, 4.

By Representatives Klein of East Montpelier and Ram of Burlington,

H. 472. An act relating to the definition of natural persons.

Rd 1st t and ref to the C on Judic, 4.

By Representatives Martin of Springfield and Emmons of Springfield,

H. 473. An act relating to the confidentiality of pension records of a retired state employee.

Rd 1st t and ref to the C on G O, 5.

By Representative Klein of East Montpelier,

H. 474. An act relating to authorizing public high school choice and adjusting tuition payments to regional technical centers.

Rd 1st t and ref to the C on Edu, 5.

By Representative Klein of East Montpelier,

H. 475. (No. 0125) An act relating to net metering and definitions of capacity.

Rd 1st t and ref to the C on N R & E, 5; Rd 2nd Time, 69; Rep. Cheney of Norwich spoke for the C on N R & E, 69; Amend of C on N R & E agrd to, 74; 3rd rdg Ordered, 74; Rd 3rd t and Passed, 77; S pro of amend con in, 1876; Delv to the Gov on 5/8/2012; Signed by Gov on 5/11/2012.

By Representative Klein of East Montpelier,

H. 476. An act relating to transparency in billing for electric power.

Rd 1st t and ref to the C on N R & E, 5.

By Representative Poirier of Barre City,

H. 477. An act relating to compensability of mental injuries under the workers' compensation statutes.

Rd 1st t and ref to the C on Comm and Economic Development, 7.

By Representative Branagan of Georgia,

H. 478. An act relating to an appropriation for water quality staff of the agency of agriculture, food and markets.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 7.

By Representatives Klein of East Montpelier and Clarkson of Woodstock,

H. 479. An act relating to a tax on the storage of spent nuclear fuel and a tax to fund postclosure activities at nuclear generating plants.

Rd 1st t and ref to the C on N R & E, 7.

By Representative Deen of Westminster,

H. 480. An act relating to salvage yard fees.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 8.

By Representative Poirier of Barre City,

H. 481. An act relating to a study of payday lending in Vermont.

Rd 1st t and ref to the C on Comm and Economic Development, 8.

By Representative Deen of Westminster,

H. 482. An act relating to stream alteration.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 8.

By Representative Deen of Westminster,

H. 483. An act relating to requiring a stream alteration permit for removal of timber from watercourses.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 12.

By Representative Olsen of Jamaica,

H. 484. (No. M011) An act relating to amendment to the Windham solid waste district charter.

Rd 1st t and ref to the C on G O, 12; Rd 2nd Time, 705; Rep. Higley of Lowell rep/d for the C on G O, 706; Amend of C on G O agrd to and 3rd rdg Ordered, 706; Rd 3rd t and Passed, 750; S pro of amend con in, 1199; Delv to the Gov on 4/27/2012; Signed by Gov on 5/2/2012.

By Representatives Klein of East Montpelier, Cheney of Norwich and Edwards of Brattleboro,

H. 485. (No. 0148) An act relating to establishing universal recycling of solid waste.

Rd 1st t and ref to the C on N R & E, 12; Rd 2nd Time, 480; Rep. Jerman of Essex rep/d for the C on N R & E, 480; Rep/d of the C on N R & E amend as offd by Rep. Donahue of Northfield, 502; Rep/d of C on N R & E as amend agrd to, 503; 3rd rdg Ordered, 503; Amend as offd by Rep. Bartholomew of Hartland wrdn, 508; Amend as offd by Rep. Jerman of Essex agrd to, 508; Rep. Olsen of Jamaica moved to amend the bill which was agrd to, 508; Rd 3rd t and Passed, 509; Rep Jerman of Essex moved to con w the S pro of amend w a further amend thereto, which was agrd to, 1804; S pro of amend con in, 2166; Delv to the Gov on 5/11/2012; Signed by Gov on 5/16/2012.

By Representative Wizowaty of Burlington,

H. 486. An act relating to probate proceedings.

Rd 1st t and ref to the C on Judic, 13.

By Representative Wizowaty of Burlington,

H. 487. An act relating to restricting the use of portable electronic devices by motor vehicle operators.

Rd 1st t and ref to the C on Judic, 13.

By Representative Deen of Westminster,

H. 488. An act relating to a report by the agency of natural resources on hydrology credits used in stormwater permits for high elevation facilities.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 13.

By Representative Wizowaty of Burlington,

H. 489. An act relating to records of the office of internal investigation.
Rd 1st t and ref to the C on G O, 13.

By Representative Malcolm of Pawlet,

H. 490. An act relating to the types of wastewater permits used for the current use program.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 13; Rep. Deen of Westminster moved to commit bill to the C on W & M which was agrd to., 28.

By Representative Malcolm of Pawlet,

H. 491. An act relating to raising the penalties for texting while driving.

Rd 1st t and ref to the C on Judic, 14.

By Representatives Mook of Bennington, Edwards of Brattleboro, Botzow of Pownal, Burke of Brattleboro, Klein of East Montpelier, Lenes of Shelburne and Stuart of Brattleboro,

H. 492. An act relating to insurance coverage for hearing aids.

Rd 1st t and ref to the C on H C, 14.

By Representatives Pugh of South Burlington, Head of South Burlington, Kupersmith of South Burlington and Munger of South Burlington,

H. 493. (No. M009) An act relating to approval of amendments to the charter of the city of South Burlington.

Rd 1st t and ref to the C on G O, 14; Rd 2nd Time, 43; Rep. Atkins of Winooski spoke for the C on G O, 43; 3rd rdg Ordered, 43; Rd 3rd t and Passed, 43; Pass the H and S on 1/24/2012; Delv to the Gov on 1/25/2012; Signed by Gov on 1/30/2012.

By Representative Klein of East Montpelier,

H. 494. An act relating to health care professional transparency.

Rd 1st t and ref to the C on H C, 14.

By Representative Till of Jericho,

H. 495. An act relating to health care provider bargaining groups.

Rd 1st t and ref to the C on H C, 14.

By Representatives Stevens of Shoreham, Branagan of Georgia, Burke of Brattleboro and Taylor of Barre City,

H. 496. (No. 0142) An act relating to preserving Vermont's working landscape.

Rd 1st t and ref to the C on Agri, 17; Ref to C on Appr per Rule 35(a), 423; Rd 2nd Time, 836; Rep. Stevens of Shoreham rep/d for the C on Agri, 836; Rep. Rep. Johnson of South Hero, recommended for the C on Appr, 850; Amend of C on Appr agrd to, 850; Amend of C on Agri agrd to, 850; 3rd rdg Ordered, 850; R C Yeas = 131, Nays = 5, 850; Rep. Botzow of Pownal, Lawrence of Lyndon, Marcotte of Coventry, and Partridge of Windham moved to amend the bill, 855; Amend as offd by Rep. Botzow of Pownal, et al, agrd to, 855; Rd 3rd t and Passed, 855; S pro of amend not con in and C of C req/d upon mo of Rep. Partridge of Windham, 1200; Speaker appt Partridge of Windham, Stevens of Shoreham and Lawrence of Lyndon as members of the C of C on the part of the H, 1208; C of C rep/d agrd to, 2427; Delv to the Gov on 5/10/2012; Signed by Gov on 5/15/2012.

By Representatives Cheney of Norwich, Edwards of Brattleboro, Jerman of Essex, Klein of East Montpelier and Malcolm of Pawlet,

H. 497. An act relating to disclosure of a building's energy performance.

Rd 1st t and ref to the C on N R & E, 17.

By Representatives Donahue of Northfield, Acinapura of Brandon, Batchelor of Derby, Dickinson of St. Albans Town, French of Randolph, Koch of Barre Town, McAllister of Highgate, McFaun of Barre Town, Poirier of Barre City and Till of Jericho,

H. 498. An act relating to parity for primary mental health care services.

Rd 1st t and ref to the C on H C, 17; Rd 2nd Time, 714; Rep. Poirier of Barre City rep/d for the C on H C, 714; Amend of C on H C agrd to and 3rd rdg Ordered, 715; Rd 3rd t and Passed, 751.

By Representatives Grad of Moretown and Donahue of Northfield,

H. 499. An act relating to returning administrative responsibility for the disabled veterans' property tax exemption to the towns.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 18.

By Representatives Till of Jericho, McFaun of Barre Town, Mrowicki of Putney, O'Brien of Richmond and Pearson of Burlington,

H. 500. An act relating to the health access oversight committee.

Rd 1st t and ref to the C on H C, 18.

By Representative Mook of Bennington,

H. 501. An act relating to a lupus advisory panel within the department of health.

Rd 1st t and ref to the C on H S, 18.

By Representatives Bouchard of Colchester, Acinapura of Brandon, Atkins of Winooski, Batchelor of Derby, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Christie of Hartford, Condon of Colchester, Consejo of Sheldon, Crawford of Burke, Devereux of Mount Holly, Donaghy of Poultney, Donahue of Northfield, Fagan of Rutland City, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Johnson of Canaan, Koch of Barre Town, Lawrence of Lyndon, Lewis of Berlin, Marcotte of Coventry, McAllister of Highgate, McNeil of Rutland Town, Pearce of Richford, Peaslee of Guildhall, Perley of Enosburgh, Savage of Swanton, Smith of New Haven and Strong of Albany,

H. 502. An act relating to declaring March 10, 2012 a state sales tax free holiday.

Rd 1st t and ref to the C on W & M, 18.

By Representatives Grad of Moretown, Atkins of Winooski, Donaghy of Poultney, Fagan of Rutland City, French of Shrewsbury, Hebert of Vernon,

Koch of Barre Town, Lewis of Derby, Marek of Newfane, Martin of Springfield, Waite-Simpson of Essex and Wizowaty of Burlington,

H. 503. (No. 0103) An act relating to the certification of capitol police and constables and to legislative traffic control and parking.

Rd 1st t and ref to the C on G O, 19; Cmt'd to C on Judic by mo of Rep. Sweaney of Windsor, 19; Rd 2nd Time, 37; Rep. Grad of Moretown spoke for the C on Judic, 37; 3rd rdg Ordered, 37; Rd 3rd t and Passed, 43; Act postp to next legislative day as moved by Rep. Grad of Moretown, 901; Act postp until 4/13/2012 as moved by Rep. Lippert of Hinesburg, 910; Act postp until 4/18/2012 as moved by Rep. French of Shrewsbury, 980; Act postp until 4/20/2012 as moved by Rep. Lippert of Hinesburg, 1048; Act postp until 4/25/2012 as moved by Rep. Lippert of Hinesburg, 1090; S pro of amend con in w further amend thereto, as off'd by Rep. Lippert of Hinesburg, 1213; Pass the H and S on 4/28/2012; Delv to the Gov on 5/4/2012; Signed by Gov on 5/5/2012.

By Representatives Larocque of Barnet, Acinapura of Brandon, Atkins of Winooski, Bissonnette of Winooski, Helm of Fair Haven, Lawrence of Lyndon, Reis of St. Johnsbury and Shaw of Pittsford,

H. 504. An act relating to expanding the beverage container deposit law to include plastic water bottles.

Rd 1st t and ref to the C on N R & E, 19.

By the Committee on Ways and Means,

H. 505. (No. 0072) An act relating to allowing the treasurer to defer the December 1, 2011 education payments to help towns affected by federal disasters in 2011 in Vermont.

C Bill rd 1st t, 21; Rd 2nd Time, 28; Rep. Wilson of Manchester spoke for the C on W & M, 28; 3rd rdg Ordered, 29; Rd 3rd t and Passed, 37; Pass the H and S on 2/2/2012; Delv to the Gov on 2/3/2012; Signed by Gov on 2/10/2012.

By Representative Conquest of Newbury,

H. 506. (No. 0115) An act relating to commercial catering licenses, the export of vinous beverages, and outside consumption permits.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 21; Ref to C on W & M per Rule 35(a), 543; Rd 2nd Time, 865; Rep. Smith of New Haven rep/d for the C on General, Housing and Military Affairs, 865; Rep. Condon of Colchester, recommended for the C on W & M, 870; Rep/d of C on General, Housing and Military Affairs and W & M agr'd to., 870; 3rd rdg Ordered, 870; Rd 3rd t and Passed, 872; S pro of amend con in w further amend thereto, as off'd by Rep. Smith of New Haven, 1924; Pass the H and S on 5/2/2012; Delv to the Gov on 5/9/2012; Signed by Gov on 5/9/2012.

By Representatives Donovan of Burlington, Aswad of Burlington, Bissonnette of Winooski, Lorber of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Wizowaty of Burlington and Wright of Burlington,

H. 507. (No. 0069) An act relating to authorizing the city of Burlington to issue in fiscal year 2013 the school bond approved in 2009.

Rd 1st t and ref to the C on G O, 22; Rd 2nd Time, 63; Rep. Atkins of Winooski rep/d for the C on G O, 63; Amend of C on G O agr'd to and 3rd rdg Ordered, 64; Rd 3rd t and

Passed, 68; Pass the H and S on 1/31/2012; Delv to the Gov on 1/31/2012; Signed by Gov on 2/6/2012.

By Representative Clarkson of Woodstock,

H. 508. An act relating to tuition payments to out-of-state independent schools.

Rd 1st t and ref to the C on Edu, 22.

By Representatives Masland of Thetford and Cheney of Norwich,

H. 509. An act relating to permitting supervisory union boundary adjustments without state board of education involvement.

Rd 1st t and ref to the C on Edu, 22.

By Representatives Masland of Thetford and Cheney of Norwich,

H. 510. An act relating to duties performed by supervisory unions on behalf of member districts.

Rd 1st t and ref to the C on Edu, 22.

By Representative Manwaring of Wilmington,

H. 511. An act relating to joint contract schools and consolidation grants.

Rd 1st t and ref to the C on Edu, 22.

By Representatives Botzow of Pownal, Marcotte of Coventry, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington, Ralston of Middlebury, Russell of Rutland City, Shand of Weathersfield and Young of Glover,

H. 512. (No. 0078) An act relating to banking, insurance, securities, and health care administration.

Rd 1st t and ref to the C on Comm and Economic Development, 23; Ref to C on W & M per Rule 35(a), 204; Rd 2nd Time, 272; Rep. Kitzmiller of Montpelier, recommended for the C on Comm and Economic Development, 273; Rep. Johnson of Canaan, recommended for the C on W & M, 274; Amend of C on Comm and Economic Development agrd to, 274; 3rd rdg Ordered, 274; Rd 3rd t and Passed, 275; Act postp to next legislative day as moved by Rep. Botzow of Pownal, 735; S pro of amend con in, 738; Delv to the Gov on 3/28/2012; Signed by Gov on 4/3/2012.

By Representatives Deen of Westminster and Klein of East Montpelier,

H. 513. An act relating to an environmental review board that hears appeals and enforcement actions concerning state environmental permits.

Rd 1st t and ref to the C on N R & E, 23.

By Representative Shand of Weathersfield,

H. 514. An act relating to the universal service fund and prepaid mobile telecommunications service.

Rd 1st t and ref to the C on Comm and Economic Development, 23.

By the Committee on Government Operations,

H. 515. (No. 0070) An act relating to holding public agencies harmless for disclosure of property tax adjustment information.

C Bill rd 1st t, 23; Rd 2nd Time, 29; Rep. Rep. Hubert of Milton spoke for the C on G O, 29; 3rd rdg Ordered, 29; Rd 3rd t and Passed, 37; Pass the H and S on 1/26/2012; Delv to the Gov on 1/31/2012; Signed by Gov on 2/6/2012.

By Representatives Emmons of Springfield and Martin of Springfield,

H. 516. An act relating to public school athletic teams.

Rd 1st t and ref to the C on Edu, 23.

By Representatives Shaw of Pittsford, Burditt of West Rutland, Hebert of Vernon, Helm of Fair Haven, Howrigan of Fairfield, McAllister of Highgate, McNeil of Rutland Town, Potter of Clarendon, Savage of Swanton and Shand of Weathersfield,

H. 517. An act relating to prohibiting operation of vehicles on flooded highways and authorizing recovery of expenses for emergency services.

Rd 1st t and ref to the C on Trans, 24.

By Representatives Deen of Westminster and McCullough of Williston,

H. 518. An act relating to the testing of potable water supplies.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 24.

By Representatives Clarkson of Woodstock and Deen of Westminster,

H. 519. An act relating to regulation of flood hazard areas.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 24.

By Representative Jerman of Essex,

H. 520. An act relating to visibility of lamps on fire and emergency medical response vehicles.

Rd 1st t and ref to the C on Trans, 24.

By Representative Nuovo of Middlebury,

H. 521. An act relating to promoting and expanding workforce training opportunities for professionals.

Rd 1st t and ref to the C on Comm and Economic Development, 25.

By Representatives Macaig of Williston and McCullough of Williston,

H. 522. An act relating to regulating common interest communities.

Rd 1st t and ref to the C on Comm and Economic Development, 25.

By Representatives Koch of Barre Town and Bissonnette of Winooski,

H. 523. (No. 0126) An act relating to revising the state highway condemnation law.

Rd 1st t and ref to the C on Judic, 25; Rep. Koch of Barre Town moved to susp/d R and take up bill for immediate cons, 480; Rep. Koch of Barre Town moved to commit bill to the C on Trans which was agrd to., 480; Rd 2nd Time, 552; Rep. Koch of Barre Town rep/d for the C on Judic, 552; Rep. Bissonnette of Winooski, recommended for the C on Trans, 571; Rep/d of C on Judic agrd to., 571; 3rd rdg Ordered, 571; Rep. Krebs of South Hero moved to amend the bill, 622; Rep. Krebs of South Hero asked that the qstn be divid, 623; 2nd instnc of amend agrd to, & 1st instnc w/d, 623; Rd 3rd t and Passed, 623; S pro of amend con in w further

amend thereto, as offd by Rep. Koch of Barre Town, 1827; Pass the H and S on 5/2/2012; Delv to the Gov on 5/8/2012; Signed by Gov on 5/11/2012.

By Representative Sweaney of Windsor,

H. 524. (No. 0116) An act relating to the secretary of state and to the regulation of professions and occupations

.
Rd 1st t and ref to the C on G O, 26; Rd 2nd Time, 571; Rep. Evans of Essex spoke for the C on G O, 571; Amend as offd by Rep. Krebs of South Hero agrd to, 612; Amend of C on G O agrd to and 3rd rdg Ordered, 613; Amend as offd by Rep. Donahue of Northfield wdrn, 626; Amend as offd by Rep. Hubert of Milton agrd to, 626; Amend as offd by Rep. Fagan of Rutland City agrd to, 627; Amend as offd by Rep. Evans of Essex agrd to, 627; Rd 3rd t and Passed, 627; S pro of amend con in w further amend thereto, as offd by Rep. Evans of Essex, 2031; S Message, pass in Concurrence; Pass the H and S on 5/3/2012; Delv to the Gov on 5/9/2012; Signed by Gov on 5/9/2012.

By Representatives Masland of Thetford and Cheney of Norwich,

H. 525. An act relating to the siting and regulation of utility poles treated with wood preservatives .

Rd 1st t and ref to the C on N R & E, 27.

By Representatives Trieber of Rockingham and Partridge of Windham,

H. 526. An act relating to legislative approval of certain hydroelectric facilities.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 27.

By Representatives Till of Jericho, Atkins of Winooski, Bohi of Hartford, Cheney of Norwich, Christie of Hartford, Consejo of Sheldon, Evans of Essex, Gilbert of Fairfax, Howrigan of Fairfield, Kitzmiller of Montpelier, Lenes of Shelburne, Masland of Thetford, Munger of South Burlington, Shand of Weathersfield, Townsend of Randolph and Waite-Simpson of Essex,

H. 527. An act relating to requiring immunizations for attendance at school and child care facilities.

Rd 1st t and ref to the C on Edu, 27; Rep. Crawford of Burke moved to commit bill to the C on H C which was agrd to., 76.

By Representatives Webb of Shelburne, Deen of Westminster, McCullough of Williston and Munger of South Burlington,

H. 528. An act relating to the sale of big game and the feeding of bear.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 27.

By Representatives Webb of Shelburne, Deen of Westminster, McCullough of Williston and Munger of South Burlington,

H. 529. An act relating to establishing a water resources preservation program.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 31.

By Representative Jerman of Essex,

H. 530. An act relating to the authority of a jury.

Rd 1st t and ref to the C on Judic.

By Representatives Till of Jericho, Andrews of Rutland City, Bohi of Hartford, Browning of Arlington, Cheney of Norwich, Christie of Hartford, Courcelle of Rutland City, Dakin of Chester, Deen of Westminster, Evans of Essex, Frank of Underhill, French of Randolph, Gilbert of Fairfax, Jerman of Essex, Lenes of Shelburne, Macaig of Williston, Malcolm of Pawlet, Martin of Wolcott, Masland of Thetford, Miller of Shaftsbury, Munger of South Burlington, Nuovo of Middlebury, O'Sullivan of Burlington, Poirier of Barre City, Russell of Rutland City, Spengler of Colchester, Stuart of Brattleboro, Waite-Simpson of Essex, Wilson of Manchester, Wizowaty of Burlington, Yantachka of Charlotte and Zagar of Barnard,

H. 531. An act relating to prescribing a controlled substance.

Rd 1st t and ref to the C on H C, 31; Rep. Fisher of Lincoln moved to commit bill to the C on H S which was agrd to., 112.

By Representatives Masland of Thetford and Cheney of Norwich,

H. 532. An act relating to adding Vermont Route 132 to the state highway system.

Rd 1st t and ref to the C on Trans, 32.

By Representatives Botzow of Pownal, Marcotte of Coventry, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington, Ralston of Middlebury, Russell of Rutland City, Shand of Weathersfield and Young of Glover,

H. 533. An act relating to insurance business transfers.

Rd 1st t and ref to the C on Comm and Economic Development, 32; Ref to C on W & M per Rule 35(a), 769; Rd 2nd Time, 992; Rep.Kitzmiller of Montpelier rep/d for the C on Comm and Economic Development, 992; Rep. Wilson of Manchester, recommended for the C on W & M, 1002; Rep. Kitzmiller of Montpelier moved to subst/d an amend which was agrd to, 1002; Rep. Wilson of Manchester asked and was granted lv to wdr amend, 1012; 3rd rdg Ordered, 1012; Rd 3rd t and Passed, 1048.

By Representative Poirier of Barre City,

H. 534. An act relating to the reporting requirements of health insurers.

Rd 1st t and ref to the C on H C, 32.

By Representatives Wizowaty of Burlington, Buxton of Tunbridge, French of Shrewsbury, Johnson of South Hero, Lippert of Hinesburg, McCullough of Williston, O'Sullivan of Burlington, Pearson of Burlington, Peltz of Woodbury, Spengler of Colchester and Yantachka of Charlotte,

H. 535. (No. 0134) An act relating to racial disparities in the Vermont criminal justice system.

Rd 1st t and ref to the C on G O, 32; Rep. Sweaney of Windsor moved to commit bill to the C on Judic which was agrd to., 37; Ref to C on Appr per Rule 35(a), 543; Rd 2nd Time, 786; Rep. Rep. Lippert of Hinesburg rep/d for the C on Judic, 786; Rep. Keenan of St. Albans

City, recommended for the C on Appr, 790; Amend of C on Appr agrd to and 3rd rdg Ordered, 790; Rd 3rd t, 823; Passed, 823; R C Yeas = 132, Nays = 7, 823; Act postp to next legislative day as moved by Rep. Lippert of Hinesburg, 1931; S pro of amend con in w further amend thereto, as offd by Rep. Lippert of Hinesburg, 2047; Pass the H and S on 5/5/2012; Delv to the Gov on 5/11/2012; Signed by Gov on 5/14/2012.

By Representatives Ram of Burlington, Donovan of Burlington, O'Sullivan of Burlington and Sweaney of Windsor,

H. 536. An act relating to caterer's permits.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 33.

By Representatives Helm of Fair Haven, Canfield of Fair Haven, Donaghy of Poultney, Larocque of Barnet and McAllister of Highgate,

H. 537. An act relating to Vermont wine.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 33.

By Representatives Martin of Wolcott, Evans of Essex, Peltz of Woodbury, Spengler of Colchester, Stuart of Brattleboro, Townsend of Randolph and Woodward of Johnson,

H. 538. An act relating to service of alcoholic beverages in clubs.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 33.

By Representatives Eckhardt of Chittenden, Browning of Arlington, Komline of Dorset and Till of Jericho,

H. 539. An act relating to the financing plan for Green Mountain Care and the health benefit exchange.

Rd 1st t and ref to the C on H C, 33.

By Representative Cheney of Norwich,

H. 540. An act relating to raising temporarily the gasoline tax to provide funds for storm-related repairs.

Rd 1st t and ref to the C on Trans, 33.

By Representatives Wizowaty of Burlington, Bartholomew of Hartland, Burke of Brattleboro, Edwards of Brattleboro, Hooper of Montpelier, Lippert of Hinesburg, McCullough of Williston, Pearson of Burlington, Poirier of Barre City, Ram of Burlington, Spengler of Colchester, Yantachka of Charlotte and Zagar of Barnard,

H. 541. An act relating to the genuine progress indicator.

Rd 1st t and ref to the C on Comm and Economic Development, 34.

By Representatives Wizowaty of Burlington, Ancel of Calais, Aswad of Burlington, Bartholomew of Hartland, Bissonnette of Winooski, Bohi of Hartford, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Dakin of Chester, Davis of Washington, Deen of Westminster, Donovan of Burlington,

Edwards of Brattleboro, Ellis of Waterbury, Evans of Essex, Fisher of Lincoln, French of Shrewsbury, French of Randolph, Grad of Moretown, Haas of Rochester, Head of South Burlington, Johnson of South Hero, Keenan of St. Albans City, Kitzmiller of Montpelier, Krebs of South Hero, Lanpher of Vergennes, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Martin of Springfield, Masland of Thetford, McCullough of Williston, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Munger of South Burlington, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Potter of Clarendon, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Townsend of Randolph, Trieber of Rockingham, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Woodward of Johnson, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

H. 542. An act relating to creating an expert panel on the creation of a state bank.

Rd 1st t and ref to the C on Comm and Economic Development, 34.

By Representatives Shand of Weathersfield, Howrigan of Fairfield, Malcolm of Pawlet, Marek of Newfane, Savage of Swanton, Shaw of Pittsford, Stevens of Shoreham and Turner of Milton,

H. 543. An act relating to authorizing fire department vehicles to display a blue light.

Rd 1st t and ref to the C on Trans, 34.

By Representatives Macaig of Williston, Dakin of Chester, Davis of Washington, Frank of Underhill, Larocque of Barnet and Lenex of Shelburne,

H. 544. An act relating to the use of colored lights by enforcement and emergency vehicles.

Rd 1st t and ref to the C on Trans, 35.

By Representatives Munger of South Burlington and McCullough of Williston,

H. 545. An act relating to the use of formaldehyde in the cleaning of domestic animals' hooves.

Rd 1st t and ref to the C on Agri, 35.

By Representative Browning of Arlington,

H. 546. An act relating to guidelines and technical assistance for emergency stream alteration activities.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 35.

By Representative Ancel of Calais,

H. 547. An act relating to the participation in the state's group health insurance program by a state employee eligible for Medicare.

Rd 1st t and ref to the C on G O, 35.

By Representatives McCullough of Williston, Aswad of Burlington, Bartholomew of Hartland, Bohi of Hartford, Burke of Brattleboro, Christie of Hartford, Condon of Colchester, Conquest of Newbury, Courcelle of Rutland City, Deen of Westminster, Donahue of Northfield, Donovan of Burlington, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, Greshin of Warren, Head of South Burlington, Heath of Westford, Hebert of Vernon, Kitzmiller of Montpelier, Kupersmith of South Burlington, Lenex of Shelburne, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Marcotte of Coventry, Martin of Springfield, Masland of Thetford, McFaun of Barre Town, Mrowicki of Putney, Munger of South Burlington, Nuovo of Middlebury, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Ram of Burlington, Russell of Rutland City, Savage of Swanton, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Till of Jericho, Webb of Shelburne, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Young of Glover,

H. 548. An act relating to passing and yielding to vulnerable users.

Rd 1st t and ref to the C on Trans, 36.

By Representatives Wizowaty of Burlington, Bartholomew of Hartland, Edwards of Brattleboro, French of Shrewsbury, Martin of Springfield, McCullough of Williston, Poirier of Barre City, Ram of Burlington, Spengler of Colchester, Waite-Simpson of Essex and Zagar of Barnard,

H. 549. An act relating to establishing state funding eligibility for nonprofit corporations.

Rd 1st t and ref to the C on Comm and Economic Development, 36.

By Representatives Marek of Newfane, French of Randolph, Krebs of South Hero and Myers of Essex,

H. 550. (No. 0089) An act relating to the Vermont administrative procedure act.

Rd 1st t and ref to the C on G O, 40; Rd 2nd Time, 707; Rep. Townsend of Randolph rep/d for the C on G O, 707; Amend of C on G O agrd to and 3rd rdg Ordered, 707; Rd 3rd t and Passed, 751; S pro of amend con in, 1197; Delv to the Gov on 4/26/2012; Signed by Gov on 4/27/2012.

By Representatives Greshin of Warren, Poirier of Barre City, Pearson of Burlington, Sharpe of Bristol and Woodward of Johnson,

H. 551. An act relating to protecting propane consumers.

Rd 1st t and ref to the C on Comm and Economic Development, 40.

By Representatives Marcotte of Coventry, Botzow of Pownal, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington, Ralston of Middlebury, Russell of Rutland City, Scheuermann of Stowe, Shand of Weathersfield and Young of Glover,

H. 552. An act relating to payment of workers' compensation benefits by electronic payroll card.

Rd 1st t and ref to the C on Comm and Economic Development, 41; Rd 2nd Time, 85; Rep. Ralston of Middlebury rep/d for the C on Comm and Economic Development, 85; 3rd rdg Ordered, 85; Rd 3rd t and Passed, 90.

By Representatives Grad of Moretown, McAllister of Highgate and Stevens of Shoreham,

H. 553. An act relating to amending perpetual conservation easements.

Rd 1st t and ref to the C on Judic, 41.

By Representatives Hebert of Vernon, Acinapura of Brandon, Batchelor of Derby, Bouchard of Colchester, Branagan of Georgia, Burditt of West Rutland, Canfield of Fair Haven, Clark of Vergennes, Crawford of Burke, Degree of St. Albans City, Donaghy of Poultney, Eckhardt of Chittenden, Fagan of Rutland City, Helm of Fair Haven, Koch of Barre Town, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, Lewis of Derby, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Myers of Essex, Pearce of Richford, Peaslee of Guildhall, Perley of Enosburgh, Reis of St. Johnsbury, Savage of Swanton, Shaw of Pittsford, Strong of Albany, Townsend of Randolph, Winters of Williamstown and Yantachka of Charlotte,

H. 554. An act relating to providing money for Vermonters whose homes were lost in or damaged by Tropical Storm Irene.

Rd 1st t and ref to the C on Appr, 41.

By Representatives Stevens of Shoreham, Acinapura of Brandon, Bouchard of Colchester, Browning of Arlington, Buxton of Tunbridge, Canfield of Fair Haven, Condon of Colchester, Conquest of Newbury, French of Shrewsbury, Greshin of Warren, Johnson of Canaan, Lawrence of Lyndon, Lorber of Burlington, Malcolm of Pawlet, Masland of Thetford, McAllister of Highgate, McNeil of Rutland Town, Moran of Wardsboro, Olsen of Jamaica, Peltz of Woodbury, Potter of Clarendon, Russell of Rutland City, Savage of Swanton, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Smith of New Haven, Turner of Milton, Wilson of Manchester and Zagar of Barnard,

H. 555. An act relating to the definition of line of duty in the workers' compensation statutes.

Rd 1st t and ref to the C on Comm and Economic Development, 42.

By Representatives Botzow of Pownal, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington, Marcotte of

Coventry, Ralston of Middlebury, Russell of Rutland City, Scheuermann of Stowe, Shand of Weathersfield and Young of Glover,

H. 556. (No. 0110) An act relating to creating a private activity bond advisory committee.

Rd 1st t and ref to the C on Comm and Economic Development, 42; Ref to C on Appr per Rule 35(a), 269; Rd 2nd Time, 395; Rep. Dickinson of St. Albans Town rep/d for the C on Comm and Economic Development, 395; Rep. O'Brien of Richmond, recommended for the C on Appr, 399; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 399; Rd 3rd t and Passed, 400; S pro of amend con in, 1828; Delv to the Gov on 5/7/2012; Signed by Gov on 5/8/2012.

By Representatives Ram of Burlington, Grad of Moretown, Donovan of Burlington, French of Shrewsbury, O'Sullivan of Burlington, Partridge of Windham, Pugh of South Burlington, Waite-Simpson of Essex and Wizowaty of Burlington,

H. 557. An act relating to expunging a criminal conviction record of a victim of human trafficking.

Rd 1st t and ref to the C on Judic, 42.

By the Committee on Appropriations,

H. 558. (No. 0075) An act relating to fiscal year 2012 budget adjustment.

C Bill rd 1st t, 42; Rd 2nd Time, 50; Rep. Heath of Westford spoke for the C on Appr, 50; Rep. Heath of Westford moved to amend the bill which was agrd to, 51; Rep. Davis of Washington moved to amend the bill which was agrd to, 51; 3rd rdg Ordered, 51; R C Yeas = 98, Nays = 43, 51; Rep. Donahue of Northfield moved to amend the bill which was agrd to, 58; Rep. Higley of Lowell moved to amend the bill which was disaagr to, 58; Rep. Olsen of Jamaica, Wright of Burlington, Ancel of Calais, Botzow of Pownal, Branagan of Georgia, Browning of Arlington, Clarkson of Woodstock, Degree of St. Albans City, Manwaring of Wilmington, Komline of Dorset, Sharpe of Bristol, Scheuermann of Stowe, Masland of Thetford, Hebert of Vernon, Eckhardt of Chittenden, Greshin of Warren, and Johnson of Canaan moved to amend the bill which was agrd to, 58; R C Yeas = 138, Nays = 0, 59; Rep. Hebert of Vernon moved to amend the bill which was disaagr to, 61; Rd 3rd t, 61; Passed, 61; R C Yeas = 101, Nays = 37, 61; S pro of amend not con in and C of C req/d upon mo of Rep. Heath of Westford, 227; Speaker appt Johnson of South Hero, Heath of Westford and Acinapura of Brandon as members of the C of C on the part of the H, 266; Rep. Turner of Milton moved to susp/d R and take up bill for immediate cons, 436; Rep. Olsen of Jamaica raised a Point of Order, 475; rld not well taken; C of C rep/d agrd to, 475; Pass the H and S on 2/29/2012; Delv to the Gov on 3/2/2012; Signed by Gov on 3/7/2012.

By Representatives Fisher of Lincoln and Pugh of South Burlington,

H. 559. (No. 0171) An act relating to health care reform implementation.

Rd 1st t and ref to the C on H C, 43; Ref to C on Appr per Rule 35(a), 275; Rd 2nd Time, 299; Rep. Fisher of Lincoln spoke for the C on H C, 299; Rep. Johnson of South Hero rep/d for the C on Appr, 371; Amend as offd by Rep. Olsen of Jamaica wrdn, 371; Amend as offd by Rep. Olsen of Jamaica disaagr to, 372; R C Yeas = 45, Nays = 88, 375; Rep. Clark of Vergennes and Higley of Lowell moved to amend the bill which was disaagr to, 379; Rep. Marek of Newfane asked that the qstn be divid, 380; Rep. Marek of Newfane asked lv to wrd mo, 381; amd disagr/d to; RC Yeas = 57, Nays = 80, 381; Amend as offd by Rep. Browning of Arlington wrdn, 383; Rep. Fagan of Rutland City moved to amend the bill which was disaagr

to, 383; R C Yeas = 49, Nays = 86, 386; Rep. Donahue of Northfield moved to amend the bill which was agrd to, 388; Rep. Poirier of Barre City asked that the qstn be divid, 389; Amend as offd by Rep. Poirier of Barre City agrd to, 389; R C Yeas = 133, Nays = 0, 389; Amend of C on H C agrd to, 391; 3rd rdg Ordered, 391; R C Yeas = 81, Nays = 41, 391; Amend as offd by Rep. Hebert of Vernon wrdn, 401; Amend as offd by Rep. Koch of Barre Town agrd to, 401; Amend as offd by Rep. Browning of Arlington disaagr to, 402; R C Yeas = 48, Nays = 88, 403; Amend as offd by Rep. Browning of Arlington disaagr to, 405; R C Yeas = 51, Nays = 83, 406; Rep. Olsen of Jamaica moved to amend the bill which was agrd to, 408; Rep. Olsen of Jamaica moved to amend the bill, 409; Amend as offd by Rep. Degree of St. Albans City wrdn, 410; Rep. Olson amd disagree/d to; Rep. Sharpe of Bristol and Wizowaty of Burlington moved to amend the bill, 410; Rep. Sharpe of Bristol asked and was granted lv to wdr amend, 412; Amend as offd by Rep. Sharpe of Bristol wrdn, 412; Rep. Degree of St. Albans City moved to amend the bill, 412; R C Yeas = 40, Nays = 93, 413; Rd 3d time & passed, 415; R C Yeas = 88, Nays = 38, 415; S pro of amend not con in and C of C req/d upon mo of Rep. Fisher of Lincoln, 1320; Speaker appt Fisher of Lincoln, Copeland-Hanzas of Bradford and Dakin of Chester as members of the C of C on the part of the H, 1408; C of C rep/d agrd to, 2057; R C Yeas = 94, Nays = 46, 2148; Delv to the Gov on 5/14/2012; Signed by Gov on 5/16/2012.

By Representatives Sharpe of Bristol and Deen of Westminster,

H. 560. An act relating to the training and certification of a person conducting stream alteration.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 45.

By Representatives Olsen of Jamaica, Crawford of Burke and Wilson of Manchester,

H. 561. An act relating to the definition of domicile in Vermont's tax laws.

Rd 1st t and ref to the C on W & M, 45.

By Representatives Partridge of Windham, Burke of Brattleboro and Trieber of Rockingham,

H. 562. An act relating to motor vehicle noise.

Rd 1st t and ref to the C on Trans, 46.

By Representative Buxton of Tunbridge,

H. 563. An act relating to regulation of flood hazard areas.

Rd 1st t and ref to the C on N R & E, 46; Rep. Klein of East Montpelier moved to commit bill to the C on Fish, Wildlife & Water Resources which was agrd to., 54.

By Representatives Botzow of Pownal, Bouchard of Colchester, Moran of Wardsboro, O'Sullivan of Burlington, Smith of New Haven and Stevens of Waterbury,

H. 564. An act relating to removing abandoned mobile homes.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 46.

By Representatives Botzow of Pownal and Marcotte of Coventry,

H. 565. (No. 0085) An act relating to regulating licensed lenders and mortgage loan originators.

Rd 1st t and ref to the C on Comm and Economic Development, 46; Rd 2nd Time, 217; Rep. Young of Glover spoke for the C on Comm and Economic Development, 217; Amend of C on Comm and Economic Development agrd to, 217; 3rd rdg Ordered, 217; Rd 3rd t and Passed, 224; Pass the H and S on 4/11/2012; Delv to the Gov on 4/17/2012; Signed by Gov on 4/20/2012.

By Representatives Clarkson of Woodstock and Stevens of Waterbury,

H. 566. An act relating to residential housing registration.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 46.

By Representative Bohi of Hartford,

H. 567. An act relating to the pro bono licensure of dentists, dental hygienists, and physicians who are licensed in New Hampshire.

Rd 1st t and ref to the C on G O, 47.

By Representatives Masland of Thetford, Cheney of Norwich, Clarkson of Woodstock, Howard of Cambridge, Howrigan of Fairfield, Mrowicki of Putney, Till of Jericho and Zagar of Barnard,

H. 568. An act relating to medical marijuana.

Rd 1st t and ref to the C on H S, 47.

By Representative Heath of Westford,

H. 569. An act relating to reciprocal recognition of driver examinations.

Rd 1st t and ref to the C on Trans, 47.

By Representatives Wilson of Manchester and Sharpe of Bristol,

H. 570. An act relating to wage withholding orders for overdue rent.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 47.

By Representatives Till of Jericho and Copeland-Hanzas of Bradford,

H. 571. An act relating to Vermont's prescribed product manufacturer gift ban and disclosure requirements.

Rd 1st t and ref to the C on H C, 47.

By Representatives Heath of Westford and Wizowaty of Burlington,

H. 572. An act relating to postdivorce or dissolution health insurance coverage and privacy protections.

Rd 1st t and ref to the C on H C, 48.

By Representatives Dakin of Chester, Copeland-Hanzas of Bradford, Eckhardt of Chittenden, Komline of Dorset, Spengler of Colchester and Woodward of Johnson,

H. 573. An act relating to health care practitioner signature authority.

Rd 1st t and ref to the C on H C, 48.

By Representative Martin of Wolcott,

H. 574. An act relating to wearing blaze orange while hunting deer.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 48.

By Representative Koch of Barre Town,

H. 575. An act relating to owner-financed real estate sales.

Rd 1st t and ref to the C on Comm and Economic Development, 48.

By Representatives Conquest of Newbury, Howard of Cambridge, Lawrence of Lyndon and Scheuermann of Stowe,

H. 576. An act relating to termination of a tenancy for nonpayment of rent.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 54.

By Representative Deen of Westminster,

H. 577. (No. 0117) An act relating to public water systems.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 55; Ref to C on Appr per Rule 35(a), 226; Cmt'd to C on Corrections and Insti by mo of Rep. Heath of Westford, 275; Rd 2nd Time, 424; Rep. Fagan of Rutland City rep/d for the C on Fish, Wildlife & Water Resources, 424; Rep. Shaw of Pittsford, recommended for the C on Corrections and Insti, 429; Amend of C on Corrections and Insti agr'd to, 430; Amend of C on Fish, Wildlife & Water Resources agr'd to and 3rd rdg Ordered, 430; Rd 3rd t and Passed, 434; S pro of amend con in, 1965; Delv to the Gov on 5/9/2012; Signed by Gov on 5/9/2012.

By Representative Poirier of Barre City,

H. 578. An act relating to naturopathic physicians.

Rd 1st t and ref to the C on H C, 55.

By Representatives Conquest of Newbury, Burditt of West Rutland, Johnson of Canaan and Peaslee of Guildhall,

H. 579. An act relating to a snowmobile decal exemption.

Rd 1st t and ref to the C on Trans, 55.

By Representatives Waite-Simpson of Essex, Clarkson of Woodstock, Deen of Westminster, Edwards of Brattleboro, Evans of Essex, French of Shrewsbury, Heath of Westford, Jerman of Essex, Marek of Newfane, Mrowicki of Putney, Myers of Essex, Ram of Burlington, Till of Jericho, Wizowaty of Burlington and Yantachka of Charlotte,

H. 580. An act relating to the safe storage of a firearm.

Rd 1st t and ref to the C on Judic, 55.

By Representative Pugh of South Burlington,

H. 581. An act relating to reporting requirements of fuel suppliers under the home heating assistance program.

Rd 1st t and ref to the C on H S, 66; Rep. Pugh of South Burlington moved to commit bill to the C on Comm and Economic Development which was agr'd to., 189.

By Representatives Fagan of Rutland City, Andrews of Rutland City, Courcelle of Rutland City, Eckhardt of Chittenden, Martin of Springfield, McNeil of Rutland Town and Russell of Rutland City,

H. 582. An act relating to the types of facilities for elderly or disabled citizens subject to Vermont's meals and room tax.

Rd 1st t and ref to the C on W & M, 66.

By Representative Masland of Thetford,

H. 583. An act relating to creating a timber harvest tax.

Rd 1st t and ref to the C on W & M, 67.

By Representatives Yantachka of Charlotte and McCullough of Williston,

H. 584. An act relating to green burials.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 67.

By Representatives Howard of Cambridge, Conquest of Newbury, Masland of Thetford and Olsen of Jamaica,

H. 585. An act relating to distributing fine proceeds to municipalities arising from enforcement of certain motor vehicle laws.

Rd 1st t and ref to the C on G O, 67.

By Representatives Davis of Washington, Moran of Wardsboro, Poirier of Barre City and South of St. Johnsbury,

H. 586. An act relating to certificates of public good issued by the public service board.

Rd 1st t and ref to the C on N R & E, 67.

By Representative Marcotte of Coventry,

H. 587. An act relating to prohibiting a collector of delinquent taxes from serving as a town clerk or town treasurer.

Rd 1st t and ref to the C on G O, 67.

By Representatives Wilson of Manchester, Browning of Arlington, Clarkson of Woodstock, Condon of Colchester, Ellis of Waterbury, Evans of Essex, Hooper of Montpelier, Macaig of Williston, Moran of Wardsboro, Olsen of Jamaica, Scheuermann of Stowe and Stevens of Waterbury,

H. 588. An act relating to prorating the cost of property tax appeals.

Rd 1st t and ref to the C on G O, 68; Rep. Sweaney of Windsor moved to commit bill to the C on W & M which was agrd to., 548.

By Representative Lewis of Berlin,

H. 589. An act relating to exempting a mobile home from the property transfer tax if it was purchased to replace a mobile home damaged or destroyed by Tropical Storm Irene or another federal disaster in Vermont in 2011.

Rd 1st t and ref to the C on W & M, 68.

By Representative Shaw of Pittsford,

H. 590. An act relating to barring the prohibition of firearms on certain private or public property.

Rd 1st t and ref to the C on Judic, 68.

By Representative Stevens of Waterbury,

H. 591. An act relating to APRN hospital staff privileges.

Rd 1st t and ref to the C on H C, 75.

By Representative Koch of Barre Town,

H. 592. An act relating to powers of attorney.

Rd 1st t and ref to the C on Judic, 75.

By Representative Wright of Burlington,

H. 593. An act relating to jewelry stores serving malt or vinous beverages.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 76.

By Representatives Turner of Milton and Savage of Swanton,

H. 594. An act relating to creating an income tax return checkoff for contributions to help the victims of Tropical Storm Irene.

Rd 1st t and ref to the C on W & M, 76.

By Representative Till of Jericho,

H. 595. An act relating to allowing 16-year-olds to donate blood.

Rd 1st t and ref to the C on H C, 79; Rep. Till of Jericho moved to commit bill to the C on H S which was agrd to., 224.

By Representative Myers of Essex,

H. 596. An act relating to authorizing gravel removal by municipalities.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 79.

By Representatives Buxton of Tunbridge, Degree of St. Albans City, Pearson of Burlington, Ram of Burlington, Trieber of Rockingham, Young of Glover and Zagar of Barnard,

H. 597. An act relating to allowing a taxpayer to claim a renter rebate for a portion of a taxable year.

Rd 1st t and ref to the C on W & M, 79.

By Representatives Campion of Bennington, Buxton of Tunbridge, Stuart of Brattleboro and Trieber of Rockingham,

H. 598. An act relating to an exemption from Vermont's meals tax for nonprofit institutions.

Rd 1st t and ref to the C on W & M, 79.

By Representative Frank of Underhill,

H. 599. An act relating to license plates commemorating military valor awards.

Rd 1st t and ref to the C on Trans, 79.

By Representative Grad of Moretown,

H. 600. An act relating to mandatory mediation in foreclosure proceedings.

Rd 1st t and ref to the C on Judic, 80; Act postp to next legislative day as moved by Rep. Turner of Milton, 613; Rd 2nd Time, 618; Rep. Koch of Barre Town rep/d for the C on Judic, 618; Rep. Wizowaty of Burlington moved to amend the bill which was agrd to, 622; 3rd rdg Ordered, 622; Rd 3rd t and Passed, 630; S pro of amend con in w further amend thereto, as offd by Rep. Koch of Barre Town, 1978; S Message, H pro of amend not con in and C of C appt; Speaker appt Grad of Moretown, Koch of Barre Town and Marek of Newfane as members of the C of C on the part of the H, 2055.

By Representative Kitzmiller of Montpelier,

H. 601. An act relating to insurance coverage for cancer screenings.

Rd 1st t and ref to the C on H C, 80.

By Representatives Till of Jericho, Bouchard of Colchester, Cheney of Norwich, Consejo of Sheldon, Eckhardt of Chittenden, Greshin of Warren, Keenan of St. Albans City, Reis of St. Johnsbury, Savage of Swanton, Waite-Simpson of Essex, Wilson of Manchester and Wizowaty of Burlington,

H. 602. An act relating to eliminating required insurance coverage for prostate cancer screening.

Rd 1st t and ref to the C on H C, 80.

By Representatives Till of Jericho, Copeland-Hanzas of Bradford, Dakin of Chester, Eckhardt of Chittenden, Fisher of Lincoln, Komline of Dorset, O'Brien of Richmond, Pearson of Burlington, Spengler of Colchester and Woodward of Johnson,

H. 603. An act relating to uniform prior authorization request forms.

Rd 1st t and ref to the C on H C, 80.

By Representatives Till of Jericho, Acinapura of Brandon, Bouchard of Colchester, Browning of Arlington, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Courcelle of Rutland City, Dakin of Chester, Degree of St. Albans City, Ellis of Waterbury, Evans of Essex, French of Shrewsbury, Johnson of South Hero, Keenan of St. Albans City, Kupersmith of South Burlington, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Martin of Wolcott, Miller of Shaftsbury, Mook of Bennington, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Reis of St. Johnsbury, Savage of Swanton, South of St. Johnsbury, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne, Winters of Williamstown, Yantachka of Charlotte and Zagar of Barnard,

H. 604. An act relating to student athletes with suspected head injuries.

Rd 1st t and ref to the C on H C, 80.

By Representative Grad of Moretown,

H. 605. An act relating to a decrease in a school district's equalized pupil count because of Tropical Storm Irene.

Rd 1st t and ref to the C on W & M, 81.

By Representative Branagan of Georgia,

H. 606. An act relating to the creation of an independent office of taxpayer appeals.

Rd 1st t and ref to the C on W & M, 81.

By Representatives Wizowaty of Burlington, Buxton of Tunbridge, Davis of Washington, Deen of Westminster, Donovan of Burlington, Edwards of

Brattleboro, French of Shrewsbury, French of Randolph, Lippert of Hinesburg, Malcolm of Pawlet, Moran of Wardsboro, Mrowicki of Putney, Pearson of Burlington, Ram of Burlington and Zagar of Barnard,

H. 607. An act relating to transferring an inmate to an out-of-state correctional facility.

Rd 1st t and ref to the C on Corrections and Insti, 81.

By Representatives Buxton of Tunbridge, Degree of St. Albans City and Ram of Burlington,

H. 608. An act relating to reporting lost or stolen prescription drugs.

Rd 1st t and ref to the C on H C, 82; Rep. Fisher of Lincoln moved to commit bill to the C on H S which was agrd to., 112.

By Representative Wizowaty of Burlington,

H. 609. An act relating to the disparity between cocaine and crack cocaine.

Rd 1st t and ref to the C on Judic, 82.

By Representative Buxton of Tunbridge,

H. 610. An act relating to the sale of invasive plants.

Rd 1st t and ref to the C on Agri, 82.

By Representatives Sweaney of Windsor, Hubert of Milton and Martin of Wolcott,

H. 611. An act relating to public records act exemptions.

Rd 1st t and ref to the C on G O, 82.

By Representative Lippert of Hinesburg,

H. 612. An act relating to authorizing arbitration for unit owners of condominiums and common interest communities.

Rd 1st t and ref to the C on Comm and Economic Development, 82.

By Representative Emmons of Springfield,

H. 613. (No. 0088) An act relating to governance of the Community High School of Vermont .

Rd 1st t and ref to the C on Edu, 82; Rep. Buxton of Tunbridge moved to susp/d R and take up bill for immediate cons, 475; Rep. Buxton of Tunbridge moved that the bill be cmt'd to the C on G O which was agrd to., 475; Rd 2nd Time, 767; Rep. Buxton of Tunbridge rep/d for the C on Edu, 767; Rep. Mook of Bennington, recommended for the C on G O, 769; Amend of C on Edu agrd to and 3rd rdg Ordered, 769; Rd 3rd t and Passed, 771; Pass the H and S on 4/11/2012; Delv to the Gov on 4/19/2012; Signed by Gov on 4/25/2012.

By Representatives Potter of Clarendon, Bissonnette of Winooski, Bohi of Hartford, Courcelle of Rutland City and Mrowicki of Putney,

H. 614. An act relating to licensing procedures for older drivers.

Rd 1st t and ref to the C on Trans, 83.

By Representative Till of Jericho,

H. 615. An act relating to improving the oral health of Vermonters.
Rd 1st t and ref to the C on H C, 83.

By Representatives Deen of Westminster, Degree of St. Albans City, Fagan of Rutland City, Krebs of South Hero, Lewis of Derby, McCullough of Williston, Munger of South Burlington and Webb of Shelburne,

H. 616. An act relating to a wholesale bait dealer's permit and a fee for use of nonbiodegradable containers.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 86.

By Representative Dickinson of St. Albans Town,

H. 617. An act relating to licensed alcohol and drug abuse counselors as Medicaid participating providers.

Rd 1st t and ref to the C on H S, 87.

By Representatives Marcotte of Coventry, Batchelor of Derby, Kilmartin of Newport City and McNeil of Rutland Town,

H. 618. An act relating to sales by health care practitioners and gifts from dietary supplement manufacturers.

Rd 1st t and ref to the C on H C, 87.

By Representatives Scheuermann of Stowe, Branagan of Georgia, Canfield of Fair Haven, Dickinson of St. Albans Town, Greshin of Warren, Hebert of Vernon, Howard of Cambridge, Johnson of Canaan, Kitzmiller of Montpelier, Komline of Dorset, Lawrence of Lyndon, Marcotte of Coventry, Olsen of Jamaica, Ralston of Middlebury, Russell of Rutland City, South of St. Johnsbury and Young of Glover,

H. 619. An act relating to supporting manufacturing and industry.

Rd 1st t and ref to the C on Comm and Economic Development, 87.

By Representatives McCullough of Williston, Burke of Brattleboro, Christie of Hartford, Conquest of Newbury, Courcelle of Rutland City, Deen of Westminster, Degree of St. Albans City, Edwards of Brattleboro, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Heath of Westford, Keenan of St. Albans City, Krebs of South Hero, Lanpher of Vergennes, Lenes of Shelburne, Lewis of Derby, Macaig of Williston, Manwaring of Wilmington, Masland of Thetford, Mrowicki of Putney, Munger of South Burlington, O'Sullivan of Burlington, Pearson of Burlington, Peltz of Woodbury, Potter of Clarendon, Russell of Rutland City, Stuart of Brattleboro, Taylor of Barre City, Till of Jericho, Trieber of Rockingham, Waite-Simpson of Essex, Webb of Shelburne and Yantachka of Charlotte,

H. 620. An act relating to school crossing guards.

Rd 1st t and ref to the C on Trans, 87.

By Representatives Olsen of Jamaica, Acinapura of Brandon, Ancel of Calais, Batchelor of Derby, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burke of Brattleboro, Buxton of Tunbridge, Canfield of Fair Haven, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Corcoran of Bennington, Crawford of Burke, Dakin of Chester, Deen of Westminster, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donovan of Burlington, Eckhardt of Chittenden, Edwards of Brattleboro, Fagan of Rutland City, Fisher of Lincoln, French of Shrewsbury, Greshin of Warren, Hebert of Vernon, Helm of Fair Haven, Howard of Cambridge, Hubert of Milton, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Johnson of Canaan, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Leriche of Hardwick, Lippert of Hinesburg, Lorber of Burlington, Manwaring of Wilmington, Masland of Thetford, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Mook of Bennington, Myers of Essex, Nuovo of Middlebury, Pearce of Richford, Pearson of Burlington, Peaslee of Guildhall, Perley of Enosburgh, Poirier of Barre City, Pugh of South Burlington, Ram of Burlington, Reis of St. Johnsbury, Savage of Swanton, Scheuermann of Stowe, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Smith of New Haven, Smith of Morristown, Spengler of Colchester, Stevens of Shoreham, Strong of Albany, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Townsend of Randolph, Trieber of Rockingham, Wilson of Manchester, Winters of Williamstown, Yantachka of Charlotte and Young of Glover,

H. 621. An act relating to the Richard W. Hube Jr. memorial bridge in Jamaica.

Rd 1st t and ref to the C on Trans, 87.

By Representatives Emmons of Springfield and Martin of Springfield,

H. 622. An act relating to the labeling of roll-off dumpsters.

Rd 1st t and ref to the C on Trans, 88.

By Representatives Young of Glover, Buxton of Tunbridge, Donaghy of Poultney, Komline of Dorset, Larocque of Barnet, Olsen of Jamaica, Pearson of Burlington, Peltz of Woodbury, Ralston of Middlebury, Ram of Burlington, Scheuermann of Stowe, Trieber of Rockingham and Zagar of Barnard,

H. 623. An act relating to vinous or malt beverage tastings.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 88.

By Representatives Botzow of Pownal, Marcotte of Coventry and Shand of Weathersfield,

H. 624. An act relating to the lending capacity of the Vermont economic development authority.

Rd 1st t and ref to the C on Comm and Economic Development, 89.

By Representatives Olsen of Jamaica, Clarkson of Woodstock, Johnson of South Hero, Ram of Burlington and Wilson of Manchester,

H. 625. An act relating to establishing a social impact bonds study committee.

Rd 1st t and ref to the C on G O, 89.

By Representatives Lorber of Burlington and Mrowicki of Putney,

H. 626. An act relating to children of incarcerated fathers.

Rd 1st t and ref to the C on Corrections and Insti, 89.

By Representative Pugh of South Burlington,

H. 627. (No. 0135) An act relating to an opioid addiction treatment system.

Rd 1st t and ref to the C on H S, 89; Rd 2nd Time, 703; Rep. Mrowicki of Putney rep/d for the C on H S, 703; Amend of C on H S agrd to and 3rd rdg Ordered, 705; Rd 3rd t and Passed, 751; S pro of amend con in, 1223; Delv to the Gov on 5/11/2012; Signed by Gov on 5/14/2012.

By Representative Pugh of South Burlington,

H. 628. An act relating to reorganizing and updating Title 33.

Rd 1st t and ref to the C on H S, 89.

By the Committee on Government Operations,

H. 629. (No. 0074) An act relating to reapportioning the initial districts of the house of representatives.

C Bill rd 1st t, 92; Pl on cal for Notice on 1/31/2012, 92; Rd 2nd Time, 126; Rep. Sweaney of Windsor spoke for the C on G O, 126; Amend as offd by Rep. Sweaney of Windsor agrd to, 126; Rep. Browning of Arlington and Miller of Shaftsbury moved to amend the bill which was agrd to, 146; R C Yeas = 35, Nays = 106, 147; 3rd rdg Ordered, 149; R C Yeas = 138, Nays = 4, 149; Amend as offd by Rep. Sweaney of Windsor agrd to, 152; Rd 3rd t and Passed, 153; Pass the H and S on 2/23/2012; Delv to the Gov on 2/24/2012; Signed by Gov on 2/28/2012.

By the Committee on Human Services,

H. 630. (No. 0079) An act relating to reforming Vermont's mental health system.

C Bill rd 1st t, 92; Rep. Turner of Milton moved to susp/d R and take up bill for immediate cons, 92; Ref to the C on Corrections and Insti, 115; Ref to C on Appr per Rule 35(a), 125; Rd 2nd Time, 178; Rep. Pugh of South Burlington spoke for the C on H S, 178; Rep. Emmons of Springfield rep/d for the C on Corrections and Insti, 178; Rep. Johnson of South Hero, recommended for the C on Appr, 182; Amend of C on Corrections and Insti agrd to, 185; Amend of C on Appr agrd to, 185; 3rd rdg Ordered, 185; R C Yeas = 123, Nays = 3, 185; Rep. Savage of Swanton moved to amend the bill, 197; Rep. Savage of Swanton asked and was granted lv to wrd amend, 197; Rd 3rd t and Passed, 197; Rep. Turner of Milton moved to susp/d R and take up bill for immediate cons, 509; S pro of amend not con in and C of C

req/d upon mo of Rep. Pugh of South Burlington, 536; Speaker appt Pugh of South Burlington, Haas of Rochester and Emmons of Springfield as members of the C of C on the part of the H, 536; C of C rep/d agrd to, 791; Delv to the Gov on 4/3/2012; Signed by Gov on 4/4/2012.

By Representatives Koch of Barre Town, Bohi of Hartford, Courcelle of Rutland City, Dickinson of St. Albans Town, Hooper of Montpelier, Hubert of Milton, Masland of Thetford, Savage of Swanton and Turner of Milton,

H. 631. An act relating to insurance reimbursement for ambulance and EMS services.

Rd 1st t and ref to the C on H C, 93.

By Representative Lippert of Hinesburg,

H. 632. An act relating to pretrial home detention.

Rd 1st t and ref to the C on Judic, 94.

By Representatives Lippert of Hinesburg and Wizowaty of Burlington,

H. 633. An act relating to referral to court diversion for driving with a suspended license.

Rd 1st t and ref to the C on Judic, 94.

By Representatives Wilson of Manchester, Browning of Arlington, Condon of Colchester, Olsen of Jamaica and Ram of Burlington,

H. 634. (No. 0083) An act relating to remedies for failure to pay municipal tickets.

Rd 1st t and ref to the C on Judic, 94; Rd 2nd Time, 279; Rep. Reis of St. Johnsbury spoke for the C on Judic, 279; Amend of C on Judic agrd to and 3rd rdg Ordered, 280; Rd 3rd t and Passed, 288; Act postp to next legislative day as moved by Rep. Reis of St. Johnsbury, 880; S pro of amend con in, 887; Delv to the Gov on 4/12/2012; Signed by Gov on 4/18/2012.

By Representative Johnson of Canaan,

H. 635. An act relating to limiting income sensitivity adjustments to the amount of property taxes owed.

Rd 1st t and ref to the C on W & M, 94.

By Representatives Johnson of Canaan and Peaslee of Guildhall,

H. 636. An act relating to reimbursements for towns affected by a recent current use decision.

Rd 1st t and ref to the C on W & M, 94.

By Representatives Johnson of Canaan, Martin of Wolcott and Sharpe of Bristol,

H. 637. An act relating to tax-exempt property owned by the Vermont Housing Finance Agency.

Rd 1st t and ref to the C on W & M, 95.

By Representative Wizowaty of Burlington,

H. 638. An act relating to creating a study committee to examine how to encourage the development and construction of electric charging stations.

Rd 1st t and ref to the C on W & M, 95.

By Representatives Wilson of Manchester, Cheney of Norwich, Hooper of Montpelier and Masland of Thetford,

H. 639. An act relating to the taxation of online retailers.

Rd 1st t and ref to the C on W & M, 95.

By Representatives Manwaring of Wilmington, Bohi of Hartford, Botzow of Pownal, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Condon of Colchester, Consejo of Sheldon, Courcelle of Rutland City, Greshin of Warren, Keenan of St. Albans City, Komline of Dorset, Lanpher of Vergennes, Lenes of Shelburne, McCullough of Williston, Miller of Shaftsbury, Moran of Wardsboro, Olsen of Jamaica, Russell of Rutland City, Scheuermann of Stowe, Stuart of Brattleboro, Waite-Simpson of Essex, Wilson of Manchester and Yantachka of Charlotte,

H. 640. An act relating to promoting tourism and marketing.

Rd 1st t and ref to the C on Comm and Economic Development, 95; Rd 2nd Time, 707; Rep. Ralston of Middlebury rep/d for the C on Comm and Economic Development, 707; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 710; Rd 3rd t and Passed, 751.

By Representative Browning of Arlington,

H. 641. An act relating to customer rights regarding smart meters.

Rd 1st t and ref to the C on Comm and Economic Development, 96.

By Representative Wilson of Manchester,

H. 642. An act relating to electric residential service rates.

Rd 1st t and ref to the C on Comm and Economic Development, 96.

By Representative Scheuermann of Stowe,

H. 643. An act relating to commercial building energy standards.

Rd 1st t and ref to the C on N R & E, 96.

By Representatives Kupersmith of South Burlington, Marcotte of Coventry and Savage of Swanton,

H. 644. An act relating to the use of fishing access areas.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 96.

By Representative Grad of Moretown,

H. 645. An act relating to cruelty to children.

Rd 1st t and ref to the C on Judic, 96.

By Representatives Browning of Arlington, Condon of Colchester, Dickinson of St. Albans Town, Koch of Barre Town, Shaw of Pittsford, Stevens of Shoreham and Waite-Simpson of Essex,

H. 646. An act relating to consumer choices in health care.

Rd 1st t and ref to the C on H C, 96.

By Representative Lippert of Hinesburg,

H. 647. An act relating to operating a motor vehicle while under the influence of alcohol with a child in the vehicle.

Rd 1st t and ref to the C on Judic, 97.

By Representatives Turner of Milton and Savage of Swanton,

H. 648. An act relating to disposing of, or better utilizing, vacant state buildings and properties.

Rd 1st t and ref to the C on G O, 97.

By Representatives Clark of Vergennes, Lippert of Hinesburg and Savage of Swanton,

H. 649. An act relating to failure to report the death or disappearance of a child.

Rd 1st t and ref to the C on Judic, 97.

By Representatives Crawford of Burke and Campion of Bennington,

H. 650. An act relating to providing elementary school education.

Rd 1st t and ref to the C on Edu, 97.

By Representative Buxton of Tunbridge,

H. 651. An act relating to public funding of approved independent schools.

Rd 1st t and ref to the C on Edu, 97.

By Representatives Wizowaty of Burlington and Martin of Springfield,

H. 652. An act relating to community justice centers.

Rd 1st t and ref to the C on Judic, 98.

By Representatives Savage of Swanton, Bouchard of Colchester, Clark of Vergennes, Fagan of Rutland City, McNeil of Rutland Town and Shaw of Pittsford,

H. 653. An act relating to criminal record checks and fingerprinting of employees of child care facilities and vulnerable adult facilities.

Rd 1st t and ref to the C on H S, 98.

By Representatives Canfield of Fair Haven, Branagan of Georgia, Browning of Arlington, Dickinson of St. Albans Town, Donaghy of Poultney, Hebert of Vernon, Helm of Fair Haven, Larocque of Barnet, Lewis of Derby, McNeil of Rutland Town, Olsen of Jamaica, Shaw of Pittsford and Turner of Milton,

H. 654. An act relating to disturbing a funeral service.

Rd 1st t and ref to the C on Judic, 98.

By Representatives Canfield of Fair Haven, Branagan of Georgia, Browning of Arlington, Dickinson of St. Albans Town, Grad of Moretown and Hebert of Vernon,

H. 655. An act relating to moose permits for veterans.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 98.

By Representative Haas of Rochester,

H. 656. An act relating to automated external defibrillators in nursing homes.

Rd 1st t and ref to the C on H S, 98.

By Representatives Savage of Swanton, Bouchard of Colchester, Canfield of Fair Haven, Clark of Vergennes, Fagan of Rutland City, McNeil of Rutland Town and Shaw of Pittsford,

H. 657. An act relating to establishing an aggravated DUI offense.

Rd 1st t and ref to the C on Judic, 99.

By Representatives Savage of Swanton and Bouchard of Colchester,

H. 658. An act relating to parental consent to mental health treatment of minors under age 18.

Rd 1st t and ref to the C on H S, 99.

By Representatives Botzow of Pownal and Ellis of Waterbury,

H. 659. An act relating to state website auditing.

Rd 1st t and ref to the C on Comm and Economic Development, 99.

By Representatives Buxton of Tunbridge, Koch of Barre Town, Trieber of Rockingham and Young of Glover,

H. 660. An act relating to requiring the names of natural persons in campaign finance reports.

Rd 1st t and ref to the C on G O, 99.

By Representatives Marcotte of Coventry, Botzow of Pownal, Kitzmiller of Montpelier, Kupersmith of South Burlington, Ralston of Middlebury, Russell of Rutland City, Scheuermann of Stowe, Shand of Weathersfield and Young of Glover,

H. 661. An act relating to portable electronics insurance.

Rd 1st t and ref to the C on Comm and Economic Development, 99.

By Representatives Olsen of Jamaica and Ram of Burlington,

H. 662. An act relating to limiting legislative sessions.

Rd 1st t and ref to the C on G O, 100.

By Representatives Canfield of Fair Haven, Branagan of Georgia, Dickinson of St. Albans Town, Grad of Moretown, Hebert of Vernon and Helm of Fair Haven,

H. 663. An act relating to a veteran designation on motor vehicle licenses.

Rd 1st t and ref to the C on Trans, 100.

By Representative Olsen of Jamaica,

H. 664. An act relating to secondary public and independent school choice.

Rd 1st t and ref to the C on Edu, 100.

By Representatives Marcotte of Coventry, Batchelor of Derby, Kilmartin of Newport City, Lewis of Derby and McNeil of Rutland Town,

H. 665. An act relating to the naturopathic formulary and advertising practices of naturopathic physicians.

Rd 1st t and ref to the C on H C, 100.

By Representatives Pearson of Burlington, Komline of Dorset, Poirier of Barre City and Till of Jericho,

H. 666. An act relating to reducing the cost shift.

Rd 1st t and ref to the C on H C, 100.

By Representatives Lorber of Burlington, Bohi of Hartford, Burke of Brattleboro, Cheney of Norwich, Courcelle of Rutland City, Davis of Washington, Hooper of Montpelier, Klein of East Montpelier, Lanpher of Vergennes, Lenes of Shelburne, Macaig of Williston, McCullough of Williston and Ram of Burlington,

H. 667. An act relating to bicycle racks at state buildings.

Rd 1st t and ref to the C on G O, 101.

By Representatives Gilbert of Fairfax, Andrews of Rutland City, Atkins of Winooski, Bohi of Hartford, Branagan of Georgia, Christie of Hartford, Consejo of Sheldon, Courcelle of Rutland City, Degree of St. Albans City, Dickinson of St. Albans Town, Howrigan of Fairfield, Keenan of St. Albans City, Koch of Barre Town, Komline of Dorset, Kupersmith of South Burlington, Lanpher of Vergennes, Larocque of Barnet, Lenes of Shelburne, Macaig of Williston, Martin of Springfield, McAllister of Highgate, Mook of Bennington, Mrowicki of Putney, Pearce of Richford, Pearson of Burlington, Perley of Enosburgh, Ralston of Middlebury, Ram of Burlington, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Spengler of Colchester, Stevens of Shoreham, Stuart of Brattleboro, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne and Young of Glover,

H. 668. An act relating to secondary and postsecondary credit for advanced level coursework.

Rd 1st t and ref to the C on Edu, 101.

By Representative Grad of Moretown,

H. 669. An act relating to confidentiality of applications for compensation to the victims' compensation board.

Rd 1st t and ref to the C on Judic, 101.

By Representative Fagan of Rutland City,

H. 670. An act relating to the types of facilities for elderly or disabled citizens subject to Vermont's meals and room tax.

Rd 1st t and ref to the C on W & M, 101.

By Representative Olsen of Jamaica,

H. 671. An act relating to the recapture of home weatherization assistance program funds.

Rd 1st t and ref to the C on H S, 102.

By Representatives Savage of Swanton, Acinapura of Brandon, Andrews of Rutland City, Bouchard of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Clark of Vergennes, Clarkson of Woodstock, Consejo of Sheldon, Courcelle of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Gilbert of Fairfax, Greshin of Warren, Hebert of Vernon, Helm of Fair Haven, Johnson of Canaan, Kupersmith of South Burlington, Larocque of Barnet, Lenes of Shelburne, Lewis of Berlin, Lippert of Hinesburg, McNeil of Rutland Town, Myers of Essex, Olsen of Jamaica, Pearce of Richford, Peaslee of Guildhall, Perley of Enosburgh, Russell of Rutland City, Shaw of Pittsford, Townsend of Randolph, Waite-Simpson of Essex and Webb of Shelburne,

H. 672. An act relating to the purchase of prescription drugs.

Rd 1st t and ref to the C on H C, 102.

By Representatives Frank of Underhill, French of Randolph, Haas of Rochester, Mrowicki of Putney and Pugh of South Burlington,

H. 673. An act relating to surrogate decision-making.

Rd 1st t and ref to the C on H S, 102.

By Representatives Canfield of Fair Haven, Browning of Arlington, McNeil of Rutland Town, Savage of Swanton and Till of Jericho,

H. 674. An act relating to pharmacy audits.

Rd 1st t and ref to the C on H C, 102.

By Representatives Peaslee of Guildhall and Johnson of Canaan,

H. 675. An act relating to highly efficient wood biomass plants and the standard offer program for small renewable energy generation.

Rd 1st t and ref to the C on N R & E, 103.

By Representative Turner of Milton,

H. 676. An act relating to environmental and land use permits.

Rd 1st t and ref to the C on N R & E, 103.

By Representatives Turner of Milton and Savage of Swanton,

H. 677. An act relating to transparency in billing for electric power.

Rd 1st t and ref to the C on N R & E, 103.

By Representatives Courcelle of Rutland City, Bohi of Hartford and Lanpher of Vergennes,

H. 678. An act relating to reducing the population of uninsured motorists in Vermont.

Rd 1st t and ref to the C on Trans, 103.

By Representatives Cheney of Norwich, Edwards of Brattleboro, Jerman of Essex and Masland of Thetford,

H. 679. (No. 0127) An act relating to creating a uniform capacity tax for solar renewable energy plants.

Rd 1st t and ref to the C on N R & E, 103; Ref to C on W & M per Rule 35(a); Rd 2nd Time, 897; Rep. Rep. Cheney of Norwich rep/d for the C on N R & E, 897; Rep. Rep. Greshin of Warren, recommended for the C on W & M, 899; Amend of C on W & M agrd to, 900; Amend of C on N R & E agrd to and 3rd rdg Ordered, 900; Amend as offd by Rep. Greshin of Warren agrd to, 910; Rd 3rd t and Passed; Pass the H and S on 4/3/2012; Delv to the Gov on 5/9/2012; Signed by Gov on 5/11/2012.

By Representatives Olsen of Jamaica, Condon of Colchester and Greshin of Warren,

H. 680. An act relating to the simplification of the statewide education property tax by reducing the property component of the tax and adding an income-based education tax.

Rd 1st t and ref to the C on W & M, 104.

By Representatives Buxton of Tunbridge, Christie of Hartford, Stuart of Brattleboro and Zagar of Barnard,

H. 681. An act relating to promoting small-scale dairies.

Rd 1st t and ref to the C on Agri, 104.

By Representatives Turner of Milton and Savage of Swanton,

H. 682. An act relating to requiring a standards-based performance assessment prior to graduation from secondary school.

Rd 1st t and ref to the C on Edu, 104.

By Representative Johnson of Canaan,

H. 683. An act relating to encumbrances on title and the marketability of leasehold conveyances and to the division of rents derived from glebe lands.

Rd 1st t and ref to the C on Judic, 104.

By Representatives Manwaring of Wilmington and Moran of Wardsboro,

H. 684. An act relating to examining how to alter the education funding system and governance structures to ensure equal educational opportunities and improved outcomes for all children.

Rd 1st t and ref to the C on Edu, 104.

By Representatives Campion of Bennington, Buxton of Tunbridge, Christie of Hartford, Lewis of Berlin, Perley of Enosburgh and Stuart of Brattleboro,

H. 685. An act relating to the mentoring of new teachers.

Rd 1st t and ref to the C on Edu, 105.

By Representatives Davis of Washington and Winters of Williamstown,

H. 686. An act relating to encouraging agreements among school districts and to the relative powers of school districts and supervisory unions.

Rd 1st t and ref to the C on Edu, 105.

By Representatives Campion of Bennington, Buxton of Tunbridge, Christie of Hartford, Kupersmith of South Burlington and Stuart of Brattleboro,

H. 687. An act relating to alternative licensing of secondary teachers.

Rd 1st t and ref to the C on Edu, 105.

By Representatives Campion of Bennington, Buxton of Tunbridge, Christie of Hartford, Lewis of Berlin and Stuart of Brattleboro,

H. 688. An act relating to the assessment of new teachers.

Rd 1st t and ref to the C on Edu, 105.

By Representatives Turner of Milton and Savage of Swanton,

H. 689. An act relating to reducing income sensitivity adjustments to homestead property taxes.

Rd 1st t and ref to the C on W & M, 106.

By Representative Buxton of Tunbridge,

H. 690. An act relating to tuition paid by a school district that designates a secondary school.

Rd 1st t and ref to the C on Edu, 106.

By Representative Marek of Newfane,

H. 691. An act relating to prohibiting collusion as an antitrust violation.

Rd 1st t and ref to the C on Comm and Economic Development, 106; Rep. Botzow of Pownal moved to commit bill to the C on Judic which was agrd to., 509; Rd 2nd Time, 710; Rep. French of Shrewsbury spoke for the C on Judic, 710; Amend of C on Judic agrd to and 3rd rdg Ordered, 712; Rd 3rd t and Passed, 751.

By Representatives Turner of Milton and Savage of Swanton,

H. 692. An act relating to the repeal of small school grants.

Rd 1st t and ref to the C on Edu, 106.

By Representative Browning of Arlington,

H. 693. An act relating to a statewide electric distribution cooperative.

Rd 1st t and ref to the C on Comm and Economic Development, 106.

By Representative Greshin of Warren,

H. 694. An act relating to franchise agreements.

Rd 1st t and ref to the C on Comm and Economic Development, 106.

By Representative Turner of Milton,

H. 695. An act relating to dogs.

Rd 1st t and ref to the C on G O, 107.

By Representatives Partridge of Windham, Conquest of Newbury, Lawrence of Lyndon, McAllister of Highgate, Stevens of Shoreham, Taylor of Barre City, Trieber of Rockingham and Zagar of Barnard,

H. 696. An act relating to farmer eligibility for the Vermont health access plan.

Rd 1st t and ref to the C on H C, 107.

By Representative Turner of Milton,

H. 697. An act relating to teacher quality, teacher assessments, and the state teachers' retirement system of Vermont.

Rd 1st t and ref to the C on Edu, 107.

By Representative Turner of Milton,

H. 698. An act relating to guidelines for developing school budgets and to education costs and student performance.

Rd 1st t and ref to the C on Edu, 107.

By Representatives Russell of Rutland City, Lewis of Derby, Andrews of Rutland City, Botzow of Pownal, Canfield of Fair Haven, Courcelle of Rutland City, Deen of Westminster, Fagan of Rutland City, French of Shrewsbury, Heath of Westford, Kitzmiller of Montpelier, Kupersmith of South Burlington, Lenes of Shelburne, Marek of Newfane, McNeil of Rutland Town, Munger of South Burlington, Savage of Swanton, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Stevens of Shoreham, Townsend of Randolph, Waite-Simpson of Essex, Yantachka of Charlotte and Young of Glover,

H. 699. (No. 0167) An act relating to scrap metal processors.

Rd 1st t and ref to the C on N R & E, 107; Cmtd to C on Comm and Economic Development by mo of Rep. Klein of East Montpelier, 207; Rd 2nd Time, 715; Rep. Russell of Rutland City spoke for the C on Commerce and Economic Development, 715; 3rd rdg Ordered, 718; Amend as offd by Rep. Russell of Rutland City agrd to, 751; Rd 3rd t and Passed, 752; S pro of amend con in, 1982; Delv to the Gov on 5/14/2012; Signed by Gov on 5/18/2012.

By Representatives Greshin of Warren and Stevens of Shoreham,

H. 700. An act relating to curbing the spread of invasive plant species.

Rd 1st t and ref to the C on Agri, 108; Rep. Partridge of Windham moved to commit bill to the C on Trans which was agrd to., 544.

By Representative Lippert of Hinesburg,

H. 701. An act relating to invasive plants on state grounds.

Rd 1st t and ref to the C on Corrections and Insti, 108.

By Representatives Lorber of Burlington, Campion of Bennington, Lippert of Hinesburg, Russell of Rutland City, Trieber of Rockingham and Wizowaty of Burlington,

H. 702. An act relating to prohibiting discrimination in government contracting.

Rd 1st t and ref to the C on G O, 108.

By Representative Johnson of Canaan,

H. 703. An act relating to reimbursing unified towns and gores for expenses incurred in conducting grievance hearings.

Rd 1st t and ref to the C on G O, 108.

By Representatives Partridge of Windham, Conquest of Newbury, Stevens of Shoreham and Trieber of Rockingham,

H. 704. An act relating to allowing the netting of losses in the calculation of household income.

Rd 1st t and ref to the C on W & M, 109.

By Representatives Partridge of Windham and Trieber of Rockingham,

H. 705. An act relating to setting values for property tax grievances.

Rd 1st t and ref to the C on W & M, 109.

By Representatives Clarkson of Woodstock, Webb of Shelburne, Eckhardt of Chittenden, French of Shrewsbury and Lenos of Shelburne,

H. 706. An act relating to reducing the sale of stolen property.

Rd 1st t and ref to the C on Judic, 109.

By Representative Kupersmith of South Burlington,

H. 707. An act relating to execution of court judgments on personal property .

Rd 1st t and ref to the C on Judic, 109.

By Representatives Partridge of Windham and Trieber of Rockingham,

H. 708. An act relating to abolishing adverse possession actions.

Rd 1st t and ref to the C on Judic, 109.

By Representatives Stevens of Shoreham and Taylor of Barre City,

H. 709. An act relating to disclosure of information to the parents of a child suspected of abusing another child.

Rd 1st t and ref to the C on H S, 109.

By Representatives Martin of Wolcott and Woodward of Johnson,

H. 710. An act relating to the standard for substantiation of child abuse or neglect.

Rd 1st t and ref to the C on H S, 110.

By Representatives Buxton of Tunbridge, Stuart of Brattleboro, Young of Glover and Zagar of Barnard,

H. 711. An act relating to animal investigators and sheltering livestock.

Rd 1st t and ref to the C on Agri, 110.

By Representatives Masland of Thetford, Cheney of Norwich and Christie of Hartford,

H. 712. An act relating to emergency management.

Rd 1st t and ref to the C on G O, 110.

By Representative McFaun of Barre Town,

H. 713. An act relating to a sales and use tax exemption for Vermont employers.

Rd 1st t and ref to the C on W & M, 117.

By Representative Turner of Milton,

H. 714. An act relating to funding the state teachers' retirement system of Vermont.

Rd 1st t and ref to the C on G O, 117.

By Representatives Pearson of Burlington, Buxton of Tunbridge, Christie of Hartford, Davis of Washington, McCullough of Williston, Moran of Wardsboro, Poirier of Barre City, Ram of Burlington, Wizowaty of Burlington, Woodward of Johnson and Young of Glover,

H. 715. An act relating to the elimination of the gap between Vermont's effective and marginal personal income tax rates.

Rd 1st t and ref to the C on W & M, 117.

By Representatives Trieber of Rockingham and Partridge of Windham,

H. 716. An act relating to the appraisal of nonrental residential property.

Rd 1st t and ref to the C on W & M, 118.

By Representatives Woodward of Johnson and Pearson of Burlington,

H. 717. An act relating to criminal history record inquiries by an employer.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 118.

By Representatives Botzow of Pownal, Kitzmiller of Montpelier, Russell of Rutland City, Scheuermann of Stowe, Shand of Weathersfield and Young of Glover,

H. 718. An act relating to the department of public service and the public service board.

Rd 1st t and ref to the C on Comm and Economic Development, 118; Ref to C on Appr per Rule 35(a), 293; Rep. Marcotte of Coventry moved to commit bill to the C on Comm and Economic Development which was agrd to., 915; Rd 2nd Time, 1237; Rep. Shand of Weathersfield rep/d for the C on Comm and Economic Development, 1237; Rep. Ralston of Middlebury, Young of Glover, Dickinson of St. Albans Town, Scheuermann of Stowe, Buxton of Tunbridge, Campion of Bennington, Taylor of Barre City, Russell of Rutland City, and Clarkson of Woodstock moved to amend the rep/d of the C on Comm and Economic Development, which was agrd to., 1254; Amend as offd by Rep. Ralston of Middlebury wrdn, 1256; Rep. Browning of Arlington, Acinapura of Brandon, Andrews of Rutland City, Aswad of Burlington, Batchelor of Derby, Bohi of Hartford, Bouchard of Colchester, Branagan of Georgia, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of

Bennington, Canfield of Fair Haven, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Corcoran of Bennington, Dakin of Chester, Davis of Washington, Degree of St. Albans City, Devereux of Mount Holly, Donahue of Northfield, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Greshin of Warren, Helm of Fair Haven, Higley of Lowell, Howard of Cambridge, Howrigan of Fairfield, Hubert of Milton, Johnson of Canaan, Kilmartin of Newport City, Koch of Barre Town, Komline of Dorset, Larocque of Barnet, Lewis of Berlin, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, Myers of Essex, Pearce of Richford, Pearson of Burlington, Peaslee of Guildhall, Perley of Enosburgh, Poirier of Barre City, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Smith of New Haven, South of St. Johnsbury, Strong of Albany, Stuart of Brattleboro, Taylor of Barre City, Till of Jericho, Townsend of Randolph, Turner of Milton, Winters of Williamstown, Woodward of Johnson, Wright of Burlington, and Zagar of Barnard moved to amend the rep/d of the C on Comm and Economic Development, 1256; Amend as offd by Rep. Browning of Arlington wrdn, 1257; Rep/d of C on Comm and Economic Development agrd to., 1257; 3rd rdg Ordered, 1257; Rep. Browning of Arlington, Acinapura of Brandon, Andrews of Rutland City, Aswad of Burlington, Batchelor of Derby, Bohi of Hartford, Bouchard of Colchester, Branagan of Georgia, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Canfield of Fair Haven, Campion of Bennington, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Corcoran of Bennington, Dakin of Chester, Davis of Washington, Degree of St. Albans City, Devereux of Mount Holly, Donahue of Northfield, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Greshin of Warren, Helm of Fair Haven, Higley of Lowell, Howard of Cambridge, Howrigan of Fairfield, Hubert of Milton, Johnson of Canaan, Kilmartin of Newport City, Koch of Barre Town, Komline of Dorset, Larocque of Barnet, Lewis of Berlin, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, Myers of Essex, Pearce of Richford, Pearson of Burlington, Peaslee of Guildhall, Perley of Enosburgh, Poirier of Barre City, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Smith of New Haven, South of St. Johnsbury, Strong of Albany, Stuart of Brattleboro, Taylor of Barre City, Till of Jericho, Townsend of Randolph, Turner of Milton, Winters of Williamstown, Woodward of Johnson, Wright of Burlington, and Zagar of Barnard moved to amend the bill, 1416; Rep. Browning of Arlington, Komline of Dorset, Pearson of Burlington, and Poirier of Barre City moved to amend the recom of amend offd by Rep. Browning of Arlington, 1417; R C Yeas = 71, Nays = 68, 1417; Amend as offd by Rep. Browning of Arlington disaagr to, 1418; R C Yeas = 54, Nays = 87, 1418; Amend as offd by Rep. Davis of Washington wrdn, 1422; Amend as offd by Rep. Pearson of Burlington disaagr to, 1423; R C Yeas = 41, Nays = 95, 1425; Amend as offd by Rep. Ralston of Middlebury agrd to, 1427; R C Yeas = 106, Nays = 33, 1428; Amend as offd by Rep. Olsen of Jamaica agrd to, 1430; Act postp until after review of H.781 concludes as moved by Rep. Marcotte of Coventry, 1431; Rep. Browning of Arlington, Burditt of West Rutland, Davis of Washington, and Kilmartin of Newport City moved to amend the bill which was disaagr to, 1573; Rd 3rd t and Passed, 1574.

By Representatives Yantachka of Charlotte, French of Shrewsbury, McCullough of Williston, Russell of Rutland City and Till of Jericho,

H. 719. An act relating to the warranty obligations of suppliers and machinery dealerships.

Rd 1st t and ref to the C on Comm and Economic Development, 118.

By Representatives Scheuermann of Stowe and Dickinson of St. Albans Town,

H. 720. An act relating to requiring a receipt for personal income taxes.

Rd 1st t and ref to the C on W & M, 118.

By Representatives Browning of Arlington and Davis of Washington,

H. 721. An act relating to electric industry management, oversight, and transparency.

Rd 1st t and ref to the C on Comm and Economic Development, 118.

By Representatives Webb of Shelburne, Cheney of Norwich, Lanpher of Vergennes, Lenes of Shelburne, Lorber of Burlington, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, Ram of Burlington, Sharpe of Bristol and Taylor of Barre City,

H. 722. An act relating to the labeling of food produced with genetic engineering.

Rd 1st t and ref to the C on Agri, 119; Cmtd to C on Judic by mo of Rep. Partridge of Windham, 1237.

By Representatives Savage of Swanton, Bouchard of Colchester and McAllister of Highgate,

H. 723. An act relating to public disclosure of federal grant conditions.

Rd 1st t and ref to the C on G O, 119.

By Representatives Pearson of Burlington, Buxton of Tunbridge, Edwards of Brattleboro, McCullough of Williston, Ram of Burlington, Wizowaty of Burlington, Young of Glover and Zagar of Barnard,

H. 724. An act relating to exempting solar generation on flat roofs from municipal bylaws.

Rd 1st t and ref to the C on G O, 119.

By Representatives Hubert of Milton, Bouchard of Colchester, Condon of Colchester, Degree of St. Albans City, Fagan of Rutland City, Hebert of Vernon, Lewis of Derby, Myers of Essex, Perley of Enosburgh and Savage of Swanton,

H. 725. An act relating to Act 250 review in towns with plans and zoning bylaws.

Rd 1st t and ref to the C on N R & E, 119.

By Representatives Lorber of Burlington, Burke of Brattleboro, Cheney of Norwich, Davis of Washington, Hooper of Montpelier, Klein of East Montpelier, Lenes of Shelburne, Lippert of Hinesburg, Macaig of Williston, Pearson of Burlington and Ram of Burlington,

H. 726. An act relating to restrooms in state buildings.

Rd 1st t and ref to the C on Corrections and Insti, 120.

By Representatives Pearson of Burlington, Buxton of Tunbridge, Christie of Hartford, Deen of Westminster, Lorber of Burlington, Martin of Wolcott, McCullough of Williston, Ram of Burlington and Woodward of Johnson,

H. 727. An act relating to the expansion of Vermont's bottle bill.

Rd 1st t and ref to the C on N R & E, 120.

By Representatives Buxton of Tunbridge, Christie of Hartford, Stuart of Brattleboro, Young of Glover and Zagar of Barnard,

H. 728. An act relating to the humane treatment and slaughter of animals.

Rd 1st t and ref to the C on Agri, 120.

By Representatives Young of Glover, Buxton of Tunbridge, Pearson of Burlington, Ram of Burlington, Scheuermann of Stowe and Trieber of Rockingham,

H. 729. An act relating to the registration and operation of mini-trucks.

Rd 1st t and ref to the C on Trans, 120.

By Representative Botzow of Pownal,

H. 730. (No. 0136) An act relating to miscellaneous consumer protection laws.

Rd 1st t and ref to the C on Comm and Economic Development, 120; Rd 2nd Time, 718; Rep. Marcotte of Coventry spoke for the C on Comm and Economic Development, 718; 3rd rdg Ordered, 731; Rd 3rd t and Passed, 753; Act postp to next legislative day as moved by Rep. Russell of Rutland City, 1728; S pro of amend not con in and C of C req/d upon mo of Rep. Marcotte of Coventry, 1731; Speaker appt Marcotte of Coventry, Botzow of Pownal and Shand of Weathersfield as members of the C of C on the part of the H, 1734; C of C rep/d agrd to, 2515; Pass the H and S on 5/5/2012; Delv to the Gov on 5/11/2012; Signed by Gov on 5/14/2012.

By Representatives Masland of Thetford, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Greshin of Warren, Olsen of Jamaica, Ram of Burlington and Wilson of Manchester,

H. 731. An act relating to innocent purchaser exemption as applied to regional development corporations.

Rd 1st t and ref to the C on N R & E, 121.

By Representatives Turner of Milton and Savage of Swanton,

H. 732. An act relating to improving the efficiency and cost-effectiveness of state government.

Rd 1st t and ref to the C on G O, 121.

By Representatives French of Shrewsbury, Burke of Brattleboro, Clarkson of Woodstock, Davis of Washington, Edwards of Brattleboro, Marek of Newfane, McCullough of Williston, Stevens of Waterbury, Waite-Simpson of Essex, Wizowaty of Burlington and Yantachka of Charlotte,

H. 733. An act relating to the liability of owners of genetically engineered seed.

Rd 1st t and ref to the C on Agri, 121.

By Representative Lippert of Hinesburg,

H. 734. An act relating to inspection of amusement rides.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 121.

By Representatives Olsen of Jamaica and Wilson of Manchester,

H. 735. An act relating to discounted premium rates for nonsmokers or smokers participating in a tobacco cessation program.

Rd 1st t and ref to the C on H C, 121.

By Representatives Lorber of Burlington, Donovan of Burlington, Kitzmiller of Montpelier, Lenes of Shelburne, Masland of Thetford, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, O'Brien of Richmond, Pearson of Burlington, Ram of Burlington, Russell of Rutland City, Till of Jericho, Webb of Shelburne, Wizowaty of Burlington and Zagar of Barnard,

H. 736. An act relating to extending health insurance coverage for autism spectrum disorders.

Rd 1st t and ref to the C on H C, 122.

By Representative McFaun of Barre Town,

H. 737. An act relating to a loan repayment program for health care providers and health care educators.

Rd 1st t and ref to the C on H C, 122.

By Representative McFaun of Barre Town,

H. 738. An act relating to prescribing ephedrine, pseudoephedrine, or phenylpropanolamine products.

Rd 1st t and ref to the C on H C, 122.

By Representatives Pearson of Burlington, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford, Conquest of Newbury, Copeland-Hanzas of Bradford, Davis of Washington, Deen of Westminster, Donovan of Burlington, Eckhardt of Chittenden, Fisher of Lincoln, Haas of Rochester, Johnson of South Hero, Koch of Barre Town, Lippert of Hinesburg, Lorber of Burlington, Manwaring of Wilmington, McCullough of Williston, Moran of Wardsboro, Partridge of Windham, Poirier of Barre City, Ram of Burlington, Stevens of Shoreham, Till of Jericho, Winters of Williamstown, Wizowaty of Burlington, Woodward of Johnson, Wright of Burlington and Young of Glover,

H. 739. An act relating to reporting independent expenditures in elections.

Rd 1st t and ref to the C on G O, 122.

By Representative Lorber of Burlington,

H. 740. An act relating to campaign finance reports.

Rd 1st t and ref to the C on G O, 123.

By Representative Lorber of Burlington,

H. 741. An act relating to a searchable database for campaign finance reports.

Rd 1st t and ref to the C on G O, 123.

By Representatives Trieber of Rockingham and Partridge of Windham,

H. 742. An act relating to persons permitted to apply for an early voter absentee ballot.

Rd 1st t and ref to the C on G O, 123.

By Representative Turner of Milton,

H. 743. An act relating to retirement and retiree health benefit plans for state employees and teachers.

Rd 1st t and ref to the C on G O, 123.

By Representative Turner of Milton,

H. 744. An act relating to the management of state government positions.

Rd 1st t and ref to the C on G O, 123.

By Representative Pugh of South Burlington,

H. 745. An act relating to the Vermont prescription monitoring system.

Rd 1st t and ref to the C on H C, 124; Cmt'd to C on H S by mo of Rep. Fisher of Lincoln, 199; Rep. Pugh of South Burlington moved to commit bill to the C on Judic which was agrd to., 543; Rd 2nd Time, 692; Rep. Trieber of Rockingham spoke for the C on H S, 692; Rep. Lippert of Hinesburg rep/d for the C on Judic, 702; Rep/d of the C on H S amend as recommended by the C on Judic, 703; Rep. Trieber of Rockingham moved to amend the rep/d of the C on H S, which was agrd to., 703; Rep/d of C on H S as amend agrd to, 703; 3rd rdg Ordered, 703; Rd 3rd t and Passed, 738; S pro of amend not con in and C of C req/d upon mo of Rep. Trieber of Rockingham, 1878; Speaker appt Pugh of South Burlington, Lippert of Hinesburg and Burditt of West Rutland as members of the C of C on the part of the H, 1896; Member repl on C of C. Trieber of Rockingham repl Lippert of Hinesburg, 1932.

By Representatives Partridge of Windham and Trieber of Rockingham,

H. 746. An act relating to employment of cosmetologists.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 124; Rep. Head of South Burlington moved to commit bill to the C on Comm and Economic Development which was agrd to., 272.

By Representative Frank of Underhill,

H. 747. (No. 0166) An act relating to cigarette manufacturers.

Rd 1st t and ref to the C on H S, 124; Rd 2nd Time, 640; Rep. Krowinski of Burlington rep/d for the C on H S, 640; Rep. Krowinski of Burlington moved to amend the bill which was agrd to, 643; Amend of C on H S agrd to and 3rd rdg Ordered, 644; Rd 3rd t and Passed, 753; Rep. Donaghy of Poultney moved to con in the S pro of amend w a further amend thereto, 1982; Amend as off'd by Rep. Donaghy of Poultney wrdn, 1982; Act postp to next legislative day as moved by Rep. Krowinski of Burlington, 1982; S pro of amend con in w further amend thereto, as off'd by Rep. Krowinski of Burlington, 2050; Pass the H and S on 5/5/2012; Delv to the Gov on 5/11/2012; Signed by Gov on 5/16/2012.

By Representatives Peaslee of Guildhall, Bissonnette of Winooski, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven,

Condon of Colchester, Conquest of Newbury, Helm of Fair Haven, Johnson of Canaan, Kilmartin of Newport City, Lewis of Derby, Masland of Thetford, McAllister of Highgate, Olsen of Jamaica, Poirier of Barre City, Potter of Clarendon and Savage of Swanton,

H. 748. An act relating to all-terrain vehicle registration and operation.

Rd 1st t and ref to the C on Trans, 124.

By Representative Buxton of Tunbridge,

H. 749. An act relating to utility reconnection and change of account fees.

Rd 1st t and ref to the C on Comm and Economic Development, 124.

By Representative Kilmartin of Newport City,

H. 750. An act relating to prohibiting abortions in Green Mountain Care.

Rd 1st t and ref to the C on H C, 125.

By the Committee on Judiciary,

H. 751. (No. 0159) An act relating to jurisdiction of delinquency proceedings.

Pl on cal for Notice on 2/2/2012, 152; R susp/d, 189; Rep. Lippert of Hinesburg moved to commit bill to the C on Judic which was agrd to., 189; Rd 2nd Time, 644; Rep. Wizowaty of Burlington rep/d for the C on Judic, 644; Rep/d of C on Judic agrd to., 651; 3rd rdg Ordered, 651; Rd 3rd t and Passed, 753; S pro of amend con in w further amend thereto, as offd by Rep. Wizowaty of Burlington, 1987; Pass the H and S on 5/2/2012, 1921; Delv to the Gov on 5/14/2012; Signed by Gov on 5/17/2012.

By the Committee on Fish, Wildlife & Water Resources,

H. 752. (No. 0091) An act relating to permitting stormwater discharges in impaired watersheds.

Pl on cal for Notice on 2/3/2012, 191; Rd 2nd Time, 208; Rep. Deen of Westminster spoke for the C on Fish, Wildlife & Water Resources, 3rd rdg Ordered 208; Rd 3rd t and Passed, 209; S pro of amend con in, 1040; Delv to the Gov on 4/25/2012; Signed by Gov on 5/1/2012.

By the Committee on Education,

H. 753. An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures.

Pl on cal for Notice on 2/3/2012, 191; Ref to C on Appr per Rule 35(a), 199; Rd 2nd Time, 280; Rep. Peltz of Woodbury spoke for the C on Edu, 280; Rep. Heath of Westford, recommended for the C on Appr, 280; Amend of C on Appr agrd to, 281; Rep. Davis of Washington moved to amend the bill which was disaagr to, 281; R C Yeas = 21, Nays = 110, 282; Amend as offd by Rep. Olsen of Jamaica wrdn, 284; 3rd rdg Ordered, 285; Rd 3rd t, 288; Rep. Till of Jericho moved to amend the bill which was agrd to, 289; Rep. Olsen of Jamaica moved to amend the bill which was agrd to, 290; Rd 3rd t and Passed, 290; S pro of amend Not Considered, 2257 (Rule 33).

By the Committee on Ways and Means,

H. 754. An act relating to the education property tax rate and base education amount for fiscal year 2013.

Pl on cal for Notice on 2/7/2012, 198; Rd 2nd Time, 209; Rep. Sharpe of Bristol spoke for the C on W & M, 209; Rep. Sharpe of Bristol and Olsen of Jamaica moved to amend the bill which was agrd to, 209; R C Yeas = 140, Nays = 0, 210; Rep. Browning of Arlington and Scheuermann of Stowe moved to amend the bill which was disaagr to, 212; R C Yeas = 48, Nays = 94, 212; 3rd rdg Ordered, 215; R C Yeas = 101, Nays = 42, 215; Rd 3rd t and Passed, 224.

By the Committee on Human Services,

H. 755. (No. 0076) An act relating to extending the deadline for adoption of certain health department rules.

Pl on cal for Notice on 2/7/2012, 199; Rd 2nd Time, 216; Rep. Frank of Underhill spoke for the C on H S, 216; Amend as offd by Rep. Frank of Underhill agrd to, 217; 3rd rdg Ordered, 217; Rd 3rd t and Passed, 224; Pass the H and S on 2/29/2012; Delv to the Gov on 3/2/2012; Signed by Gov on 3/7/2012.

By Representatives Greshin of Warren and Condon of Colchester,

H. 756. An act relating to the sales and use tax exemption for packaging equipment.

Rd 1st t and ref to the C on W & M, 199; Rd 2nd Time, 431; Rep. Condon of Colchester spoke for the C on W & M, 431; 3rd rdg Ordered, 431; Rep. Scheuermann of Stowe moved to amend the bill, 435; Rep. Deen of Westminster raised a Point of Order, 435; Rep. Scheuermann of Stowe asked and was granted lv to wdr amend, 435; Rep. Lorber of Burlington moved to amend the bill which was disaagr to, 435; Rd 3rd t and Passed, 435.

By Representatives Young of Glover and Scheuermann of Stowe,

H. 757. An act relating to a temporary moratorium on the enforcement of the sales tax on prewritten software that is accessed remotely.

Rd 1st t and ref to the C on W & M, 199; Ref to C on Appr per Rule 35(a), 883; Rep. Scheuermann of Stowe asked lv to wdr the bill under Rule 85, 906; R C Yeas = 45, Nays = 88, 916; Mo to wdr disagr/d to, 916.

By the Committee on Judiciary,

H. 758. (No. 0092) An act relating to divorce and dissolution proceedings.

Pl on cal for Notice on 2/14/2012, 226; Rd 2nd Time, 272; Rep. Lippert of Hinesburg spoke for the C on Judic, 272; 3rd rdg Ordered, 272; Rd 3rd t and Passed, 275; S pro of amend con in, 1098; Delv to the Gov on 4/26/2012; Signed by Gov on 5/1/2012.

By the Committee on Judiciary,

H. 759. (No. 0160) An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment.

Pl on cal for Notice on 2/15/2012, 268; R susp/d, 270; Rep. Lippert of Hinesburg moved to commit bill to the C on Judic which was agrd to., 270; Rep. Turner of Milton moved to susp/d R and take up bill for immediate cons, 419; Ref to the C on H S, 419; Rd 2nd Time, 731; Rep. Martin of Springfield, recommended for the C on Judic, 731; Rep. French of Randolph rep/d for the C on H S, 734; Amend of C on H S agrd to, 735; Rep/d of C on Judic as amend agrd to, 735; 3rd rdg Ordered, 735; Rd 3rd t and Passed, 753; Act postp until 4/25/2012 as moved by Rep. Martin of Springfield, 1099; Rep. French of Randolph moved that the H req/d that the S recede fr its pro of amend which was agrd to, 1222; Pass the H and S on 5/1/2012; Delv to the Gov on 5/14/2012; Signed by Gov on 5/17/2012.

By the Committee on Human Services,

H. 760. (No. 0086) An act relating to lowering to 16 the age of consent for blood donation.

Pl on cal for Notice on 2/17/2012, 275; Rd 2nd Time, 279; Rep. Burditt of West Rutland spoke for the C on H S, 279; 3rd rdg Ordered, 279; Rd 3rd t and Passed, 290; Pass the H and S on 4/13/2012; Delv to the Gov on 4/18/2012; Signed by Gov on 4/24/2012.

By the Committee on Ways and Means,

H. 761. (No. 0128) An act relating to executive branch fees, including motor vehicle and fish and wildlife fees.

Pl on cal for Notice on 2/20/2012, 277; Rd 2nd Time, 290; Rep. Branagan of Georgia spoke for the C on W & M, 290; Rep. Sharpe of Bristol moved to amend the bill which was agrd to, 290; 3rd rdg Ordered, 292; Rd 3rd t, 297; Passed, 297; R C Yeas = 111, Nays = 30, 297; S pro of amend con in w further amend thereto, as offd by Rep. Branagan of Georgia, 1063; Pass the H and S on 4/30/2012; Delv to the Gov on 5/9/2012; Signed by Gov on 5/11/2012.

By the Committee on Commerce and Economic Development,

H. 762. An act relating to workers' compensation and unemployment compensation.

Pl on cal for Notice on 2/22/2012, 285; R susp/d, 288; Rep. Botzow of Pownal moved to commit bill to the C on Comm and Economic Development which was agrd to., 288; Ref to C on W & M per Rule 35(a), 543; Ref to C on Appr per Rule 35(a), 872; Rd 2nd Time, 930; Rep. Rep. Botzow of Pownal rep/d for the C on Comm and Economic Development, 930; Rep. Rep. Sharpe of Bristol, recommended for the C on W & M, 953; Rep. Rep. Keenan of St. Albans City, recommended for the C on Appr, 954; Rep. Botzow of Pownal moved to subst/d an amend which was agrd to, 954; Amend of C on W & M agrd to, 979; Amend of C on Comm and Economic Development agrd to, 979; Rep/d of C on Comm and Economic Development as amend agrd to, 979; 3rd rdg Ordered, 979; Amend as offd by Rep. Haas of Rochester and Pugh of South Burlington agrd to, 990; Amend as offd by Rep. Koch of Barre Town agrd to, 990; Rd 3rd t, Passed, 990; R C Yeas = 131, Nays = 0, 990.

By the Committee on Ways and Means,

H. 763. An act relating to the billing and collection of the statewide education property tax by the department of taxes.

C Bill rd 1st t, 477; Ref to C on Appr per Rule 35(a), 504.

By the Committee on Health Care,

H. 764. An act relating to health insurance brokers' fees.

Pl on cal for Notice on 3/2/2012, 503; Rd 2nd Time, 549; Rep. Copeland-Hanzas of Bradford spoke for the C on H C, 549; Amend as offd by Rep. Andrews of Rutland City wrdn, 549; 3rd rdg Ordered, 549; Rd 3rd t and Passed, 623.

By the Committee on Corrections and Institutions,

H. 765. (No. 0087) An act relating to the mental health needs of the corrections population.

Pl on cal for Notice on 3/2/2012, 503; Rd 2nd Time, 548; Rep. Lenes of Shelburne spoke for the C on Corrections and Insti, 548; 3rd rdg Ordered, 548; Rd 3rd t and Passed, 623; S pro of amend con in; Delv to the Gov on 4/20/2012; Signed by Gov on 4/24/2012.

By the Committee on General, Housing and Military Affairs,

H. 766. (No. 0149) An act relating to the rehabilitation of Vermont National Guard members and certain rights and responsibilities of guard members and their employers

PI on cal for Notice on 3/13/2012, 542; Ref to C on Appr per Rule 35(a), 547; Rd 2nd Time, 853; Rep. Head of South Burlington spoke for the C on General, Housing and Military Affairs, 853; Rep. Acinapura of Brandon rep/d for the C on Appr, 853; 3rd rdg Ordered, 853; Rd 3rd t and Passed, 855; S pro of amend con in, 2445; Delv to the Gov on 5/11/2012; Rep. Signed by Gov on 5/16/2012.

By Representatives Buxton of Tunbridge, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Crawford of Burke, Donovan of Burlington, Gilbert of Fairfax, Lorber of Burlington, Pearson of Burlington, Peltz of Woodbury, Ram of Burlington, Sweaney of Windsor, Trieber of Rockingham and Young of Glover,

H. 767. An act relating to student loan forgiveness.

Rd 1st t and ref to the C on Edu, 547.

By the Committee on Judiciary,

H. 768. (No. 0090) An act relating to ignition interlock restricted driver's licenses and civil suspensions.

PI on cal for Notice on 3/15/2012, 614; Rd 2nd Time, 637; Rep. French of Shrewsbury spoke for the C on Judic, 637; 3rd rdg Ordered, 637; Rd 3rd t and Passed, 753; Pass the H and S on 4/18/2012; Signed by Gov on 4/27/2012.

By the Committee on Ways and Means,

H. 769. (No. 0161) An act relating to department of environmental conservation fees.

PI on cal for Notice on 3/15/2012, 614; Rd 2nd Time, 690; Rep. Masland of Thetford spoke for the C on W & M, 3rd rdg Ordered, 690; R C Yeas = 91, Nays = 46, 690; 690; Rd 3rd t, 753; Passed, 753; R C Yeas = 86, Nays = 47, 753; S pro of amend not con in and C of C req/d upon mo of Rep. Sharpe of Bristol, 1671; Speaker appt Sharpe of Bristol, Clarkson of Woodstock and Masland of Thetford as members of the C of C on the part of the H, 1671; C of C rep/d agrd to, 2227; Addendum to C of C rep/d agrd to, 2255; Delv to the Gov on 5/14/2012; Signed by Gov on 5/17/2012.

By the Committee on Transportation,

H. 770. (No. 0153) An act relating to the state's transportation program.

PI on cal for Notice on 3/15/2012, 614; Ref to C on Appr per Rule 35(a), 628; Rd 2nd Time, 652; Rep. Brennan of Colchester spoke for the C on Trans, 3rd rdg Ordered, 652; Rep. Helm of Fair Haven, recommended for the C on Appr, 652; R C Yeas = 139, Nays = 0, 652; Rd 3rd t and Passed, 755; S pro of amend not con in and C of C req/d upon mo of Rep. Brennan of Colchester, 1099; Speaker appt Brennan of Colchester, Potter of Clarendon and Corcoran of Bennington as members of the C of C on the part of the H, 1119; C of C rep/d agrd to, 1939; Delv to the Gov on 5/10/2012; Signed by Gov on 5/16/2012.

By the Committee on Education,

H. 771. (No. 0129) An act relating to making technical corrections and other miscellaneous changes to education law.

Pl on cal for Notice on 3/16/2012, 528; Rd 2nd Time, 712; Rep. Christie of Hartford spoke for the C on Edu, 712; 3rd rdg Ordered, 712; Rd 3rd t and Passed, 755; S pro of amend not con in and C of C req/d upon mo of Rep. Peltz of Woodbury, 1851; Speaker appt Donovan of Burlington, Crawford of Burke and Peltz of Woodbury as members of the C of C on the part of the H, 1872; C of C rep/d agrd to, 2156; Delv to the Gov on 5/10/2012; Signed by Gov on 5/11/2012.

By the Committee on General, Housing and Military Affairs,

H. 772. An act relating to allocation of federal rental subsidies.

Pl on cal for Notice on 3/16/2012, 628; Rd 2nd Time, 705; Rep. Bouchard of Colchester spoke for the C on General, Housing and Military Affairs, 705; Rep. Bouchard of Colchester moved to amend the bill which was agrd to, 705; 3rd rdg Ordered, 705; Rd 3rd t and Passed, 755.

By the Committee on General, Housing and Military Affairs,

H. 773. (No. 0111) An act relating to veterans' tax exemption.

Pl on cal for Notice on 3/20/2012, 635; Ref to C on W & M per Rule 35(a), 736; Rd 2nd Time, 821; Rep. Head of South Burlington spoke for the C on General, Housing and Military Affairs, 821; Rep. Sharpe of Bristol rep/d for the C on W & M, 821; Rd 3rd t and Passed, 825; Pass the H and S on 4/28/2012; Delv to the Gov on 5/8/2012; Signed by Gov on 5/8/2012.

By the Committee on Agriculture,

H. 774. An act relating to meat inspection, delivery of liquid fuels, dairy operations, and animal foot baths.

Pl on cal for Notice on 3/20/2012, 635; Ref to C on W & M per Rule 35(a), 736; Rd 2nd Time, 821; Rep. Zagar of Barnard spoke for the C on Agri, 821; Rep. Branagan of Georgia rep/d for the C on W & M, 821; Rep/d of C on W & M agrd to, 3rd rdg Ordered 821; Rd 3rd t and Passed, 825; S pro of amend con in w further amend thereto, as offd by Rep. McAllister of Highgate, 2468.

By the Committee on Commerce and Economic Development,

H. 775. An act relating to allowed interest rates for installment loans.

Pl on cal for Notice on 3/20/2012, 635; Act postp until 3/28/2012 as moved by Rep. Ralston of Middlebury, 762; Bill ord to Lie, 823.

By the Committee on Education,

H. 776. An act relating to encouraging flexible pathways leading to secondary school completion and career and college readiness.

Pl on cal for Notice on 3/20/2012, 635; Rep. Crawford of Burke spoke for the C on Edu, 737; Act postp until 3/27/2012 as moved by Rep. Crawford of Burke, 737; Ref to C on W & M per Rule 35(a), 769; Ref to C on Appr per Rule 35(a), 1060.

By the Committee on Health Care,

H. 777. An act relating to licensed midwives and certified nurse midwives.

Pl on cal for Notice on 3/20/2012, 635; Rd 2nd Time, 765; Rep. Copeland-Hanzas of Bradford spoke for the C on H C, 765; Rep. Kilmartin of Newport City demanded yeas and nays, 765; Rep. Kilmartin of Newport City demanded yeas and nays, 766; Rep. Kilmartin of Newport City asked lv to wdr mo, 766; Cmtd to C on Judic by mo of Rep. Degree of St. Albans City, 766; Rep. Lippert of Hinesburg rep/d for the C on Judic, 3rd rdg Ordered, 1056; R C Yeas = 76, Nays = 46, 1056; Amend as offd by Rep. Kilmartin of Newport City disaagrd to, 1080; Rd 3rd t and Passed, 1080.

By the Committee on Judiciary,

H. 778. (No. 0168) An act relating to structured settlements and to prohibiting collusion as an antitrust violation.

Pl on cal for Notice on 3/20/2012, 635; Rd 2nd Time, 766; Rep. Koch of Barre Town spoke for the C on Judic, 766; 3rd rdg Ordered, 766; Rd 3rd t and Passed, 771; S pro of amend con in w further amend thereto, as offd by Rep. Koch of Barre Town, 1912; Amend of offd by Rep. Koch of Barre Town further amend as recommended by Rep. Lippert of Hinesburg, 1919; S Message, H pro of amend not con in and C of C appt; Speaker appt Koch of Barre Town, Waite-Simpson of Essex and French of Shrewsbury as members of the C of C on the part of the H, 2047; C of C rep/d agrd to, 2501; Pass the H and S on 5/5/2012; Signed by Gov on 5/18/2012.

By the Committee on Fish, Wildlife & Water Resources,

H. 779. An act relating to the water quality of state surface waters.

Pl on cal for Notice on 3/20/2012, 636; Rd 2nd Time, 766; Rep. Deen of Westminster spoke for the C on Fish, Wildlife & Water Resources, 766; 3rd rdg Ordered, 767; Rd 3rd t and Passed, 771.

By the Committee on Government Operations,

H. 780. (No. 0130) An act relating to compensation for certain state employees.

Pl on cal for Notice on 3/20/2012, 636; Ref to C on Appr per Rule 35(a), 736; Rd 2nd Time, 821; Rep. Atkins of Winooski spoke for the C on G O, 821; Rep. Winters of Williamstown rep/d for the C on Appr, 821; Rep/d of C on Appr agrd to., 821; 3rd rdg Ordered, 821; Rd 3rd t, 825; Passed, 825; R C Yeas = 135, Nays = 3, 825; S pro of amend not con in and C of C req/d upon mo of Rep. Atkins of Winooski, 1851; Speaker appt Atkins of Winooski, Devereux of Mount Holly and Martin of Wolcott as members of the C of C on the part of the H, 1851; C of C rep/d agrd to, 2219; Delv to the Gov on 5/9/2012; Signed by Gov on 5/11/2012.

By the Committee on Appropriations,

H. 781. (No. 0162) An act relating to making appropriations for the support of government.

Pl on cal for Notice on 3/20/2012, 636; Rd 2nd Time, 762; Rep. Heath of Westford spoke for the C on Appr, 762; Amend as offd by Rep. Heath of Westford agrd to, 762; 3rd rdg Ordered, 762; R C Yeas = 101, Nays = 40, 763; Rep. Johnson of Canaan moved to amend the bill, 771; Amend as offd by Rep. Johnson of Canaan wdrn, 771; Rep. Clark of Vergennes moved to amend the bill, 772; Amend as offd by Rep. Clark of Vergennes wdrn, 772; Rep. Clark of Vergennes moved to amend the bill, 772; Amend as offd by Rep. Clark of Vergennes wdrn, 772; Rd 3rd t, 772; Passed, 772; R C Yeas = 99, Nays = 41, 772; S pro of amend not con in and C of C req/d upon mo of Rep. Heath of Westford, 1431; Speaker appt Heath of Westford, Johnson of South Hero and Crawford of Burke as members of the C of C on the part

of the H, 1541; C of C instructions not agrd to, 1544; R C Yeas = 24, Nays = 105, 1544; C of C rep/d agrd to, 2310; R C Yeas = 113, Nays = 18, 2425; Pass the H and S on 5/5/2012; Delv to the Gov on 5/11/2012; Signed by Gov on 5/17/2012.

By the Committee on Ways and Means,

H. 782. (No. 0143) An act relating to miscellaneous tax changes for 2012.

Pl on cal for Notice on 3/22/2012, 756; Rd 2nd Time, 784; Rep. Ancel of Calais spoke for the C on W & M, 784; Rep. Eckhardt of Chittenden moved to amend the bill, 784; Amend as offd by Rep. Eckhardt of Chittenden agrd to, 785; 3rd rdg Ordered, 785; Rep. Degree of St. Albans City moved to amend the bill, 827; Amend as offd by Rep. Degree of St. Albans City agrd to, 827; Rep. Degree of St. Albans City moved to amend the bill, 827; Amend as offd by Rep. Degree of St. Albans City disaagr to, 829; R C Yeas = 45, Nays = 93, 829; Rd 3rd t, 831; Rep. Browning of Arlington moved to commit the bill to the C on W & M which was disaagr to, 831; Passed, 831; R C Yeas = 125, Nays = 14, 831; S pro of amend not con in and C of C req/d upon mo of Rep. Ancel of Calais, 1546; Speaker appt Ancel of Calais, Branagan of Georgia and Condon of Colchester as members of the C of C on the part of the H, 1573; C of C rep/d agrd to, 2278; Pass the H and S on 5/4/2012; Delv to the Gov on 5/10/2012; Signed by Gov on 5/15/2012.

By Representatives Kupersmith of South Burlington, Lenes of Shelburne and Webb of Shelburne,

H. 783. An act relating to private highway–rail grade crossings.

Rd 1st t and ref to the C on Trans, 756.

By Representatives Winters of Williamstown and Davis of Washington,

H. 784. (No. M014) An act relating to approval of the adoption and codification of the charter of the town of Williamstown.

Rd 1st t and ref to the C on G O, 770; Rd 2nd Time, 900; Rep. Rep. Mook of Bennington rep/d for the C on G O, 900; 3rd rdg Ordered, 900; Rd 3rd t and Passed, 910; Pass the H and S on 5/2/2012; Delv to the Gov on 5/5/2012; Signed by Gov on 5/7/2012.

By the Committee on Corrections and Institutions,

H. 785. (No. 0104) An act relating to capital construction and state bonding budget adjustment.

Rd 1st t and ref to the C on Appr, 770; Rd 2nd Time, 785; Rep. Emmons of Springfield spoke for the C on Corrections and Insti, 785; Rep. Winters of Williamstown rep/d for the C on Appr, 785; Amend of C on Appr agrd to, 785; Rep. Emmons of Springfield moved to amend the bill, 786; Amend as offd by Rep. Emmons of Springfield agrd to, 786; 3rd rdg Ordered, 786; Rd 3rd t and Passed, 833; Act postp until 4/24/2012 as moved by Rep. Emmons of Springfield, 1120; S pro of amend con in w further amend thereto, as offd by Rep. Emmons of Springfield, 1181; Pass the H and S on 4/27/2012; Delv to the Gov on 5/1/2012; Signed by Gov on 5/7/2012.

By Representative Sweaney of Windsor,

H. 786. (No. M018) An act relating to approval of amendments to the charter of the town of Windsor and to an amendment to the charter of the North Bennington graded school district

.

Rd 1st t and ref to the C on G O, 822; Rd 2nd Time, 900; Rep. Devereux of Mount Holly rep/d for the C on G O, 900; 3rd rdg Ordered, 900; Rd 3rd t and Passed, 910; S pro of amend con in, 1986; Delv to the Gov on 5/8/2012; Signed by Gov on 5/9/2012.

By Representatives Hooper of Montpelier and Kitzmiller of Montpelier,

H. 787. (No. M015) An act relating to approval of amendments to the charter of the city of Montpelier.

Rd 1st t and ref to the C on G O, 835; Rd 2nd Time, 979; Rep. Devereux of Mount Holly rep/d for the C on G O, 979; 3rd rdg Ordered, 979; Rd 3rd t and Passed, 992; Pass the H and S on 5/2/2012; Delv to the Gov on 5/5/2012; Signed by Gov on 5/7/2012.

By Representative O'Brien of Richmond,

H. 788. (No. M017) An act relating to approval of amendments to the charter of the town of Richmond.

Rd 1st t and ref to the C on G O, 859; Rd 2nd Time, 900; Rep. Townsend of Randolph rep/d for the C on G O, 900; 3rd rdg Ordered, 900; Rd 3rd t and Passed, 911; Pass the H and S on 5/2/2012; Delv to the Gov on 5/8/2012; Signed by Gov on 5/8/2012.

By the Committee on Government Operations,

H. 789. (No. 0093) An act relating to reapportioning the final representative districts of the House of Representatives and the senatorial districts of the Senate.

Pl on cal for Notice on 4/3/2012, 860; Rd 2nd Time, 872; Rep. Atkins of Winooski spoke for the C on G O, 872; Amend as offd by Rep. Hubert of Milton agrd to, 872; Amend as offd by Rep. Browning of Arlington and Malcolm of Pawlet disaagr to, 875; R C Yeas = 41, Nays = 93, 876; 3rd rdg Ordered, 878; R C Yeas = 123, Nays = 9, 878; Act postp to next legislative day as moved by Rep. Atkins of Winooski, 886; Amend as offd by Rep. Browning of Arlington wdrn, 893; Rd 3rd t, 895; Passed, 895; R C Yeas = 126, Nays = 13, 895; S pro of amend not con in and C of C req/d upon mo of Rep. Sweaney of Windsor, 1087; Speaker appt Sweaney of Windsor, Hubert of Milton and Jewett of Ripton as members of the C of C on the part of the H, 1090; C of C rep/d agrd to, 1762; R C Yeas = 124, Nays = 8, 1762; Delv to the Gov on 4/30/2012; Signed by Gov on 5/1/2012.

By Representatives Christie of Hartford, Bohi of Hartford and Zagar of Barnard,

H. 790. (No. M016) An act relating to approval of amendments to the charter of the town of Hartford.

Rd 1st t and ref to the C on G O, 871; Rd 2nd Time, 1234; Rep. Hubert of Milton rep/d for the C on G O, 1234; 3rd rdg Ordered, 1234; Rd 3rd t and Passed, 1234; Pass the H and S on 5/2/2012; Delv to the Gov on 5/7/2012; Signed by Gov on 5/7/2012.

By the Committee on Ways and Means,

H. 791. An act relating to tax expenditures for nonprofits, charitable organizations, and miscellaneous tax expenditures, as presented in the tax expenditure budget for 2012.

Pl on cal for Notice on 4/5/2012, 871; Rd 2nd Time, 889; Rep. Clarkson of Woodstock spoke for the C on W & M, 889; 3rd rdg Ordered, 890; Rd 3rd t and Passed, 911.

By Representatives Aswad of Burlington, Bissonnette of Winooski, Donovan of Burlington, Krowinski of Burlington, Lorber of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Ram of Burlington, Wizowaty of Burlington and Wright of Burlington,

H. 792. (No. M012) An act relating to approval of amendments to the charter of the city of Burlington.

Rd 1st t and ref to the C on G O, 914; Rd 2nd Time, 1098; Rep. Atkins of Winooski rep/d for the C on G O, 1098; 3rd rdg Ordered, 1098; Rd 3rd t and Passed, 1120; Pass the H and S on 4/28/2012; Signed by Gov on 5/3/2012.

By Representatives Atkins of Winooski and Bissonnette of Winooski,

H. 793. (No. M013) An act relating to approval of amendments to the charter of the Winooski incorporated school district.

Rd 1st t and ref to the C on G O, 914; Rd 2nd Time, 1098; Rep. Atkins of Winooski rep/d for the C on G O, 1098; 3rd rdg Ordered, 1098; Rd 3rd t and Passed, 1120; Pass the H and S on 4/28/2012; Signed by Gov on 5/3/2012.

By the Committee on Government Operations,

H. 794. An act relating to the management of search and rescue operations.

Pl on cal for Notice on 4/17/2012, 985; Rd 2nd Time, 1080; Rep. Jewett of Ripton spoke for the C on G O, 1080; Amend as offd by Rep. Jewett of Ripton agrd to, 1080; 3rd rdg Ordered, 1080; Amend as offd by Rep. Howard of Cambridge agrd to, 1090; Rd 3rd t and Passed, 1091; Act postp indef, 2514.

By Representative Lanpher of Vergennes,

H. 795. An act relating to a traffic light in the town of Ferrisburgh.

Rd 1st t and ref to the C on Trans, 1086.

HOUSE CONCURRENT RESOLUTIONS

By Representative Head of South Burlington,

H.C.R. 204. (No. R272) House concurrent resolution recognizing January 4, 2012 as Homelessness Day at the State House.

Adptd in Concurrence; Adptd in con by the S.

By All members of the House of Representatives,

By All members of the Senate,

H.C.R. 205. (No. R273) House concurrent resolution in memory of the former Dean of the House Representative John Francis Murphy of Ludlow.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Smith of Morristown, Peltz of Woodbury and Martin of Wolcott,

By Senator Westman,

H.C.R. 206. (No. R274) House concurrent resolution congratulating the 2011 Peoples Academy Wolves Division III championship girls' soccer team.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Smith of Morristown, Peltz of Woodbury and Martin of Wolcott,

By Senator Westman,

H.C.R. 207. (No. R275) House concurrent resolution congratulating the 2011 Peoples Academy Division III championship boys' soccer team.

Adptd in Concurrence; Adptd in con by the S.

By All members of the House of Representatives,

By All members of the Senate,

H.C.R. 208. (No. R276) House concurrent resolution in memory of former Speaker of the House and Vermont statesman Richard Walker Mallary of Brookfield.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Macaig of Williston and McCullough of Williston,

By Senator Lyons,

H.C.R. 209. (No. R277) House concurrent resolution honoring Kathy Boyden for her 40 years of exemplary public service in the town of Williston.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Lenes of Shelburne, Webb of Shelburne, Lippert of Hinesburg, Macaig of Williston, McCullough of Williston and Yantachka of Charlotte,

By Senators Lyons and Snelling,

H.C.R. 210. (No. R278) House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks' second consecutive New England championship girls' cross-country team.

Adptd in Concurrence; Adptd in con by the S.

By All members of the House of Representatives,

H.C.R. 211. (No. R279) House concurrent resolution in memory of former Representative Mark Mitchell of Barnard.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Savage of Swanton, Consejo of Sheldon, McAllister of Highgate and Pearce of Richford,

By Senators Brock and Kittell,

H.C.R. 212. (No. R280) House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Division III field hockey team.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Savage of Swanton, Consejo of Sheldon, McAllister of Highgate and Pearce of Richford,

By Senators Brock and Kittell,

H.C.R. 213. (No. R281) House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Division II championship baseball team.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Nuovo of Middlebury, Ralston of Middlebury, Stevens of Shoreham and Smith of New Haven,

By Senators Ayer and Giard,

H.C.R. 214. (No. R282) House concurrent resolution congratulating the 2011 Middlebury Union High School Tigers Division I championship field hockey team.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Dickinson of St. Albans Town, Branagan of Georgia, Consejo of Sheldon, Degree of St. Albans City, Gilbert of Fairfax, Howrigan of Fairfield, Keenan of St. Albans City, McAllister of Highgate, Pearce of Richford, Perley of Enosburgh and Savage of Swanton,

By Senators Brock and Kittell,

H.C.R. 215. (No. R303) House concurrent resolution honoring the Franklin County Industrial Development Corporation on its 40th anniversary.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Donahue of Northfield and Grad of Moretown,

H.C.R. 216. (No. R382) House concurrent resolution honoring Barbara Brayton for her laudable leadership of the Northfield Senior Center.

Adptd in Concurrence; Adptd in con by the S.

By All members of the House of Representatives,

By All members of the Senate,

H.C.R. 217. (No. R417) House concurrent resolution in memory of United States Marine Corporal Ian M. Muller of Danville.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Bohi of Hartford, Christie of Hartford, Bartholomew of Hartland and Zagar of Barnard,

By Senators Campbell, McCormack and Nitka,

H.C.R. 218. (No. R304) House concurrent resolution congratulating the 2011 Hartford High School Hurricanes Division I championship football team.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Marek of Newfane, Partridge of Windham and Trieber of Rockingham,

H.C.R. 219. (No. R287) House concurrent resolution congratulating Bruce Garrow on being named the 2011 Henry Giauque Vermont Elementary Principal of the Year.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Canfield of Fair Haven, Helm of Fair Haven, Buxton of Tunbridge, McNeil of Rutland Town and Stevens of Shoreham,

By Senators Ayer, Carris, Flory, Giard and Mullin,

H.C.R. 220. (No. R418) House concurrent resolution congratulating the 2011 Fair Haven Union High School Slaters Division II championship football team.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Turner of Milton, Hubert of Milton, Johnson of South Hero and Krebs of South Hero,

H.C.R. 221. (No. R288) House concurrent resolution congratulating the 2011 Milton High School Yellowjackets Division II girls' soccer championship team.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Partridge of Windham and Trieber of Rockingham,

H.C.R. 222. (No. R368) House concurrent resolution congratulating Grafton Elementary School students on winning a Governor's Award for Environmental Excellence.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Shand of Weathersfield and Dakin of Chester,

By Senators Campbell, McCormack and Nitka,

H.C.R. 223. (No. R289) House concurrent resolution congratulating Ann Thompson of Cavendish on her winning a Presidential Award for Excellence in Mathematics and Science Teaching.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Masland of Thetford, Aswad of Burlington, Bohi of Hartford, Botzow of Pownal, Browning of Arlington, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Cheney of Norwich, Clarkson of Woodstock, Courcelle of Rutland City, Ellis of Waterbury, Haas of Rochester, Lanpher of Vergennes, Manwaring of Wilmington, Pearson of Burlington, Potter of Clarendon, Russell of Rutland City, Shand of Weathersfield, Sharpe of Bristol and Wilson of Manchester,

H.C.R. 224. (No. R305) House concurrent resolution honoring Vermont Public Radio's Vermont Edition for its extraordinary community service in the aftermath of Tropical Storm Irene.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Clarkson of Woodstock, Bartholomew of Hartland, Eckhardt of Chittenden and Zagar of Barnard,

By Senators Campbell, McCormack and Nitka,

H.C.R. 225. (No. R319) House concurrent resolution congratulating the 2011 Woodstock Union High School Wasps Division III championship football team.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Clark of Vergennes and Lanpher of Vergennes,
By Senators Ayer and Giard,

H.C.R. 226. (No. R306) House concurrent resolution congratulating Edward Webbley on his selection as the 2011 Vermont Principals' Association's Robert F. Pierce Vermont Secondary Principal of the Year.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Myers of Essex, Evans of Essex, Heath of Westford, Jerman of Essex and Waite-Simpson of Essex,

H.C.R. 227. (No. R533) House concurrent resolution congratulating Essex High School teacher Maria Ung on her receipt of a Milken Family Foundation National Education Award.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Donahue of Northfield and Grad of Moretown,

H.C.R. 228. (No. R330) House concurrent resolution honoring outstanding recently retired employees of the Northfield public school system.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Evans of Essex, Jerman of Essex, Myers of Essex, Waite-Simpson of Essex, Heath of Westford, Atkins of Winooski and Bissonnette of Winooski,

H.C.R. 229. (No. R307) House concurrent resolution in memory of former Representative Rene L. Blanchard of Essex.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Smith of New Haven and Brennan of Colchester,

H.C.R. 230. (No. R331) House concurrent resolution congratulating the 2011 recipients of the Vermont Truck & Bus Association Master Truck Driver certification.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Acinapura of Brandon, Ancel of Calais, Andrews of Rutland City, Aswad of Burlington, Atkins of Winooski, Bartholomew of Hartland, Batchelor of Derby, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Canfield of Fair Haven, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Corcoran of Bennington,

Courcelle of Rutland City, Crawford of Burke, Dakin of Chester, Davis of Washington, Deen of Westminster, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Eckhardt of Chittenden, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hooper of Montpelier, Howard of Cambridge, Howrigan of Fairfield, Hubert of Milton, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Johnson of Canaan, Keenan of St. Albans City, Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Kupersmith of South Burlington, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Leriche of Hardwick, Lewis of Berlin, Lewis of Derby, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, Munger of South Burlington, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Olsen of Jamaica, Partridge of Windham, Pearce of Richford, Pearson of Burlington, Peaslee of Guildhall, Peltz of Woodbury, Perley of Enosburgh, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ralston of Middlebury, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Smith of New Haven, Smith of Morristown, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Trieber of Rockingham, Turner of Milton, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Winters of Williamstown, Wizowaty of Burlington, Woodward of Johnson, Wright of Burlington, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

By All members of the Senate,

H.C.R. 231. (No. R308) House concurrent resolution expressing sympathy and good wishes to Lieutenant Governor Phil Scott on the fire that severely damaged DuBois Construction Inc.

Adptd in Concurrence; Adptd in con by the S.

By Representatives Acinapura of Brandon, Ancel of Calais, Andrews of Rutland City, Aswad of Burlington, Atkins of Winooski, Bartholomew of Hartland, Batchelor of Derby, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Canfield of Fair Haven, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Corcoran of Bennington, Courcelle of Rutland City, Crawford of Burke, Dakin of Chester, Davis of Washington, Deen of Westminster, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Eckhardt of Chittenden, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hooper of Montpelier, Howard of Cambridge, Howrigan of Fairfield, Hubert of Milton, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Johnson of Canaan, Keenan of St. Albans City, Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Kupersmith of South Burlington, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Leriche of Hardwick, Lewis of Berlin, Lewis of Derby, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, Munger of South Burlington, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, Olsen of Jamaica, O'Sullivan of Burlington, Partridge of Windham, Pearce of Richford, Pearson of Burlington, Peaslee of Guildhall, Peltz of Woodbury, Perley of Enosburgh, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ralston of Middlebury, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Smith of New Haven, Smith of Morristown, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Trieber of Rockingham, Turner of Milton, Waite-

Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Winters of Williamstown, Wizowaty of Burlington, Woodward of Johnson, Wright of Burlington, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

By All members of the Senate,

H.C.R. 232. (No. R309) House concurrent resolution honoring House Calendar Clerk Jean Jasman.

Adopted; Adptd in con by the S.

By Representative Jewett of Ripton,

H.C.R. 233. (No. R339) House concurrent resolution in memory of former Vermont State Poet Ruth Stone of Goshen.

Adopted; Adptd in con by the S.

By Representatives Lenex of Shelburne, Webb of Shelburne, Lippert of Hinesburg, Macaig of Williston, McCullough of Williston and Yantachka of Charlotte,

By Senators Lyons and Snelling,

H.C.R. 234. (No. R340) House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks Division I championship girls' soccer team.

Adopted; Adptd in con by the S.

By Representatives Eckhardt of Chittenden, Shaw of Pittsford, Acinapura of Brandon, Burditt of West Rutland, Buxton of Tunbridge, Canfield of Fair Haven, Dakin of Chester, Degree of St. Albans City, Dickinson of St. Albans Town, Fagan of Rutland City, Fisher of Lincoln, Hebert of Vernon, Komline of Dorset, McNeil of Rutland Town, Savage of Swanton, Scheuermann of Stowe, Spengler of Colchester, Till of Jericho and Turner of Milton,

By Senator Flory,

H.C.R. 235. (No. R310) House concurrent resolution honoring Jan Sotirakis of Pittsford for her extraordinary public service following Tropical Storm Irene.

Adopted; Adptd in con by the S.

By Representatives Hubert of Milton, Acinapura of Brandon, Andrews of Rutland City, Atkins of Winooski, Batchelor of Derby, Bissonnette of Winooski, Bohi of Hartford, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Campion of Bennington, Canfield of Fair Haven, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Consejo of Sheldon, Courcelle of Rutland City, Crawford of Burke, Dakin of Chester, Deen of Westminster, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Frank of Underhill, Gilbert of Fairfax, Grad of Moretown, Greshin of

Warren, Haas of Rochester, Hebert of Vernon, Higley of Lowell, Jewett of Ripton, Johnson of Canaan, Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of East Montpelier, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Leriche of Hardwick, Lewis of Berlin, Lewis of Derby, Macaig of Williston, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Mrowicki of Putney, Munger of South Burlington, Myers of Essex, O'Brien of Richmond, Olsen of Jamaica, Pearce of Richford, Perley of Enosburgh, Pugh of South Burlington, Ralston of Middlebury, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, South of St. Johnsbury, Strong of Albany, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Trieber of Rockingham, Turner of Milton, Wilson of Manchester, Winters of Williamstown and Wizowaty of Burlington,

H.C.R. 236. (No. R311) House concurrent resolution thanking Neale Lunderville for his leadership of Vermont's post-Irene recovery effort.

Adopted; Adptd in con by the S.

By Representatives Olsen of Jamaica, Greshin of Warren, Komline of Dorset, Scheuermann of Stowe and Wilson of Manchester,

H.C.R. 237. (No. R419) House concurrent resolution congratulating Stratton Mountain Ski Resort on its golden anniversary.

Adopted; Adptd in con by the S.

By Representatives Stuart of Brattleboro, Burke of Brattleboro, Edwards of Brattleboro, Hebert of Vernon and Mrowicki of Putney,

By Senators Galbraith and White,

H.C.R. 238. (No. R383) House concurrent resolution honoring James T. Day for his outstanding four-decade career in public education.

Adopted; Adptd in con by the S.

By the Committee on Transportation,

H.C.R. 239. (No. R312) House concurrent resolution wishing a very happy and joyous 90th birthday to the member from Burlington, Representative William Aswad.

Adopted; Adptd in con by the S.

By Representatives Wizowaty of Burlington, Smith of Morristown, Peltz of Woodbury, Frank of Underhill, Howard of Cambridge, Martin of Wolcott, Pearson of Burlington, Scheuermann of Stowe, Till of Jericho and Woodward of Johnson,

H.C.R. 240. (No. R332) House concurrent resolution congratulating Barbara Brody on winning a national Teacher of the Year Award for Dedication and Excellence as a Driver Educator.

Adopted; Adptd in con by the S.

By Representatives Stevens of Waterbury and Ellis of Waterbury,
By Senators Cummings, Doyle and Pollina,

H.C.R. 241. (No. R320) House concurrent resolution congratulating the 2011 Harwood Union High School Highlanders boys' and girls' cross-country teams on winning their respective Division II state championships.

Adopted; Adptd in con by the S.

By Representatives Stevens of Waterbury and Ellis of Waterbury,
By Senators Cummings, Doyle and Pollina,

H.C.R. 242. (No. R321) House concurrent resolution congratulating the 2011 Harwood Union High School Highlanders Division II field hockey team.

Adopted; Adptd in con by the S.

By Representatives Acinapura of Brandon, Ancel of Calais, Andrews of Rutland City, Aswad of Burlington, Atkins of Winooski, Bartholomew of Hartland, Batchelor of Derby, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Canfield of Fair Haven, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Corcoran of Bennington, Courcelle of Rutland City, Crawford of Burke, Dakin of Chester, Davis of Washington, Deen of Westminster, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Eckhardt of Chittenden, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hooper of Montpelier, Howard of Cambridge, Howrigan of Fairfield, Hubert of Milton, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Johnson of Canaan, Keenan of St. Albans City, Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Kupersmith of South Burlington, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Leriche of Hardwick, Lewis of Berlin, Lewis of Derby, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Manwaring of

Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, Munger of South Burlington, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, Olsen of Jamaica, O'Sullivan of Burlington, Partridge of Windham, Pearce of Richford, Pearson of Burlington, Peaslee of Guildhall, Peltz of Woodbury, Perley of Enosburgh, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ralston of Middlebury, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Smith of New Haven, Smith of Morristown, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Trieber of Rockingham, Turner of Milton, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Winters of Williamstown, Wizowaty of Burlington, Woodward of Johnson, Wright of Burlington, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

By All members of the Senate,

H.C.R. 243. (No. R290) House concurrent resolution designating January 20, 2012 as Alzheimer's Awareness Day at the State House.

Adopted; Adptd in con by the S.

By Representatives Keenan of St. Albans City, Dakin of Chester, Miller of Shaftsbury and O'Brien of Richmond,

By Senators Ayer, Kittell and Pollina,

H.C.R. 244. (No. R291) House concurrent resolution designating nurse anesthetists week in Vermont.

Adopted; Adptd in con by the S.

By Representatives Stevens of Waterbury, Ellis of Waterbury and Condon of Colchester,

By Senators Illuzzi, Cummings, Doyle and Pollina,

H.C.R. 245. (No. R369) House concurrent resolution honoring the heroic radio coverage and community service of WDEV radio during Tropical Storm Irene and congratulating the broadcaster on its 80th anniversary.

Adopted; Adptd in con by the S.

By Representatives Ram of Burlington, Aswad of Burlington, Botzow of Pownal, Branagan of Georgia, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Courcelle of Rutland City, Dakin of Chester, Donovan of Burlington, Evans of Essex, French of Shrewsbury, French of Randolph, Head of South Burlington, Heath of Westford, Johnson of South

Hero, Keenan of St. Albans City, Kupersmith of South Burlington, Lenes of Shelburne, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Wolcott, Miller of Shaftsbury, Nuovo of Middlebury, O'Sullivan of Burlington, Pearson of Burlington, Pugh of South Burlington, South of St. Johnsbury, Sweaney of Windsor, Till of Jericho, Toll of Danville, Waite-Simpson of Essex, Webb of Shelburne, Wizowaty of Burlington, Yantachka of Charlotte and Young of Glover,

H.C.R. 246. (No. R333) House concurrent resolution congratulating The Vermont Cynic on winning a 2011 Pacemaker Award for excellence in college journalism.

Adopted; Adptd in con by the S.

By Representatives Edwards of Brattleboro, Burke of Brattleboro and Stuart of Brattleboro,

By Senators White and Galbraith,

H.C.R. 247. (No. R322) House concurrent resolution in memory of Dr. Philip Harold Dunham of Brattleboro.

Adopted; Adptd in con by the S.

By Representatives Potter of Clarendon, Burditt of West Rutland, Acinapura of Brandon, Andrews of Rutland City, Canfield of Fair Haven, Devereux of Mount Holly, Donaghy of Poultney, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Helm of Fair Haven, Malcolm of Pawlet, McNeil of Rutland Town, Russell of Rutland City, Shaw of Pittsford and Stevens of Shoreham,

H.C.R. 248. (No. R323) House concurrent resolution congratulating the Proctor High School Phantoms 2011 Division IV championship girls' soccer team.

Adopted; Adptd in con by the S.

By Representatives O'Brien of Richmond, Lenes of Shelburne, Webb of Shelburne, Pearce of Richford, Lippert of Hinesburg, Macaig of Williston, McAllister of Highgate, McCullough of Williston and Yantachka of Charlotte,

By Senators Lyons and Snelling,

H.C.R. 249. (No. R324) House concurrent resolution congratulating the outstanding Vermont high school women runners who participated in the 2011 Nike Cross Nationals competition.

Adopted; Adptd in con by the S.

By the Committee on Government Operations,

H.C.R. 250. (No. R476) House concurrent resolution honoring former Director of Retirement Policy & Outreach Cynthia Webster.

Adopted; Adptd in con by the S.

By Representatives Potter of Clarendon, Burditt of West Rutland, Acinapura of Brandon, Andrews of Rutland City, Canfield of Fair Haven, Devereux of Mount Holly, Donaghy of Poultney, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Helm of Fair Haven, Malcolm of Pawlet, McNeil of Rutland Town, Russell of Rutland City, Shaw of Pittsford and Stevens of Shoreham,

H.C.R. 251. (No. R325) House concurrent resolution congratulating the Proctor High School Phantoms 2011 Division IV championship boys' soccer team.

Adopted; Adptd in con by the S.

By Representative Klein of East Montpelier,

H.C.R. 252. (No. R313) House concurrent resolution recognizing the essential health care role of licensed pharmacists in Vermont.

Adopted; Adptd in con by the S.

By Representatives Russell of Rutland City, Andrews of Rutland City, Courcelle of Rutland City, Fagan of Rutland City, McNeil of Rutland Town and Shaw of Pittsford,

By Senators Carris, Flory, Mullin and Nitka,

H.C.R. 253. (No. R314) House concurrent resolution congratulating the Community College of Vermont on the opening of its new Rutland City campus.

Adopted; Adptd in con by the S.

By Representatives Martin of Springfield, Emmons of Springfield and Dakin of Chester,

By Senators Campbell, McCormack and Nitka,

H.C.R. 254. (No. R326) House concurrent resolution congratulating the 2011 Springfield High School Division II championship softball team.

Adopted; Adptd in con by the S.

By Representatives Russell of Rutland City, Acinapura of Brandon, Andrews of Rutland City, Canfield of Fair Haven, Courcelle of Rutland City, Donaghy of Poultney, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Helm of Fair Haven, Malcolm of Pawlet, McNeil of Rutland Town, Potter of Clarendon and Shaw of Pittsford,

By Senators Carris, Flory and Mullin,

H.C.R. 255. (No. R341) House concurrent resolution urging the restoration of intercity bus service to Rutland City.

Adopted; Adptd in con by the S.

By Representative Acinapura of Brandon,

H.C.R. 256. (No. R327) House concurrent resolution congratulating Brandon Fire District #1 Superintendent Ray Counter and the Brandon Fire

District #1 Prudential Committee on the district's designation as a Class II water system.

Adopted; Adptd in con by the S.

By Representatives Cheney of Norwich and Masland of Thetford,
By Senators Campbell, McCormack and Nitka,

H.C.R. 257. (No. R370) House concurrent resolution congratulating Kristen Kelliher on becoming the youngest female to scale the highest points in each of the lower 48 states.

Adopted; Adptd in con by the S.

By Representatives Courcelle of Rutland City, French of Shrewsbury, Acinapura of Brandon, Andrews of Rutland City, Aswad of Burlington, Bissonnette of Winooski, Bohi of Hartford, Brennan of Colchester, Burditt of West Rutland, Burke of Brattleboro, Canfield of Fair Haven, Corcoran of Bennington, Devereux of Mount Holly, Donaghy of Poultney, Eckhardt of Chittenden, Fagan of Rutland City, Helm of Fair Haven, Hooper of Montpelier, Howard of Cambridge, Kitzmiller of Montpelier, Lanpher of Vergennes, Malcolm of Pawlet, McNeil of Rutland Town, Peaslee of Guildhall, Potter of Clarendon, Russell of Rutland City and Shaw of Pittsford,

By Senators Carris, Doyle, Flory, Hartwell, Kitchel, Mazza, Mullin and Westman,

H.C.R. 258. (No. R334) House concurrent resolution recognizing the spirit of Vermont Strong online, in music, and as a commemorative license plate.

Adopted; Adptd in con by the S.

By Representatives Clarkson of Woodstock and Zagar of Barnard,
By Senators Campbell, McCormack and Nitka,

H.C.R. 259. (No. R335) House concurrent resolution congratulating the Suicide Six Ski Area in Woodstock on its 75th anniversary.

Adopted; Adptd in con by the S.

By Representatives Koch of Barre Town, Acinapura of Brandon, Ancel of Calais, Andrews of Rutland City, Aswad of Burlington, Atkins of Winooski, Bartholomew of Hartland, Batchelor of Derby, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Canfield of Fair Haven, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Conquest of Newbury, Copeland-Hanzas of Bradford, Corcoran of Bennington, Courcelle of Rutland City, Crawford of Burke, Deen of Westminster, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield,

Donovan of Burlington, Eckhardt of Chittenden, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Haas of Rochester, Heath of Westford, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hooper of Montpelier, Hubert of Milton, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Johnson of Canaan, Keenan of St. Albans City, Kitzmiller of Montpelier, Komline of Dorset, Krebs of South Hero, Kupersmith of South Burlington, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Leriche of Hardwick, Lewis of Berlin, Lewis of Derby, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Munger of South Burlington, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Olsen of Jamaica, Pearce of Richford, Peaslee of Guildhall, Peltz of Woodbury, Perley of Enosburgh, Potter of Clarendon, Pugh of South Burlington, Ralston of Middlebury, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Smith of New Haven, Stevens of Waterbury, Stevens of Shoreham, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Trieber of Rockingham, Turner of Milton, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Winters of Williamstown, Wizowaty of Burlington, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

By All members of the Senate,

H.C.R. 260. (No. R345) House concurrent resolution honoring the 2011 class of Vermont Boy Scouts awarded the rank of Eagle.

Adopted; Adptd in con by the S.

By Representatives Acinapura of Brandon, Ancel of Calais, Andrews of Rutland City, Aswad of Burlington, Atkins of Winooski, Bartholomew of Hartland, Batchelor of Derby, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Canfield of Fair Haven, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Corcoran of Bennington, Courcelle of Rutland City, Crawford of Burke, Dakin of Chester, Davis of

Washington, Deen of Westminster, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Eckhardt of Chittenden, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hooper of Montpelier, Howard of Cambridge, Howrigan of Fairfield, Hubert of Milton, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Johnson of Canaan, Keenan of St. Albans City, Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Kupersmith of South Burlington, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Leriche of Hardwick, Lewis of Berlin, Lewis of Derby, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, Munger of South Burlington, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, Olsen of Jamaica, O'Sullivan of Burlington, Partridge of Windham, Pearce of Richford, Pearson of Burlington, Peaslee of Guildhall, Peltz of Woodbury, Perley of Enosburgh, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ralston of Middlebury, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Smith of New Haven, Smith of Morristown, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Trieber of Rockingham, Turner of Milton, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Winters of Williamstown, Wizowaty of Burlington, Woodward of Johnson, Wright of Burlington, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

By All members of the Senate,

H.C.R. 261. (No. R346) House concurrent resolution in memory of Michael J. Garofano and Michael G. Garofano.

Adopted; Adptd in con by the S.

By Representatives Acinapura of Brandon, Ancel of Calais, Andrews of Rutland City, Aswad of Burlington, Atkins of Winooski, Bartholomew of

Hartland, Batchelor of Derby, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Canfield of Fair Haven, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Corcoran of Bennington, Courcelle of Rutland City, Crawford of Burke, Dakin of Chester, Davis of Washington, Deen of Westminster, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Eckhardt of Chittenden, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hooper of Montpelier, Howard of Cambridge, Howrigan of Fairfield, Hubert of Milton, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Johnson of Canaan, Keenan of St. Albans City, Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Kupersmith of South Burlington, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Leriche of Hardwick, Lewis of Berlin, Lewis of Derby, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, Munger of South Burlington, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Olsen of Jamaica, Partridge of Windham, Pearce of Richford, Pearson of Burlington, Peaslee of Guildhall, Peltz of Woodbury, Perley of Enosburgh, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ralston of Middlebury, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Smith of New Haven, Smith of Morristown, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Trieber of Rockingham, Turner of Milton, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Winters of

Williamstown, Wizowaty of Burlington, Woodward of Johnson, Wright of Burlington, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

By All members of the Senate,

H.C.R. 262. (No. R347) House concurrent resolution in memory of former Representative Kermit Welch Richardson of Orange.

Adopted; Adptd in con by the S.

By Representatives Russell of Rutland City, Andrews of Rutland City, Courcelle of Rutland City, Fagan of Rutland City and McNeil of Rutland Town,

By Senators Carris, Flory and Mullin,

H.C.R. 263. (No. R348) House concurrent resolution in memory of Stephen Eddy of Rutland.

Adopted; Adptd in con by the S.

By Representatives Pugh of South Burlington, Donovan of Burlington, Bartholomew of Hartland, Bohi of Hartford, Branagan of Georgia, Browning of Arlington, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Cheney of Norwich, Christie of Hartford, Condon of Colchester, Conquest of Newbury, Corcoran of Bennington, Courcelle of Rutland City, Crawford of Burke, Dakin of Chester, Davis of Washington, Deen of Westminster, Donaghy of Poultney, Donahue of Northfield, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Hebert of Vernon, Helm of Fair Haven, Jerman of Essex, Jewett of Ripton, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Kupersmith of South Burlington, Lanpher of Vergennes, Lenes of Shelburne, Leriche of Hardwick, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Springfield, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, Mook of Bennington, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Olsen of Jamaica, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Potter of Clarendon, Ralston of Middlebury, Ram of Burlington, Russell of Rutland City, Shand of Weathersfield, Sharpe of Bristol, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Till of Jericho, Trieber of Rockingham, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Winters of Williamstown, Wizowaty of Burlington, Yantachka of Charlotte and Young of Glover,

By All members of the Senate,

H.C.R. 264. (No. R349) House concurrent resolution in memory of Sister Elizabeth Candon, RSM (Sr. Mary Patrick).

Adopted; Adptd in con by the S.

By Representatives Olsen of Jamaica, Marek of Newfane, Partridge of Windham, Peltz of Woodbury and Trieber of Rockingham,

H.C.R. 265. (No. R350) House concurrent resolution congratulating Tong Chen as Vermont's 2012 Teacher of the Year.

Adopted; Adptd in con by the S.

By Representatives Botzow of Pownal, Branagan of Georgia, Lenes of Shelburne, Potter of Clarendon, Ram of Burlington, Sweaney of Windsor, Andrews of Rutland City, Bartholomew of Hartland, Bissonnette of Winooski, Buxton of Tunbridge, Conquest of Newbury, Dakin of Chester, Donovan of Burlington, Evans of Essex, Heath of Westford, Howrigan of Fairfield, Johnson of Canaan, Kilmartin of Newport City, Lawrence of Lyndon, McAllister of Highgate, McNeil of Rutland Town, Mook of Bennington, Munger of South Burlington, Olsen of Jamaica, Partridge of Windham, Pearson of Burlington, Savage of Swanton, Smith of New Haven, Stevens of Shoreham, Taylor of Barre City, Winters of Williamstown, Wizowaty of Burlington and Zagar of Barnard,

By All members of the Senate,

H.C.R. 266. (No. R351) House concurrent resolution proudly commemorating the centennial anniversary of the University of Vermont Extension.

Adopted; Adptd in con by the S.

By Representatives Emmons of Springfield, Clarkson of Woodstock, Martin of Springfield, Manwaring of Wilmington, Pugh of South Burlington, Klein of East Montpelier and Sweaney of Windsor,

H.C.R. 267. (No. R352) House concurrent resolution congratulating Keegan Bradley on winning the 2011 PGA Championship and the 2011 PGA Grand Slam, and being named the 2011 PGA Tour Rookie of the Year.

Adopted; Adptd in con by the S.

By Representatives Savage of Swanton and Consejo of Sheldon,

By Senators Brock and Kittell,

H.C.R. 268. (No. R353) House concurrent resolution honoring Swanton town administrator Richard Thompson.

Adopted; Adptd in con by the S.

By Representatives Lewis of Derby, Helm of Fair Haven, Batchelor of Derby, Bohi of Hartford, Christie of Hartford, Crawford of Burke, Devereux of Mount Holly, Donaghy of Poultney, Evans of Essex, Hebert of Vernon, Krebs of South Hero, Lawrence of Lyndon, Macaig of Williston, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, South of St. Johnsbury, Till of Jericho, Townsend of Randolph and Turner of Milton,

By Senators Mullin, Baruth, Doyle, Flory, Kittell, Lyons and White,

H.C.R. 269. (No. R354) House concurrent resolution designating November 2012 as Chronic Obstructive Pulmonary Disease Awareness Month in Vermont.

Adopted; Adptd in con by the S.

By Representatives Sweaney of Windsor, Bartholomew of Hartland, Clarkson of Woodstock, Fagan of Rutland City, Shand of Weathersfield and Zagar of Barnard,

By Senators Campbell, McCormack and Nitka,

H.C.R. 270. (No. R355) House concurrent resolution congratulating the Mt. Ascutney Hospital and Health Center on winning the 2011 Foster G. McGaw Prize for Excellence in Community Service.

Adopted; Adptd in con by the S.

By Representative Toll of Danville,

By Senators Benning and Kitchel,

H.C.R. 271. (No. R356) House concurrent resolution in memory of Frederick M. Faeth, Jr.

Adopted; Adptd in con by the S.

By Representatives Corcoran of Bennington, Campion of Bennington, Mook of Bennington and Morrissey of Bennington,

By Senators Sears and Hartwell,

H.C.R. 272. (No. R342) House concurrent resolution congratulating Harriette B. Lerrigo-Leidich of North Bennington on her 100th birthday.

Adopted; Adptd in con by the S.

By Representatives Mrowicki of Putney, Bissonnette of Winooski, Botzow of Pownal, Christie of Hartford, Consejo of Sheldon, Frank of Underhill, French of Shrewsbury, French of Randolph, Head of South Burlington, Heath of Westford, Hooper of Montpelier, Jerman of Essex, Jewett of Ripton, Krebs of South Hero, Lenes of Shelburne, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCullough of Williston, Mook of Bennington, Moran of Wardsboro, O'Sullivan of Burlington, Peltz of Woodbury, Potter of Clarendon, Pugh of South Burlington, Ram of Burlington, Russell of Rutland City, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Trieber of Rockingham, Waite-Simpson of Essex, Wilson of Manchester, Wizowaty of Burlington, Yantachka of Charlotte and Young of Glover,

H.C.R. 273. (No. R343) House concurrent resolution designating February 29, 2012 as Afterschool, Summer, and Expanded Learning Day at the State House.

Adopted; Adptd in con by the S.

By Representatives O'Sullivan of Burlington, Clark of Vergennes, Lanpher of Vergennes, Lippert of Hinesburg, Nuovo of Middlebury, Ralston of Middlebury, Ram of Burlington and Shand of Weathersfield,

By Senators Ayer, Baruth, Giard and Lyons,

H.C.R. 274. (No. R344) House concurrent resolution in memory of Garry Chalmers Simpson, a master of the cinematic, performing, and television arts.

Adopted; Adptd in con by the S.

By Representatives Kupersmith of South Burlington, Lanpher of Vergennes, Klein of East Montpelier, Acinapura of Brandon, Ancel of Calais, Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Browning of Arlington, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Canfield of Fair Haven, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Copeland-Hanzas of Bradford, Dakin of Chester, Davis of Washington, Deen of Westminster, Donovan of Burlington, Edwards of Brattleboro, Ellis of Waterbury, Fisher of Lincoln, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Hebert of Vernon, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Krebs of South Hero, Lenes of Shelburne, Leriche of Hardwick, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, McCullough of Williston, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Munger of South Burlington, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Partridge of Windham, Pearson of Burlington, Pugh of South Burlington, Ralston of Middlebury, Ram of Burlington, Scheuermann of Stowe, Shand of Weathersfield, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Stuart of Brattleboro, Till of Jericho, Webb of Shelburne, Wilson of Manchester and Yantachka of Charlotte,

By All members of the Senate,

H.C.R. 275. (No. R371) House concurrent resolution in memory of former Representative Carl H. Reidel of North Ferrisburgh.

Adopted; Adptd in con by the S.

By Representative Lippert of Hinesburg,

H.C.R. 276. (No. R372) House concurrent resolution commemorating the 250th anniversary of the town of Hinesburg.

Adopted; Adptd in con by the S.

By Representative Klein of East Montpelier,

H.C.R. 277. (No. R373) House concurrent resolution in memory of former East Montpelier Town Clerk and Treasurer Sylvia Tosi.

Adopted; Adptd in con by the S.

By All members of the House of Representatives,

By All members of the Senate,

H.C.R. 278. (No. R374) House concurrent resolution commemorating the 30th anniversary of the Vietnam Veterans Memorial, “The Wall,” in Washington, D.C. and all Vietnam War Veterans.

Adopted; Adptd in con by the S.

By All members of the House of Representatives,

By All members of the Senate,

H.C.R. 279. (No. R375) House concurrent resolution commemorating the 30th anniversary of the Vermont Vietnam Veterans Memorial and all Vietnam War Veterans.

Adopted; Adptd in con by the S.

By Representatives Sharpe of Bristol and Fisher of Lincoln,

By Senators Ayer and Giard,

H.C.R. 280. (No. R357) House concurrent resolution commemorating the 250th anniversary of the town of Bristol.

Adopted; Adptd in con by the S.

By Representatives Condon of Colchester, Morrissey of Bennington, Mook of Bennington, Corcoran of Bennington, Campion of Bennington, Miller of Shaftsbury, Botzow of Pownal, Browning of Arlington and Malcolm of Pawlet,

By Senators Sears and Hartwell,

H.C.R. 281. (No. R376) House concurrent resolution honoring radio station WBTN-AM in Bennington for its public service broadcasting during Tropical Storm Irene.

Adopted; Adptd in con by the S.

By Representatives Mrowicki of Putney, Bartholomew of Hartland, Buxton of Tunbridge, Clarkson of Woodstock, Conquest of Newbury, Davis of Washington, Donahue of Northfield, Edwards of Brattleboro, Evans of Essex, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, Haas of Rochester, Jerman of Essex, Kitzmiller of Montpelier, Lenes of Shelburne, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Wolcott, McCullough of Williston, Nuovo of Middlebury, O'Brien of Richmond, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Pugh of South Burlington, Russell of Rutland City, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury, Sweaney of Windsor, Till of Jericho, Waite-Simpson of Essex, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Young of Glover,

H.C.R. 282. (No. R377) House concurrent resolution expressing solidarity with the people of Japan on the first anniversary of the 2011 triple disaster.

Adopted; Adptd in con by the S.

By All members of the House of Representatives,

H.C.R. 283. (No. R358) House concurrent resolution in memory of former Representative Harvey B. Otterman Jr. of Topsham.

Adopted; Adptd in con by the S.

By Representatives Winters of Williamstown and Davis of Washington,

By Senators Benning and Kitchel,

H.C.R. 284. (No. R359) House concurrent resolution honoring Orange clerk-treasurer Rita Bisson for her outstanding 33 years of public service.

Adopted; Adptd in con by the S.

By Representatives Johnson of Canaan, Peaslee of Guildhall and Devereux of Mount Holly,

By Senators Illuzzi and Starr,

H.C.R. 285. (No. R360) House concurrent resolution commemorating the 250th anniversary of the incorporation of the Essex County towns of Averill, Bloomfield, Lemington, and Lewis.

Adopted; Adptd in con by the S.

By Representatives Lorber of Burlington, Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Botzow of Pownal, Donovan of Burlington, Krowinski of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Ram of Burlington, Taylor of Barre City, Wizowaty of Burlington and Wright of Burlington,

H.C.R. 286. (No. R361) House concurrent resolution honoring Big Heavy World and its volunteer staff for its significant 15-year contribution to music and the creative economy in Vermont.

Adopted; Adptd in con by the S.

By Representative Miller of Shaftsbury,

By Senators Hartwell and Sears,

H.C.R. 287. (No. R362) House concurrent resolution commemorating the 250th charter anniversary of the town of Shaftsbury.

Adopted; Adptd in con by the S.

By Representative Yantachka of Charlotte,

H.C.R. 288. (No. R363) House concurrent resolution commemorating the 250th anniversary of the town of Charlotte.

Adopted; Adptd in con by the S.

By Representatives Clark of Vergennes and Lanpher of Vergennes,

By Senators Ayer and Giard,

H.C.R. 289. (No. R364) House concurrent resolution commemorating the 250th anniversary of the town of Ferrisburgh.

Adopted; Adptd in con by the S.

By Representatives Sharpe of Bristol and Fisher of Lincoln,

H.C.R. 290. (No. R365) House concurrent resolution commemorating the 250th anniversary of the chartering of the town of Monkton.

Adopted; Adptd in con by the S.

By Representatives Clark of Vergennes and Lanpher of Vergennes,
By Senators Ayer and Giard,

H.C.R. 291. (No. R366) House concurrent resolution honoring Addison town clerk Jane Grace for her exemplary 40 years of public service.

Adopted; Adptd in con by the S.

By Representatives Krebs of South Hero, Johnson of South Hero, Atkins of Winooski, Bohi of Hartford, Courcelle of Rutland City, Evans of Essex, Fagan of Rutland City, Frank of Underhill, French of Randolph, Howrigan of Fairfield, Jewett of Ripton, Kitzmiller of Montpelier, Kupersmith of South Burlington, Leriche of Hardwick, Lewis of Berlin, Lewis of Derby, Macaig of Williston, Marek of Newfane, Martin of Wolcott, McCullough of Williston, McFaun of Barre Town, Mook of Bennington, Munger of South Burlington, Stevens of Shoreham, Stuart of Brattleboro, Sweaney of Windsor, Townsend of Randolph, Turner of Milton and Zagar of Barnard,

H.C.R. 292. (No. R384) House concurrent resolution designating March 12–18 as Multiple Sclerosis Week in Vermont.

Adopted; Adptd in con by the S.

By Representatives Hooper of Montpelier and Kitzmiller of Montpelier,
By Senators Cummings, Doyle and Pollina,

H.C.R. 293. (No. R385) House concurrent resolution honoring Montpelier city clerk and treasurer Charlotte Hoyt for her outstanding public service.

Adopted; Adptd in con by the S.

By All members of the House of Representatives,
By All members of the Senate,

H.C.R. 294. (No. R386) House concurrent resolution honoring and thanking the individuals, institutions, and organizations who lent their assistance so generously during and after Tropical Storm Irene.

Adopted; Adptd in con by the S.

By Representative Jewett of Ripton,

H.C.R. 295. (No. R387) House concurrent resolution congratulating Emery Tillman of Cornwall on her kayaking accomplishments.

Adopted; Adptd in con by the S.

By Representative Miller of Shaftsbury,
By Senators Hartwell and Sears,

H.C.R. 296. (No. R388) House concurrent resolution honoring Elizabeth Benedict for her lifelong commitment to educational excellence.

Adopted; Adptd in con by the S.

By Representative Martin of Wolcott,

H.C.R. 297. (No. R389) House concurrent resolution honoring Belinda H. Clegg for her outstanding public service to the town of Wolcott.

Adopted; Adptd in con by the S.

By Representatives Stuart of Brattleboro, Burke of Brattleboro, Deen of Westminster, Edwards of Brattleboro, Hebert of Vernon, Manwaring of Wilmington, Marek of Newfane, Moran of Wardsboro, Mrowicki of Putney, Olsen of Jamaica, Partridge of Windham and Trieber of Rockingham,

By Senators Galbraith and White,

H.C.R. 298. (No. R390) House concurrent resolution congratulating Marlboro College on its 65th anniversary.

Adopted; Adptd in con by the S.

By Representatives Townsend of Randolph, French of Randolph, Buxton of Tunbridge, Conquest of Newbury, Copeland-Hanzas of Bradford, Davis of Washington, Donahue of Northfield, French of Shrewsbury, Haas of Rochester, Jewett of Ripton and Zagar of Barnard,

By Senator MacDonald,

H.C.R. 299. (No. R391) House concurrent resolution recognizing the outstanding health care services provided by Gifford Medical Center in Randolph.

Adopted; Adptd in con by the S.

By Representatives Edwards of Brattleboro, Burke of Brattleboro, Stuart of Brattleboro, Condon of Colchester, Deen of Westminster, Hebert of Vernon, Manwaring of Wilmington, Marek of Newfane, Moran of Wardsboro, Mrowicki of Putney, Olsen of Jamaica, Partridge of Windham and Trieber of Rockingham,

By Senators Galbraith and White,

H.C.R. 300. (No. R392) House concurrent resolution honoring Brattleboro radio station WKVT AM/FM for its outstanding Tropical Storm Irene community support effort.

Adopted; Adptd in con by the S.

By Representatives Pugh of South Burlington, Batchelor of Derby, Burditt of West Rutland, Donahue of Northfield, Frank of Underhill, French of Randolph, Haas of Rochester, Krowinski of Burlington, McFaun of Barre Town and Mrowicki of Putney,

By Senator Ayer,

H.C.R. 301. (No. R393) House concurrent resolution honoring the outstanding efforts of those who care for, educate, and advocate for our young children in Vermont.

Adopted; Adptd in con by the S.

By Representatives Batchelor of Derby, Kilmartin of Newport City, Marcotte of Coventry, Lewis of Derby, Bouchard of Colchester, Fagan of Rutland City, Hebert of Vernon, Higley of Lowell, Myers of Essex, Pugh of South Burlington, Savage of Swanton and Strong of Albany,

By Senators Illuzzi and Starr,

H.C.R. 302. (No. R420) House concurrent resolution in memory of former Representative Mary Shelby Paull.

Adopted; Adptd in con by the S.

By Representatives Nuovo of Middlebury, Ralston of Middlebury, Jewett of Ripton and Stevens of Shoreham,

H.C.R. 303. (No. R394) House concurrent resolution congratulating the Middlebury Union High School Tigers' 2012 Division II girls' championship Nordic skiing team .

Adopted; Adptd in con by the S.

By Representatives Myers of Essex, Evans of Essex, Heath of Westford, Jerman of Essex and Waite-Simpson of Essex,

H.C.R. 304. (No. R441) House concurrent resolution congratulating the 2012 Essex High School Division I and Northern Vermont Athletic Conference championship cheerleading team.

Adopted; Adptd in con by the S.

By Representatives Myers of Essex, Evans of Essex, Heath of Westford, Jerman of Essex and Waite-Simpson of Essex,

H.C.R. 305. (No. R421) House concurrent resolution congratulating the Essex High School Hornets 2012 Division I championship girls' ice hockey team.

Adopted; Adptd in con by the S.

By Representatives Winters of Williamstown and Davis of Washington,

H.C.R. 306. (No. R402) House concurrent resolution congratulating the Williamstown High School Blue Devils 2012 Division III championship boys' basketball team.

Adopted; Adptd in con by the S.

By Representatives Canfield of Fair Haven, Helm of Fair Haven, Bouchard of Colchester, Courcelle of Rutland City, Donaghy of Poultney, Higley of Lowell, Malcolm of Pawlet, McNeil of Rutland Town, Savage of Swanton and Winters of Williamstown,

By Senators Carris, Flory and Mullin,

H.C.R. 307. (No. R422) House concurrent resolution congratulating Sophia Hadeka of Fair Haven on being named Miss Vermont's Outstanding Teen 2011.

Adopted; Adptd in con by the S.

By Representatives Myers of Essex, Evans of Essex, Heath of Westford, Jerman of Essex and Waite-Simpson of Essex,

H.C.R. 308. (No. R423) House concurrent resolution congratulating the Essex High School Hornets on winning the 2012 state gymnastics championship.

Adopted; Adptd in con by the S.

By Representatives Myers of Essex, Evans of Essex, Heath of Westford, Jerman of Essex, Smith of Morristown and Waite-Simpson of Essex,

H.C.R. 309. (No. R403) House concurrent resolution in memory of Alan D. Overton.

Adopted; Adptd in con by the S.

By Representatives Edwards of Brattleboro, Canfield of Fair Haven, Cheney of Norwich, Ellis of Waterbury, Jerman of Essex, Klein of East Montpelier, Nuovo of Middlebury, Wright of Burlington and Yantachka of Charlotte,

By Senators Lyons, MacDonald and McCormack,

H.C.R. 310. (No. R396) House concurrent resolution designating March 21 as Vermont Energy Independence Day.

Adopted; Adptd in con by the S.

By Representatives Klein of East Montpelier, Ancel of Calais, Lewis of Berlin, Peltz of Woodbury and Smith of Morristown,

By Senators Cummings, Doyle and Pollina,

H.C.R. 311. (No. R404) House concurrent resolution congratulating the U-32 Raiders 2012 Lake Division championship boys' ice hockey team.

Adopted; Adopted; Adptd in con by the S.

By Representatives Toll of Danville, Acinapura of Brandon, Batchelor of Derby, Higley of Lowell, Johnson of Canaan, Kilmartin of Newport City, Larocque of Barnet, Lawrence of Lyndon, Leriche of Hardwick, Lewis of Derby, Marcotte of Coventry, Peaslee of Guildhall, Reis of St. Johnsbury, South of St. Johnsbury and Strong of Albany,

By Senators Kitchel and Benning,

H.C.R. 312. (No. R405) House concurrent resolution honoring Alice Hafner of Danville for her outstanding public service on behalf of the Vermont criminal justice system.

Adopted; Adptd in con by the S.

By Representatives Jewett of Ripton, Nuovo of Middlebury, Ralston of Middlebury, Smith of New Haven and Stevens of Shoreham,

H.C.R. 313. (No. R406) House concurrent resolution congratulating Middlebury Union Middle School students Ronan Howlett and Meigan Clark on their success at the 2012 Vermont Spelling Bee.

Adopted; Adptd in con by the S.

By Representatives Till of Jericho, Frank of Underhill, O'Brien of Richmond, Ellis of Waterbury and Stevens of Waterbury,

By Senators Ashe, Baruth, Fox, Lyons and Snelling,

H.C.R. 314. (No. R424) House concurrent resolution congratulating the Mt. Mansfield Union High School Cougars 2012 Division I championship boys' basketball team.

Adopted; Adptd in con by the S.

By Representatives Till of Jericho, O'Brien of Richmond, Frank of Underhill, Ellis of Waterbury and Stevens of Waterbury,

By Senators Ashe, Baruth, Fox, Lyons and Snelling,

H.C.R. 315. (No. R425) House concurrent resolution congratulating the Mt. Mansfield Union High School Cougars 2012 Division I championship boys' Nordic skiing team.

Adopted; Adptd in con by the S.

By Representatives Till of Jericho, Frank of Underhill, O'Brien of Richmond, Ellis of Waterbury and Stevens of Waterbury,

By Senators Ashe, Baruth, Fox, Lyons and Snelling,

H.C.R. 316. (No. R426) House concurrent resolution congratulating the Mt. Mansfield Union High School Cougars 2012 Division I girls' alpine state championship team.

Adopted; Adptd in con by the S.

By Representatives French of Randolph, Townsend of Randolph, Canfield of Fair Haven, Dickinson of St. Albans Town, Helm of Fair Haven, Hooper of Montpelier, Jerman of Essex, Kitzmiller of Montpelier, Lawrence of Lyndon, Lippert of Hinesburg, Masland of Thetford and Woodward of Johnson,

H.C.R. 317. (No. R397) House concurrent resolution honoring the federal TRIO programs in Vermont.

Adopted; Adptd in con by the S.

By Representatives Bohi of Hartford, Andrews of Rutland City, Aswad of Burlington, Bissonnette of Winooski, Bouchard of Colchester, Brennan of Colchester, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Copeland-Hanzas of Bradford, Corcoran of Bennington, Courcelle of Rutland City, Dakin of Chester, Donahue of Northfield, Edwards of Brattleboro, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Haas of Rochester, Higley of Lowell, Howard of Cambridge, Hubert of Milton, Jerman of Essex, Krebs of South Hero, Lanpher of Vergennes, Lewis of Derby, Malcolm of Pawlet, Martin of Springfield, McCullough of Williston, Moran of Wardsboro, Munger of South Burlington, O'Sullivan of Burlington, Peaslee of Guildhall, Peltz of

Woodbury, Potter of Clarendon, Russell of Rutland City, Strong of Albany, Stuart of Brattleboro, Till of Jericho, Toll of Danville, Townsend of Randolph, Wilson of Manchester, Woodward of Johnson, Yantachka of Charlotte and Young of Glover,

By Senators Cummings, Flory, Hartwell, Kitchel, Mazza and Westman,

H.C.R. 318. (No. R398) House concurrent resolution congratulating Vermont Railway on its selection as the 2012 Shortline Railroad of the Year.

Adopted; Adptd in con by the S.

By Representatives Pugh of South Burlington, Jewett of Ripton, Frank of Underhill, Greshin of Warren, Howard of Cambridge, Krowinski of Burlington, McCullough of Williston, Pearson of Burlington, Ram of Burlington and Till of Jericho,

H.C.R. 319. (No. R410) House concurrent resolution congratulating the University of Vermont 2012 NCAA championship skiing team.

Adopted; Adptd in con by the S.

By Representatives O'Brien of Richmond, Bartholomew of Hartland, Conquest of Newbury, Deen of Westminster, Emmons of Springfield, Heath of Westford, Helm of Fair Haven, Howrigan of Fairfield, Keenan of St. Albans City, Lawrence of Lyndon, McCullough of Williston, Partridge of Windham, Stevens of Shoreham, Taylor of Barre City, Toll of Danville, Winters of Williamstown and Zagar of Barnard,

H.C.R. 320. (No. R411) House concurrent resolution in memory of former Representative Gloria Ann Conant of Richmond.

Adopted; Adptd in con by the S.

By Representatives Pugh of South Burlington, Fisher of Lincoln and Sharpe of Bristol,

By Senators Ayer and Giard,

H.C.R. 321. (No. R412) House concurrent resolution congratulating Julie Frost on winning the 2012 Golden Globe Award for Best Original song.

Adopted; Adptd in con by the S.

By Representatives Pugh of South Burlington, Head of South Burlington, Kupersmith of South Burlington and Munger of South Burlington,

H.C.R. 322. (No. R413) House concurrent resolution congratulating the 2012 South Burlington High School Rebels championship girls' indoor track and field team.

Adopted; Adptd in con by the S.

By Representatives Dickinson of St. Albans Town and Howrigan of Fairfield,

H.C.R. 323. (No. R414) House concurrent resolution honoring the St. Albans Town municipal public works department employees for their exemplary public service during the spring 2011 Lake Champlain flooding.

Adopted; Adptd in con by the S.

By Representative Klein of East Montpelier,

H.C.R. 324. (No. R427) House concurrent resolution congratulating Silas Chickering-Ayers of East Montpelier on winning his first Freeskiing World Tour victory at the North American Championships at Snowbird's Northwest Baldy in Utah.

Adopted; Adptd in con by the S.

By Representatives Moran of Wardsboro, Deen of Westminster, Mrowicki of Putney, Burke of Brattleboro, Edwards of Brattleboro, Hebert of Vernon, Manwaring of Wilmington, Marek of Newfane, Olsen of Jamaica, Partridge of Windham, Stuart of Brattleboro and Trieber of Rockingham,

By Senators White and Galbraith,

H.C.R. 325. (No. R505) House concurrent resolution in memory of Melinda Bussino.

Adopted; Adptd in con by the S.

By Representatives Jewett of Ripton, Nuovo of Middlebury and Ralston of Middlebury,

H.C.R. 326. (No. R428) House concurrent resolution congratulating the 2011–2012 Middlebury College skiing team on its outstanding season.

Adopted; Adptd in con by the S.

By Representatives Pugh of South Burlington, Donovan of Burlington, Atkins of Winooski, Frank of Underhill, Heath of Westford, Krowinski of Burlington, Lorber of Burlington, Pearce of Richford, Pearson of Burlington, Perley of Enosburgh and Ram of Burlington,

H.C.R. 327. (No. R429) House concurrent resolution congratulating the 2012 University of Vermont America East championship men's basketball team.

Adopted; Adptd in con by the S.

By Representatives Copeland-Hanzas of Bradford, Conquest of Newbury, Davis of Washington and Winters of Williamstown,

H.C.R. 328. (No. R430) House concurrent resolution congratulating the Oxbow Union High School Olympians 2012 Division III championship girls' basketball team.

Adopted; Adptd in con by the S.

By Representatives Fagan of Rutland City, Andrews of Rutland City, Burditt of West Rutland, Courcelle of Rutland City, McNeil of Rutland Town, Potter of Clarendon and Russell of Rutland City,

By Senators Carris, Flory and Mullin,

H.C.R. 329. (No. R431) House concurrent resolution honoring Diana Pfenning for her outstanding leadership of the Tapestry Program of Rutland County.

Adopted; Adptd in con by the S.

By Representatives Fagan of Rutland City, Andrews of Rutland City, Courcelle of Rutland City, McNeil of Rutland Town, Russell of Rutland City, Burditt of West Rutland, Eckhardt of Chittenden and Potter of Clarendon,

By Senators Carris, Flory and Mullin,

H.C.R. 330. (No. R432) House concurrent resolution congratulating the 2012 Mount St. Joseph Academy Mounties Division II championship boys' basketball team.

Adopted; Adptd in con by the S.

By Representatives Head of South Burlington, Kupersmith of South Burlington, Munger of South Burlington and Pugh of South Burlington,

H.C.R. 331. (No. R433) House concurrent resolution congratulating Kevin Wang on winning a 2012 Siemens Award for Advanced Placement excellence in science and mathematics.

Adopted; Adptd in con by the S.

By Representatives Bohi of Hartford, Christie of Hartford, Bartholomew of Hartland and Zagar of Barnard,

By Senators Campbell, McCormack and Nitka,

H.C.R. 332. (No. R434) House concurrent resolution congratulating the Hartford High School Hurricanes 2012 Division II championship girls' basketball team.

Adopted; Adptd in con by the S.

By All members of the House of Representatives,

By All members of the Senate,

H.C.R. 333. (No. R435) House concurrent resolution joyfully extending birthday wishes to the grande dame of Montpelier, Lola Aiken, who turns 100 on June 24, 2012.

Adopted; Adptd in con by the S.

By Representatives Woodward of Johnson, Martin of Wolcott, Peltz of Woodbury and Smith of Morristown,

By Senator Westman,

H.C.R. 334. (No. R436) House concurrent resolution recognizing Boseung Halliwell, PMHNP, for her efforts to improve the quality of health care delivery in Lamoille County.

Adopted; Adptd in con by the S.

By Representatives Potter of Clarendon, Burditt of West Rutland, Acinapura of Brandon, Andrews of Rutland City, Canfield of Fair Haven, Courcelle of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Helm of Fair Haven, Malcolm of Pawlet, McNeil of Rutland Town, Russell of Rutland City and Shaw of Pittsford,

H.C.R. 335. (No. R437) House concurrent resolution congratulating the 2012 Proctor High School Phantoms Division IV championship girls' basketball team.

Adopted; Adptd in con by the S.

By Representatives Pugh of South Burlington, Till of Jericho, Bissonnette of Winooski, Aswad of Burlington, Atkins of Winooski, Bouchard of Colchester, Brennan of Colchester, Donovan of Burlington, Head of South Burlington, Krowinski of Burlington, Kupersmith of South Burlington, Munger of South Burlington, O'Sullivan of Burlington, Pearson of Burlington, Ram of Burlington, Wizowaty of Burlington and Wright of Burlington,

H.C.R. 336. (No. R438) House concurrent resolution congratulating the Rice Memorial High School 2012 Division I championship girls' basketball team.

Adopted; Adptd in con by the S.

By Representatives Frank of Underhill, Campion of Bennington, McCullough of Williston, Mrowicki of Putney and Trieber of Rockingham,

H.C.R. 337. (No. R442) House concurrent resolution designating Wednesday, April 25, 2012, as National Walk@Lunch Day in Vermont.

Adopted; Adptd in con by the S.

By Representative Ancel of Calais,

H.C.R. 338. (No. R443) House concurrent resolution congratulating the Twinfield Union School 2012 Division IV championship boys' basketball team.

Adopted; Adptd in con by the S.

By Representatives French of Randolph and Townsend of Randolph,

H.C.R. 339. (No. R444) House concurrent resolution congratulating the 2011 Randolph Union High School Division III girls' cross country championship team.

Adopted; Adptd in con by the S.

By Representatives Deen of Westminster and Klein of East Montpelier,

By Senator Lyons,

H.C.R. 340. (No. R445) House concurrent resolution thanking the staff of the agency of natural resources, academic and scientific institutions, and

community members who contributed to the development of the new Bedrock Geologic Map of Vermont.

Adopted; Adptd in con by the S.

By Representatives Crawford of Burke, Reis of St. Johnsbury, South of St. Johnsbury, Larocque of Barnet, Lawrence of Lyndon, Peaslee of Guildhall and Toll of Danville,

By Senators Benning and Kitchel,

H.C.R. 341. (No. R446) House concurrent resolution congratulating the St. Johnsbury Academy Hilltoppers on winning the 2012 boys' indoor state track and field championship.

Adopted; Adptd in con by the S.

By Representatives Crawford of Burke, Reis of St. Johnsbury, South of St. Johnsbury, Larocque of Barnet, Lawrence of Lyndon, Peaslee of Guildhall and Toll of Danville,

By Senators Benning and Kitchel,

H.C.R. 342. (No. R447) House concurrent resolution congratulating Xiangru Chen on winning a 2012 Siemens Award for excellence in science and mathematics.

Adopted; Adptd in con by the S.

By Representatives Brennan of Colchester, Atkins of Winooski, Batchelor of Derby, Bissonnette of Winooski, Bohi of Hartford, Bouchard of Colchester, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Canfield of Fair Haven, Corcoran of Bennington, Courcelle of Rutland City, Deen of Westminster, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Edwards of Brattleboro, Evans of Essex, Fagan of Rutland City, Hebert of Vernon, Helm of Fair Haven, Hooper of Montpelier, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Kupersmith of South Burlington, Lanpher of Vergennes, Lawrence of Lyndon, Lenes of Shelburne, Lewis of Derby, Martin of Wolcott, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Munger of South Burlington, Myers of Essex, Peaslee of Guildhall, Perley of Enosburgh, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Turner of Milton, Waite-Simpson of Essex and Webb of Shelburne,

By Senator Westman,

H.C.R. 343. (No. R448) House concurrent resolution commemorating the 75th anniversary of the U.S. Fish and Wildlife Service's Wildlife & Sport Fish Restoration Program.

Adopted; Adptd in con by the S.

By Representatives Copeland-Hanzas of Bradford, Conquest of Newbury, Christie of Hartford, Davis of Washington and Winters of Williamstown,

H.C.R. 344. (No. R449) House concurrent resolution congratulating Oxbow Union High School athletes A. J. Gillis and William Heathman on their victories at the 2012 state indoor track and field championship.

Adopted; Adptd in con by the S.

By Representatives Campion of Bennington, Lippert of Hinesburg, Lorber of Burlington, Russell of Rutland City, Trieber of Rockingham and Wizowaty of Burlington,

H.C.R. 345. (No. R450) House concurrent resolution celebrating the 20th anniversary of the enactment of Act 135, Vermont's sexual orientation antidiscrimination law, and the vital role played in its passage by Representative Ron Squires, Vermont's first openly gay state legislator.

Adopted; Adptd in con by the S.

By Representatives Head of South Burlington, Andrews of Rutland City, Bouchard of Colchester, Moran of Wardsboro, O'Sullivan of Burlington, Savage of Swanton, Smith of New Haven and Stevens of Waterbury,

H.C.R. 346. (No. R451) House concurrent resolution welcoming the visiting military delegation from Macedonia and commemorating the continuing partnership between the state of Vermont and Macedonia.

Adopted; Adptd in con by the S.

By Representatives Keenan of St. Albans City, Degree of St. Albans City, Dickinson of St. Albans Town, Howrigan of Fairfield and Branagan of Georgia,

H.C.R. 347. (No. R452) House concurrent resolution congratulating the BFA-St. Albans Bobwhites 2012 Division I championship boys' ice hockey team.

Adopted; Adptd in con by the S.

By Representatives Stevens of Shoreham, Aswad of Burlington, Batchelor of Derby, Branagan of Georgia, Buxton of Tunbridge, Donovan of Burlington, Emmons of Springfield, Gilbert of Fairfax, Head of South Burlington, Hubert of Milton, Kilmartin of Newport City, Krowinski of Burlington, Kupersmith of South Burlington, Lenes of Shelburne, Lewis of Derby, Lorber of Burlington, Macaig of Williston, Manwaring of Wilmington, Marcotte of Coventry, Martin of Springfield, McCullough of Williston, Moran of Wardsboro, Munger of South Burlington, O'Sullivan of Burlington, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Pugh of South Burlington, Ram of Burlington, Taylor of Barre City, Turner of Milton, Wizowaty of Burlington, Wright of Burlington and Yantachka of Charlotte,

By Senators Illuzzi, Kittell and Snelling,

H.C.R. 348. (No. R453) House concurrent resolution congratulating the winning teams at the fifth annual Jr. Iron Chef VT cooking competition.

Adopted; Adptd in con by the S.

By Representatives Cheney of Norwich and Masland of Thetford,

H.C.R. 349. (No. R477) House concurrent resolution congratulating Christopher Gish on winning the 2012 Vermont Geographic Bee.

Adopted; Adptd in con by the S.

By Representatives Howrigan of Fairfield, Branagan of Georgia, Keenan of St. Albans City, Degree of St. Albans City, Dickinson of St. Albans Town, Gilbert of Fairfax, Perley of Enosburgh and Reis of St. Johnsbury,

H.C.R. 350. (No. R454) House concurrent resolution congratulating Patricia Howrigan Reynolds on being named the 2012 Vermont Mother of the Year.

Adopted; Adptd in con by the S.

By Representatives Taylor of Barre City, Buxton of Tunbridge, Clarkson of Woodstock, Devereux of Mount Holly, Hooper of Montpelier, Jerman of Essex, Kitzmiller of Montpelier, Lewis of Berlin, Marek of Newfane, Sharpe of Bristol and Stevens of Shoreham,

By Senators Campbell, Cummings, Doyle, McCormack, Nitka and Pollina,

H.C.R. 351. (No. R478) House concurrent resolution in memory of Vermont archivist, historian, and librarian Esther Munroe Swift.

Adopted; Adptd in con by the S.

By Representatives Townsend of Randolph, Acinapura of Brandon, Atkins of Winooski, Bissonnette of Winooski, Botzow of Pownal, Brennan of Colchester, Browning of Arlington, Consejo of Sheldon, Courcelle of Rutland City, Dakin of Chester, Deen of Westminster, Devereux of Mount Holly, Evans of Essex, Fagan of Rutland City, French of Randolph, Gilbert of Fairfax, Head of South Burlington, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Krebs of South Hero, Lewis of Derby, Macaig of Williston, Martin of Wolcott, McCullough of Williston, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Munger of South Burlington, O'Brien of Richmond, Pearce of Richford, Perley of Enosburgh, Potter of Clarendon, Pugh of South Burlington, Savage of Swanton, Shand of Weathersfield, Shaw of Pittsford, Stevens of Waterbury, Sweaney of Windsor, Till of Jericho, Trieber of Rockingham, Webb of Shelburne, Winters of Williamstown and Wizowaty of Burlington,

H.C.R. 352. (No. R455) House concurrent resolution honoring Louis D. Lertola of South Burlington for his outstanding work in securing increased local property tax exemptions for disabled veterans.

Adopted; Adptd in con by the S.

By Representatives Keenan of St. Albans City, Dakin of Chester, Donovan of Burlington, Fagan of Rutland City, Malcolm of Pawlet, O'Brien of Richmond, Spengler of Colchester, Ancel of Calais, Atkins of Winooski, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Browning of Arlington, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Condon of Colchester, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Crawford of Burke, Deen of Westminster, Donahue of Northfield, Ellis of Waterbury, Evans of Essex, Fisher of Lincoln, Frank of Underhill, French of Randolph, Head of South Burlington, Heath of Westford, Higley of Lowell, Hooper of Montpelier, Howrigan of Fairfield, Hubert of Milton, Jerman of Essex, Jewett of Ripton, Komline of Dorset, Krebs of South Hero, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Leriche of Hardwick, Lewis of Berlin, Lewis of Derby, Macaig of Williston, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town, Mook of Bennington, Moran of Wardsboro, Partridge of Windham, Pearce of Richford, Peltz of Woodbury, Perley of Enosburgh, Potter of Clarendon, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Shand of Weathersfield, Sharpe of Bristol, Strong of Albany, Stuart of Brattleboro, Till of Jericho, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne, Winters of Williamstown, Wizowaty of Burlington, Woodward of Johnson, Wright of Burlington, Yantachka of Charlotte and Zagar of Barnard,

By Senators Ayer, Kittell and Flory,

H.C.R. 353. (No. R461) House concurrent resolution designating May 6–12, 2012 as National Nurses Week in Vermont.

Adopted; Adptd in con by the S.

By Representatives Komline of Dorset, Olsen of Jamaica and Wilson of Manchester,

By Senators Sears and Hartwell,

H.C.R. 354. (No. R479) House concurrent resolution congratulating the Bromley Mountain Ski Resort and the Bromley Outing Club on celebrating their respective 75th and 60th anniversaries.

Adopted; Adptd in con by the S.

By Representatives Lenes of Shelburne, Webb of Shelburne, Lippert of Hinesburg, Macaig of Williston, McCullough of Williston and Yantachka of Charlotte,

By Senators Lyons and Snelling,

H.C.R. 355. (No. R462) House concurrent resolution congratulating the Champlain Valley Union High School Redhawks 2012 Division I championship girls' Nordic ski team.

Adopted; Adptd in con by the S.

By Representatives Russell of Rutland City, Andrews of Rutland City, Courcelle of Rutland City, Fagan of Rutland City and McNeil of Rutland Town,

By Senators Carris, Flory and Mullin,

H.C.R. 356. (No. R463) House concurrent resolution commemorating the 25th anniversary of the Rutland Open Door Mission at its Park Street location.

Adopted; Adptd in con by the S.

By Representatives Devereux of Mount Holly, French of Shrewsbury and Dickinson of St. Albans Town,

H.C.R. 357. (No. R464) House concurrent resolution in memory of Allyn Seward of East Wallingford.

Adopted; Adptd in con by the S.

By Representatives Ancel of Calais, Browning of Arlington, Buxton of Tunbridge, Christie of Hartford, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Copeland-Hanzas of Bradford, Dakin of Chester, Deen of Westminster, Dickinson of St. Albans Town, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Greshin of Warren, Head of South Burlington, Hooper of Montpelier, Jewett of Ripton, Johnson of South Hero, Kitzmiller of Montpelier, Klein of East Montpelier, Krowinski of Burlington, Kupersmith of South Burlington, Lorber of Burlington, Malcolm of Pawlet, Martin of Springfield, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, Peltz of Woodbury, Ralston of Middlebury, Ram of Burlington, Russell of Rutland City, Shand of Weathersfield, South of St. Johnsbury, Stevens of Waterbury, Strong of Albany, Taylor of Barre City, Till of Jericho, Trieber of Rockingham, Webb of Shelburne, Wilson of Manchester, Wizowaty of Burlington and Young of Glover,

H.C.R. 358. (No. R465) House concurrent resolution congratulating Circus Smirkus on its 25th anniversary.

Adopted; Adptd in con by the S.

By Representatives Martin of Springfield, Emmons of Springfield and Dakin of Chester,

H.C.R. 359. (No. R466) House concurrent resolution congratulating Marita Johnson on being named the Springfield Regional Chamber of Commerce's 23rd Annual Citizen of the Year.

Adopted; Adptd in con by the S.

By Representatives French of Randolph and Townsend of Randolph,

H.C.R. 360. (No. R467) House concurrent resolution honoring Brian Lowe for his volunteer ornithological protection activities.

Adopted; Adptd in con by the S.

By Representatives Clarkson of Woodstock, Bartholomew of Hartland and Zagar of Barnard,

By Senators Campbell, McCormack and Nitka,

H.C.R. 361. (No. R468) House concurrent resolution congratulating the Woodstock Union High School Wasps on winning their third consecutive Division II boys' Nordic skiing championship.

Adopted; Adptd in con by the S.

By Representatives French of Randolph, Townsend of Randolph, Ancel of Calais, Buxton of Tunbridge, Davis of Washington, Donahue of Northfield, Grad of Moretown, Haas of Rochester, Jewett of Ripton and Winters of Williamstown,

H.C.R. 362. (No. R469) House concurrent resolution honoring the educational and community leadership of Jerry Sullivan.

Adopted; Adptd in con by the S.

By Representatives Mook of Bennington, Botzow of Pownal, Campion of Bennington, Corcoran of Bennington and Miller of Shaftsbury,

By Senators Hartwell and Sears,

H.C.R. 363. (No. R480) House concurrent resolution congratulating Alfred L. Pinsonneault Jr. on 50 exemplary years of service with the Town of Bennington Rescue Squad, Inc.

Adopted; Adptd in con by the S.

By Representative Greshin of Warren,

H.C.R. 364. (No. R470) House concurrent resolution honoring Andreas Lehner for his outstanding administrative leadership in public education.

Adopted; Adptd in con by the S.

By Representatives Pugh of South Burlington, Head of South Burlington, Kupersmith of South Burlington and Munger of South Burlington,

H.C.R. 365. (No. R471) House concurrent resolution congratulating the South Burlington Dolphins on winning the 2011 Northern Vermont Youth Football League state championship.

Adopted; Adptd in con by the S.

By Representatives Grad of Moretown, Head of South Burlington, Donovan of Burlington, Fagan of Rutland City and Strong of Albany,

By Senator Mullin,

H.C.R. 366. (No. R472) House concurrent resolution designating April as the month of the military child in Vermont.

Adopted; Adptd in con by the S.

By Representative Toll of Danville,

By Senators Cummings, Doyle and Pollina,

H.C.R. 367. (No. R473) House concurrent resolution congratulating Blanche Lamore on her 100th birthday.

Adopted; Adptd in con by the S.

By Representatives Strong of Albany, Young of Glover, Acinapura of Brandon, Batchelor of Derby, Bouchard of Colchester, Branagan of Georgia, Christie of Hartford, Donaghy of Poultney, Fagan of Rutland City, Grad of Moretown, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Klein of East Montpelier, Lawrence of Lyndon, Leriche of Hardwick, Lewis of Derby, Marcotte of Coventry, Moran of Wardsboro, Potter of Clarendon and Toll of Danville,

H.C.R. 368. (No. R534) House concurrent resolution remembering the life of U.S. Army Major Jonathan Kirk Weaver.

Adopted; Adptd in con by the S.

By Representative Haas of Rochester,

H.C.R. 369. (No. R481) House concurrent resolution congratulating the Rochester School winners of the 2012 Vermont aviation art contest.

Adopted; Adptd in con by the S.

By Representatives Woodward of Johnson, Martin of Wolcott, Howard of Cambridge, Peltz of Woodbury, Scheuermann of Stowe and Smith of Morristown,

By Senator Westman,

H.C.R. 370. (No. R483) House concurrent resolution recognizing the efforts of Community Health Services of Lamoille Valley to create a seamless and more effective health care environment.

Adopted; Adptd in con by the S.

By Representative Botzow of Pownal,

By Senators Hartwell and Sears,

H.C.R. 371. (No. R484) House concurrent resolution in memory of Donald E. Prouty, Jr., of Pownal.

Adopted; Adptd in con by the S.

By Representatives Conquest of Newbury, Andrews of Rutland City, Bartholomew of Hartland, Christie of Hartford, Clarkson of Woodstock, Davis of Washington, Devereux of Mount Holly, Edwards of Brattleboro, French of Shrewsbury, Head of South Burlington, Koch of Barre Town, Krebs of South Hero, Masland of Thetford, McCullough of Williston, Munger of South Burlington, Nuovo of Middlebury, Stevens of Shoreham, Stuart of Brattleboro, Taylor of Barre City, Webb of Shelburne, Winters of Williamstown, Yantachka of Charlotte and Young of Glover,

H.C.R. 372. (No. R482) House concurrent resolution in memory of former Representative Susan Webb.

Adopted; Adptd in con by the S.

By Representatives Andrews of Rutland City, Acinapura of Brandon, Aswad of Burlington, Botzow of Pownal, Bouchard of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Courcelle of Rutland City, Dakin of Chester, Devereux of Mount Holly, Donaghy of Poultney, Eckhardt of Chittenden, Emmons of Springfield, Fagan of Rutland City, French of Shrewsbury, Hebert of Vernon, Helm of Fair Haven, Keenan of St. Albans City, Larocque of Barnet, Malcolm of Pawlet, Manwaring of Wilmington, McNeil of Rutland Town, Miller of Shaftsbury, Myers of Essex, Nuovo of Middlebury, Potter of Clarendon, Reis of St. Johnsbury, Russell of Rutland City, Shaw of Pittsford, Sweaney of Windsor, Till of Jericho and Wilson of Manchester,

By Senators Carris, Flory and Mullin,

H.C.R. 373. (No. R535) House concurrent resolution designating May 2012 as Vermont Osteoporosis Awareness Month.

Adopted; Adptd in con by the S.

By Representatives Morrissey of Bennington, Botzow of Pownal, Browning of Arlington, Campion of Bennington, Corcoran of Bennington, Komline of Dorset, Miller of Shaftsbury, Mook of Bennington and Wilson of Manchester,

By Senators Hartwell and Sears,

H.C.R. 374. (No. R485) House concurrent resolution commemorating the 40th anniversary of the Retired Senior Volunteer Program's establishment in Bennington County.

Adopted; Adptd in con by the S.

By Representatives Morrissey of Bennington, Campion of Bennington, Corcoran of Bennington and Mook of Bennington,

By Senators Hartwell and Sears,

H.C.R. 375. (No. R486) House concurrent resolution congratulating the H.W. Putnam Hose Company # 3 of the Bennington Fire Department on its 125th anniversary.

Adopted; Adptd in con by the S.

By Representative French of Randolph,

By Senator Brock,

H.C.R. 376. (No. R487) House concurrent resolution honoring Dr. William Pendlebury, cofounder of The Memory Center at Fletcher Allen Health Care.

Adopted; Adptd in con by the S.

By Representatives French of Randolph and Townsend of Randolph,

H.C.R. 377. (No. R488) House concurrent resolution honoring the Reverend Kathy Wonson Eddy for her community leadership and spiritual guidance at Bethany Church and in the town of Randolph.

Adopted; Adptd in con by the S.

By Representatives Taylor of Barre City, Koch of Barre Town, Lewis of Berlin, McFaun of Barre Town and Poirier of Barre City,

H.C.R. 378. (No. R489) House concurrent resolution congratulating the Pepin Granite Company, Inc. on its 50th anniversary.

Adopted; Adptd in con by the S.

By Representatives Klein of East Montpelier, Cheney of Norwich and Edwards of Brattleboro,

H.C.R. 379. (No. R490) House concurrent resolution congratulating Vermont Energy Investment Corporation on its 25th anniversary.

Adopted; Adptd in con by the S.

By Representatives Donovan of Burlington, Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Krowinski of Burlington, Lorber of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Pugh of South Burlington, Ram of Burlington, Wizowaty of Burlington and Wright of Burlington,

H.C.R. 380. (No. R491) House concurrent resolution honoring former Representative William Keogh on his retirement from the Burlington City Council and its presidency.

Adopted; Adptd in con by the S.

By Representative Young of Glover,

H.C.R. 381. (No. R492) House concurrent resolution recognizing the ecological importance and scenic beauty of the Lowell Mountain Range.

Adopted; Adptd in con by the S.

By Representative French of Randolph,

H.C.R. 382. (No. R506) House concurrent resolution in appreciation of Representative Ken Atkins of Winooski for offering M&M's® chocolate candies at roll call votes.

Adopted; Adptd in con by the S.

By Representatives Savage of Swanton, Branagan of Georgia, Consejo of Sheldon, Degree of St. Albans City, Dickinson of St. Albans Town, Gilbert of Fairfax, Howrigan of Fairfield, Johnson of South Hero, Keenan of St. Albans City, Krebs of South Hero, Lewis of Derby, McAllister of Highgate, Pearce of Richford and Perley of Enosburgh,

By Senators Brock and Kittell,

H.C.R. 383. (No. R493) House concurrent resolution honoring fish and game warden Sergeant Daniel Swainbank for his career accomplishments.

Adopted; Adptd in con by the S.

By Representatives Krowinski of Burlington, Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Courcelle of Rutland City, Donovan of Burlington, Lorber of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Ram of Burlington, Wizowaty of Burlington and Wright of Burlington,

H.C.R. 384. (No. R494) House concurrent resolution honoring Burlington Fletcher Free Library co-director Amber Collins.

Adopted; Adptd in con by the S.

By Representative Buxton of Tunbridge,

H.C.R. 385. (No. R495) House concurrent resolution honoring retiring Vermont Law School President, Dean, and Professor of Law Geoffrey B. Shields and his wife, Genie.

Adopted; Adptd in con by the S.

By Representative Mook of Bennington,

H.C.R. 386. (No. R496) House concurrent resolution honoring and extending best wishes on future endeavors to each of the 2012 retiring faculty members of the Southwest Vermont Supervisory Union.

Adopted; Adptd in con by the S.

By Representatives Peltz of Woodbury and Smith of Morristown,

H.C.R. 387. (No. R497) House concurrent resolution in memory of former Woodbury town clerk and moderator Morris P. Lilley.

Adopted; Adptd in con by the S.

By Representative Dakin of Chester,

H.C.R. 388. (No. R498) House concurrent resolution honoring librarian and Chester community leader Cynthia Collins.

Adopted; Adptd in con by the S.

By Representatives Campion of Bennington, Branagan of Georgia, Clark of Vergennes, Condon of Colchester, Corcoran of Bennington, Donovan of Burlington, Miller of Shaftsbury, Mook of Bennington, Peltz of Woodbury and Stuart of Brattleboro,

H.C.R. 389. (No. R499) House concurrent resolution in memory of St. Michael's college alumni Michael and Jill Casey.

Adopted; Adptd in con by the S.

By Representatives Clark of Vergennes and Lanpher of Vergennes,

H.C.R. 390. (No. R500) House concurrent resolution honoring the 5th grade civics education initiative at Ferrisburgh Central School.

Adopted; Adptd in con by the S.

By Representatives Turner of Milton and Hubert of Milton,

H.C.R. 391. (No. R507) House concurrent resolution congratulating Milton Drama on winning its third consecutive invitation to the New England Drama Festival.

Adopted; Adptd in con by the S.

By Representatives Ram of Burlington, Grad of Moretown, Head of South Burlington, Lippert of Hinesburg, Moran of Wardsboro, O'Sullivan of Burlington and Stevens of Shoreham,

H.C.R. 392. (No. R508) House concurrent resolution designating April 2012 as Fair Housing Month in Vermont.

Adopted; Adptd in con by the S.

By Representative Smith of New Haven,

By Senators Ayer and Giard,

H.C.R. 393. (No. R509) House concurrent resolution honoring Audrey and William Keyes of Bridport for their exemplary community spirit.

Adopted; Adptd in con by the S.

By Representative Smith of New Haven,

By Senators Ayer and Giard,

H.C.R. 394. (No. R510) House concurrent resolution honoring William Paine of New Haven for his civic accomplishments.

Adopted; Adptd in con by the S.

By Representatives Nuovo of Middlebury, Clark of Vergennes, Fisher of Lincoln, Jewett of Ripton, Lanpher of Vergennes, Ralston of Middlebury, Sharpe of Bristol, Smith of New Haven, Stevens of Shoreham and Lippert of Hinesburg,

By Senators Ayer and Giard,

H.C.R. 395. (No. R511) House concurrent resolution in memory of Addison County Sheriff James Coons.

Adopted; Adptd in con by the S.

By Representatives Morrissey of Bennington, Campion of Bennington, Corcoran of Bennington and Mook of Bennington,

By Senators Hartwell and Sears,

H.C.R. 396. (No. R512) House concurrent resolution honoring John R. Stone Jr. on his 55th firefighting anniversary and for his outstanding community service in Bennington.

Adopted; Adptd in con by the S.

By Representative Acinapura of Brandon,

H.C.R. 397. (No. R513) House concurrent resolution honoring Kerry Clifford for her devotion to teaching young children.

Adopted; Adptd in con by the S.

By Representatives Kilmartin of Newport City and Higley of Lowell,

By Senators Starr and Illuzzi,

H.C.R. 398. (No. R514) House concurrent resolution honoring Caroline and Hubert Daberer on their 90th birthdays and as the founders of Alpine Haven.

Adopted; Adptd in con by the S.

By Representatives Martin of Springfield, Dakin of Chester and Emmons of Springfield,

By Senators Campbell, McCormack and Nitka,

H.C.R. 399. (No. R515) House concurrent resolution commemorating the 85th anniversary of the landing in Springfield of Col. Charles A. Lindbergh in the Spirit of St. Louis.

Adopted; Adptd in con by the S.

By Representatives Russell of Rutland City, Andrews of Rutland City, Courcelle of Rutland City and Fagan of Rutland City,

By Senators Carris, Flory and Mullin,

H.C.R. 400. (No. R516) House concurrent resolution congratulating the Rutland Free Library on its 125th anniversary.

Adopted; Adptd in con by the S.

By Representatives Russell of Rutland City, Andrews of Rutland City, Courcelle of Rutland City, Fagan of Rutland City and Shaw of Pittsford,

By Senators Carris, Flory and Mullin,

H.C.R. 401. (No. R517) House concurrent resolution congratulating Scott Santamore of Rutland on being named the 2012 Boys & Girls Clubs of America Vermont Youth of the Year.

Adopted; Adptd in con by the S.

By Representatives Pearson of Burlington, Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Donovan of Burlington, Krowinski of Burlington, Lorber of Burlington, O'Sullivan of Burlington, Ram of Burlington, Wizowaty of Burlington and Wright of Burlington,

By Senators Ashe, Baruth, Fox, Lyons, Miller and Snelling,

H.C.R. 402. (No. R518) House concurrent resolution congratulating the city of Burlington on being named a 2012 Tree City U.S.A.

Adopted; Adptd in con by the S.

By Representative Deen of Westminster,

H.C.R. 403. (No. R519) House concurrent resolution honoring Nathaniel Tripp as an outstanding protector of the Connecticut River and its watershed.

Adopted; Adptd in con by the S.

By Representatives Olsen of Jamaica, Dakin of Chester, Emmons of Springfield, Howrigan of Fairfield, Keenan of St. Albans City and Koch of Barre Town,

By Senators Galbraith, Westman and White,

H.C.R. 404. (No. R520) House concurrent resolution honoring former Representative Michael Bernhardt for his record of outstanding public service to Vermont.

Adopted; Adptd in con by the S.

By Representative Olsen of Jamaica,

By Senators Campbell, Doyle, Galbraith, McCormack, Nitka and White,

H.C.R. 405. (No. R521) House concurrent resolution honoring former Londonderry town clerk and treasurer James Twitchell for his outstanding civic and community service.

Adopted; Adptd in con by the S.

By Representatives Canfield of Fair Haven and Helm of Fair Haven,

H.C.R. 406. (No. R522) House concurrent resolution honoring Walter Mandel as an outstanding community leader.

Adopted; Adptd in con by the S.

By the Committee on Agriculture,

H.C.R. 407. (No. R523) House concurrent resolution in memory of Anne O. Burke.

Adopted; Adptd in con by the S.

By All members of the House of Representatives,

H.C.R. 408. (No. R524) House concurrent resolution honoring Thomas Cheney for his stellar service as aide to the speaker of the house of representatives.

Adopted; Adptd in con by the S.

By Representatives Shand of Weathersfield, Martin of Springfield, Ancel of Calais, Dakin of Chester, Emmons of Springfield, Koch of Barre Town, Krowinski of Burlington, McAllister of Highgate and Mrowicki of Putney,

By Senators Campbell, McCormack and Nitka,

H.C.R. 409. (No. R525) House concurrent resolution in memory of Edith Hunter of Weathersfield.

Adopted; Adptd in con by the S.

By Representatives Pugh of South Burlington, Botzow of Pownal, Burditt of West Rutland, Buxton of Tunbridge, Campion of Bennington, Donahue of Northfield, Frank of Underhill, French of Shrewsbury, Haas of Rochester, Head of South Burlington, Keenan of St. Albans City, Kitzmiller of Montpelier, Krowinski of Burlington, Kupersmith of South Burlington, Ralston of Middlebury, Russell of Rutland City, Trieber of Rockingham and Young of Glover,

H.C.R. 410. (No. R526) House concurrent resolution congratulating the Vermont Business Roundtable on its 25th anniversary.

Adopted; Adptd in con by the S.

By Representatives Clark of Vergennes, Fisher of Lincoln, Sharpe of Bristol and Smith of New Haven,

By Senators Ayer and Giard,

H.C.R. 411. (No. R527) House concurrent resolution honoring Evelyn T. Howard on the conclusion of her tenure as superintendent of the Addison Northeast Supervisory Union.

Adopted; Adptd in con by the S.

By Representatives Young of Glover and Strong of Albany,

H.C.R. 412. (No. R528) House concurrent resolution congratulating Craftsbury Academy boys' basketball coach Terrence Kelleher on being named the Vermont Basketball Coaches Association 2011–2012 Division IV coach of the year.

Adopted; Adptd in con by the S.

By All members of the House of Representatives,

H.C.R. 3000. (No. R529) House concurrent resolution honoring Marlene Velander for her dedicated public service in the house clerk's office.

Adopted; Adptd in con by the S.

JOINT HOUSE RESOLUTION S

By Representatives Koch of Barre Town, Lawrence of Lyndon, Conquest of Newbury, Crawford of Burke, Marcotte of Coventry, Smith of New Haven and Turner of Milton,

J.R.H. 20. (No. R285) Joint resolution authorizing 2012 Green Mountain Boys' State to conduct a civic education program at the State House.

Rd 1st t and pl on cal for act purs to Rule 52, 44; Adptd in Concurrence, 53; Adptd in con by the S.

By Representatives Ram of Burlington, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Courcelle of Rutland City, Dakin of Chester, Ellis of Waterbury, Evans of Essex, French of Randolph, Heath of Westford, Johnson of South Hero, Keenan of St. Albans City, Kupersmith of South Burlington, Lenes of Shelburne, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Wolcott, Miller of Shaftsbury, Mook of Bennington, Mrowicki of Putney, O'Brien of Richmond, O'Sullivan of Burlington, South of St. Johnsbury, Till of Jericho, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne and Yantachka of Charlotte,

J.R.H. 21. (No. R286) Joint resolution supporting the establishment of the National Women's History Museum in Washington, D.C.

Rd 1st t and pl on cal for act purs to Rule 52, 55; Adopted, 74; Adptd in con by the S.

By Representatives Canfield of Fair Haven, Acinapura of Brandon, Andrews of Rutland City, Batchelor of Derby, Bissonnette of Winooski, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Consejo of Sheldon, Courcelle of Rutland City, Crawford of Burke, Dakin of Chester, Degree of St. Albans City, Devereux of Mount Holly, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Eckhardt of Chittenden, Edwards of Brattleboro, Evans of Essex, Fagan of Rutland City, French of Shrewsbury, French of Randolph, Grad of Moretown, Head of South Burlington, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Jerman of Essex, Johnson of South Hero, Keenan of St. Albans City, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Larocque of Barnet, Lawrence of Lyndon, Leriche of Hardwick, Lewis of Berlin, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Wolcott, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Moran of Wardsboro, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, Olsen of Jamaica, Pearce of Richford, Perley of Enosburgh, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Smith of New Haven, South of St. Johnsbury, Stevens of Shoreham, Strong of Albany, Till of Jericho, Toll of Danville, Turner of Milton, Waite-Simpson of Essex, Webb of Shelburne and Yantachka of Charlotte,

J.R.H. 22. (No. R440) Joint resolution urging each university and college in Vermont to establish offices to assist students who are United States military veterans.

Rd and Adopted, 110; Adptd in con by the S.

By Representatives Davis of Washington, Pearson of Burlington, Burke of Brattleboro, Edwards of Brattleboro, Fisher of Lincoln, Haas of Rochester, Lippert of Hinesburg, Masland of Thetford, McCullough of Williston, Moran of Wardsboro, Mrowicki of Putney, Poirier of Barre City, Sharpe of Bristol, Wizowaty of Burlington and Woodward of Johnson,

J.R.H. 23. Joint resolution expressing deep concern over the growing inequality in wealth and income in Vermont.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 204.

By All members of the House of Representatives,

J.R.H. 24. (No. R367) Joint resolution strongly supporting continuing and enhancing the mutually beneficial bilateral economic and trade relationship between the state of Vermont and Canada.

Rd and Adopted, 377; Adptd in con by the S.

By Representatives Sharpe of Bristol, Ancel of Calais, Atkins of Winooski, Bartholomew of Hartland, Bissonnette of Winooski, Botzow of Pownal, Burke of Brattleboro, Christie of Hartford, Clarkson of Woodstock, Davis of Washington, Donovan of Burlington, Edwards of Brattleboro, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, Gilbert of Fairfax, Head of South Burlington, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Kitzmiller of Montpelier, Klein of East Montpelier, Kupersmith of South Burlington, Leriche of Hardwick, Manwaring of Wilmington, Marek of Newfane, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Partridge of Windham, Ram of Burlington, Russell of Rutland City, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Young of Glover and Zagar of Barnard,

J.R.H. 25. Joint resolution relating to a federal constitutional amendment declaring that monetary contributions are not speech and are restricted to natural persons and not corporations, and that Congress and the states may enact laws regulating monetary political contributions.

Rd 1st t, treated as a bill and ref to C on G O, 432.

By Representatives Atkins of Winooski, Acinapura of Brandon, Aswad of Burlington, Bartholomew of Hartland, Bissonnette of Winooski, Botzow of Pownal, Bouchard of Colchester, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Christie of Hartford, Clark of Vergennes, Conquest of Newbury, Consejo of Sheldon, Courcelle of Rutland City, Deen of Westminster, Degree of St. Albans City, Devereux of Mount Holly, Donaghy of Poultney, Eckhardt of Chittenden, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Greshin of Warren, Head of South Burlington, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Jerman of Essex, Krebs of South Hero, Lanpher of Vergennes, Larocque of Barnet, Lenes of Shelburne, Lewis of Derby, Macaig of Williston, Martin of Wolcott, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Munger of South Burlington, O'Brien of Richmond, Partridge of Windham, Pearce of Richford, Peltz of Woodbury, Pugh of South Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Stevens of Waterbury, Strong of

Albany, Stuart of Brattleboro, Sweaney of Windsor, Till of Jericho, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Winters of Williamstown, Yantachka of Charlotte and Zagar of Barnard,

J.R.H. 26. Joint resolution encouraging the Vermont fish and wildlife board to consider opening additional rivers and streams to year-round fishing.

Rd 1st t, treated as a bill and ref to C on Fish, Wildlife & Water Resources, 477.

By Representatives Moran of Wardsboro and Davis of Washington,

J.R.H. 27. Joint resolution supporting the Vermont State Hospital employees.

Rd 1st t, treated as a bill and ref to C on G O, 479; Rd 2nd Time, 613; 3rd rdg Ordered, 613; Rd 3rd t and Passed, 623. In Senate.

By Representatives Leriche of Hardwick and Marcotte of Coventry,

J.R.H. 28. Joint resolution congratulating the Republic of China (Taiwan), President Ma Ying-jeou, and the 23 million Taiwanese people on their successful 2012 democratic elections and urging support for Taiwan's participation in various international organizations.

Rd 1st t and pl on cal for act purs to Rule 52, 504; Adopted, 546. In Senate.

By Representatives Taylor of Barre City, Ancel of Calais, Bartholomew of Hartland, Batchelor of Derby, Bissonnette of Winooski, Branagan of Georgia, Browning of Arlington, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Dakin of Chester, Davis of Washington, Donovan of Burlington, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Frank of Underhill, French of Shrewsbury, Grad of Moretown, Haas of Rochester, Head of South Burlington, Hooper of Montpelier, Jerman of Essex, Kitzmiller of Montpelier, Klein of East Montpelier, Komline of Dorset, Krebs of South Hero, Lanpher of Vergennes, Lawrence of Lyndon, Lenes of Shelburne, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marek of Newfane, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, McCullough of Williston, McNeil of Rutland Town, Miller of Shaftsbury, Mook of Bennington, Munger of South Burlington, Myers of Essex, O'Brien of Richmond, O'Sullivan of Burlington, Partridge of Windham, Pearson of Burlington, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ralston of Middlebury, Ram of Burlington, Russell of Rutland City, Scheuermann of Stowe, Shand of Weathersfield, Shaw of Pittsford, Stevens of Waterbury, Stevens of Shoreham, Stuart of Brattleboro, Sweaney of Windsor, Till of Jericho, Toll of Danville, Waite-Simpson of

Essex, Webb of Shelburne, Wizowaty of Burlington, Yantachka of Charlotte and Zagar of Barnard,

J.R.H. 29. (No. R399) Joint resolution commemorating Women's History Month, the publication of the sixth edition of The Legal Rights of Women in Vermont, and reaffirming continuing support for equal rights for women.

Rd 1st t and pl on cal for act purs to Rule 52, 506; Adopted, 546; Adptd in con by the S.

By Representative Acinapura of Brandon,

J.R.H. 30. (No. R400) Joint resolution authorizing 2012 Green Mountain Girls' State to conduct a civic education program at the State House.

Rd 1st t and pl on cal for act purs to Rule 52, 615; Adopted, 630; Adptd in con by the S.

By Representatives Canfield of Fair Haven, Acinapura of Brandon, Andrews of Rutland City, Atkins of Winooski, Batchelor of Derby, Bissonnette of Winooski, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Consejo of Sheldon, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Crawford of Burke, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Eckhardt of Chittenden, Edwards of Brattleboro, Ellis of Waterbury, Evans of Essex, Fagan of Rutland City, French of Shrewsbury, Haas of Rochester, Head of South Burlington, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Howrigan of Fairfield, Hubert of Milton, Jerman of Essex, Johnson of Canaan, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Larocque of Barnet, Lawrence of Lyndon, Leriche of Hardwick, Lewis of Berlin, Lewis of Derby, Macaig of Williston, Malcolm of Pawlet, Marcotte of Coventry, McFaun of Barre Town, McNeil of Rutland Town, Moran of Wardsboro, Myers of Essex, Pearce of Richford, Peltz of Woodbury, Perley of Enosburgh, Poirier of Barre City, Potter of Clarendon, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Stevens of Shoreham, Strong of Albany, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Turner of Milton, Winters of Williamstown, Wright of Burlington and Yantachka of Charlotte,

J.R.H. 31. (No. R401) Joint resolution urging Congress to designate March 29 as Vietnam Veterans Day.

Rd 1st t and pl on cal for act purs to Rule 52, 616; Adopted, 631; Adptd in con by the S.

By Representatives Donahue of Northfield, Acinapura of Brandon, Andrews of Rutland City, Batchelor of Derby, Bohi of Hartford, Botzow of Pownal, Branagan of Georgia, Browning of Arlington, Clark of Vergennes, Consejo of Sheldon, Copeland-Hanzas of Bradford, Deen of Westminster, Donaghy of Poultney, Edwards of Brattleboro, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, French of Randolph, Grad of Moretown,

Greshin of Warren, Hooper of Montpelier, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Koch of Barre Town, Krowinski of Burlington, Leriche of Hardwick, Lewis of Derby, Lippert of Hinesburg, Macaig of Williston, Manwaring of Wilmington, McCullough of Williston, McFaun of Barre Town, Mrowicki of Putney, Munger of South Burlington, Poirier of Barre City, Pugh of South Burlington, Ram of Burlington, Spengler of Colchester, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Till of Jericho, Trieber of Rockingham and Wizowaty of Burlington,

J.R.H. 32. Joint resolution criticizing the March Reader's Digest article "Are You Normal or Nuts?"

Rd 1st t, treated as a bill and ref to C on General, Housing and Military Affairs, 757.

By Representative Toll of Danville,

J.R.H. 33. (No. R532) Joint resolution authorizing the state of Vermont to accept a reprint of an engraving of Thaddeus Stevens for the state house art collection.

Rd and Adopted, 782; Adptd in con by the S.

By Representatives Scheuermann of Stowe, Andrews of Rutland City, Batchelor of Derby, Botzow of Pownal, Branagan of Georgia, Browning of Arlington, Burditt of West Rutland, Buxton of Tunbridge, Christie of Hartford, Clarkson of Woodstock, Crawford of Burke, Degree of St. Albans City, Dickinson of St. Albans Town, Donovan of Burlington, Eckhardt of Chittenden, Gilbert of Fairfax, Hooper of Montpelier, Johnson of Canaan, Kupersmith of South Burlington, Lewis of Berlin, Marcotte of Coventry, Martin of Wolcott, McAllister of Highgate, Olsen of Jamaica, Peaslee of Guildhall, Peltz of Woodbury, Pugh of South Burlington, Ralston of Middlebury, Savage of Swanton, Shaw of Pittsford, Smith of New Haven, Stuart of Brattleboro, Sweaney of Windsor, Toll of Danville, Turner of Milton, Winters of Williamstown, Wright of Burlington and Young of Glover,

J.R.H. 34. Joint resolution urging the Federal Highway Administration to reconsider the breadth and applicability of the road sign requirements.

Rd 1st t, treated as a bill and ref to C on Trans, 901.

By Representatives Moran of Wardsboro and Davis of Washington,

J.R.H. 35. Joint resolution in support of striking teachers in the Rutland Southwest Supervisory Union.

Rd 1st t, treated as a bill and ref to C on Edu, 904.

By Representative Olsen of Jamaica,

J.R.H. 36. Joint resolution relating to the implementation of 30 V.S.A. § 20(b)(15).

Rd 1st t, treated as a bill and ref to C on G O, 1060.

By Representatives Cheney of Norwich, Botzow of Pownal, Canfield of Fair Haven, Klein of East Montpelier, Kupersmith of South Burlington, Leriche of Hardwick, Marcotte of Coventry, Ralston of Middlebury, Ancel of Calais, Andrews of Rutland City, Bartholomew of Hartland, Batchelor of Derby, Bissonnette of Winooski, Bohi of Hartford, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Dakin of Chester, Deen of Westminster, Devereux of Mount Holly, Donovan of Burlington, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Frank of Underhill, French of Shrewsbury, French of Randolph, Grad of Moretown, Head of South Burlington, Heath of Westford, Hebert of Vernon, Hooper of Montpelier, Jerman of Essex, Jewett of Ripton, Keenan of St. Albans City, Kitzmiller of Montpelier, Krowinski of Burlington, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Lewis of Derby, Lorber of Burlington, Malcolm of Pawlet, Manwaring of Wilmington, Marek of Newfane, Martin of Wolcott, McAllister of Highgate, McCullough of Williston, McNeil of Rutland Town, Mook of Bennington, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, Peltz of Woodbury, Potter of Clarendon, Pugh of South Burlington, Ram of Burlington, Russell of Rutland City, Shand of Weathersfield, Sharpe of Bristol, South of St. Johnsbury, Strong of Albany, Stuart of Brattleboro, Taylor of Barre City, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Zagar of Barnard,

J.R.H. 37. Joint resolution expressing the General Assembly's expectation that the full range of concerns and issues raised by the general public regarding the merger of Central Vermont Public Service Corporation and Green Mountain Power Corporation will be given full consideration, and that the final agreement must be in the best interests of the ratepayers and people of the State of Vermont.

Rd 1st t and pl on cal for act purs to Rule 52, 1228; Act postp to next legislative day as moved by Rep. Canfield of Fair Haven, 1319; Adopted, 1413; R C Yeas = 99, Nays = 43, 1413. In Senate.

By the Committee on Human Services,

J.R.H. 38. (No. R504) Joint resolution expressing concern over the Reader's Digest portrayal of mental illness.

Rd and Adopted, 1935; Adptd in con by the S.

By Representatives Christie of Hartford, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Buxton of Tunbridge, Cheney of Norwich, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Courcelle of Rutland City, Donovan of Burlington, Fagan of Rutland City, Frank of

Underhill, French of Shrewsbury, Jerman of Essex, Jewett of Ripton, Komline of Dorset, Martin of Springfield, Martin of Wolcott, McNeil of Rutland Town, Poirier of Barre City, Ralston of Middlebury, Russell of Rutland City, Savage of Swanton, Shand of Weathersfield, Stuart of Brattleboro, Till of Jericho, Webb of Shelburne, Yantachka of Charlotte and Zagar of Barnard,

J.R.H. 39. Joint resolution requesting major lending institutions to appoint a single ombudsman to work with victims of the spring 2011 flood and Tropical Storm Irene.

Adopted by House, 2033. In Senate.

HOUSE RESOLUTIONS

By Representatives French of Shrewsbury, Davis of Washington, Ancel of Calais, Andrews of Rutland City, Bartholomew of Hartland, Bohi of Hartford, Burditt of West Rutland, Christie of Hartford, Conquest of Newbury, Courcelle of Rutland City, Dakin of Chester, Deen of Westminster, Edwards of Brattleboro, Ellis of Waterbury, Frank of Underhill, Gilbert of Fairfax, Greshin of Warren, Haas of Rochester, Howard of Cambridge, Howrigan of Fairfield, Jerman of Essex, Keenan of St. Albans City, Kitzmiller of Montpelier, Klein of East Montpelier, Lanpher of Vergennes, Lenes of Shelburne, Leriche of Hardwick, Lewis of Berlin, Macaig of Williston, Martin of Springfield, McCullough of Williston, McFaun of Barre Town, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Munger of South Burlington, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Potter of Clarendon, Shand of Weathersfield, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Till of Jericho, Toll of Danville, Waite-Simpson of Essex, Webb of Shelburne, Wizowaty of Burlington, Yantachka of Charlotte and Young of Glover,

H.R. 13. House resolution declaring the inalienable right of all Vermonters to save and grow seeds.

Act postp to next legislative day as moved by Rep. Conquest of Newbury, 115; Rep. Rep. Kilmartin of Newport City rep/d for the C on Agri, 125; Amend of C on Agri agrd to, 126; Adopted, 126.

By Representative Klein of East Montpelier,

H.R. 15. House resolution urging Vermonters to respect personal privacy in the dissemination of information heard on a public safety scanning receiver.

Rd and Adopted, 193.

By Representatives Pugh of South Burlington, Haas of Rochester, Bartholomew of Hartland, Bohi of Hartford, Botzow of Pownal, Burke of Brattleboro, Buxton of Tunbridge, Champion of Bennington, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Corcoran of Bennington, Courcelle of Rutland City, Dakin of Chester, Davis of Washington, Deen of Westminster, Donovan of

Burlington, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Head of South Burlington, Jerman of Essex, Jewett of Ripton, Kitzmiller of Montpelier, Klein of East Montpelier, Kupersmith of South Burlington, Lanpher of Vergennes, Lenes of Shelburne, Leriche of Hardwick, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Springfield, Masland of Thetford, McCullough of Williston, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Ralston of Middlebury, Ram of Burlington, Russell of Rutland City, Shand of Weathersfield, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Till of Jericho, Trieber of Rockingham, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Wizowaty of Burlington, Yantachka of Charlotte and Young of Glover,

H.R. 16. House resolution commemorating the 39th anniversary of Roe v Wade and reaffirming support for its fundamental holding and principles.

R C Yeas = 105, Nays = 29, 221; Rd and Adopted, 221.

By Representatives Leriche of Hardwick and Marcotte of Coventry,

H.R. 17. House resolution congratulating the Republic of China (Taiwan), President Ma Ying-jeou, and the 23 million Taiwanese people on their successful 2012 democratic elections and urging support for Taiwan's participation in various international organizations.

Rd and Adopted, 864.

By Representatives Davis of Washington and Moran of Wardsboro,

H.R. 18. House resolution in support of the restoration of collective bargaining rights in Wisconsin.

Rd 1st t, and ref to C on General, Housing and Military Affairs, 1061.

By Representatives Batchelor of Derby, Strong of Albany, Acinapura of Brandon, Bouchard of Colchester, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Donaghy of Poultney, Donahue of Northfield, Fagan of Rutland City, Hebert of Vernon, Higley of Lowell, Hubert of Milton, Kilmartin of Newport City, Larocque of Barnet, Marcotte of Coventry, McNeil of Rutland Town, Morrissey of Bennington, Pearce of Richford, Perley of Enosburgh, Reis of St. Johnsbury, Savage of Swanton, Shaw of Pittsford and Winters of Williamstown,

H.R. 19. House resolution relating to the Green Mountain Care board and the definition of family planning.

Rd 1st t, and ref to C on H C, 1225.

By the Committee on Fish, Wildlife & Water Resources,

H.R. 20. House resolution encouraging the Vermont fish and wildlife board to amend the state administrative rules pertaining to fishing in order to authorize additional year-round fishing opportunities and the transporting of baitfish under designated circumstances.

Rd 1st t and pl on cal for act purs to Rule 52, 1227; Rd and Adopted, 1319.

By the Committee on Human Services,

H.R. 21. House resolution urging the U.S. Department of Health and Human Services to reconsider its lifetime deferral on blood donation from men who have sex with other men.

Pl on cal for Action on 4/27/2012, 1409; Act postp until 5.1.2012 as moved by Rep. Donahue of Northfield, 1729; Adopted, 1874; R C Yeas = 129, Nays = 2, 1874.

By Representatives Poirier of Barre City, Komline of Dorset, Pearson of Burlington and Browning of Arlington,

H.R. 22. House resolution urging the Vermont public service board to ensure that rates charged by a regulated utility shall not include the return to shareholders of or a return to shareholders on any costs incurred in satisfying a financial obligation to ratepayers arising from any imprudent management decisions of the utility which resulted in the imposition by the public service board of a mechanism to protect against the unjust enrichment of shareholders at the expense of ratepayers.

Rd 1st t and ref to C on Comm and Economic Development, 2052.

SENATE BILLS

By Senator Lyons,

S. 28. An act relating to the permit process for protecting the environment.

Rd 1st t and ref to the C on N R & E, 985.

By Senators Sears, Benning and Hartwell,

S. 37. (No. 0131) An act relating to expungement and sealing of criminal history records.

C of C rep/d agrd to, 1073; Sen msg, C of C report adopted. Signed by Gov on 5/11/12.

By Senator Sears,

S. 89. (No. 0132) An act relating to organ and tissue donation and Medicaid for Working Persons with Disabilities.

Rd 1st t and ref to the C on H S, 854; Rd 2nd Time, 1128; Rep. Rep. French of Randolph rep/d for the C on H S, 1128; Pro of amend of the C on H S agrd to, 1131; 3rd rdg Ordered, 1131; Rd 3rd t and pass in con w pro of Amendment, 1208; Sen msg. Hse prop conc in. Signed by Gov 5/11/12.

By the Committee on Education,

S. 92. (No. 0068) An act relating to the protection of students' health by requiring the use of safe cleaning products in schools.

Act postp to next leg day, 6; Rep. Buxton of Tunbridge moved to amend the bill which was agrd to, 10. Sen msg, Sen conc with Hse prop of amend; Signed by Gov 1/24/12.

By the Committee on Agriculture,

S. 93. An act relating to labeling maple products.

Rd 1st t and ref to the C on Agri, 781; Ref to C on Appr per Rule 35(a), 1731; Rd 2nd Time, 1829; Rep. McAllister of Highgate rep/d for the C on Agri, 1829; Pro of amend of the C on Agri agrd to, 1844; Rep. Toll of Danville, recommended for the C on Appr, 1844; Rep/d of C on Appr agrd to., 1844; Rd 3rd t and pass in con w pro of Amendment, 1844.

By the Committee on Economic Development, Housing and General Affairs,

S. 95. (No. 0154) An act relating to employment decisions based on credit information, allowing school employees to be paid wages over the course of a year, and union organizing.

Cmtd to C on General, Housing and Military Affairs by mo of Rep. Turner of Milton, 9; Rd 2nd Time, 1655; Rep. Rep. Moran of Wardsboro rep/d for the C on General, Housing and Military Affairs, 1655; Amend as offd by Rep. Donahue of Northfield wrdn, 1659; Rep. Wilson of Manchester, Greshin of Warren, and Olsen of Jamaica moved to amend the bill, 1660; Amend as offd by Rep. Wilson of Manchester wrdn, 1660; Rep. Olsen of Jamaica asked that the qstn be divid, 1660; Amend as offd by Rep. Head of South Burlington agrd to, 1661; Rep. Fagan of Rutland City moved to commit the bill to the C on General, Housing and Military Affairs which was disaagr to, 1661; R C Yeas = 24, Nays = 100, 1661; Rep. Pugh of South Burlington moved to amend the recom of amend offd by Rep. Head of South Burlington, 1663; Amend as offd by Rep. Pugh of South Burlington wrdn, 1663; Amend as offd by Rep. Olsen of Jamaica disaagr to, 1663; Rep. Lewis of Derby moved to postp act until 4/30/12 which was disaagr to, 1672; 1st instnc of amend agrd to, 1672; R C Yeas = 80, Nays = 35, 1672; 2nd instnc of amend agrd to, 1674; R C Yeas = 94, Nays = 19, 1674; Pro of amend of the C on General, Housing and Military Affairs agrd to, 1676; 3rd rdg Ordered, 1676; Amend as offd by Rep. Wilson of Manchester agrd to, 1767; Rep. Dickinson of St. Albans Town and Greshin of Warren moved to amend the H pro of amend which was agrd to, 1768; Amend as offd by Rep. Olsen of Jamaica disaagr to, 1769; Amend as offd by Rep. Olsen of Jamaica disaagr to, 1769; R C Yeas = 50, Nays = 83, 1769; Amend as offd by Rep. Edwards of Brattleboro agrd to, 1771; Rep. Olsen of Jamaica moved to commit the bill to the C on General, Housing and Military Affairs which was disaagr to, 1771; Rd 3rd t and pass in con w pro of Amendment, 1771; Sen msg, Hse prop conc in. Signed by Gov 5/17/12.

By the Committee on Economic Development, Housing and General Affairs,

S. 98. An act relating to authorizing owner-financed property sales.

Cmtd to C on Comm and Economic Development by mo of Rep. Turner of Milton, 10.

By the Committee on Agriculture,

S. 99. (No. 0137) An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing.

Rd 1st t and ref to the C on Gen, Housing and Mil Affairs, 1086; Rd 2nd Time, 1679; Rep. Stevens of Waterbury rep/d for the C on Gen, Housing and Mil Affairs, 1679; Pro of amend of the C on Gen, Housing and Mil Affairs agrd to, 1699; 3rd rdg Ordered, 1699; Rd 3rd t and pass in con w pro of Amend, 1767; S pro of amend con in w further amend, as offd by Rep. Stevens of Waterbury, 2255. Sen msg, Sen conc in Hse prop. Signed by Gov 5/14/12.

By Senator White,

S. 106. (No. 0155) An act relating to miscellaneous changes to municipal government law, to internal financial controls, to the management of search and rescue operations, and to emergency medical services

Rd 1st t and ref to the C on G O, 756; Rd 2nd Time, 1013; Rep. Rep. Higley of Lowell rep/d for the C on G O, 1013; Pro of amend of the C on G O agrd to, 1027; 3rd rdg Ordered, 1027; Amend as offd by Rep. Lippert of Hinesburg agrd to, 1048; Rd 3rd t and pass in con w pro of Amendment, 1048; S pro of amend con in w further amend thereto, as offd by Rep. Jewett of Ripton, Atkins of Winooski, Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of Milton, Martin of Wolcott, Mook of Bennington, Sweaney of Windsor, and Townsend of Randolph, 2451; R C Yeas = 133, Nays = 0, 2465, Sen msg; Hse prop conc in, Signed by Gov 5/16/12.

By Senator Sears,

S. 112. An act relating to bail for persons charged with lewd and lascivious conduct with a child.

Rd 1st t and ref to the C on Judic, 431.

By Senators Sears and Mullin,

S. 113. (No. 0156) An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools.

Rd 1st t and ref to the C on Edu, 269; Ref to C on Appr per Rule 35(a), 1126; Rd 2nd Time, 1641; Rep. Rep. Donovan of Burlington rep/d for the C on Edu, 1641; Rep. Rep. Manwaring of Wilmington, recommended for the C on Appr, 1650; Pro of amend of the C on Edu agrd to, 1650; 3rd rdg Ordered, 1650; Amend as offd by Rep. Fisher of Lincoln agrd to, 1725; Rd 3rd t and pass in con w pro of Amendment, 1725; S Message, H pro of amend not con in and C of C appt; Speaker appt Donovan of Burlington, Gilbert of Fairfax and Buxton of Tunbridge as members of the C of C on the part of the H, 1932; R susp/d, 2495; R C Yeas = 127, Nays = 2, 2495; C of C rep/d agrd to, 2496; Addendum to C of C rep/d agrd to, 2496; R C Yeas = 127, Nays = 2, 2496; Sen msg, C of C rept adopted. Signed by Gov 5/16/12.

By Senator White,

S. 114. An act relating to the size of accessory dwelling units.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 782.

By Senator Sears,

S. 115. (No. 0100) An act relating to ineffective assistance claims against assigned counsel.

Rd 2nd Time, 1056; Rep. Donaghy of Poultney rep/d for the C on Judic, 1056; 3rd rdg Ordered, 1056; Act postp to next legislative day, 1073; Act postp until 4/25/2012 as moved by Rep. Donaghy of Poultney, 1090; Rd 3rd t and pass in Concurrence, 1213. Sen msg, pass in Concurrence; Signed by Gov 5/3/12; Sen msg, C of C rept adopted; Signed by Gov 5/15/12.

By Senator Sears,

S. 116. (No. 0144) An act relating to probate proceedings, powers of attorney, and county budget reserve funds.

Rd 1st t and ref to the C on Judic, 400; Rd 2nd Time, 890; Rep. Rep. Koch of Barre Town rep/d for the C on Judic, 890; Pro of amend of the C on Judic agrd to, 892; 3rd rdg Ordered, 892; Act postp to next legislative day as moved by Rep. Lippert of Hinesburg, 911; Rep. Wizowaty of Burlington moved to amend the bill which was agrd to, 915; Rd 3rd t and

pass in con w pro of Amendment, 915; S Message, H pro of amend not con in and C of C appt, 1063; Speaker appt Lippert of Hinesburg, Koch of Barre Town and Marek of Newfane as members of the C of C on the part of the H, 1063; C of C rep/d agrd to (SS bill), 2161.

By Senator Sears,

S. 122. (No. 0094) An act relating to human trafficking and prostitution.

Rd 1st t and ref to the C on Judic, 293; Rd 2nd Time, 880; Rep. Waite-Simpson of Essex rep/d for the C on Judic, 880; 3rd rdg Ordered, 880; Rd 3rd t and pass in Concurrence, 887; Sen msg, Passed in conc; Signed by Gov 5/1/12.

By Senators Illuzzi and Miller,

S. 128. (No. 0105) An act relating to recognition of the Missisquoi, St. Francis-Sokoki Band as a Native American Indian tribe.

Rd 1st t; ref to the C on Gen, Housing and Mil Affairs, 542; Rd 2nd Time, 1641; Rep. Stevens rep/d for the C on Gen, Housing and Mil Affairs, 1641; 3rd rdg Ordered, 1641; Rd 3rd t and pass in Conc, 1641; Sen msg, Passed in Conc; Signed by Gov 5/7/12.

By Senators Illuzzi and Miller,

S. 129. (No. 0106) An act relating to recognition of the Koasek Abenaki of the Koas as a Native American Indian tribe.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 542; Rd 2nd Time, 1641; Rep. Stevens rep/d for the C on Gen, Housing and Mil Affairs, 1641; 3rd rdg Ordered, 1641; Rd 3rd t and pass in Conc, 1641; Sen msg, Passed in conc; Signed by Gov 5/7/12.

By Senator Illuzzi,

S. 136. (No. 0133) An act relating to vocational rehabilitation.

Rd 1st t and ref to the C on Comm and Ec Dev, 636; Rd 2nd Time, 1050; Rep. Marcotte of Coventry rep/d for the C on Comm and Ec Development, 1050; Pro of amend of the C on Comm and Economic Development agrd to, 1051; 3rd rdg Ordered, 1051; Rd 3rd t and pass in con w pro of Amendment, 1080; Sen msg, Hse prop of amend conc in; Signed by Gov 5/11/12.

By Senators Illuzzi, Sears and Doyle,

S. 138. An act relating to calculation of criminal sentences and record keeping for search warrants.

Rd 1st t and ref to the C on Judic, 854; Ref to C on Appr per Rule 35(a), 1126; Rd 2nd Time, 1580; Rep. Lippert rep/d for the C on Judic, 1580; Rep. Keenan, rec for the C on Appr, 1587; Pro of amend of the C on Judic agrd to, 1587; 3rd rdg Ordered, 1587; Amend as offd by Rep. Donahue agrd to, 1725; Rd 3rd t and pass in con w pro of Amendment, 1725.

By Senators Illuzzi, Ayer, McCormack, Pollina and White,

S. 142. An act relating to pet merchants.

Rd 1st t and ref to the C on R, 915.

By Senators McCormack and White,

S. 147. An act relating to granting staff of the departments of corrections and for children and families ex officio status for the purpose of obtaining and providing notary public services.

Rd 1st t and ref to the C on G O, 636.

By Senators Illuzzi and Doyle,

S. 148. (No. 0165) An act relating to expediting development of small and micro hydroelectric projects.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 770; Rd 2nd Time, 1257; Rep. Krebs of South Hero rep/d for the C on Fish, Wildlife & Water Resources, 1257; Pro of amend of the C on Fish, Wildlife & Water Resources agrd to, 1260; 3rd rdg Ordered, 1260; Rd 3rd t and pass in con w pro of Amendment, 1541; Sen msg, Hse prop of amend conc in; Signed by Gov 5/14/12.

By Senator Illuzzi,

S. 151. An act relating to grave markers.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 860.

By Senators Illuzzi and White,

S. 152. An act relating to the definition of line of duty in the workers' compensation statutes.

Rd 1st t and ref to the C on Comm and Economic Development, 636; Ref to C on W & M, 1237; Rd 2nd Time, 1699; Rep. Botzow of Pownal rep/d for the C on Comm and Economic Development, 1699; Rep. Sharpe of Bristol, recommended for the C on W & M, 1724; Pro of amend of the C on Comm and Economic Development agrd to, 1724; 3rd rdg Ordered, 1724; Rd 3rd t and pass in con w pro of Amendment, 1729; S pro of amend not con in and C of C req/d upon mo of Rep. Botzow of Pownal, 1935; Speaker appt Botzow of Pownal, Marcotte of Coventry and Shand of Weathersfield as members of the C of C on the part of the H, 1935.

By Senator Hartwell,

S. 179. (No. 0118) An act relating to amending perpetual conservation easements.

Rd 1st t and ref to the C on N R & E, 854; Rd 2nd Time, 883; Rep. Ellis of Waterbury rep/d for the C on N R & E, 883; Pro of amend of the C on N R & E agrd to, 886; 3rd rdg Ordered, 886; Amend as offd by Rep. Krebs of South Hero agrd to, 889; Rd 3rd t and pass in con w pro of Amendment, 889; Sen msg, Hse prop of amend conc in; Signed by Gov 5/9/12.

By Senator Illuzzi,

S. 180. (No. 0169) An act relating to the universal service fund and establishment of a high-cost program.

Rd 1st t and ref to the C on R, 915; Cmttd to C on Comm and Economic Development by mo of Rep. Turner of Milton, 1062; Ref to C on Appr per Rule 35(a), 2033; Rd 2nd Time, 2467; Rep. Shand of Weathersfield rep/d for the C on Comm and Economic Development, 2467; Rd 3rd t and pass in Concurrence, 2468; Sen msg, Pass in conc; Signed by Gov 5/18/12.

By Senator Sears,

S. 181. (No. 0101) An act relating to school resource officers.

Rd 1st t and ref to the C on Edu, 209; Rd 2nd Time, 879; Rep. Perley rep/d for the C on Edu, 879; Pro of amend of the C on Edu agrd to, 880; Pro of amend of the C on Edu agrd to, 879; 3rd rdg Ordered, 879; Rd 3rd t and pass in con w pro of Amendment, 887; S pro of amend con in w further amend, 1145; Sen msg, Sen conc in Hse prop of amend; Signed by Gov 5/4/12

By Senator Lyons,

S. 183. (No. 0163) An act relating to the testing of potable water supplies.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 860; Rd 2nd Time, 1272; Rep. Rep. Fagan of Rutland City rep/d for the C on Fish, Wildlife & Water Resources, 1272; Amend as offd by Rep. Fagan of Rutland City agrd to, 1276; Pro of amend of the C on Fish, Wildlife & Water Resources agrd to, 1276; 3rd rdg Ordered, 1276; Amend as offd by Rep. Fagan of Rutland City agrd to, 1542; Rd 3rd t and pass in con w pro of Amendment, 1542.

By Senator Sears,

S. 189. (No. 0145) An act relating to expanding confidentiality of cases accepted by the court diversion project.

Rd 1st t and ref to the C on Judic, 542; Rd 2nd Time, 1091; Rep. Reis of St. Johnsbury rep/d for the C on Judic, 1091; Pro of amend of the C on Judic agrd to, 1098; 3rd rdg Ordered, 1098; Rd 3rd t and pass in con w pro of Amendment, 1128; S Message, H pro of amend not con in and C of C appt; Speaker appt Grad of Moretown, Waite-Simpson of Essex and Reis of St. Johnsbury as members of the C of C on the part of the H, 1800; C of C rep/d agrd to (SS bill), 1965; Sen msg, C of C adopted; Signed by Gov 5/15/12.

By Senator Mullin,

S. 194. An act relating to consolidation of supervisory unions.

Rd 1st t and ref to the C on Edu, 636.

By Senator Mullin,

S. 197. An act relating to hospital-based outpatient fees.

Rd 1st t and ref to the C on H C, 543.

By Senator Mullin,

S. 199. (No. 0157) An act relating to immunization exemptions and the immunization pilot program.

Rd 1st t and ref to the C on H S, 543; Rep. Pugh of South Burlington moved to commit bill H C which was agrd to., 544; Rd 1st t and ref to the C on Appr, 872; Rd 2nd Time, 918; Rep. Fisher rep/d for the C on H C, 918; Rep/d of C on Appr agrd to., 921; Rep. Keenan of St. Albans City, recommended for the C on Appr, 921; Rep. Keenan of St. Albans City moved to amend the rep/d of the C on H C, which was agrd to., 921; Rep. Donahue of Northfield moved to amend the rep/d of the C on H C, which was agrd to, 921; Rep. Clark of Vergennes and Fisher of Lincoln moved to amend the rep/d of the C on H C, which was agrd to., 921; R C Yeas = 130, Nays = 3, 921; Rep. Donahue of Northfield moved to amend the rep/d of the C on H C, which was disaagr to, 923; Amend as offd by Rep. Poirier of Barre City and Koch of Barre Town disaagr to, 924; R C Yeas = 36, Nays = 93, 924; Rep. Fisher of Lincoln moved to amend the rep/d of the C on H C, which was agrd to., 927; Amend of C on H C agrd to and 3rd rdg Ordered, 927; Rd 3rd t, 928; R C Yeas = 125, Nays = 4, 928; Passed, 928; S Message, H pro of amend not con in and C of C appt, 1063; Speaker appt Fisher of Lincoln, Spengler of Colchester and Till of Jericho as members of the C of C on the part of the H, 1063; Act postp to next legislative day as moved by Rep. Fisher of Lincoln, 1938; C of C rep/d agrd to, 2033; R C Yeas = 133, Nays = 6, 2043; Sen msg, C of C report adopted; Signed by Gov 5/16/12.

By Senators Pollina, Doyle and Illuzzi,

S. 200. (No. 0150) An act relating to pharmacy audits, reimbursement for ambulance services, and the reporting requirements of health insurers.

Rd 1st t and ref to the C on H C, 860; Rd 2nd Time, 1185; Rep. Copeland-Hanzas of Bradford rep/d for the C on H C Reform Commission, 1185; Pro of amend of the C on H C agrd to, 1195; R C Yeas = 135, Nays = 1, 1195; 3rd rdg Ordered, 1195; Rep. Copeland-Hanzas

of Bradford moved to amend the H pro of amend which was agrd to, 1208; Reps. Wizowaty of Burlington, Burke of Brattleboro, Buxton of Tunbridge, Courcelle of Rutland City, Davis of Washington, Edwards of Brattleboro, Ellis of Waterbury, Evans of Essex, Hooper of Montpelier, Krowinski of Burlington, Lanpher of Vergennes, Manwaring of Wilmington, Martin of Wolcott, Miller of Shaftsbury, O'Sullivan of Burlington, Pearson of Burlington, Ram of Burlington, Stuart of Brattleboro, Taylor of Barre City, Waite-Simpson of Essex, and Webb of Shelburne moved to amend the H pro of amend, 1208; Amend of Rep. Wizowaty of Burlington ruled not germane, 1212; Rd 3rd t and pass in con w pro of Amendment, 1212; S Message, H pro of amend not con in and C of C appt; Speaker appt Copeland-Hanzas of Bradford, Pearson of Burlington and Komline of Dorset as members of the C of C on the part of the H, 1931; C of C rep/d agrd to, 2164; Sen msg, C of C report adopted; Signed by Gov 5/16/12.

By Senator Mullin,

S. 201. An act relating to creating full public school choice for high school students .

Rd 1st t and ref to the C on Edu, 770.

By Senator Lyons,

S. 202. (No. 0138) An act relating to regulation of flood hazard areas, river corridors, and stream alteration.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 822; Rd 2nd Time, 1276; Rep. Deen of Westminster rep/d for the C on Fish, Wildlife & Water Resources, 1276; Pro of amend of the C on Fish, Wildlife & Water Resources agrd to, 1317; 3rd rdg Ordered, 1317; R C Yeas = 123, Nays = 14, 1317; Amend as offd by Rep. Munger of South Burlington agrd to, 1542; Amend as offd by Rep. Olsen of Jamaica agrd to, 1543; Amend as offd by Rep. Deen of Westminster agrd to, 1543; Rd 3rd t, 1543; Pass in con w pro of Amendment, 1543; R C Yeas = 122, Nays = 9, 1543; Sen msg, Hse prop of amend conc in; Signed by Gov 5/15/12.

By Senator Sears,

S. 203. (No. 0119) An act relating to child support enforcement.

Rd 1st t and ref to Judic, 269; Rd 2nd Time, 1027; Rep. Strong rep/d for the C on Judic, 1027; Pro of amend of the C on Judic agrd to, 1037; 3rd rdg Ordered, 1037; Rd 3rd t and pass in con w pro of Amend, 1049; Sen msg, Hse prop of amend agrd to; Signed by Gov 5/9/12.

By Senators Miller and Snelling,

S. 209. (No. 0096) An act relating to naturopathic physicians.

Rd 1st t and ref to the C on H C, 854; Rd 2nd Time, 979; Rep. Spengler of Colchester rep/d for the C on H C, 979; 3rd rdg Ordered, 980; Rd 3rd t and pass in Concurrence, 992; Signed by Gov 5/2/12.

By Senator Lyons,

S. 211. An act relating to securing propane tanks in natural disasters.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 782.

By Senator Hartwell,

S. 214. (No. 0170) An act relating to the Vermont energy act of 2012

Rd 1st t and ref to the C on N R & E, 822; Rd 2nd Time, 1587; Rep. Cheney of Norwich rep/d for the C on N R & E, 1587; Pro of amend of the C on N R & E agrd to, 1621; 3rd rdg Ordered, 1621; Rd 3rd t, 1654; Pass in con w pro of Amend, 1654; S pro of amend conc in,

2175; Amend of Rep. Olsen of Jamaica ruled not germane, 2214; R C Yeas = 103, Nays = 34, 2217; Sen msg, Hse conc in Sen prop; Signed by Gov 5/18/12.

By Senator Pollina,

S. 215. (No. 0112) An act relating to evaluating net costs of government purchasing.

Rd 1st t and ref to the C on G O, 782; Rd 2nd Time, 1234; Rep. Rep. Hubert of Milton rep/d for the C on G O, 1235; 3rd rdg Ordered, 1235; Rd 3rd t and pass in Conc, 1235. Sen Msg, Signed by Gov 5/8/12.

By Senator Miller,

S. 217. (No. 0146) An act relating to closely held benefit corporations.

Rd 1st t and ref to the C on Comm and Ec Dev, 432; Rd 2nd Time, 1051; Rep. Kupersmith rep/d for the C on Comm and Ec Dev, 1051; Pro of amend of the C on Comm and Ec Dev agrd to, 1052; 3rd rdg Ordered, 1052; Rd 3rd t and pass in con w pro of Amend, 1080; Sen msg, H pro of amend not con in and C of C appt; Speaker appt Kupersmith of So Burlington, Dickinson of St. Albans Town & Young of Glover as members of the C of C, 1931; C of C rep/d agrd to, 2165; Sen msg, C of C adopted by Senate; Signed by Gov 5/15/12.

By Senators Fox and Mullin,

S. 222. (No. 0120) An act relating to cost-sharing for employer-sponsored insurance assistance plans.

Rd 1st t and ref to the C on H C, 855; Ref to C on Appr per Rule 35(a), 901; Rd 2nd Time, 1037; Rep. Fisher rep/d for the C on H C, 1037; Rep. Heath, rec for the C on Appr, 1038; Pro of amend of the C on H C agrd to, 1038; 3rd rdg Ordered, 1038; Rd 3rd t and pass in con w pro of Amendment, 1049; Sen msg, Hse prop of amend conc in; Signed by Gov 5/9/12.

By Senators Pollina, Baruth, Lyons, McCormack and Westman,

S. 223. (No. 0158) An act relating to health insurance coverage for early childhood developmental disorders, including autism spectrum disorders.

Rd 1st t and ref to the C on H C, 860; Ref to C on Appr per Rule 35(a), 986; Rd 2nd Time, 1081; Rep. Dakin rep/d for the C on H C, 1081; Rep. Johnson of South Hero, rec for Appr, 1085; Pro of amend of H C agrd to, 1085; 3rd rdg Ordered, 1085; Rd 3rd t and pass in con w pro of Amend, 1091; Sen msg, Hse prop of amend conc in; Signed by Gov 5/16/12.

By Senators Doyle and Sears,

S. 226. (No. 0121) An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction.

Rd 1st t and ref to the C on Judic, 736; Ref to C on Appr, 1654; Rd 2nd Time, 801; Rep. Rep. French of Shrewsbury rep/d for the C on Judic, 801; Rep. Keenan of St. Albans City, recom for Appr, 1803; Pro of amend of the C on Judic agrd to, 1803; Rep/d of C on Appr agrd to., 1803; 3rd rdg Ordered, 1803; Rd 3rd t and pass in con w pro of Amendment, 1829; S pro of amend con in, 2257; Signed by Gov 5/9/12.

By Senator Cummings,

S. 230. An act relating to property and casualty insurers and electronic notices.

Rd 1st t and ref to the C on Comm and Economic Development, 637; Rd 2nd Time, 1576; Rep. Marcotte of Coventry rep/d for the C on Comm and Economic Development, 1576;

Pro of amend of the C on Comm and Economic Development agrd to, 1580; 3rd rdg Ordered, 1580; Rd 3rd t and pass in con w pro of Amendment, 1654.

By Senators Nitka and Starr,

S. 233. An act relating to the mandatory age of school attendance and creating flexible pathways to high school completion.

Rd 1st t and ref to the C on Edu, 1237.

By Senator Kittell,

S. 236. (No. 0122) An act relating to health care practitioner signature authority.

Rd 1st t and ref to the C on H C, 269; Rd 2nd Time, 1038; Rep. Till of Jericho rep/d for the C on H C, 1038; Pro of amend of the C on H C agrd to, 1038; 3rd rdg Ordered, 1038; Rep. Donahue of Northfield moved to pro to the S to amend the bill, 1049; Amend by Rep. Donahue of Northfield wdrn, 1049; Rd 3rd t and pass in con w pro of Amend, 1049; Sen mes, Hse prop of amend agrd to; Signed by Gov 5/9/12.

By Senators Pollina, McCormack and White,

S. 237. (No. 0113) An act relating to the genuine progress indicator.

Rd 1st t and ref to the C on Comm and Economic Development, 432; Rd 2nd Time, 1052; Rep. Ralston of Middlebury rep/d for the C on Comm and Ec Dev, 1052; R C Yeas = 97, Nays = 41, 1053; Pro of amend of the C on Comm and Ec Dev agrd to, 1053; 3rd rdg Ordered, 1053; Rd 3rd t and pass in con w pro of Amend, 1080; Sen msg, Hse prop of amend agrd to; Signed by Gov 5/8/12

By Senator White,

S. 238. (No. 0095) An act relating to a study on access to driving privileges in Vermont.

Rd 1st t and ref to the C on Trans, 836; Rd 2nd Time, 892; Rep. Rep. Burke of Brattleboro rep/d for the C on Trans, 892; Pro of amend of the C on Trans agrd to, 892; 3rd rdg Ordered, 892; Rd 3rd t, 911; Rep. Browning of Arlington moved to commit the bill to the C on Judic which was disaagr to, 911; R C Yeas = 18, Nays = 118, 911; Pass in con w pro of Amendment, 913, Sen msg, Hse prop of amend conc in; Signed by Gov 5/1/12.

By Senator Giard,

S. 239. An act relating to ensuring the humane treatment and slaughter of animals.

Rd 1st t and ref to the C on Agri, 736.

By Senator Sears,

S. 244. (No. 0147) An act relating to referral to court diversion for driving with a suspended license.

Rd 1st t and ref to the C on Judic, 736; Rd 2nd Time, 1131; Rep. Waite-Simpson of Essex rep/d for the C on Judic, 1131; Pro of amend of the C on Judic agrd to, 1133; 3rd rdg Ordered, 1133; Rd 3rd t and pass in con w pro of Amendment, 1212; S Message, H pro of amend not con in and C of C appt; Speaker appt Grad of Moretown, Waite-Simpson of Essex and Reis of St. Johnsbury as members of the C of C on the part of the H, 1800; C of C rep/d agrd to, 1978; Sen msg, C of C report adopted; Signed by Gov 5/15/12.

By Senators Mullin, Ayer, Benning, Kittell, Lyons, McCormack, Miller and Westman,

S. 245. (No. 0151) An act relating to requiring cardiovascular care instruction in public and independent schools.

Rd 1st t and ref to the C on Edu, 278; Rd 2nd Time, 1039; Rep. Christie rep/d for the C on Edu, 1039; Pro of amend of Edu agrd to, 1039; 3rd rdg Ordered, 1039; Amend of Rep. Donahue as subst/d agrd to, 1050; Rd 3rd t and pass in con w pro of Amend, 1050; Speaker appt Donovan of Burlington, Christie of Hartford and Campion of Bennington to Hse C of C, 1730; C of C rep/agrd to, 2166; Sen msg; C of C rept agreed to; Signed by Gov 5/16/12.

By the Committee on Transportation,

S. 249. (No. 0071) An act relating to Vermont Strong commemorative motor vehicle plates.

Rd 1st t and ref to the C on Trans, 90; Ref to C on W & M, 93; Ref to C on Appr per Rule 35(a), 125; Rd 2nd Time, 195; Rep. Courcelle of Rutland City rep/d for the C on Trans, 195; Rep. Clarkson of Woodstock, recd for W & M, 195; Rep. Helm of Fair Haven, recd for the C on Appr, 195; 3rd rdg Ordered, 195; Rd 3rd t and pass in Conc, 196; Signed by Gov 2/9/12.

By the Committee on Transportation,

S. 251. (No. 0164) An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

Rd 1st t and ref to the C on Trans, 615; Rd 2nd Time, 1134; Rep. Lanpher of Vergennes rep/d for the C on Trans, 1134; Pro of amend of the C on Trans agrd to, 1137; 3rd rdg Ordered, 1137; Rd 3rd t and pass in con w pro of Amend, 1212; Speaker appt Lanpher of Vergennes, Bissonnette of Winooski and Bohi of Hartford to the House C of C comm, 1730; C of C rep/d agrd to, 2165; Sen msg, C of C report adopted; Signed by Gov 5/17/12.

By the Committee on Government Operations,

S. 252. (No. 0139) An act relating to the repeal or revision of reporting requirements.

Rd 1st t and ref to the C on G O, 782; Rd 2nd Time, 1621; Rep. Consejo rep/d for the C on G O, 1621; Rep. Campion moved to amend the rep/d of the C on G O, which was agrd to., 1640; Pro of amend of the C on G O agrd to, 1640; 3rd rdg Ordered, 1640; Rd 3rd t and pass in con w pro of Amend, 1654; Sen msg, Hse prop of amend agreed to; Signed by Gov 5/14/12.

JOINT SENATE RESOLUTIONS

By Senators Lyons, Sears, Ashe, Ayer, Baruth, Fox, Giard, MacDonald, McCormack, Miller and Pollina,

J.R.S. 11. (No. R474) Joint resolution urging the United States Congress to propose amendments to the United States Constitution for the states' consideration relating to contributions and expenditures intended to affect elections and relating to the rights of corporations.

Pl on cal for Notice on 4/17/2012, 986; Amend as offd by Rep. Olsen of Jamaica disaagrd to, 1066; Amend as offd by Rep. Degree of St. Albans City disaagrd to, 1067; R C Yeas = 1, Nays = 132, 1069; Rep. Olsen of Jamaica moved to commit the bill to the C on General, Housing and Military Affairs which was disaagrd to, 1070; R C Yeas = 92, Nays = 40, 1070; Adptd in Concurrence, 1070.

By Senator Campbell,

J.R.S. 33. (No. R266) Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Rd and adptd in Concurrence, 8.

By Senator Campbell,

J.R.S. 34. (No. R267) Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Rd and adptd in Concurrence, 8.

By Senator Campbell,

J.R.S. 35. (No. R269) Joint resolution relating to Town Meeting adjournment.

By Senators Carris and Mullin,

J.R.S. 36. (No. R268) Joint resolution relating to weekend adjournment.

By Senators Carris and Mullin,

J.R.S. 38. (No. R270) Joint resolution relating to weekend adjournment.

Rd and Adopted, 26.

By Senators Carris and Mullin,

J.R.S. 39. (No. R271) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 45.

By Senators Carris and Mullin,

J.R.S. 40. (No. R299) Joint resolution relating to weekend adjournment.

Adptd in Concurrence, 76.

By Senator Campbell,

J.R.S. 41. (No. R301) Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

Rd and adptd in Concurrence, 191.

By Senator Campbell,

J.R.S. 42. (No. R302) Joint resolution relating to establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2012.

Rd 1st t and pl on cal for act purs to Rule 52, 192; Rd and adptd in Concurrence, 203.

By Senators Carris and Mullin,

J.R.S. 43. (No. R300) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 125.

By Senators Carris and Mullin,

J.R.S. 44. (No. R315) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 207.

By the Committee on Judiciary,

J.R.S. 45. (No. R328) Joint resolution expressing sincere appreciation to Margaret Lucenti for her dedicated public service.

Rd 1st t and pl on cal for act purs to Rule 52, 219; Adptd in Concurrence, 227.

By Senators Carris and Mullin,

J.R.S. 46. (No. R329) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 269.

By Senators Ashe, Carris, Doyle, Illuzzi, Campbell, McCormack and Nitka,

J.R.S. 47. Joint resolution urging the United States Postal Service not to implement its proposed major reductions and urging Congress to enact the Postal Service Protection Act.

Rd 1st t and pl on cal for act purs to Rule 52, 286; Rep. Olsen of Jamaica moved to commit bill to the C on General, Housing and Military Affairs which was agrd to., 399.

By Senators Carris and Mullin,

J.R.S. 48. (No. R336) Joint resolution relating to weekend adjournment.

Rd and Adopted, 294.

By Senators Carris and Mullin,

J.R.S. 49. (No. R380) Joint resolution relating to weekend adjournment.

Adptd in Concurrence, 548.

By Senator Nitka,

J.R.S. 50. (No. R381) Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate.

Rd and adptd in Concurrence, 617.

By Senators Carris and Mullin,

J.R.S. 51. (No. R395) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 737.

By All members of the Senate,

J.R.S. 52. (No. R408) Joint resolution relating to the issuance of a commemorative United States postage stamp in honor of former United States Senator George D. Aiken.

Rd 1st t and pl on cal for act purs to Rule 52, 860; Rd and adptd in Concurrence, 870.

By Senators Carris and Mullin,

J.R.S. 53. (No. R407) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 823.

By the Committee on Institutions,

J.R.S. 54. (No. R531) Joint resolution approving a land exchange in Alburch and a lease with Camp Downer, Inc.

Rd 1st t and ref to the C on Corrections and Insti, 862; Rd 2nd Time, 1725; Rep. Rep. Macaig of Williston rep/d for the C on Corrections and Insti, 1725; Pro of amend of the C on Corrections and Insti agrd to, 1728; 3rd rdg Ordered, 1728; Rd 3rd t and pass in con w pro of Amendment, 1771; Speaker appt Macaig of Williston, Emmons of Springfield and Myers of Essex as members of the C of C on the part of the H, 1986; C of C rep/d agrd to (SS bill), 2276.

By Senators Carris and Mullin,

J.R.S. 55. (No. R409) Joint resolution relating to weekend adjournment.
Rd and adptd in Concurrence, 863.

By Senators Carris and Mullin,

J.R.S. 56. (No. R439) Joint resolution relating to weekend adjournment.
Rd and adptd in Concurrence, 905.

By Senators Carris and Mullin,

J.R.S. 57. (No. R457) Joint resolution relating to weekend adjournment.
Rd and adptd in Concurrence, 1044.

By Senator Pollina,

J.R.S. 58. (No. R456) Joint resolution relating to respectful language in the Vermont Statutes Annotated.

Rd 1st t and pl on cal for act purs to Rule 52, 1873; Rd and adptd in Concurrence, 1936.

By Senators Carris and Mullin,

J.R.S. 59. (No. R475) Joint resolution relating to weekend adjournment.
Adptd in Concurrence, 1126.

By the Committee on Agriculture,

J.R.S. 62. (No. R501) Joint resolution relating to federal agriculture policy.

Rd and adptd in Concurrence, 2511.

By Senator Campbell,

J.R.S. 63. (No. R503) Joint resolution relating to final adjournment of the General Assembly in 2012.

Rd and adptd in Concurrence, 2518.

By Senator Campbell,

J.R.S. 64. (No. R502) Joint resolution honoring the competitive accomplishments and international educational outreach of the University of Vermont's Lawrence Debate Union.

Rd and adptd in Concurrence, 2512.

SENATE CONCURRENT RESOLUTIONS

By Senators Doyle, Cummings and Pollina,

By Representatives Donahue of Northfield and Grad of Moretown,

S.C.R. 25. (No. R283) Senate concurrent resolution honoring the historic preservation efforts of the Northfield Historical Society Cemetery Project.

Adptd in Concurrence.

By Senators Flory, Carris, Mullin and Nitka,

By Representatives Andrews of Rutland City, Courcelle of Rutland City, Fagan of Rutland City, Russell of Rutland City, McNeil of Rutland Town, Acinapura of Brandon, Burditt of West Rutland, Canfield of Fair Haven, Devereux of Mount Holly, Donaghy of Poultney, Eckhardt of Chittenden, French of Shrewsbury, Haas of Rochester, Helm of Fair Haven, Malcolm of Pawlet, Potter of Clarendon and Shaw of Pittsford,

S.C.R. 26. (No. R284) Senate concurrent resolution recognizing the dedicated public service and career accomplishments of retired Rutland City Police Chief Anthony Bossi.

Adptd in Concurrence.

By Senators Kitchel, Benning, Doyle, Illuzzi, Mazza and Starr,

By Representatives Crawford of Burke, Johnson of Canaan, Kilmartin of Newport City, Koch of Barre Town, Larocque of Barnet, Lawrence of Lyndon, Peaslee of Guildhall, Reis of St. Johnsbury, South of St. Johnsbury and Toll of Danville,

S.C.R. 27. (No. R292) Senate concurrent resolution in memory of former Representative John H. Downs.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Hooper of Montpelier and Kitzmiller of Montpelier,

S.C.R. 28. (No. R293) Senate concurrent resolution celebrating the centennial anniversary of Montpelier City Hall.

Adptd in Concurrence.

By Senators Westman, Doyle, Cummings, Nitka and Pollina,

By Representatives Woodward of Johnson, Shand of Weathersfield, Bohi of Hartford, Christie of Hartford, Dickinson of St. Albans Town, Emmons of Springfield, Evans of Essex, French of Shrewsbury, French of Randolph, Heath of Westford, Jerman of Essex, Jewett of Ripton, Keenan of St. Albans City, Martin of Springfield, Myers of Essex, Peltz of Woodbury, Savage of Swanton, Smith of Morristown, Till of Jericho, Townsend of Randolph, Waite-Simpson of Essex, Wilson of Manchester and Yantachka of Charlotte,

S.C.R. 29. (No. R294) Senate concurrent resolution congratulating the 2011 Johnson State College national Division IV championship women's rugby team.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Hooper of Montpelier and Kitzmiller of Montpelier,

S.C.R. 30. (No. R295) Senate concurrent resolution recognizing the contribution of Kenric A. Kite to the development of public access television in central Vermont.

Adptd in Concurrence.

By Senators Mullin, Carris, Flory and Nitka,

By Representatives Acinapura of Brandon, Andrews of Rutland City, Courcelle of Rutland City, Donaghy of Poultney, Fagan of Rutland City, McNeil of Rutland Town and Russell of Rutland City,

S.C.R. 31. (No. R296) Senate concurrent resolution honoring Dr. Frank G. Miglorie for his 41 years of service to and outstanding 28-year tenure as President of the College of St. Joseph.

Adptd in Concurrence.

By Senators Illuzzi, Galbraith and White,

By Representatives Burke of Brattleboro, Condon of Colchester, Deen of Westminster, Edwards of Brattleboro, Hebert of Vernon, Manwaring of Wilmington, Marek of Newfane, Moran of Wardsboro, Mrowicki of Putney, Olsen of Jamaica, Partridge of Windham, Stuart of Brattleboro and Trieber of Rockingham,

S.C.R. 32. (No. R297) Senate concurrent resolution honoring the public service work of Brattleboro radio station WTSA during Tropical Storm Irene.

Adptd in Concurrence.

By Senators Kitchel and Benning,

By Representatives Leriche of Hardwick, Toll of Danville, Crawford of Burke, Larocque of Barnet, Lawrence of Lyndon, Reis of St. Johnsbury and South of St. Johnsbury,

S.C.R. 33. (No. R298) Senate concurrent resolution congratulating Rick Cochran of Walden on being named the Vermont and National Small Business Person of the Year.

Adptd in Concurrence.

By Senators Lyons, Ashe, Baruth, Fox, Mazza, Miller and Snelling,

By Representatives Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Donovan of Burlington, Lenes of Shelburne, Lorber of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Ram of Burlington, Wizowaty of Burlington and Wright of Burlington,

S.C.R. 34. (No. R316) Senate concurrent resolution in memory of former Representative Alice Cook Bassett.

Adptd in Concurrence.

By Senators Lyons, Ashe, Baruth, Fox, Mazza, Miller and Snelling,

By Representatives Donovan of Burlington, Frank of Underhill, Head of South Burlington, Jerman of Essex, Lenes of Shelburne, Lippert of Hinesburg,

Lorber of Burlington, Macaig of Williston, McCullough of Williston, O'Brien of Richmond, O'Sullivan of Burlington, Ram of Burlington, Russell of Rutland City, Wizowaty of Burlington, Wright of Burlington and Yantachka of Charlotte,

S.C.R. 35. (No. R317) Senate concurrent resolution in memory of Arthur Rush Hogan Jr. of Burlington.

Adptd in Concurrence.

By Senators Carris, Flory, Mullin and Nitka,

By Representatives Acinapura of Brandon, Andrews of Rutland City, Burditt of West Rutland, Canfield of Fair Haven, Courcelle of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Haas of Rochester, Helm of Fair Haven, Komline of Dorset, Malcolm of Pawlet, McNeil of Rutland Town, Potter of Clarendon, Russell of Rutland City, Shaw of Pittsford, Smith of New Haven and Stevens of Shoreham,

S.C.R. 36. (No. R318) Senate concurrent resolution in memory of Rutland Regional Planning Commission Executive Director Mark Blucher.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Peltz of Woodbury, Smith of Morristown, Hooper of Montpelier and Kitzmiller of Montpelier,

S.C.R. 37. (No. R337) Senate concurrent resolution honoring the military valor of United States Army Staff Sgt. Dylan J. Maynard.

Adptd in Concurrence.

By All members of the Senate,

By All members of the House of Representatives,

S.C.R. 39. (No. R378) Senate concurrent resolution honoring former Representative and Senator Robert T. Gannett on his 95th birthday.

Adptd in Concurrence.

By Senators Kitchel, Benning and Westman,

By Representatives Leriche of Hardwick, Scheuermann of Stowe, Lenex of Shelburne, Martin of Wolcott, Peltz of Woodbury, Smith of Morristown, Strong of Albany, Toll of Danville and Young of Glover,

S.C.R. 40. (No. R379) Senate concurrent resolution congratulating Ross Connelly and Thomas F. Kearney on their induction into the New England Newspaper Hall of Fame.

Adptd in Concurrence.

By Senator Mullin,

By Representatives Mook of Bennington and Lewis of Derby,

S.C.R. 43. (No. R458) Senate concurrent resolution designating May 2012 as Lupus Awareness Month in Vermont.

Adptd in Concurrence.

By Senators Kitchel and Benning,

By Representatives Crawford of Burke, Larocque of Barnet, Lawrence of Lyndon, Reis of St. Johnsbury, South of St. Johnsbury and Toll of Danville,

S.C.R. 44. (No. R459) Senate concurrent resolution congratulating Robert Swartz on being named the 2012 Northeast Kingdom Chamber Citizen of the Year.

Adptd in Concurrence.

By Senators Ayer and Giard,

By Representatives Jewett of Ripton, Nuovo of Middlebury, Ralston of Middlebury, Lenes of Shelburne, Webb of Shelburne, Devereux of Mount Holly, Evans of Essex, Heath of Westford, Jerman of Essex, Myers of Essex and Waite-Simpson of Essex,

S.C.R. 45. (No. R460) Senate concurrent resolution congratulating the 2012 Vermont Prudential Spirit of Community Award winners.

Adptd in Concurrence.

By Senators Doyle, Cummings, Illuzzi and Pollina,

S.C.R. 46. (No. R530) Senate concurrent resolution commemorating the centennial anniversary of the journey of the children from Lawrence, Massachusetts to Barre during the 1912 Bread and Roses Strike.

Adptd in Concurrence.

GENERAL INDEX

2012

The following is a list of abbreviations and their meanings:

H.	House Bill
H.R.	House Resolution
J.R.H.	Joint Resolution of the House
S.	Senate Bill
J.R.S.	Joint Resolution of the Senate
Table	Appendix B
Introduced	See Table for other sponsors
Offered	See Table for other sponsors

For information on House and Senate Concurrent Resolutions, please see Table of Bills and Resolutions and the Acts and Resolves of 2012. "See table and page #" under bill categories refers to the Table of Bills.

A.

Acinapura, Joseph N.

Member from Brandon (District Rutland-7)

Committee:

Appropriations, Clerk

Conference on H. 558.....266

Motions, etc.

H. 468 Moved to amend.....745

H. 498 Introduced 17

H. 502 Introduced 18

H. 504 Introduced 19

H. 554 Introduced 41

H. 555 Introduced 42

H. 604 Introduced 80

H. 621 Introduced 87

H. 672 Introduced 102

H. 718 Moved to amend.....1256

Moved to amend.....1416

H. 766 Reported for committee.....853

H. 781 Explained vote.....2425

H.R. 19 Offered.....1225

J.R.H. 22 Offered 110

J.R.H. 24 Offered 377

J.R.H. 26 Offered 477

J.R.H. 30 Offered 615

J.R.H. 31 Offered 616

J.R.H. 32 Offered 757

Administration

Taxpayer appeals; independent office of. See table H. 606.....2573

Advertisement

Naturopathic physicians. See table H. 665 2581

Agriculture

Genetic engineering; labeling. See table H. 722 2589
 Animal investigators; sheltering livestock. See table H. 711 2587
 Animal slaughter; humane treatment. See table H. 728 2590
 Antitrust violation; prohibiting collusion. See table H. 691 2584
 Current use program; wastewater permits. See table H. 490 2555
 Dairy operations; meat inspection. See table H. 774 2598
 Genetically engineered seeds; liability of owners. See table H. 733 2591
 Invasive plant species. See table H. 700 2586
 Invasive plants; sale of. See table H. 610 2573
 Small-scale dairies; promotion of . See table H. 681 2583
 State surfact waters; water quality. See table H. 779 2598
 Vermont health access plan; eligibility. See table H. 696 2585
 Vermont's working landscape; preservation of. See table H. 496 2555
 Water quality; appropriation. See table H. 478 2553
 Water resources preservation program. See table H. 529 2561

Agriculture Committee

H. 774. Introduced 635
 H.C.R. 407. Introduced 0

Alcoholic Beverages

Alcoholic beverages in clubs; service of. See table H. 538 2562
 Caterer's permits. See table H. 536 2562
 Commercial catering licenses. See table H. 506 2557
 Jewelry stores; malt or vinous beverages. See table H. 593 2571
 Vermont wine. See table H. 537 2562
 Vinous/malt beverage tastings. See table H. 623 2576

Ancel, Janet

Member from Calais (District Washington-6)

Committee:

Joint Fiscal Committee
 Joint Transportation Oversight
 Sales and Use Tax Study Committee, Chair
 Ways and Means, Chair
 Conference on H. 782 1573

Motions, etc.

H. 157 Introduced 435
 H. 471 Introduced 4
 H. 542 Introduced 34
 H. 547 Introduced 35
 H. 558 Moved to amend 58
 H. 621 Introduced 87
 H. 782 Spoke for committee 784
 Requested Committee of Conference 1546
 J.R.H. 24 Offered 377

Ancel, Janet (continued)

J.R.H. 25 Offered	432
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228

Andrews, Margaret R.

Member from Rutland City (District Rutland-5-2)

Committee:

General, Housing and Military Affairs

Motions, etc.

H. 39 Reported for committee.....	270
H. 531 Introduced	31
H. 582 Introduced	66
H. 668 Introduced	101
H. 672 Introduced	102
H. 699 Introduced	107
H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 764 Asked leave to withdraw amend	549
S. 199 Explained vote	924
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228

Animal cruelty

Animal investigators; sheltering livestock. See table H. 711.....2587

Animal welfare

Use of formaldehyde; domestic animals. See table H. 545.....2564

Appraisal

Nonrental residential property; appraisal. See table H. 716.....2587

Appropriations

Appropriations for the support of government. See table H. 781	2599
Compensation for certain state employees. See table H. 780	2599
Grievance hearings; reimbursement. See table H. 703	2586
Nonprofit corporations; state funding eligibility. See table H. 549	2564
Recent current use decision; reimbursements. See table H. 636.....	2578
The state's transportation program. See table H. 770.....	2597

Appropriations Committee

H. 558. Introduced.....	42
H. 781. Introduced.....	636

Aswad, William N.

Member from Burlington (District Chittenden-3-1)

Committee:

Transportation

Aswad, William N. (continued)

Motions, etc.

H. 507 Introduced	22
H. 542 Introduced	34
H. 548 Introduced	36
H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 792 Introduced	914
J.R.H. 24 Offered.....	377
J.R.H. 26 Offered.....	477

Athletics

Head injuries; student athletes. See table H. 604.....	2573
Public school athletic teams. See table H. 516	2559

Atkins, Kenneth W.

Member from Winooski (District Chittenden-3-6)

Committee:

Government Operations, Vice Chair	
Conference on H. 780.....	1851

Motions, etc.

H. 78 Introduced	435
H. 493 Spoke for committee	43
H. 502 Introduced	18
H. 503 Introduced	19
H. 504 Introduced	19
H. 507 Reported for committee.....	63
H. 527 Introduced	27
H. 668 Introduced	101
H. 780 Spoke for committee	821
Requested Committee of Conference.....	1851
H. 789 Spoke for committee	872
Moved to postpone action	886
H. 792 Reported for committee.....	1098
H. 793 Introduced	914
Reported for committee.....	1098
S. 106 Moved to concur with further amend.....	2451
S. 199 Explained vote	924
J.R.H. 24 Offered.....	377
J.R.H. 25 Offered.....	432
J.R.H. 26 Offered.....	477
J.R.H. 31 Offered.....	616
Remarks Journalized.....	536

B.**Banking and Insurance**

Banking; insurance; securities; health care admin. See table H. 512.....	2558
Creation of a state bank. See table H. 542	2563

Bartholomew, John L.

Member from Hartland (District Windsor-4)

Committee:

Agriculture

Motions, etc.

H. 485 Asked leave to withdraw amend	508
H. 541 Introduced	34
H. 542 Introduced	34
H. 548 Introduced	36
H. 549 Introduced	36
H. 559 Explained vote.....	406
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228

Batchelor, Lynn D.

Member from Derby (District Orleans-1)

Committee:

Human Services

Motions, etc.

H. 498 Introduced	17
H. 502 Introduced	18
H. 554 Introduced	41
H. 559 Explained vote.....	391
H. 618 Introduced	87
H. 621 Introduced	87
H. 665 Introduced	100
H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 761 Explained vote.....	297
H.R. 16 Explained vote	221
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228

Beverage container

Beverage container law; expanding. See table H. 504.....	2557
Vermont's bottle bill; expansion. See table H. 727	2590

Beverages

Dept. of environmental conservation fees. See table H. 769	2597

BISHCA

Insurance business transfers. See table H. 533	2561
Licensed lenders; mortgage loan originators. See table H. 565	2568

Bissonnette, Clement J.

Member from Winooski (District Chittenden-3-6)

Committee:

State Highway Condemnation Law Study Committee

Transportation

Conference on S. 251 1730

Motions, etc.

H. 78 Introduced	435
H. 504 Introduced	19
H. 507 Introduced	22
H. 523 Introduced	25
Recommended for committee.....	571
H. 542 Introduced	34
H. 614 Introduced (By Request)	83
H. 748 Introduced	124
H. 792 Introduced	914
H. 793 Introduced	914
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Bohi, Charles W.

Member from Hartford (District Windsor-6-2)

Committee:

Transportation

Conference on S. 251 1730

Motions, etc.

H. 51 Introduced	100
Spoke for committee	153
H. 78 Introduced	435
H. 527 Introduced	27
H. 531 Introduced	31
H. 542 Introduced	34
H. 548 Introduced	36
H. 567 Introduced	47
H. 614 Introduced (By Request)	83
H. 631 Introduced	93
H. 640 Introduced	95
H. 667 Introduced	101
H. 668 Introduced	101
H. 678 Introduced	103

Bohi, Charles W. (continued)

H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 790 Introduced	871
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Bond

Social impact bonds study committee. See table H. 625	2576

Botzow, William G. F.

Member from Pownal (District Bennington-1)

Committee:

Commerce and Economic Development, Chair

Conference on H. 730.....	1734
Conference on S. 152	1935

Motions, etc.

H. 272 Introduced	383
H. 466 Introduced	3
H. 492 Introduced	14
H. 496 Moved to amend.....	855
Moved to amend.....	855
H. 512 Introduced	23
Moved to postpone action	735
H. 533 Introduced	32
H. 552 Introduced	41
H. 556 Introduced	42
H. 558 Moved to amend.....	58
H. 564 Introduced	46
H. 565 Introduced	46
H. 621 Introduced	87
H. 624 Introduced	89
H. 640 Introduced	95
H. 659 Introduced	99
H. 661 Introduced	99
H. 691 Moved to commit	509
H. 699 Introduced	107
H. 718 Introduced	118
H. 730 Introduced	120
H. 762 Moved to commit	288
Reported for committee.....	930
Moved to substitute	954
Demanded Yeas and Nays.....	990
S. 152 Reported for committee	1699
Requested Committee of Conference.....	1935
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432

Botzow, William G. F. (continued)

J.R.H. 26 Offered	477
J.R.H. 32 Offered	757
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Bouchard, Robert A.

Member from Colchester (District Chittenden-7-1)

Committee:

General, Housing and Military Affairs

Motions, etc.

H. 39 Introduced	176
H. 502 Introduced	18
H. 554 Introduced	41
H. 555 Introduced	42
H. 564 Introduced	46
H. 602 Introduced	80
H. 604 Introduced	80
H. 621 Introduced	87
H. 653 Introduced	98
H. 657 Introduced	99
H. 658 Introduced	99
H. 672 Introduced	102
H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 723 Introduced	119
H. 725 Introduced	119
H. 772 Spoke for committee	705
Moved to amend.....	705
S. 214 Demanded Yeas and Nays	2217
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616

Branagan, Carolyn W.

Member from Georgia (District Franklin-1)

Committee:

Joint Fiscal Committee, Clerk

Ways and Means, Vice Chair

Conference on H. 782.....1573

Motions, etc.

H. 78 Introduced	435
H. 478 Introduced	7
H. 496 Introduced	17
H. 554 Introduced	41
H. 558 Moved to amend.....	58
H. 559 Explained vote.....	391

Branagan, Carolyn W. (continued)

H. 606 Introduced	81
H. 619 Introduced	87
H. 621 Introduced	87
H. 654 Introduced	98
H. 655 Introduced	98
H. 663 Introduced	100
H. 668 Introduced	101
H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 753 Explained vote.....	282
H. 761 Spoke for committee	290
Moved to concur with further amend	1063
H. 774 Reported for committee.....	821
H. 781 Explained vote.....	772
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 34 Offered	901

Brennan, Patrick M.

Member from Colchester (District Chittenden-7-2)

Committee:

Joint Transportation Oversight, Chair

Transportation, Chair

Conference on H. 770..... 1119

Motions, etc.

H. 150 Moved to commit	50
H. 502 Introduced	18
H. 621 Introduced	87
H. 748 Introduced	124
H. 770 Spoke for committee	652
Requested Committee of Conference	1099
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616

Bridges

Richard W. Hube memorial bridge. See table H. 621.....2576

Browning, Cynthia M.

Member from Arlington (District Bennington-5)

Committee:

Corrections and Institutions

Motions, etc.

H. 78 Introduced	435
H. 468 Moved to amend.....	745
Ruled not germane	746

Browning, Cynthia M. (continued)

H. 531 Introduced	31
H. 539 Introduced	33
H. 546 Introduced	35
H. 555 Introduced	42
H. 558 Moved to amend.....	58
H. 559 Asked leave to withdraw amend	383
Moved to amend.....	402
Demanded Yeas and Nays.....	403
Explained vote.....	403
Moved to amend.....	405
Demanded Yeas and Nays.....	406
Explained vote.....	406
H. 588 Introduced	68
H. 604 Introduced	80
H. 621 Introduced	87
H. 629 Moved to amend.....	146
Demanded Yeas and Nays.....	147
H. 634 Introduced	94
H. 641 Introduced	96
H. 646 Introduced	96
H. 654 Introduced	98
H. 655 Introduced	98
H. 674 Introduced	102
H. 693 Introduced	106
H. 718 Moved to amend.....	1256
Asked leave to withdraw amend.....	1257
Moved to amend.....	1416
Moved to amend.....	1417
Moved to amend.....	1417
Demanded Yeas and Nays.....	1417
Moved to amend.....	1418
Explained vote.....	1418
Moved to amend.....	1573
H. 721 Introduced	118
H. 754 Moved to amend.....	212
Demanded Yeas and Nays.....	212
Explained vote.....	215
H. 781 Explained vote.....	763
H. 782 Moved to commit	831
Explained vote.....	831
H. 789 Moved to amend.....	875
Demanded Yeas and Nays.....	876
Asked leave to withdraw amend.....	893
Explained vote.....	1762
S. 238 Moved to commit.....	911
Demanded Yeas and Nays.....	911
H.R. 16 Explained vote	221
H.R. 22 Offered.....	2052
J.R.H. 22 Offered	110

Browning, Cynthia M. (continued)

J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 34 Offered	901

Budget Adjustment

2012 budget adjustment. See table H. 558.....	2566

Burditt, Thomas B.

Member from West Rutland (District Rutland-1-2)

Committee:

Human Services

Conference on H. 745.....	1896

Motions, etc.

H. 502 Introduced	18
H. 517 Introduced	24
H. 554 Introduced	41
H. 559 Explained vote.....	386
H. 579 Introduced	55
H. 630 Explained vote.....	185
H. 672 Introduced	102
H. 718 Moved to amend.....	1256
Moved to amend.....	1416
Moved to amend.....	1573
H. 748 Introduced	124
H. 760 Spoke for committee	279
S. 199 Explained vote	928
S. 200 Explained vote	1195
S. 202 Demanded Yeas and Nays	1543
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901

Burial Sites

Green burials. See table H. 584	2570

Burke, Mollie Sullivan

Member from Brattleboro (District Windham-3-2)

Committee:

Transportation

Motions, etc.

H. 459 Introduced	436
H. 492 Introduced	14
H. 496 Introduced	17
H. 541 Introduced	34
H. 542 Introduced	34

Burke, Mollie Sullivan (continued)

H. 548 Introduced	36
H. 562 Introduced	46
H. 620 Introduced	87
H. 621 Introduced	87
H. 667 Introduced	101
H. 718 Moved to amend.....	1256
Moved to amend.....	1416
Explained vote.....	1418
H. 726 Introduced	120
H. 733 Introduced	121
S. 200 Moved to amend House prop of amend	1208
S. 238 Reported for committee	892
H.R. 16 Offered.....	221
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506

Buxton, Sarah E.

Member from Tunbridge (District Windsor-Orange-1)

Committee:

Education, Clerk

Educational Opportunities Working Group

Conference on S. 113 1932

Motions, etc.

H. 59 Introduced	82
H. 535 Introduced	32
H. 542 Introduced	34
H. 555 Introduced	42
H. 563 Introduced	46
H. 597 Introduced	79
H. 598 Introduced	79
H. 607 Introduced	81
H. 608 Introduced	82
H. 610 Introduced	82
H. 613 Moved to commit	475
Reported for committee.....	767
H. 621 Introduced	87
H. 623 Introduced	88
H. 651 Introduced	97
H. 660 Introduced	99
H. 681 Introduced	104
H. 685 Introduced	105
H. 687 Introduced	105
H. 688 Introduced	105
H. 690 Introduced	106
H. 711 Introduced	110
H. 715 Introduced	117

Buxton, Sarah E. (continued)

H. 718 Moved to amend.....	1256
Moved to amend.....	1416
Explained vote.....	1425
H. 724 Introduced	119
H. 727 Introduced	120
H. 728 Introduced	120
H. 729 Introduced	120
H. 739 Introduced	122
H. 749 Introduced	124
H. 767 Introduced	547
S. 92 Moved to amend	10
S. 200 Moved to amend House prop of amend	1208
H.R. 16 Offered.....	221
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901
J.R.H. 39 Offered	1882

C.**Campaign Finance**

Names of natural persons; campaign finance reports. See table H. 660	2580

Campion, Brian A.

Member from Bennington (District Bennington-2-1)

Committee:

Education

Conference on S. 245	1730

Motions, etc.

H. 465 Introduced	3
H. 542 Introduced	34
H. 598 Introduced	79
H. 640 Introduced	95
H. 650 Introduced	97
H. 685 Introduced	105
H. 687 Introduced	105
H. 688 Introduced	105
H. 702 Introduced	108
H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 767 Introduced	547
S. 252 Moved to amend report.....	1640
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228

Cancer screening

- Cancer screenings; insurance coverage. See table H. 601 2572
 Prostate cancer screening; insurance coverage. See table H. 602 2572

Canfield, William P.

Member from Fair Haven (District Rutland-2)

Committee:

Joint Energy

Natural Resources and Energy

Motions, etc.

- H. 502 Introduced 18
 H. 537 Introduced 33
 H. 554 Introduced 41
 H. 555 Introduced 42
 H. 619 Introduced 87
 H. 621 Introduced 87
 H. 654 Introduced 98
 H. 655 Introduced 98
 H. 657 Introduced 99
 H. 663 Introduced 100
 H. 672 Introduced 102
 H. 674 Introduced 102
 H. 699 Introduced 107
 H. 718 Moved to amend 1256
 Moved to amend 1416
 H. 748 Introduced 124
 S. 214 Explained vote 2217
 H.R. 19 Offered 1225
 J.R.H. 22 Offered 110
 J.R.H. 24 Offered 377
 J.R.H. 31 Offered 616
 J.R.H. 37 Offered 1228
 Moved to postpone action 1319

Capital Construction

- Capital construction. See table H. 785 2600

Catamount Health

- Health care reform implementation. See table H. 559 2567
 Tobacco cessation program. See table H. 735 2591

Certification

- Licensed midwives; certified nurse midwives. See table H. 777 2598

Cheney, Margaret R.

Member from Norwich (District Windsor-Orange-2)

Committee:

Building Energy Disclosure

Natural Resources and Energy, Vice Chair

Motions, etc.

Cheney, Margaret R. (continued)

H. 468 Reported for committee.....	654
H. 475 Spoke for committee	69
H. 485 Introduced	12
H. 497 Introduced	17
H. 509 Introduced	22
H. 510 Introduced	22
H. 525 Introduced	27
H. 527 Introduced	27
H. 531 Introduced	31
H. 532 Introduced	32
H. 540 Introduced	33
H. 568 Introduced	47
H. 602 Introduced	80
H. 604 Introduced	80
H. 621 Introduced	87
H. 639 Introduced	95
H. 667 Introduced	101
H. 679 Introduced	103
Reported for committee.....	897
H. 712 Introduced	110
H. 722 Introduced	119
H. 726 Introduced	120
H. 731 Introduced	121
H. 739 Introduced	122
S. 214 Reported for committee	1587
H.R. 16 Offered.....	221
J.R.H. 22 Offered	83
J.R.H. 24 Offered	0
J.R.H. 29 Offered	506
J.R.H. 31 Offered	341
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Child abuse

Child abuse by another child. See table H. 709	2587
Child abuse or neglect; substantiation. See table H. 710	2587
Child abuse; reporting. See table H. 465	2552
Cruelty to children. See table H. 645	2579

Christie, Kevin B.

Member from Hartford (District Windsor-6-2)

Committee:

Education

Conference on S. 245	1730

Motions, etc.

H. 51 Introduced	100
H. 59 Introduced	82
H. 78 Introduced	435
H. 440 Explained vote.....	742
H. 502 Introduced	18

Christie, Kevin B. (continued)

H. 527 Introduced	27
H. 531 Introduced	31
H. 542 Introduced	34
H. 548 Introduced	36
H. 604 Introduced	80
H. 620 Introduced	87
H. 621 Introduced	87
H. 640 Introduced	95
H. 668 Introduced	101
H. 681 Introduced	104
H. 685 Introduced	105
H. 687 Introduced	105
H. 688 Introduced	105
H. 712 Introduced	110
H. 715 Introduced	117
H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 727 Introduced	120
H. 728 Introduced	120
H. 731 Introduced	121
H. 739 Introduced	122
H. 767 Introduced	547
H. 771 Spoke for committee	712
H. 790 Introduced	871
S. 245 Reported for committee	1039
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882
Remarks Journalized.....	189

Clark, Gregory S.

Member from Vergennes (District Addison-3)

Committee:

Education

Motions, etc.

H. 554 Introduced	41
H. 559 Moved to amend.....	379
Explained vote.....	391
H. 621 Introduced	87
H. 649 Introduced	97
H. 653 Introduced	98

Clark, Gregory S. (continued)

H. 657 Introduced	99
H. 672 Introduced	102
H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 781 Moved to amend.....	772
Asked leave to withdraw amend.....	772
Moved to amend.....	772
Asked leave to withdraw amend.....	772
S. 199 Moved to amend report.....	921
Demanded Yeas and Nays.....	921
S. 202 Explained vote	1317
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
Remarks Journalized.....	537

Clarkson, Alison H.

Member from Woodstock (District Windsor-5)

Committee:

Legislative Council, Chair

Ways and Means, Clerk

Conference on H. 769..... 1671

Motions, etc.

H. 78 Introduced	435
H. 479 Introduced	7
H. 508 Introduced	22
H. 519 Introduced	24
H. 542 Introduced	34
H. 558 Moved to amend.....	58
H. 566 Introduced	46
H. 568 Introduced	47
H. 580 Introduced	55
H. 588 Introduced	68
H. 604 Introduced	80
H. 621 Introduced	87
H. 625 Introduced	89
H. 640 Introduced	95
H. 672 Introduced	102
H. 706 Introduced	109
H. 718 Moved to amend report	1254
Moved to amend report	1256
Moved to amend.....	1416
H. 731 Introduced	121
H. 733 Introduced	121
H. 767 Introduced	547
H. 791 Spoke for committee	889
S. 202 Explained vote	1317
S. 249 Recommended for committee	195

Clarkson, Alison H. (continued)

H.R. 16 Offered.....	221
J.R.H. 21 Offered.....	55
J.R.H. 22 Offered.....	110
J.R.H. 24 Offered.....	377
J.R.H. 25 Offered.....	432
J.R.H. 29 Offered.....	506
J.R.H. 31 Offered.....	616
J.R.H. 34 Offered.....	901
J.R.H. 37 Offered.....	1228
J.R.H. 39 Offered.....	1882

Collective Bargaining

Health care provider; bargaining groups. See table H. 495	2555
Mandatory binding arbitration; teacher contracts. See table H. 300.....	2549

Commerce and Economic Development Committee

H. 762. Introduced.....	285
H. 775. Introduced.....	635

Commerce and Trade

Common interest communities; regulating. See table H. 522.....	2559
Creation of a state bank. See table H. 542	2563
Electric charging stations. See table H. 638.....	2578
Franchise agreements. See table H. 694	2585
Government contracting; discrimination. See table H. 702	2586
Interest rates; installment loans. See table H. 775	2598
Labeling of roll-off dumpsters. See table H. 622.....	2576
Overdue rent; wage withholding orders. See table H. 570.....	2568
Payday lending in Vermont. See table H. 481	2554
Private activity bond advisory committee; creation. See table H. 556.....	2566
Private roads; maintenance of. See table H. 272.....	2549
Propane consumers; protection. See table H. 551	2565
Scrap metal processors. See table H. 699	2585
Snowmobile decal exemption. See table H. 579.....	2569
Structured settlements. See table H. 778	2598
Suppliers and machinery dealerships; warranty. See table H. 719	2589
Supporting manufacturing and industry. See table H. 619	2574
Tourism and marketing; promoting. See table H. 640	2578
Training opportunities for professionals. See table H. 521	2559
Uniform Limited Cooperative Assoc. Act. See table H. 21	2547
VT economic development authority. See table H. 624	2576

Compensation

Victim's compensation board; applications. See table H. 669	2582

Condon, James O.

Member from Colchester (District Chittenden-7-1)

Committee:

Ways and Means

Conference on H. 782.....	1573

Clarkson, Alison H. (continued)

Motions, etc.

H. 502 Introduced	18
H. 506 Recommended for committee	870
H. 548 Introduced	36
H. 555 Introduced	42
H. 588 Introduced	68
H. 621 Introduced	87
H. 634 Introduced	94
H. 640 Introduced	95
H. 646 Introduced	96
H. 680 Introduced	104
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 725 Introduced	119
H. 748 Introduced	124
H. 756 Introduced	199
Spoke for committee	431
H.R. 16 Offered.....	221
J.R.H. 22 Offered.....	110
J.R.H. 24 Offered.....	377
J.R.H. 37 Offered.....	1228

Confidentiality

Confidentiality; pension records; state employees. See table H. 473	2553
Health insurance coverage and privacy protections. See table H. 572.....	2568

Conquest, Charles W.

Member from Newbury (District Orange-Caledonia-1)

Committee:

Agriculture, Clerk

Motions, etc.

H. 78 Introduced	435
H. 496 Explained vote.....	850
H. 506 Introduced	21
H. 542 Introduced	34
H. 548 Introduced	36
H. 555 Introduced	42
H. 576 Introduced	54
H. 579 Introduced	55
H. 585 Introduced	67
H. 620 Introduced	87
H. 696 Introduced	107
H. 704 Introduced	109
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 739 Introduced	122
H. 748 Introduced	124
H.R. 13 Moved to postpone action.....	115
H.R. 16 Offered.....	221
J.R.H. 20 Offered	44

Conquest, Charles W. (continued)

J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882
Remarks Journalized	423

Consejo, Michel A.

Member from Sheldon (District Franklin-5)

Committee:

Government Operations

Motions, etc.

H. 78 Introduced	435
H. 463 Introduced	3
H. 502 Introduced	18
H. 527 Introduced	27
H. 542 Introduced	34
H. 602 Introduced	80
H. 629 Explained vote.....	149
H. 640 Introduced	95
H. 668 Introduced	101
H. 672 Introduced	102
H. 718 Moved to amend report	1256
Moved to amend.....	1416
S. 106 Moved to concur with further amend.....	2451
S. 252 Reported for committee	1621
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 39 Offered	1882

Conservation and Development**Act 250**

Act 250 review. See table H. 725.....	2590
Dept. of environmental conservation fees. See table H. 769.....	2597
Environmental and land use permits. See table H. 676.....	2583
Environmental review board; permits. See table H. 513	2558

Conservation and Development

River management; erosion hazard planning. See table H. 466.....	2552

Conservation and Development**Miscellaneous**

Abandoned mobile homes; removing. See table H. 564	2568
Beverage container law; expanding. See table H. 504	2557
Certificates of public good. See table H. 586.....	2570

Conservation and Development (continued)**Miscellaneous**

Common interest communities; arbitration. See table H. 612.....	2573
Emergency streak alteration activities; guidelines. See table H. 546.....	2564
Environmental enforcement proceedings; public. See table H. 258.....	2549
Flood hazard areas. See table H. 563	2567
Gravel removal authorization. See table H. 596	2571
Hydraulic fracturing wells. See table H. 464	2552
Hydrology credits; stormwater permits. See table H. 488.....	2555
Invasive plants; sale of. See table H. 610.....	2573
Nuclear fuel, postclosure activities; tax. See table H. 479	2554
Perpetual conservation easements; amending. See table H. 553	2565
potable water supply; wastewater system. See table H. 469	2552
Public water system. See table H. 470	2553
Public water systems. See table H. 577	2569
Regulation of flood hazard areas. See table H. 519	2559
Removal of timber from watercourses. See table H. 483	2554
River management; erosion hazard planning. See table H. 466.....	2552
Salvage yard fees. See table H. 480	2554
Solar generation on flat roofs. See table H. 724.....	2590
Stream alteration. See table H. 482	2554
Testing of potable water supplies. See table H. 518	2559
Vermont's bottle bill; expansion. See table H. 727	2590
Water resources preservation program. See table H. 529	2561

Solid Waste

Labeling of roll-off dumpsters. See table H. 622	2576
Regional development corporations. See table H. 731	2591
Solid waste; universal recycling of. See table H. 485	2554
Wholesale bait dealer's permit. See table H. 616	2574
Windham solid waste district charter. See table H. 484.....	2554

Consumer Protection

Antitrust violation; prohibiting collusion. See table H. 691	2584
Consumer protection laws. See table H. 730	2590
Consumer rights; smart meters. See table H. 641	2578
Consumer protection. See table H. 254	2549
Health care professional transparency. See table H. 494	2555
Prescription drugs; purchase of . See table H. 672	2582
Propane consumers; protection. See table H. 551	2565

Contracts

Franchise agreements. See table H. 694	2585

Copeland-Hanzas, Sarah L.

Member from Bradford (District Orange-2)

Committee:

Health Care, Vice Chair

Conference on H. 559..... 1408

Conference on S. 200

Motions, etc.

H. 542 Introduced 34

Copeland-Hanzas, Sarah L. (continued)

H. 559 Explained vote.....	391
H. 571 Introduced	47
H. 573 Introduced	48
H. 603 Introduced	80
H. 739 Introduced	122
H. 764 Spoke for committee	549
H. 777 Spoke for committee	765
S. 200 Reported for committee	1185
Moved to amend prop of amend.....	1208
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228

Corcoran, Timothy R.

Member from Bennington (District Bennington-2-1)

Committee:

Transportation

Conference on H. 770..... 1119

Motions, etc.

H. 621 Introduced

87

H. 718 Moved to amend report

1256

Moved to amend.....

1416

H.R. 16 Offered.....

221

J.R.H. 24 Offered

377

Corporations

Natural persons; definition. See table H. 472 2553

Corrections

Children of incarcerated fathers. See table H. 626.....2576

Community High School of Vermont; governance. See table H. 613 2574

Mental health needs; corrections population. See table H. 765 2596

Out-of-state correctional facility. See table H. 607.....2573

Corrections and Institutions Committee

H. 765. Introduced.....

503

H. 785. Introduced.....

770

Courcelle, Gale P.

Member from Rutland City (District Rutland-5-4)

Committee:

Transportation, Clerk

Motions, etc.

H. 531 Introduced

31

H. 542 Introduced

34

H. 548 Introduced

36

H. 582 Introduced

66

Courcelle, Gale P. (continued)

H. 604 Introduced	80
H. 614 Introduced (By Request)	83
H. 620 Introduced	87
H. 631 Introduced	93
H. 640 Introduced	95
H. 667 Introduced	101
H. 668 Introduced	101
H. 672 Introduced	102
H. 678 Introduced	103
H. 699 Introduced	107
S. 200 Moved to amend House prop of amend	1208
S. 249 Reported for committee	195
H.R. 16 Offered	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Courts; Court Procedure

Adverse possession actions; abolishing. See table H. 708	2587
Authority of a jury. See table H. 530	2561
Foreclosure of mortgages. See table H. 403	2550
Foreclosure proceedings; mediation. See table H. 600	2572
limited liability; landowner; recreation. See table H. 467	2552
Personal property; court judgments. See table H. 707	2586
Pretrial home detention. See table H. 632	2577
Probate proceedings. See table H. 486	2554

Crawford, Howard T.

Member from Burke (District Caledonia-4)

Committee:

Education, Vice Chair

Conference on H. 771

Conference on H. 781

Motions, etc.

H. 365 Introduced	186
H. 502 Introduced	18
H. 527 Moved to commit	76
H. 554 Introduced	41
H. 561 Introduced	45
H. 621 Introduced	87
H. 650 Introduced	97
H. 767 Introduced	547
H. 776 Spoke for committee	737
Moved to postpone action	737
J.R.H. 20 Offered	44

Crawford, Howard T. (continued)

J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901

Crimes; Criminal Procedure

Cocaine; crack cocaine; disparity between. See table H. 609	2573
Disappearance of a child; failure to report. See table H. 649	2579
Firearms; safe storage. See table H. 580	2569
Funeral service; disturbing. See table H. 654	2580
Human trafficking; expunging conviction record. See table H. 557	2566
Sale of stolen property. See table H. 706	2586
Vulnerable adults; abuse; civil action. See table H. 413	2550

Current Use

Current use program; wastewater permits. See table H. 490	2555

D.**Dakin, Leigh J.**

Member from Chester (District Windsor-1-1)

Committee:

Health Care, Clerk

Conference on H. 559	1408

Motions, etc.

H. 531 Introduced	31
H. 542 Introduced	34
H. 544 Introduced	35
H. 573 Introduced	48
H. 603 Introduced	80
H. 604 Introduced	80
H. 621 Introduced	87
H. 718 Moved to amend report	1256
Moved to amend	1416
S. 223 Reported for committee	1081
H.R. 16 Offered	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228

Davis, Susan Hatch

Member from Washington (District Orange-1)

Committee:

Corrections and Institutions

Legislative Information Technology, Vice Chair

Motions, etc.

H. 59 Introduced	82

Davis, Susan Hatch (continued)

H. 542 Introduced	34
H. 544 Introduced	35
H. 558 Moved to amend.....	51
H. 586 Introduced	67
H. 607 Introduced	81
H. 667 Introduced	101
H. 686 Introduced	105
H. 715 Introduced	117
H. 718 Moved to amend report	1256
Moved to amend.....	1416
Explained vote.....	1418
Asked leave to withdraw amend.....	1422
Moved to amend.....	1573
H. 721 Introduced	118
H. 726 Introduced	120
H. 733 Introduced	121
H. 739 Introduced	122
H. 753 Moved to amend.....	281
Demanded Yeas and Nays.....	282
Explained vote.....	282
H. 784 Introduced	770
S. 200 Moved to amend House prop of amen	1208
H.R. 16 Offered.....	221
H.R. 18 Offered.....	1061
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 27 Offered	479
J.R.H. 29 Offered	506
J.R.H. 35 Offered	904
J.R.S. 11 Explained vote	1070
Remarks Journalized	400

Deen, David L.

Member from Westminster (District Windham-5)

Committee:

Fish, Wildlife & Water Resources, Chair

Rules

Motions, etc.

H. 449 Introduced	83
H. 464 Demanded Yeas and Nays.....	2153
H. 480 Introduced	8
H. 482 Introduced	8
H. 483 Introduced	12
H. 488 Introduced	13
H. 490 Moved to commit	28
H. 513 Introduced	23
H. 518 Introduced	24
H. 519 Introduced	24
H. 528 Introduced	27

Deen, David L. (continued)

H. 529 Introduced	31
H. 531 Introduced	31
H. 542 Introduced	34
H. 548 Introduced	36
H. 560 Introduced	45
H. 577 Introduced	55
H. 580 Introduced	55
H. 607 Introduced	81
H. 616 Introduced	86
H. 620 Introduced	87
H. 621 Introduced	87
H. 699 Introduced	107
H. 727 Introduced	120
H. 739 Introduced	122
H. 752 Spoke for committee	208
H. 756 Raised a Point of Order	435
H. 779 Spoke for committee	766
H. 782 Demanded Yeas and Nays	831
S. 113 Demanded Yeas and Nays	2495
S. 202 Reported for committee	1276
Moved to amend	1543
H.R. 16 Offered	221
J.R.H. 24 Offered	0
J.R.H. 26 Offered	477
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228
Remarks Journalized	760

Degree, Dustin A.

Member from St. Albans City (District Franklin-3)

Committee:

Fish, Wildlife & Water Resources

Motions, etc.

H. 427 Demanded Yeas and Nays	1126
H. 554 Introduced	41
H. 558 Moved to amend	58
Demanded Yeas and Nays	59
H. 559 Asked leave to withdraw amend	410
Moved to amend	412
Demanded Yeas and Nays	413
H. 597 Introduced	79
H. 604 Introduced	80
H. 608 Introduced	82
H. 616 Introduced	86
H. 620 Introduced	87
H. 621 Introduced	87
H. 668 Introduced	101
H. 718 Moved to amend report	1256
Moved to amend	1416

Degree, Dustin A. (continued)

H. 725 Introduced	119
H. 754 Demanded Yeas and Nays.....	210
Demanded Yeas and Nays.....	215
H. 757 Demanded Yeas and Nays.....	916
Explained vote.....	916
H. 769 Demanded Yeas and Nays.....	753
H. 777 Moved to commit	766
Demanded Yeas and Nays.....	1056
H. 781 Explained vote.....	772
H. 782 Moved to amend.....	827
Moved to amend.....	827
Moved to amend.....	827
Moved to amend.....	829
Demanded Yeas and Nays.....	829
Explained vote.....	829
S. 95 Demanded Yeas and Nays	1769
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 34 Offered	901
J.R.S. 11 Moved to amend	1067
Demanded Yeas and Nays.....	1069

Devereux, Dennis J.

Member from Mount Holly (District Windsor-Rutland-1)

Committee:

Government Operations

Conference on H. 780..... 1851

Motions, etc.

H. 502 Introduced	18
H. 621 Introduced	87
H. 629 Explained vote.....	149
H. 672 Introduced	102
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 786 Reported for committee.....	900
H. 787 Reported for committee.....	979
H. 789 Explained vote.....	1762
S. 106 Moved to concur with further amend.....	2451
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228

Devotional Exercises

Pastor Caleb Abetti	26, 117, 1123
Pastor Peter Anderson	431
Rep. William Aswad	983
Rep. Ken Atkins	1731

Devotional Exercises (continued)

Father Michael Augustinowicz	21, 85
Pastor Skip Baltz	44
Barre City Elementary School teachers.....	822
Sgt-at-Arms, Francis Brooks.....	1933
Lynn Bujnak, Conference Minister	770
Pastor Laura Cadmus	780
Rev. Glen Carter.....	613
Rev. Janice Chileck	901
Rep. Kevin Christie	2445
Christina Cosgrove.....	54
Rev. Rebecca Clark	542
Rep. Ann Donahue	2033
Rep. Johanna Leddy Donovan	627
Eagle Scout Troop 635 from Essex.....	218
Rep. Eldred French.....	2057
Rev. Kevin Goldenboger.....	635
Rev. Mitchell Hay	1044
Poet, Geof Hewitt.....	1200
Mark Hudson	278
Rev. Elissa Johnk	503
Alex Kauffman.....	854
Rev. M'ellen Kennedy	862
Kid Pan Alley, Union Elementary School, Montplier.....	756
Rep. Tom Koch.....	39, 913
Rev. Ryan Gackenhaimer.....	65
Peter Gilbert	208
Rev. Patrice Goodwin	78
Rev. Paul Habersang	45, 271
Rev. Emily Heath	881
Poet Laureate of VT, Sydney Lea	399
Rev. Norman Macleod	1236
Ben Partridge, bagpiper.....	858
Rev. Peter Plagge	476, 835, 1058
Puppets in Education from Burlington, VT.....	75
Rev. Ute Schmidt	422
Julia Shipley	735
State House Singers.....	190
Rev. Ed Sorrell	889
Pastor Rebecca Strader.....	285
Maple Street School, Manchester.....	1
Pastor Mark McEathron	16
Pastor Michael Murray	267
Rev. Mark Pitton	25, 198
Rev. Peter Plagge	6, 93
Pastor Carl VanOsdall.....	292
Rabbo Tobie Weisman	11, 204
Zack's Place, Woodstock, VT.....	871

Dickinson, Eileen G.

Member from St. Albans Town (District Franklin-2)

Committee:

Commerce and Economic Development

Conference on S. 217 1931

Motions, etc.

H. 365 Introduced	186
H. 498 Introduced	17
H. 512 Introduced	23
H. 533 Introduced	32
H. 552 Introduced	41
H. 556 Introduced	42
Reported for committee.....	395
H. 558 Explained vote.....	61
H. 559 Explained vote.....	391
H. 617 Introduced	87
H. 619 Introduced	87
H. 621 Introduced	87
H. 631 Introduced	93
H. 646 Introduced	96
H. 654 Introduced	98
H. 655 Introduced	98
H. 663 Introduced	100
H. 668 Introduced	101
H. 672 Introduced	102
H. 718 Moved to amend report	1256
H. 720 Introduced	118
S. 95 Moved to amend prop of amend	1768
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901

Disclosure

Building's energy performance; disclosure. See table H. 497.....	2556
Federal grant conditions; disclosure. See table H. 723	2589
Gift ban and disclosure requirements. See table H. 571	2568
Reporting requirements of health insurers. See table H. 534.....	2561

Discrimination

Government contracting; discrimination. See table H. 702	2586
Racial disparities; VT criminal justice system. See table H. 535	2562
Unfair housing practices. See table H. 59.....	2548

Domestic Relations

Divorce and dissolution proceedings. See table H. 758.....	2595
Health insurance coverage and privacy protections. See table H. 572.....	2568

Donaghy, Andrew P.

Member from Poultney (District Rutland-1-1)

Committee:

Judiciary

Donaghy, Andrew P. (continued)

Motions, etc.

H. 440 Demanded Yeas and Nays.....	742
H. 502 Introduced	18
H. 503 Introduced	19
H. 537 Introduced	33
H. 554 Introduced	41
H. 621 Introduced	87
H. 623 Introduced	88
H. 654 Introduced	98
H. 747 Moved to concur with Senate with an amendment.....	1982
Asked leave to withdraw amend.....	1982
S. 115 Reported for committee	1056
Moved to postpone action	1090
H.R. 19 Offered.....	1225
J.R.H. 22 Offered.....	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757

Donahue, Anne B.

Member from Northfield (District Washington-2)

Committee:

Human Services

Mental Health Oversight

Motions, etc.

H. 468 Explained vote.....	687
H. 485 Moved to amend report	502
H. 498 Introduced	17
H. 499 Introduced	18
H. 502 Introduced	18
H. 524 Asked leave to withdraw amend	626
H. 535 Explained vote.....	823
H. 548 Introduced	36
H. 558 Moved to amend.....	58
Explained vote.....	61
H. 559 Moved to amend.....	388
Explained vote.....	403
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 754 Explained vote.....	212
H. 789 Explained vote.....	1762
S. 95 Asked leave to withdraw amend	1659
S. 138 Moved to amend	1725
S. 199 Moved to amend report.....	921
Moved to amend report	923
Explained vote.....	924
Explained vote.....	2043

Donahue, Anne B. (continued)

S. 236 Moved to propose amend.....	1049
Asked leave to withdraw amend.....	1049
S. 237 Explained vote	1053
H.R. 19 Offered.....	1225
H.R. 21 Moved to postpone action.....	1729
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757

Donovan, Johannah L.

Member from Burlington (District Chittenden-3-5)

Committee:

Education, Chair

Government Accountability Committee

Vermont Child Poverty Council

Conference on H. 771	1872
Conference on S. 113	1932
Conference on S. 245	1730

Motions, etc.

H. 412 Moved to commit	36
H. 440 Moved to postpone action	731
Reported for committee.....	739
Moved to amend.....	765
H. 507 Introduced	22
H. 536 Introduced	33
H. 542 Introduced	34
H. 548 Introduced	36
H. 557 Introduced	42
H. 607 Introduced	81
H. 621 Introduced	87
H. 736 Introduced	122
H. 739 Introduced	122
H. 767 Introduced	547
H. 792 Introduced	914
S. 92 Moved to postpone action	6
S. 95 Demanded Yeas and Nays	1661
S. 113 Reported for committee	1641
H.R. 16 Offered.....	221
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 29 Offered	506
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882
Remarks Journalized	28
Remarks Journalized	628

Drugs

Cocaine; crack cocaine; disparity between. See table H. 609	2573
Licensed alcohol and drug abuse counselors. See table H. 617	2574
Prescribing a controlled substance. See table H. 531	2561

DUI, DWI

Aggravated DUI offense; establishing. See table H. 657	2580
Driving with suspended license; referral. See table H. 633	2577
Ignition interlock restricted driver's licenses. See table H. 768	2596
Under the influence of alcohol; child in vehicle. See table H. 647	2579

E.**Eckhardt, James R.**

Member from Chittenden (District Rutland-Windsor-1)

Committee:

Health Care

Motions, etc.

H. 37 Reported for committee	549
H. 365 Introduced	186
H. 539 Introduced	33
H. 554 Introduced	41
H. 558 Moved to amend	58
H. 573 Introduced	48
H. 582 Introduced	66
H. 602 Introduced	80
H. 603 Introduced	80
H. 621 Introduced	87
H. 672 Introduced	102
H. 706 Introduced	109
H. 718 Moved to amend report	1256
Moved to amend	1416
H. 739 Introduced	122
H. 782 Moved to amend	784
Moved to amend	785
S. 202 Explained vote	1317
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901
J.R.H. 37 Explained vote	1413

Education

Advanced level coursework; credit. See table H. 668	2582
Agency and Secretary of Education; creation of. See table H. 440	2551
Agreements; school districts; supervisory unions. See table H. 686	2584
Approved independent schools; public funding. See table H. 651	2579
Career and college readiness; flexible pathways. See table H. 776	2598
Child abuse; reporting. See table H. 465	2552

Education (continued)

Community High School of Vermont; governance. See table H. 613	2574
Consolidate goverance structures. See table H. 753	2594
Duties performed by supervisory unions. See table H. 510	2558
Education law; making technical corrections. See table H. 771	2597
Education property tax. See table H. 754	2594
Eqyal educational opportunities for all children. See table H. 684.....	2584
Harassment and bullying; education settings. See table H. 412.....	2550
Head injuries; student athletes. See table H. 604.....	2573
Joint contract schools; consolidation grants. See table H. 511	2558
Mandatory binding arbitration; teacher contracts. See table H. 300.....	2549
Mentoring of new teachers. See table H. 685	2584
New teachers; assessment. See table H. 688.....	2584
Oral health; Vermonters. See table H. 615	2574
Out-of-state independent schools; tuition payments. See table H. 508.....	2558
Providing elementary school education. See table H. 650.....	2579
Public high school choice; tuition. See table H. 474.....	2553
Public school athletic teams. See table H. 516	2559
School budgets; development of. See table H. 698.....	2585
Secondary teachers;; licensing. See table H. 687.....	2584
Small school grants; repeal. See table H. 692.....	2585
Standards-based performance assesment. See table H. 682.....	2584
Statewide education property tax. See table H. 680.....	2583
Student loan forgiveness. See table H. 767.....	2596
Supervisory union boundary adjustments. See table H. 509.....	2558
Teachers; retirement system of Vermont. See table H. 697.....	2585
Tuition; secondary school. See table H. 690.....	2584

Education Committee

H. 753. Introduced.....	191
H. 771. Introduced.....	528
H. 776. Introduced.....	635

Education Finance

Education property tax; billing and collection. See table H. 763.....	2596
Equalized pupil count; decrease; Irene. See table H. 605	2573
School budgets; development of. See table H. 698.....	2585

Edwards, Sarah R.

Member from Brattleboro (District Windham-3-3)

Committee:

Joint Energy

Natural Resources and Energy

Motions, etc.

H. 59 Introduced	82
H. 459 Introduced	436
H. 485 Introduced	12
H. 492 Introduced	14
H. 497 Introduced	17
H. 541 Introduced	34
H. 542 Introduced	34

Edwards, Sarah R. (continued)

H. 549 Introduced	36
H. 580 Introduced	55
H. 607 Introduced	81
H. 620 Introduced	87
H. 621 Introduced	87
H. 679 Introduced	103
H. 724 Introduced	119
H. 733 Introduced	121
S. 95 Moved to amend	1771
S. 200 Moved to amend House prop of amend	1208
H.R. 16 Offered.....	221
J.R.H. 22 Offered	110
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228

Elections

Campaign finance reports. See table H. 740.....	2592
Campaign finance reports; searchable database. See table H. 741	2592
Early voter absentee ballot. See table H. 742	2592
Elections; independent expenditures. See table H. 739	2592

Ellis, Rebecca M.

Member from Waterbury (District Washington-Chittenden-1)

Committee:

Natural Resources and Energy

Motions, etc.

H. 542 Introduced	34
H. 588 Introduced	68
H. 604 Introduced	80
H. 629 Explained vote.....	149
H. 659 Introduced	99
S. 179 Reported for committee	883
S. 200 Moved to amend House prop of amend	1208
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228

Emergency management

Emergency management. See table H. 712.....	2587

Emergency medical care

Ambulance and EMS services; reimbursement. See table H. 631	2577

Emergency Responder

- Colored lights; enforcement; emergency vehicles. See table H. 544 2563
- Fire department vehicles; blue light display. See table H. 543 2563

Emergency Volunteers

- Emergency medical personnel; education. See table H. 463 2552

Eminent Domain

- State highway condemnation law; revising. See table H. 523 2560

Emmons, Alice M.

Member from Springfield (District Windsor-1-2)

Committee:

- Corrections and Institutions, Chair
- Conference on H. 630.....536
- Conference on J.R.S. 54 1986

Motions, etc.

- H. 473 Introduced 5
- H. 516 Introduced 23
- H. 613 Introduced 82
- H. 622 Introduced 88
- H. 630 Reported for committee.....178
- H. 785 Spoke for committee 785
 - Moved to amend.....786
 - Moved to amend.....786
 - Moved to postpone action 1120
 - Moved to concur with further amend 1181
- H.R. 16 Offered.....221
- J.R.H. 24 Offered 377
- J.R.H. 29 Offered 506
- J.R.H. 37 Offered 1228

Employment

- Training opportunities for professionals. See table H. 521 2559
- Worker's and unemployment compensation. See table H. 762 2595

End of life; DNR

- Surrogate decision-making. See table H. 673 2582

Energy

- Building's energy performance; disclosure. See table H. 497 2556
- Certificates of public good. See table H. 586 2570
- Commercial building energy standards. See table H. 643 2579
- Electric industry management. See table H. 721 2589
- Electric poser; billing transparency. See table H. 476 2553
- Electric poser; transparency. See table H. 677.....2583
- Electric residential service rates. See table H. 642 2578
- Hydraulic fracturing wells. See table H. 464 2552
- Hydrology credits; stormwater permits. See table H. 488 2555
- Metering; definitions of capacity. See table H. 475.....2553
- Nuclear fuel, postclosure activities; tax. See table H. 479 2554

Energy (continued)

Solar generation on flat roofs. See table H. 724	2590
Solar renewable energy plants. See table H. 679	2583
Vermont Energy Act; 2012. See table H. 468.....	2552
Wood biomass plants; renewable energy. See table H. 675.....	2583

Environment

Use of formaldehyde; domestic animals. See table H. 545.....	2564

Estates

Powers of attorney. See table H. 592	2571

Evans, Debbie G.

Member from Essex (District Chittenden-6-1)

Committee:

Government Operations, Clerk

Motions, etc.

H. 78 Introduced	435
H. 468 Demanded Yeas and Nays.....	746
H. 524 Spoke for committee	571
Moved to amend.....	627
Moved to concur with further amend	2031
H. 527 Introduced	27
H. 531 Introduced	31
H. 538 Introduced	33
H. 542 Introduced	34
H. 580 Introduced	55
H. 588 Introduced	68
H. 604 Introduced	80
S. 106 Moved to concur with further amend.....	2451
S. 200 Moved to amend House prop of amend	1208
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616

Executive Branch

Dept. of environmental conservation fees. See table H. 769	2597
Genuine progress indicator. See table H. 541	2563
State government positions; management of. See table H. 744	2592
Vacant state buildings and properties. See table H. 648.....	2579
Vermont administrative procedure act. See table H. 550.....	2565

Exempt employee

Compensation for certain state employees. See table H. 780	2599

Exemptions

Vermont Housing Finance Agency. See table H. 637 2578

F.**Fagan, Peter J.**

Member from Rutland City (District Rutland-5-1)

Committee:

Fish, Wildlife & Water Resources

Motions, etc.

H. 440 Explained vote.....	742
H. 502 Introduced	18
H. 503 Introduced	19
H. 524 Moved to amend.....	627
H. 548 Introduced	36
H. 554 Introduced	41
H. 559 Moved to amend.....	383
Demanded Yeas and Nays.....	386
H. 577 Reported for committee.....	424
H. 582 Introduced	66
H. 616 Introduced	86
H. 620 Introduced	87
H. 621 Introduced	87
H. 653 Introduced	98
H. 657 Introduced	99
H. 670 Introduced	101
H. 672 Introduced	102
H. 699 Introduced	107
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 725 Introduced	119
H. 782 Explained vote.....	831
S. 95 Moved to commit bill.....	1661
Demanded Yeas and Nays.....	1674
S. 183 Reported for committee	1272
Moved to amend.....	1276
Moved to amend.....	1542
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 37 Explained vote	1413
J.R.H. 39 Offered	1882

Fines

Distribution of proceeds; fines; motor vehicle. See table H. 585 2570

Fire Departments

Fire department vehicles; blue light display. See table H. 543 2563

Firearms

Firearms; safe storage. See table H. 580.....	2569
Prohibition of firearms. See table H. 590	2571

Fish and Wildlife

Fishing access areas. See table H. 644.....	2579
Hunting deer; wearing blaze orange. See table H. 574	2569
Interstate Wildlife Violator Compact. See table H. 53	2548
Moose permits for veterans. See table H. 655	2580
Sale of big game; feeding of bear. See table H. 528.....	2561
State fish of Vermont. See table H. 449.....	2551
Wholesale bait dealer's permit. See table H. 616.....	2574

Fish, Wildlife & Water Resources Committee

H. 752. Introduced.....	191
H. 779. Introduced.....	636
H.R. 20. Introduced.....	1227
H.R. 20. Introduced.....	1319

Fisher, Michael

Member from Lincoln (District Addison-4)

Committee:

Health Care Reform Commission

Health Care, Chair

Conference on H. 559..... 1408

Conference on S. 199

Motions, etc.

H. 39 Introduced	176
H. 59 Introduced	82
H. 78 Introduced	435
H. 531 Moved to commit	112
H. 542 Introduced	34
H. 548 Introduced	36
H. 559 Introduced	43
Spoke for committee	299
Requested Committee of Conference.....	1320
H. 603 Introduced	80
H. 608 Moved to commit	112
H. 620 Introduced	87
H. 621 Introduced	87
H. 739 Introduced	122
H. 745 Moved to commit	199
S. 113 Moved to amend	1725
S. 199 Reported for committee	918
Moved to amend report	927
Moved to postpone action	1938
S. 200 Demanded Yeas and Nays	1195
S. 222 Reported for committee	1037
H.R. 16 Offered.....	221
J.R.H. 23 Offered	204

Fisher, Michael (continued)

J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 32 Offered	757

Flood

Property transfer tax; exemption. See table H. 589	2571
Regulation of flood hazard areas. See table H. 519	2559
Tropical Storm Irene; lost/damaged homes. See table H. 554	2565

Foreclosure

Foreclosure proceedings; mediation. See table H. 600	2572

Frank, William R.

Member from Underhill (District Chittenden-8)

Committee:

Human Services, Clerk

Motions, etc.

H. 531 Introduced	31
H. 544 Introduced	35
H. 548 Introduced	36
H. 599 Introduced	79
H. 620 Introduced	87
H. 673 Introduced	102
H. 747 Introduced	124
H. 755 Spoke for committee	216
Moved to amend	217
H.R. 16 Offered	221
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Fraud

Structured settlements. See table H. 778	2598

French, Eldred M.

Member from Shrewsbury (District Rutland-3)

Committee:

Judicial Retention

Judiciary

Conference on H. 778

2047

Motions, etc.

H. 39 Introduced	176
H. 413 Moved to postpone action	980
H. 467 Moved to postpone action	735
H. 503 Introduced	19
Moved to postpone action	980

French, Eldred M. (continued)

H. 535 Introduced	32
H. 542 Introduced	34
H. 549 Introduced	36
H. 555 Introduced	42
H. 557 Introduced	42
H. 559 Explained vote.....	386
Explained vote.....	403
H. 580 Introduced	55
H. 604 Introduced	80
H. 607 Introduced	81
H. 620 Introduced	87
H. 621 Introduced	87
H. 629 Explained vote.....	149
H. 672 Introduced	102
H. 691 Spoke for committee	710
H. 699 Introduced	107
H. 706 Introduced	109
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 719 Introduced	118
H. 733 Introduced	121
H. 754 Explained vote.....	212
H. 768 Spoke for committee	637
H. 781 Explained vote.....	772
S. 226 Reported for committee	801
H.R. 16 Offered.....	221
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

French, Patricia T.

Member from Randolph (District Orange-Addison-1)

Committee:

Administrative Rules

Human Services

Motions, etc.

H. 78 Introduced	435
H. 498 Introduced	17
H. 531 Introduced	31
H. 542 Introduced	34
H. 550 Introduced	40
H. 607 Introduced	81
H. 620 Introduced	87
H. 673 Introduced	102

French, Patricia T. (continued)

H. 759 Reported for committee.....	734
Moved Senate recede from prop of amend.....	1222
S. 89 Reported for committee	1128
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228

Fuel assistance

Fuel suppliers; report requirements. See table H. 581	2570

G.**General, Housing and Military Affairs Committee**

H. 766. Introduced.....	542
H. 772. Introduced.....	628
H. 773. Introduced.....	635

Gilbert, Gary L.

Member from Fairfax (District Franklin-1)

Committee:

Education

Conference on S. 113	1932

Motions, etc.

H. 78 Introduced	435
H. 527 Introduced	27
H. 531 Introduced	31
H. 620 Introduced	87
H. 668 Introduced	101
H. 672 Introduced	102
H. 767 Introduced	547
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 34 Offered	901

Government Operations

Disclosure of property tax adjustment information. See table H. 515	2559
Public records act exemptions. See table H. 611	2573
State government; improving efficiency. See table H. 732	2591
Vermont administrative procedure act. See table H. 550.....	2565

Government Operations Committee

H. 515. Introduced.....	23
H. 629. Introduced.....	92
H. 629. Introduced.....	92

Government Operations Committee (continued)

H. 780. Introduced.....	636
H. 789. Introduced.....	860
H. 794. Introduced.....	985

Governor's Communications

Appointment of Teo Erik Zagar.....	1
Appointment of Jean O'Sullivan	1
Became law w/o Governor's signature, H. 157; letter of explanation	2056

Grad, Maxine Jo

Member from Moretown (District Washington-2)

Committee:

Judiciary, Vice Chair

Conference on H. 600.....2055

Conference on S. 189
 1800 |

Conference on S. 244
 1800 |

Motions, etc.

H. 39 Introduced
 176 |

H. 413 Introduced
 100 |

Moved to concur with further amend
 1045 |

H. 499 Introduced
 18 |

H. 503 Introduced
 19 |

Spoke for committee
 37 |

Moved to postpone action
 901 |

H. 542 Introduced
 34 |

H. 553 Introduced
 41 |

H. 557 Introduced
 42 |

H. 600 Introduced
 80 |

H. 605 Introduced
 81 |

H. 645 Introduced
 96 |

H. 655 Introduced
 98 |

H. 663 Introduced
 100 |

H. 669 Introduced
 101 |

H.R. 16 Offered.....
 221 |

J.R.H. 22 Offered
 110 |

J.R.H. 24 Offered
 377 |

J.R.H. 29 Offered
 506 |

J.R.H. 32 Offered
 757 |

J.R.H. 37 Offered
 1228 |

Grants

Federal grant conditions; disclosure. See table H. 723
 2589 |

Joint contract schools; consolidation grants. See table H. 511
 2558 |

Student loan forgiveness. See table H. 767.....
 2596 |

Green Mountain Care

Green Mountain Care; abortions. See table H. 750
 2593 |

Green Mountain Care; financing plan. See table H. 539
 2562 |

Greshin, Adam M.

Member from Warren (District Washington-1)

Committee:

Ways and Means

Motions, etc.

H. 548 Introduced	36
H. 551 Introduced	40
H. 555 Introduced	42
H. 558 Moved to amend.....	58
H. 602 Introduced	80
H. 619 Introduced	87
H. 621 Introduced	87
H. 640 Introduced	95
H. 672 Introduced	102
H. 679 Recommended for committee	899
Moved to amend.....	910
H. 680 Introduced	104
H. 694 Introduced	106
H. 700 Introduced	108
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 731 Introduced	121
H. 756 Introduced	199
S. 95 Moved to amend	1660
Moved to amend prop of amend.....	1768
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 32 Offered	757

Groundwater

Testing of potable water supplies. See table H. 518 2559

Guardianships

Probate proceedings. See table H. 486.....2554

H.**Haas, Sandy J.**

Member from Rochester (District Windsor-Rutland-2)

Committee:

Corrections Oversight

Government Accountability Committee

Human Services, Vice Chair

Judicial Rules

Conference on H. 630.....536

Motions, etc.

H. 496 Explained vote.....	850
H. 542 Introduced	34
H. 656 Introduced (By Request)	98
H. 673 Introduced	102
H. 739 Introduced	122

Haas, Sandy J. (continued)

H. 762 Moved to amend.....	990
H.R. 16 Offered.....	221
J.R.H. 23 Offered.....	204
J.R.H. 24 Offered.....	377
J.R.H. 29 Offered.....	506
J.R.H. 31 Offered.....	616

Head, Helen J.

Member from South Burlington (District Chittenden-3-10)

Committee:

General, Housing and Military Affairs, Chair

Motions, etc.

H. 39 Moved to postpone action	227
H. 493 Introduced	14
H. 542 Introduced	34
H. 548 Introduced	36
H. 746 Moved to commit	272
H. 766 Spoke for committee	853
Spoke for committee	0
H. 773 Spoke for committee	821
S. 95 Moved to amend	1661
H.R. 16 Offered.....	221
J.R.H. 22 Offered.....	110
J.R.H. 24 Offered.....	377
J.R.H. 25 Offered.....	432
J.R.H. 26 Offered.....	477
J.R.H. 29 Offered.....	506
J.R.H. 31 Offered.....	616
J.R.H. 37 Offered.....	1228

Health

Age of consent for blood donation. See table H. 760	2595
APRN hospital staff privileges. See table H. 591	2571
Autism spectrum disorders; health insurance. See table H. 736	2591
Banking; insurance; securities; health care admin. See table H. 512.....	2558
Blood donations; 16-year-olds. See table H. 595.....	2571
Cost shift; reducing. See table H. 666.....	2581
Emergency medical personnel; education. See table H. 463	2552
Genuine progress indicator. See table H. 541.....	2563
Gift ban and disclosure requirements. See table H. 571	2568
Green burials. See table H. 584	2570
Green Mountain Care; financing plan. See table H. 539	2562
Head injuries; student athletes. See table H. 604.....	2573
Health Access Oversight Committee. See table H. 500.....	2556
Health care practitioner signature authority. See table H. 573.....	2569
Health care provider; bargaining groups. See table H. 495	2555
Health insurance brokers' fees. See table H. 764	2596
Hearing aids; insurance coverage. See table H. 492	2555
Health care; consumer choices. See table H. 646	2579

Health (continued)

Loan repayment program; heal care providers. See table H. 737	2591
Lupus advisory panel; Dept. of health. See table H. 501	2556
Military; advanced directives. See table H. 39	2547
Naturopathic physicians. See table H. 578	2569
Opioid addiction treatment system. See table H. 627	2576
Oral health; Vermonters. See table H. 615	2574
Pharmacy audits. See table H. 674.....	2583
Primary mental health care services; parity for. See table H. 498	2556
Reporting requirements of health insurers. See table H. 534.....	2561
Secure residential recovery facilities. See table H. 759	2595
State group health ins. program; participation. See table H. 547	2564
Tanning beds; restrutions. See table H. 157.....	2549
Uniform prior authorization request forms. See table H. 603	2572
Vermont's mental health system; reforming. See table H. 630	2577

Health care

Health department rules; adoption of. See table H. 755	2594

Health Care Committee

H. 764. Introduced.....	503
H. 777. Introduced.....	635

Heath, Martha P.

Member from Westford (District Chittenden-6-3)

Committee:

Appropriations, Chair	
Corrections Oversight	
Joint Fiscal Committee, Vice Chair	
Joint Transportation Oversight	
Conference on H. 558.....	266
Conference on H. 781.....	1541

Motions, etc.

H. 548 Introduced	36
H. 558 Spoke for committee	50
Moved to amend.....	51
Requested Committee of Conference.....	227
H. 569 Introduced	47
H. 572 Introduced	48
H. 577 Moved to commit	275
H. 580 Introduced	55
H. 620 Introduced	87
H. 699 Introduced	107
H. 753 Recommended for committee	280
H. 781 Spoke for committee	762
Moved to amend.....	762
Requested Committee of Conference.....	1431
Demanded Yeas and Nays.....	2425
S. 222 Recommended for committee	1038
J.R.H. 21 Offered	55
J.R.H. 24 Offered	377
J.R.H. 37 Offered	1228

Hebert, Michael J.

Member from Vernon (District Windham-1)

Committee:

Natural Resources and Energy

Motions, etc.

H. 365 Introduced	186
H. 502 Introduced	18
H. 503 Introduced	19
H. 517 Introduced	24
H. 548 Introduced	36
H. 554 Introduced	41
H. 558 Moved to amend.....	58
Moved to amend.....	61
H. 559 Asked leave to withdraw amend	401
Explained vote.....	415
H. 619 Introduced	87
H. 621 Introduced	87
H. 654 Introduced	98
H. 655 Introduced	98
H. 663 Introduced	100
H. 672 Introduced	102
H. 718 Demanded Yeas and Nays.....	1418
Explained vote.....	1418
H. 725 Introduced	119
H. 757 Explained vote.....	916
H. 782 Explained vote.....	831
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228

Helm, Robert G.

Member from Fair Haven (District Rutland-2)

Committee:

Appropriations

Motions, etc.

H. 51 Recommended for committee	154
H. 502 Introduced	18
H. 504 Introduced	19
H. 517 Introduced	24
H. 537 Introduced	33
H. 554 Introduced	41
H. 621 Introduced	87
H. 654 Introduced	98
H. 663 Introduced	100
H. 672 Introduced	102
H. 718 Moved to amend report	1256
Moved to amend.....	1416

Helm, Robert G. (continued)

H. 748 Introduced	124
H. 770 Recommended for committee	652
S. 249 Recommended for committee	195
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616

Highways

Richard W. Hube memorial bridge. See table H. 621	2576
VT route 132; adding to state highway system. See table H. 532.....	2561

Higley, Mark A.

Member from Lowell (District Orleans-Franklin-1)

Committee:

Government Operations

Motions, etc.

H. 484 Reported for committee.....	706
H. 502 Introduced	18
H. 558 Moved to amend.....	58
H. 559 Moved to amend.....	379
H. 718 Moved to amend report	1256
Moved to amend.....	1416
S. 106 Reported for committee	1013
Moved to concur with further amend	2451
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616

Homestead

Homestead property taxes. See table H. 689	2584

Hooper, Mary S.

Member from Montpelier (District Washington-5)

Committee:

Corrections and Institutions

Mental Health Oversight

Motions, etc.

H. 78 Introduced	435
H. 541 Introduced	34
H. 588 Introduced	68
H. 631 Introduced	93
H. 639 Introduced	95
H. 667 Introduced	101
H. 726 Introduced	120
H. 787 Introduced	835
S. 200 Moved to amend House prop of amend	1208
J.R.H. 24 Offered	377

Hooper, Mary S. (continued)

J.R.H. 29 Offered	506
J.R.H. 32 Offered	757
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228

Housing

Residential housing registration. See table H. 566	2568
Unfair housing practices. See table H. 59	2548

Howard, Adam B.

Member from Cambridge (District Lamoille-4)

Committee:

Transportation

Motions, etc.

H. 568 Introduced	47
H. 576 Introduced	54
H. 585 Introduced	67
H. 619 Introduced	87
H. 621 Introduced	87
H. 718 Moved to amend report	1256
Moved to amend	1416
H. 794 Moved to amend	1090
J.R.H. 24 Offered	377

Howrigan, Richard J.

Member from Fairfield (District Franklin-2)

Committee:

Agriculture

Motions, etc.

H. 39 Introduced	176
H. 78 Introduced	435
H. 517 Introduced	24
H. 527 Introduced	27
H. 543 Introduced	34
H. 568 Introduced	47
H. 668 Introduced	101
H. 718 Moved to amend report	1256
Moved to amend	1416
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616

Hubert, Ronald E.

Member from Milton (District Chittenden-9)

Committee:

Government Operations

Public Records Legislative Study Committee

Conference on H. 789

1090

Motions, etc.

H. 515 Spoke for committee	29

Hubert, Ronald E. (continued)

H. 524 Moved to amend.....	626
H. 558 Explained vote.....	61
H. 559 Explained vote.....	415
H. 611 Introduced	82
H. 621 Introduced	87
H. 631 Introduced	93
H. 718 Moved to amend report	1256
Moved to amend.....	1416
Explained vote.....	1418
H. 725 Introduced	119
H. 781 Explained vote.....	772
H. 789 Moved to amend.....	872
Demanded Yeas and Nays.....	878
Demanded Yeas and Nays.....	1762
Explained vote.....	1762
H. 790 Reported for committee.....	1234
S. 106 Moved to concur with further amend.....	2451
S. 215 Reported for committee	1235
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616

Human Services

Adult protective services. See table H. 290	2549
Fingerprinting; child care; vulnerable adults. See table H. 653	2580
Fuel suppliers; report requirements. See table H. 581	2570
Home weatherization assistance program funds. See table H. 671.....	2582
Jurisdiction of delinquency proceedings. See table H. 751	2593
Mental health needs; corrections population. See table H. 765	2596
Mental health treatment; minors under 18. See table H. 658.....	2580

Human Services Committee

H. 630. Introduced.....	92
H. 755. Introduced.....	199
H. 760. Introduced.....	275
H.R. 21. Introduced.....	1409
J.R.H. 38. Introduced.....	1935
J.R.H. 38. Introduced.....	0

Hunting

Hunting deer; wearing blaze orange. See table H. 574	2569
Hunting licenses; visual limitation. See table H. 462	2551
Moose permits for veterans. See table H. 655	2580

I.**Insurance**

Autism spectrum disorders; health insurance. See table H. 736	2591
Cost shift; reducing. See table H. 666.....	2581

Insurance (continued)

Health insurance brokers' fees. See table H. 764	2596
Hearing aids; insurance coverage. See table H. 492	2555
Health care; consumer choices. See table H. 646	2579
Insurance business transfers. See table H. 533	2561
Naturopathic physicians. See table H. 578	2569
Pharmacy audits. See table H. 674.....	2583
Portable electronics insurance. See table H. 661	2581
Primary mental health care services; parity for. See table H. 498	2556
State group health ins. program; participation. See table H. 547	2564
Tobacco cessation program. See table H. 735	2591

Internet

Online retailers; taxation of. See table H. 639	2578
State website auditing. See table H. 659.....	2580

J.**Jerman, Timothy**

Member from Essex (District Chittenden-6-2)

Committee:

Joint Energy

Natural Resources and Energy, Clerk

Motions, etc.

H. 39 Introduced	176
H. 78 Introduced	435
H. 468 Moved to amend.....	746
H. 485 Reported for committee.....	480
Moved to amend.....	508
Moved to concur in Senate amend with a further amend	1804
H. 497 Introduced	17
H. 520 Introduced	24
H. 530 Introduced (By Request)	0
H. 531 Introduced	31
H. 580 Introduced	55
H. 621 Introduced	87
H. 679 Introduced	103
H. 789 Explained vote.....	1762
H.R. 16 Offered.....	221
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Jewett, Willem W.

Member from Ripton (District Addison-2)

Committee:

Government Operations

Joint Rules

Judicial Retention

Rules

Search and Rescue Strategic Plan Development Committee

Search & Rescue Subcommittee Re: Subdivision (1) & (11

Conference on H. 789..... 1090

Motions, etc.

H. 621 Introduced 87

H. 794 Spoke for committee 1080

Moved to amend..... 1080

S. 106 Moved to concur with further amend..... 2451

Demanded Yeas and Nays..... 2465

S. 202 Demanded Yeas and Nays 1317

H.R. 16 Offered..... 221

J.R.H. 24 Offered..... 377

J.R.H. 25 Offered..... 432

J.R.H. 32 Offered..... 757

J.R.H. 37 Offered..... 1228

J.R.H. 39 Offered..... 1882

Johnson, Mitzi

Member from South Hero (District Grand Isle-Chittenden-1-1)

Committee:

Appropriations, Vice Chair

Joint Fiscal Committee

Conference on H. 558..... 266

Conference on H. 781..... 1541

Motions, etc.

H. 496 Recommended for committee 850

H. 535 Introduced 32

H. 542 Introduced 34

H. 558 Explained vote..... 51

Explained vote..... 61

H. 559 Reported for committee..... 371

H. 604 Introduced 80

H. 621 Introduced 87

H. 625 Introduced 89

H. 630 Recommended for committee 182

H. 739 Introduced 122

S. 223 Recommended for committee 1085

J.R.H. 21 Offered..... 55

J.R.H. 22 Offered..... 110

J.R.H. 24 Offered..... 377

J.R.H. 25 Offered..... 432

J.R.H. 32 Offered..... 757

Johnson, William F.

Member from Canaan (District Essex-Caledonia-Orleans)

Committee:

Ways and Means

Motions, etc.

H. 502 Introduced	18
H. 512 Recommended for committee	274
H. 555 Introduced	42
H. 558 Moved to amend.....	58
H. 579 Introduced	55
H. 619 Introduced	87
H. 621 Introduced	87
H. 635 Introduced	94
H. 636 Introduced	94
H. 637 Introduced	95
H. 672 Introduced	102
H. 675 Introduced	103
H. 683 Introduced	104
H. 703 Introduced	108
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 748 Introduced	124
H. 781 Moved to amend.....	771
Asked leave to withdraw amend.....	771
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901

Judiciary

Authority of a jury. See table H. 530.....2561

Municipal tickets; failure to pay; remedies. See table H. 634.....2577

Judiciary Committee

H. 751. Introduced.....	152
H. 758. Introduced.....	226
H. 759. Introduced.....	268
H. 768. Introduced.....	614
H. 778. Introduced.....	635

K.**Keenan, Kathleen C.**

Member from St. Albans City (District Franklin-3)

Committee:

Appropriations

Commission on International Trade & State Sovereignty

Motions, etc.

H. 78 Introduced	435
H. 535 Recommended for committee	790
H. 542 Introduced	34

Keenan, Kathleen C. (continued)

H. 602 Introduced	80
H. 604 Introduced	80
H. 620 Introduced	87
H. 640 Introduced	95
H. 668 Introduced	101
H. 762 Recommended for committee	954
S. 138 Recommended for committee	1587
S. 199 Recommended for committee	921
Moved to amend report	921
S. 226 Recommended for committee	1803
H.R. 16 Explained vote	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 37 Offered	1228

Kilmartin, Duncan F.

Member from Newport City (District Orleans-2)

Committee:

Agriculture

Judicial Rules

Motions, etc.

H. 427 Explained vote.....	1126
H. 440 Explained vote.....	742
H. 468 Explained vote.....	748
H. 618 Introduced	87
H. 665 Introduced	100
H. 718 Moved to amend report	1256
Moved to amend.....	1416
Moved to amend.....	1573
H. 748 Introduced	124
H. 750 Introduced	125
H. 777 Demanded Yeas and Nays.....	765
Demanded Yeas and Nays.....	766
Moved to withdraw motion	766
Moved to amend.....	1080
H. 781 Explained vote.....	772
S. 199 Explained vote	921
Explained vote.....	2043
S. 237 Explained vote	1053
H.R. 13 Reported for committee	125
H.R. 19 Offered.....	1225
J.R.H. 24 Offered	377
J.R.H. 37 Explained vote	1413
J.R.S. 11 Explained vote	1070

Kitzmiller, Warren F.

Member from Montpelier (District Washington-5)

Committee:

Commerce and Economic Development

Kitzmiller, Warren F. (continued)

Motions, etc.

H. 512 Introduced	23
Recommended for committee.....	273
H. 527 Introduced	27
H. 533 Introduced	32
Reported for committee.....	992
Moved to substitute an amend.....	1002
H. 542 Introduced	34
H. 548 Introduced	36
H. 552 Introduced	41
H. 556 Introduced	42
H. 601 Introduced	80
H. 619 Introduced	87
H. 661 Introduced	99
H. 699 Introduced	107
H. 718 Introduced	118
H. 736 Introduced	122
H. 781 Explained vote.....	772
H. 787 Introduced	835
H.R. 16 Offered.....	221
J.R.H. 24 Offered.....	377
J.R.H. 25 Offered.....	432
J.R.H. 29 Offered.....	506
J.R.H. 37 Offered.....	1228

Klein, Anthony W.

Member from East Montpelier (District Washington-7)

Committee:

Joint Energy

Natural Resources and Energy, Chair

Motions, etc.

H. 464 Introduced	3
H. 468 Introduced	4
H. 472 Introduced	4
H. 474 Introduced	5
H. 475 Introduced	5
H. 476 Introduced	5
H. 479 Introduced	7
H. 485 Introduced	12
H. 492 Introduced	14
H. 494 Introduced	14
H. 497 Introduced	17
H. 513 Introduced	23
H. 563 Moved to commit	54
H. 621 Introduced	87
H. 667 Introduced	101
H. 699 Moved to commit	207
H. 726 Introduced	120
H.R. 15 Offered.....	193

Klein, Anthony W. (continued)

H.R. 16 Offered.....	221
J.R.H. 22 Offered.....	110
J.R.H. 24 Offered.....	377
J.R.H. 25 Offered.....	432
J.R.H. 29 Offered.....	506
J.R.H. 31 Offered.....	616
J.R.H. 37 Offered.....	1228
Demanded Yeas and Nays.....	1413
Remarks Journalized.....	988

Koch, Thomas F.

Member from Barre Town (District Washington-4)

Committee:

Judicial Retention

Judiciary

Mental Health Oversight

Rules

State Highway Condemnation Law Study Committee

Conference on H. 600.....2055

Conference on H. 778.....2047

Conference on S. 116.....1063

Motions, etc.

H. 39 Introduced	176
H. 327 Introduced	100
Reported for committee.....	154
H. 403 Introduced	100
Reported for committee.....	157
Moved to concur with further amend.....	1042
H. 468 Explained vote.....	687
H. 498 Introduced	17
H. 502 Introduced	18
H. 503 Introduced	19
H. 523 Introduced	25
Moved to commit	480
Reported for committee.....	552
Moved to concur with further amend.....	1827
H. 554 Introduced	41
H. 559 Explained vote.....	391
Moved to amend.....	401
H. 575 Introduced	48
H. 592 Introduced	75
H. 600 Reported for committee.....	618
Moved to concur with further amend.....	1978
H. 621 Introduced	87
H. 629 Explained vote.....	147
H. 630 Demanded Yeas and Nays.....	185
H. 631 Introduced	93
H. 646 Introduced	96
H. 660 Introduced	99
H. 668 Introduced	101

Koch, Thomas F. (continued)

H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 739 Introduced	122
H. 762 Moved to amend.....	990
H. 778 Spoke for committee	766
Moved to concur with further amend	1912
H. 789 Explained vote.....	1762
S. 116 Reported for committee	890
S. 199 Moved to amend	924
Explained vote.....	928
H.R. 16 Explained vote	221
J.R.H. 20 Offered	44
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 37 Explained vote	1413
J.R.S. 11 Demanded Yeas and Nays	1070
Remarks Journalized.....	761

Komline, Patricia C.

Member from Dorset (District Bennington-Rutland-1)

Committee:

Health Care
Rules

Conference on S. 200	1931

Motions, etc.

H. 157 Reported for committee.....	639
H. 365 Introduced	186
H. 468 Moved to amend.....	745
H. 539 Introduced	33
H. 558 Moved to amend.....	58
H. 573 Introduced	48
H. 603 Introduced	80
H. 619 Introduced	87
H. 621 Introduced	87
H. 623 Introduced	88
H. 640 Introduced	95
H. 666 Introduced	100
H. 668 Introduced	101
H. 718 Moved to amend report	1256
Moved to amend.....	1416
Moved to amend.....	1417
Explained vote.....	1418
H.R. 22 Offered.....	2052
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616

Komline, Patricia C. (continued)

J.R.H. 37 Explained vote	1413
J.R.H. 39 Offered	1882
Remarks Journalized	906

Krebs, Robert C.

Member from South Hero (District Grand Isle-Chittenden-1-1)

Committee:

Administrative Rules

Fish, Wildlife & Water Resources

Conference on H. 464..... 1145

Motions, etc.

H. 469 Recommended for committee	544
H. 523 Moved to amend	622
H. 524 Moved to amend	612
H. 542 Introduced	34
H. 550 Introduced	40
H. 616 Introduced	86
H. 620 Introduced	87
H. 621 Introduced	87
S. 148 Reported for committee	1257
S. 179 Moved to amend	889
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506

Krowinski, Jill L.

Member from Burlington (District Chittenden-3-3)

Seated
 226 |

Appointed to committee
 269 |

Committee:

Human Services

Motions, etc.

H. 747 Reported for committee	640
Moved to amend	643
Moved to postpone action	1982
Moved to concur with further amend	2050
H. 792 Introduced	914
S. 200 Moved to amend House prop of amend	1208
J.R.H. 24 Offered	377
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228

Kupersmith, Michele F.

Member from South Burlington (District Chittenden-3-7)

Committee:

Commerce and Economic Development, Clerk

Conference on S. 217
 1931 |

Motions, etc.

H. 272 Reported for committee	623
Demanded Yeas and Nays	624

Kupersmith, Michele F. (continued)

H. 403 Introduced	100
H. 493 Introduced	14
H. 512 Introduced	23
H. 533 Introduced	32
H. 548 Introduced	36
H. 552 Introduced	41
H. 556 Introduced	42
H. 604 Introduced	80
H. 644 Introduced	96
H. 661 Introduced	99
H. 668 Introduced	101
H. 672 Introduced	102
H. 687 Introduced	105
H. 699 Introduced	107
H. 707 Introduced	109
H. 783 Introduced	756
S. 217 Reported for committee	1051
H.R. 16 Offered.....	221
J.R.H. 21 Offered.....	55
J.R.H. 24 Offered.....	377
J.R.H. 25 Offered.....	432
J.R.H. 34 Offered.....	901
J.R.H. 37 Offered.....	1228

L.**Labeling**

Genetic engineering; labeling. See table H. 722	2589

Labor

Cosmetologists; employment of. See table H. 746	2593
Criminal history record inquiries; employer. See table H. 717	2587
Wages for laid-off employees. See table H. 78.....	2548
Worker's comp statutes; line of duty definition. See table H. 555	2566
Worker's comp; electronic payroll card. See table H. 552.....	2565
Worker's compensation; mental injuries. See table H. 477.....	2553

Landlord and tenant

Overdue rent; wage withholding orders. See table H. 570.....	2568
Termination of tenancy; nonpayment of rent. See table H. 576	2569

Lanpher, Diane M.

Member from Vergennes (District Addison-3)

Committee:

Transportation

Conference on S. 251	1730

Motions, etc.

H. 542 Introduced	34
H. 620 Introduced	87

Lanpher, Diane M. (continued)

H. 640 Introduced	95
H. 667 Introduced	101
H. 668 Introduced	101
H. 678 Introduced	103
H. 722 Introduced	119
H. 795 Introduced	1086
S. 200 Moved to amend House prop of amend	1208
S. 251 Reported for committee	1134
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506

Larocque, Leigh B.

Member from Barnet (District Caledonia-1)

Committee:

Corrections and Institutions

Motions, etc.

H. 365 Introduced	186
H. 504 Introduced	19
H. 537 Introduced	33
H. 544 Introduced	35
H. 554 Introduced	41
H. 621 Introduced	87
H. 623 Introduced	88
H. 654 Introduced	98
H. 668 Introduced	101
H. 672 Introduced	102
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228

Larson, Mark

Member from Burlington (District Chittenden-3-2)

Committee:

Motions, etc.

H. 59 Introduced	82
H. 412 Introduced	435

Law Enforcement

Capitol police; constables; certification of. See table H. 503	2557
Environmental enforcement proceedings; public. See table H. 258	2549
Office of Internal investigation; records. See table H. 489	2555

Lawrence, Richard H.

Member from Lyndon (District Caledonia-4)

Committee:

Agriculture, Vice Chair

Conference on H. 496..... 1208

Motions, etc.

H. 496 Moved to amend..... 855

H. 502 Introduced 18

H. 504 Introduced 19

H. 554 Introduced 41

H. 555 Introduced 42

H. 576 Introduced 54

H. 619 Introduced 87

H. 621 Introduced 87

H. 696 Introduced 107

J.R.H. 20 Offered..... 44

J.R.H. 22 Offered..... 110

J.R.H. 24 Offered..... 377

J.R.H. 29 Offered..... 506

J.R.H. 31 Offered..... 616

J.R.H. 37 Offered..... 1228

Legislature

Capitol police; constables; certification of. See table H. 503 2557

Electric industry management. See table H. 721 2589

Health Access Oversight Committee. See table H. 500 2556

Hydroelectric facilities; legislative approval. See table H. 526 2560

Legislative session; limiting. See table H. 662 2581

Lenes, Joan G.

Member from Shelburne (District Chittenden-5-2)

Committee:

Corrections and Institutions, Clerk

Motions, etc.

H. 78 Introduced 435

H. 492 Introduced 14

H. 527 Introduced 27

H. 531 Introduced 31

H. 544 Introduced 35

H. 548 Introduced 36

H. 620 Introduced 87

H. 621 Introduced 87

H. 640 Introduced 95

H. 667 Introduced 101

H. 668 Introduced 101

H. 672 Introduced 102

H. 699 Introduced 107

H. 706 Introduced 109

H. 722 Introduced 119

H. 726 Introduced 120

Lenes, Joan G. (continued)

H. 736 Introduced	122
H. 765 Spoke for committee	548
H. 783 Introduced	756
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228

Lerich, Lucy R.

Member from Hardwick (District Caledonia-2)

Committee:

Fish, Wildlife & Water Resources

Joint Rules

Rules

Motions, etc.

H. 621 Introduced	87
H. 629 Demanded Yeas and Nays.....	149
H. 718 Demanded Yeas and Nays.....	1425
H. 780 Demanded Yeas and Nays.....	825
S. 237 Demanded Yeas and Nays	1053
H.R. 16 Offered.....	221
H.R. 17 Offered.....	864
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 28 Offered	504
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228

Lewis, Patti J.

Member from Berlin (District Washington-3-3)

Committee:

Education

Motions, etc.

H. 365 Introduced	186
H. 502 Introduced	18
H. 554 Introduced	41
H. 589 Introduced	68
H. 672 Introduced	102
H. 685 Introduced	105
H. 688 Introduced	105
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 789 Explained vote.....	895
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901

Lewis, Robert W.

Member from Derby (District Orleans-1)

Committee:

Fish, Wildlife & Water Resources

Motions, etc.

H. 449 Reported for committee.....	84
H. 503 Introduced	19
H. 554 Introduced	41
H. 616 Introduced	86
H. 620 Introduced	87
H. 654 Introduced	98
H. 665 Introduced	100
H. 699 Introduced	107
H. 725 Introduced	119
H. 748 Introduced	124
H. 754 Explained vote.....	212
Explained vote.....	215
H. 769 Explained vote.....	690
S. 95 Moved to postpone action	1672
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228

Liability

limited liability; landowner; recreation. See table H. 467	2552
Uninsured motorists in Vermont. See table H. 678	2583

Licensing Requirements

salvage yard fees. See table H. 480.....	2554

Licensure

Caterer's permits. See table H. 536.....	2562
Commercial catering licenses. See table H. 506.....	2557
Hunting licenses; visual limitation. See table H. 462	2551
License plates; commemoration; military. See table H. 599.....	2572
Licensed midwives; certified nurse midwives. See table H. 777	2598
Pro bobo licensure; New Hampshire. See table H. 567	2568
Regulation of professions and occupations. See table H. 524	2560
Secure residential recovery facilities. See table H. 759	2595
Vinous/malt beverage tastings. See table H. 623	2576

Lippert, William J.

Member from Hinesburg (District Chittenden-1-1)

Committee:

Judiciary, Chair

Conference on H. 745.....	1896
Conference on S. 116	1063

Lippert, William J. (continued)

Motions, etc.

H. 413 Moved to postpone action	913
H. 503 Moved to postpone action	910
Moved to postpone action	1048
Moved to postpone action	1090
Moved to concur with further amend	1213
H. 535 Introduced	32
Reported for committee	786
Moved to postpone action	1931
Moved to concur with further amend	2047
H. 541 Introduced	34
H. 542 Introduced	34
H. 548 Introduced	36
H. 607 Introduced	81
H. 612 Introduced	82
H. 621 Introduced	87
H. 632 Introduced	94
H. 633 Introduced	94
H. 647 Introduced	97
H. 649 Introduced	97
H. 672 Introduced	102
H. 701 Introduced	108
H. 702 Introduced	108
H. 726 Introduced	120
H. 734 Introduced	121
H. 739 Introduced	122
H. 745 Reported for committee	702
Replaced on Committee of Conference Committee	1932
H. 751 Moved to commit	189
H. 758 Spoke for committee	272
H. 759 Moved to commit	270
H. 777 Reported for committee	1056
H. 778 Moved to amend	1919
S. 106 Moved to amend	1048
S. 115 Moved to postpone action	1073
S. 116 Moved to postpone action	911
S. 138 Reported for committee	1580
H.R. 16 Offered	221
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 32 Offered	757

Loans, Mortgages

Licensed lenders; mortgage loan originators. See table H. 565	2568

Lorber, Jason P.

Member from Burlington (District Chittenden-3-3)

Committee:

Corrections and Institutions

Lorber, Jason P. (continued)

Motions, etc.

H. 427 Explained vote.....	1126
H. 507 Introduced	22
H. 535 Demanded Yeas and Nays.....	823
H. 548 Introduced	36
H. 555 Introduced	42
H. 604 Introduced	80
H. 621 Introduced	87
H. 626 Introduced	89
H. 667 Introduced	101
H. 702 Introduced	108
H. 722 Introduced	119
H. 726 Introduced	120
H. 727 Introduced	120
H. 736 Introduced	122
H. 739 Introduced	122
H. 740 Introduced	123
H. 741 Introduced	123
H. 756 Moved to amend.....	435
H. 767 Introduced	547
H. 792 Introduced	914
H.R. 21 Explained vote	1874
J.R.H. 21 Offered	67
J.R.H. 22 Offered	110
J.R.H. 24 Offered	0
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228

M.**Macaig, Terence D.**

Member from Williston (District Chittenden-2)

Committee:

Corrections and Institutions

Conference on J.R.S. 54 1986

Motions, etc.

H. 522 Introduced	25
H. 531 Introduced	31
H. 542 Introduced	34
H. 544 Introduced	35
H. 548 Introduced	36
H. 588 Introduced	68
H. 604 Introduced	80
H. 620 Introduced	87
H. 667 Introduced	101
H. 668 Introduced	101
H. 726 Introduced	120
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55

Macaig, Terence D. (continued)

J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.S. 54 Reported for committee	1725

Malcolm, John W.

Member from Pawlet (District Rutland-8)

Committee:

Biomass Energy Development

Natural Resources and Energy

Motions, etc.

H. 490 Introduced	13
H. 491 Introduced	14
H. 497 Introduced	17
H. 531 Introduced	31
H. 542 Introduced	34
H. 543 Introduced	34
H. 555 Introduced	42
H. 604 Introduced	80
H. 607 Introduced	81
H. 789 Moved to amend	875
H.R. 16 Offered	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228

Manwaring, Ann P.

Member from Wilmington (District Windham-2)

Committee:

Appropriations

Motions, etc.

H. 365 Introduced	186
H. 461 Reported for committee	15
H. 511 Introduced	22
H. 542 Introduced	34
H. 558 Moved to amend	58
H. 620 Introduced	87
H. 621 Introduced	87
H. 640 Introduced	95
H. 684 Introduced	104
H. 739 Introduced	122
H. 754 Explained vote	212
S. 113 Recommended for committee	1650
S. 200 Moved to amend House prop of amend	1208

Manwaring, Ann P. (continued)

J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 29 Offered	506
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228

Marcotte, Michael J.

Member from Coventry (District Orleans-2)

Committee:

Commerce and Economic Development, Vice Chair

Conference on H. 730..... 1734

Conference on S. 152 1935

Motions, etc.

H. 272 Introduced	383
H. 365 Introduced	186
H. 496 Moved to amend.....	855
H. 502 Introduced	18
H. 512 Introduced	23
H. 533 Introduced	32
H. 548 Introduced	36
H. 552 Introduced	41
H. 556 Introduced	42
H. 565 Introduced	46
H. 587 Introduced	67
H. 618 Introduced	87
H. 619 Introduced	87
H. 624 Introduced	89
H. 644 Introduced	96
H. 661 Introduced	99
H. 665 Introduced	100
H. 718 Moved to commit	915
Moved to postpone action	1431
H. 730 Spoke for committee	718
Requested Committee of Conference.....	1731
S. 136 Reported for committee	1050
S. 230 Reported for committee	1576
H.R. 17 Offered.....	864
H.R. 19 Offered.....	1225
J.R.H. 20 Offered	44
J.R.H. 24 Offered	377
J.R.H. 28 Offered	504
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228

Marek, Richard J.

Member from Newfane (District Windham-6)

Committee:

Administrative Rules, Chair

Marek, Richard J. (continued)

Judiciary	
Conference on H. 600.....	2055
Conference on S. 116.....	1063
Motions, etc.	
H. 496 Demanded Yeas and Nays.....	850
H. 503 Introduced	19
H. 543 Introduced	34
H. 550 Introduced	40
H. 559 Asked to divide question.....	380
Moved to withdraw motion	381
Explained vote.....	391
Explained vote.....	403
Explained vote.....	413
H. 580 Introduced	55
H. 691 Introduced	106
H. 699 Introduced	107
H. 733 Introduced	121
H. 757 Explained vote.....	916
H. 761 Explained vote.....	297
H. 769 Explained vote.....	690
H. 781 Explained vote.....	763
H. 782 Explained vote.....	829
S. 95 Demanded Yeas and Nays	1672
Explained vote.....	1769
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228
Explained vote.....	1413

Marijuana

Medical marijuana. See table H. 568.....	2568
Penalties for possession of marijuana. See table H. 427.....	2551

Martin, Cynthia T.

Member from Springfield (District Windsor-1-2)

Committee:

Judicial Retention

Judiciary

Motions, etc.

H. 473 Introduced	5
H. 503 Introduced	19
H. 516 Introduced	23
H. 542 Introduced	34
H. 548 Introduced	36
H. 549 Introduced	36
H. 582 Introduced	66

Martin, Cynthia T. (continued)

H. 622 Introduced	88
H. 652 Introduced	98
H. 668 Introduced	101
H. 759 Recommended for committee	731
Moved to postpone action	1099
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 39 Offered	1882

Martin, Linda J.

Member from Wolcott (District Lamoille-2)

Committee:

Government Operations	
Legislative Council	
Public Records Legislative Study Committee	
Conference on H. 780.....	1851

Motions, etc.

H. 78 Introduced	435
H. 459 Reported for committee.....	706
Moved to postpone action	1042
H. 531 Introduced	31
H. 538 Introduced	33
H. 574 Introduced (By Request)	48
H. 604 Introduced	80
H. 611 Introduced	82
H. 629 Explained vote.....	149
H. 637 Introduced	95
H. 710 Introduced	110
H. 727 Introduced	120
H. 789 Explained vote.....	1762
S. 106 Moved to concur with further amend.....	2451
S. 200 Moved to amend House prop of amend	1208
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Masland, James W.

Member from Thetford (District Windsor-Orange-2)

Committee:

Ways and Means	
Conference on H. 769.....	1671

Motions, etc.

H. 509 Introduced	22
H. 510 Introduced	22

Masland, James W. (continued)

H. 525 Introduced	27
H. 527 Introduced	27
H. 531 Introduced	31
H. 532 Introduced	32
H. 542 Introduced	34
H. 548 Introduced	36
H. 555 Introduced	42
H. 558 Moved to amend.....	58
H. 568 Introduced	47
H. 583 Introduced	67
H. 585 Introduced	67
H. 620 Introduced	87
H. 621 Introduced	87
H. 631 Introduced	93
H. 639 Introduced	95
H. 679 Introduced	103
H. 712 Introduced	110
H. 722 Introduced	119
H. 731 Introduced	121
H. 736 Introduced	122
H. 748 Introduced	124
H. 769 Spoke for committee	690
H.R. 16 Offered.....	221
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 29 Offered	506

McAllister, Norman H.

Member from Highgate (District Franklin-6)

Committee:

Agriculture

Motions, etc.

H. 78 Introduced	435
H. 498 Introduced	17
H. 502 Introduced	18
H. 517 Introduced	24
H. 537 Introduced	33
H. 553 Introduced	41
H. 554 Introduced	41
H. 555 Introduced	42
H. 621 Introduced	87
H. 668 Introduced	101
H. 696 Introduced	107
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 723 Introduced	119
H. 748 Introduced	124
H. 774 Moved to concur with further amend	2468
S. 93 Reported for committee	1829

McAllister, Norman H. (continued)

J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228

McCullough, James M.

Member from Williston (District Chittenden-2)

Committee:

Fish, Wildlife & Water Resources, Vice Chair

Conference on H. 464..... 1145

Motions, etc.

H. 464 Reported for committee.....	112
Requested Committee of Conference.....	1142
H. 518 Introduced	24
H. 522 Introduced	25
H. 528 Introduced	27
H. 529 Introduced	31
H. 535 Introduced	32
H. 541 Introduced	34
H. 542 Introduced	34
H. 545 Introduced	35
H. 548 Introduced	36
H. 549 Introduced	36
H. 554 Introduced	41
H. 584 Introduced	67
H. 616 Introduced	86
H. 620 Introduced	87
H. 640 Introduced	95
H. 667 Introduced	101
H. 715 Introduced	117
H. 719 Introduced	118
H. 722 Introduced	119
H. 724 Introduced	119
H. 727 Introduced	120
H. 733 Introduced	121
H. 739 Introduced	122
S. 237 Explained vote	1053
H.R. 16 Offered.....	221
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228

McFaun, Francis M.

Member from Barre Town (District Washington-4)

Committee:

Health Care Oversight Committee

Health Care Reform Commission

Human Services

Motions, etc.

H. 498 Introduced	17
H. 500 Introduced	18
H. 548 Introduced	36
H. 554 Introduced	41
H. 621 Introduced	87
H. 630 Explained vote.....	185
H. 713 Introduced	117
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 737 Introduced	122
H. 738 Introduced	122
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 37 Explained vote	1413

McNeil, James L.

Member from Rutland Town (District Rutland-4)

Committee:

Agriculture

Motions, etc.

H. 502 Introduced	18
H. 517 Introduced	24
H. 554 Introduced	41
H. 555 Introduced	42
H. 582 Introduced	66
H. 618 Introduced	87
H. 621 Introduced	87
H. 653 Introduced	98
H. 654 Introduced	98
H. 657 Introduced	99
H. 665 Introduced	100
H. 672 Introduced	102
H. 674 Introduced	102
H. 699 Introduced	107
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506

McNeil, James L. (continued)

J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Medicaid

Licensed alcohol and drug abuse counselors. See table H. 617	2574
Vermont health access plan; eligibility. See table H. 696.....	2585
Vermont prescription monitoring system. See table H. 745	2592

Memorial Service

Alice Cook Bassett	16
Rene L. Blanchard.....	16
Paul U. Bergeron	218
Nancy A. Christopher.....	16
Gloria Ann Conant	628
Marie P. Condon	16
John H. Downs	16
Richard W. Mallary.....	16
Mark B. Mitchell.....	16
John F. Murphy	16
Harvey B. Otterman, Jr.	17
Mary T. Paull	17
Carl H. Reidel	17
Kermit W. Richardson	31
Louise R. Swaninbank	17
Susan H. Webb.....	31

Mental Health

Primary mental health care services; parity for. See table H. 498	2556
Worker's compensation; mental injuries. See table H. 477.....	2553

Military

Military; advanced directives. See table H. 39	2547

Miller, Alice

Member from Shaftsbury (District Bennington-3)

Committee:

Appropriations

Motions, etc.

H. 78 Introduced	435
H. 531 Introduced	31
H. 542 Introduced	34
H. 604 Introduced	80
H. 629 Moved to amend.....	146
H. 640 Introduced	95
H. 718 Moved to amend report	1256
Moved to amend.....	1416
Explained vote.....	1418
H. 736 Introduced	122

Miller, Alice (continued)

S. 200 Moved to amend House prop of amend	1208
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506

Minors

Age of consent for blood donation. See table H. 760	2595
Blood donations; 16-year-olds. See table H. 595.....	2571
Mental health treatment; minors under 18. See table H. 658.....	2580
Tanning beds; restrictions. See table H. 157.....	2549

Mobile Homes

Abandoned mobile homes; removing. See table H. 564.....	2568

Mook, Anne H.

Member from Bennington (District Bennington-2-2)

Committee:

Government Operations

Motions, etc.

H. 465 Introduced	3
H. 492 Introduced	14
H. 501 Introduced	18
H. 542 Introduced	34
H. 604 Introduced	80
H. 613 Recommended for committee	769
H. 621 Introduced	87
H. 668 Introduced	101
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 736 Introduced	122
H. 784 Reported for committee.....	900
S. 106 Moved to concur with further amend.....	2451
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228

Moran, John T.

Member from Wardsboro (District Windham-Bennington-1)

Committee:

General, Housing and Military Affairs, Vice Chair

Motions, etc.

H. 39 Introduced	176
H. 59 Introduced	82
H. 78 Introduced	435
H. 365 Reported for committee.....	294

Moran, John T. (continued)

H. 542 Introduced	34
H. 555 Introduced	42
H. 559 Explained vote.....	389
H. 564 Introduced	46
H. 586 Introduced	67
H. 588 Introduced	68
H. 607 Introduced	81
H. 640 Introduced	95
H. 684 Introduced	104
H. 715 Introduced	117
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 736 Introduced	122
H. 739 Introduced	122
S. 95 Reported for committee	1655
H.R. 16 Offered.....	221
H.R. 18 Offered.....	1061
J.R.H. 22 Offered	110
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 27 Offered	479
J.R.H. 31 Offered	616
J.R.H. 35 Offered	904

Morrissey, Mary A.

Member from Bennington (District Bennington-2-2)

Committee:

Health Care

Motions, etc.

H. 718 Moved to amend report	1256
Moved to amend.....	1416
H.R. 19 Offered.....	1225
J.R.H. 24 Offered	377

Motor Vehicles

All-terrain vehicle registration and operation. See table H. 748	2593
Child motorcycle passengers. See table H. 471	2553
Colored lights; enforcement; emergency vehicles. See table H. 544	2563
Distribution of proceeds; fines; motor vehicle. See table H. 585	2570
Driver examinations; reciprocal recognition. See table H. 569	2568
Driving with suspended license; referral. See table H. 633	2577
Electric charging stations. See table H. 638.....	2578
Emergency medical response vehicles; lamps. See table H. 520.....	2559
Enforcement; portable electronic devices; seatbelt. See table H. 150	2549
Executive branch fees. See table H. 761	2595
Ignition interlock restricted driver's licenses. See table H. 768	2596
Licensing; older drivers. See table H. 614	2574
Mini-trucks; registration and operation of. See table H. 729.....	2590

Motor Vehicles (continued)

Motor vehicle licenses; veteran designation. See table H. 663	2581
Motor vehicle noise. See table H. 562	2567
Operation of vehicles; flooded highways. See table H. 517	2559
Passing and yielding to vulnerable users. See table H. 548	2564
Portable electronic devices; restricting use of. See table H. 487	2555
Registration plates; expanding gold star. See table H. 51	2548
School crossing guards. See table H. 620	2575
Snowmobile decal exemption. See table H. 579	2569
Texting while driving; penalties. See table H. 491	2555
Under the influence of alcohol; child in vehicle. See table H. 647	2579
Uninsured motorists in Vermont. See table H. 678	2583

Motorcycles

Child motorcycle passengers. See table H. 471	2553

Mrowicki, Michael

Member from Putney (District Windham-5)

Committee:

Human Services

Motions, etc.

H. 78 Introduced	435
H. 464 Explained vote.....	2153
H. 468 Explained vote.....	687
H. 500 Introduced	18
H. 542 Introduced	34
H. 548 Introduced	36
H. 559 Explained vote.....	391
Explained vote.....	415
H. 568 Introduced	47
H. 580 Introduced	55
H. 604 Introduced	80
H. 607 Introduced	81
H. 614 Introduced (By Request)	83
H. 620 Introduced	87
H. 626 Introduced	89
H. 627 Reported for committee.....	703
H. 630 Explained vote.....	185
H. 668 Introduced	101
H. 673 Introduced	102
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 722 Introduced	119
H. 781 Explained vote.....	772
H. 782 Explained vote.....	831
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432

Mrowicki, Michael (continued)

J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228
J.R.S. 11 Explained vote	1070

Munger, Robert L.

Member from South Burlington (District Chittenden-3-9)

Committee:

Fish, Wildlife & Water Resources

Motions, etc.

H. 59 Introduced	82
H. 493 Introduced	14
H. 527 Introduced	27
H. 528 Introduced	27
H. 529 Introduced	31
H. 531 Introduced	31
H. 542 Introduced	34
H. 545 Introduced	35
H. 548 Introduced	36
H. 616 Introduced	86
H. 620 Introduced	87
H. 699 Introduced	107
S. 202 Moved to amend	1542
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 32 Offered	757

Municipal and County Government**Charter Amendments**

Burlington; charter amendments. See table H. 792	2601
City of South Burlington; charter. See table H. 493	2555
Hartford; charter amendments. See table H. 790	2601
Montpelier; charter amendments. See table H. 787	2600
Richmond; charter amendments. See table H. 788	2600
School bond approval; city of Burlington. See table H. 507	2558
Town of Brattleboro; charter. See table H. 459	2551
Town of Williamstown; charter. See table H. 784	2600
Windham solid waste district charter. See table H. 484	2554
Windsor; charter. See table H. 786	2600
Winooski; charter amendments. See table H. 793	2601

Miscellaneous

Collector of delinquent taxes. See table H. 587	2570
Community justice centers. See table H. 652	2579
County taxes; town payments. See table H. 378	2550
December 1, 2011 education payments; defer. See table H. 505	2557
Disabled veterans' property tax exemption. See table H. 499	2556
Federal rental subsidies; allocation of. See table H. 772	2597
Municipal tickets; failure to pay; remedies. See table H. 634	2577
Operation of vehicles; flooded highways. See table H. 517	2559
Vermont's working landscape; preservation of. See table H. 496	2555

Myers, Linda K.

Member from Essex (District Chittenden-6-1)

Committee:

Administrative Rules

Corrections and Institutions, Vice Chair

Conference on J.R.S. 54 1986

Motions, etc.

H. 365 Introduced 186

H. 468 Explained vote..... 748

H. 550 Introduced 40

H. 554 Introduced 41

H. 580 Introduced 55

H. 596 Introduced (By Request) 79

H. 604 Introduced 80

H. 621 Introduced 87

H. 672 Introduced 102

H. 718 Moved to amend report 1256

Moved to amend..... 1416

H. 725 Introduced 119

H. 789 Explained vote..... 1762

J.R.H. 22 Offered 110

J.R.H. 24 Offered 377

J.R.H. 29 Offered 506

J.R.H. 31 Offered 616

J.R.H. 37 Offered 1228

N.**Natural Resources**

Environmental review board; permits. See table H. 513..... 2558

Hydroelectric facilities; legislative approval. See table H. 526 2560

Hydrology credits; stormwater permits. See table H. 488 2555

potable water supply; wastewater system. See table H. 469 2552

Public water system. See table H. 470 2553

Regulation of flood hazard areas. See table H. 519 2559

salvage yard fees. See table H. 480..... 2554

Solid waste; universal recycling of. See table H. 485 2554

Stream alteration. See table H. 482..... 2554

Stream alteration; training and certification. See table H. 560 2567

Naturopathic physicians

Naturopathic physicians. See table H. 665 2581

Nease, Floyd W.

Member from Johnson (District Lamoille-3)

Committee:

Motions, etc.

Nonprofits

Nonprofit corporations; state funding eligibility. See table H. 549 2564

Nuisance

Dogs. See table H. 695.....2585

Nuovo, Betty A.

Member from Middlebury (District Addison-1)

Committee:

Natural Resources and Energy

Motions, etc.

H. 78 Introduced	435
H. 521 Introduced	25
H. 531 Introduced	31
H. 542 Introduced	34
H. 548 Introduced	36
H. 604 Introduced	80
H. 621 Introduced	87
H.R. 16 Offered.....	221
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 37 Offered	1228

Nursing homes

Defibuillators in nursing homes. See table H. 656.....2580

O.**O'Brien, Anne T.**

Member from Richmond (District Chittenden-4)

Committee:

Appropriations

Government Accountability Committee

Health Care Oversight Committee

Motions, etc.

H. 500 Introduced	18
H. 542 Introduced	34
H. 556 Recommended for committee	399
H. 603 Introduced	80
H. 604 Introduced	80
H. 736 Introduced	122
H. 781 Explained vote.....	772
H. 788 Introduced	859
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506

O'Sullivan, Jean D.

Member from Burlington (District Chittenden-3-2)

Committee:

General, Housing and Military Affairs

O'Sullivan, Jean D. (continued)

Motions, etc.

H. 78 Reported for committee.....	637
Moved to amend.....	2169
Moved to concur with further amend.....	2170
H. 507 Introduced	22
H. 531 Introduced	31
H. 535 Introduced	32
H. 536 Introduced	33
H. 542 Introduced	34
H. 557 Introduced	42
H. 564 Introduced	46
H. 604 Introduced	80
H. 620 Introduced	87
H. 769 Spoke for committee	690
H. 792 Introduced	914
S. 200 Moved to amend House prop of amend	1208
H.R. 16 Offered.....	221
J.R.H. 21 Offered.....	55
J.R.H. 24 Offered.....	377
J.R.H. 25 Offered.....	432
J.R.H. 29 Offered.....	506

Olsen, Oliver K.

Member from Jamaica (District Windham-Bennington-Windsor-1)

Committee:

Enhancing Vermont's Software and Information Technology Economy Committee
 Legislative Information Technology
 Ways and Means

Motions, etc.

H. 365 Introduced	186
H. 427 Moved committee be relieved	1126
H. 461 Spoke for committee	15
H. 484 Introduced	12
H. 485 Moved to amend.....	508
H. 555 Introduced	42
H. 558 Moved to amend.....	58
Raised a Point of Order	475
H. 559 Asked leave to withdraw amend	371
Moved to amend.....	372
Moved to amend.....	408
Moved to amend.....	409
H. 561 Introduced	45
H. 585 Introduced	67
H. 588 Introduced	68
H. 619 Introduced	87
H. 621 Introduced	87
H. 623 Introduced	88
H. 625 Introduced	89
H. 629 Explained vote.....	149
H. 634 Introduced	94

Olsen, Oliver K. (continued)

H. 640 Introduced	95
H. 654 Introduced	98
H. 662 Introduced	100
H. 664 Introduced	100
H. 671 Introduced	102
H. 672 Introduced	102
H. 680 Introduced	104
H. 718 Moved to amend.....	1430
H. 731 Introduced	121
H. 735 Introduced	121
H. 748 Introduced	124
H. 753 Asked leave to withdraw amend	284
Moved to amend.....	290
H. 754 Moved to amend.....	209
S. 95 Moved to amend	1660
Asked to divide question	1660
Moved to amend.....	1663
Moved to amend.....	1769
Moved to amend.....	1769
Moved to commit bill	1771
S. 202 Moved to amend	1543
S. 214 Amendment ruled not germane.....	2214
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 34 Offered	901
J.R.H. 36 Offered	1060
J.R.S. 11 Moved to amend	1066
Status Index Desc Missing	1070
J.R.S. 47 Moved to commit.....	399

P.**Pages Honored**

Pages honored	218, 854, 2057

Partridge, Carolyn W.

Member from Windham (District Windham-4)

Committee:

Agriculture, Chair

Vermont Child Poverty Council

Conference on H. 496.....	1208

Motions, etc.

H. 39 Introduced	176
H. 496 Moved to amend.....	855
Requested Committee of Conference	1200
H. 526 Introduced	27
H. 557 Introduced	42
H. 562 Introduced	46
H. 696 Introduced	107

Partridge, Carolyn W. (continued)

H. 700 Moved to commit	544
H. 704 Introduced	109
H. 705 Introduced	109
H. 708 Introduced	109
H. 716 Introduced	118
H. 722 Moved to commit	1237
H. 739 Introduced	122
H. 742 Introduced	123
H. 746 Introduced	124
H.R. 16 Offered.....	221
J.R.H. 24 Offered	0
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506

Pearce, Albert E.

Member from Richford (District Franklin-6)

Committee:

Appropriations

Motions, etc.

H. 78 Introduced	435
H. 502 Introduced	18
H. 554 Introduced	41
H. 621 Introduced	87
H. 668 Introduced	101
H. 672 Introduced	102
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616

Pearson, Christopher A.

Member from Burlington (District Chittenden-3-4)

Committee:

Health Care Oversight Committee

Health Care

Conference on S. 200 1931

Motions, etc.

H. 59 Introduced	82
H. 78 Introduced	435
H. 468 Moved to amend.....	745
H. 500 Introduced	18
H. 507 Introduced	22
H. 535 Introduced	32
H. 541 Introduced	34
H. 542 Introduced	34
H. 548 Introduced	36

Pearson, Christopher A. (continued)

H. 551 Introduced	40
H. 558 Demanded Yeas and Nays.....	61
H. 597 Introduced	79
H. 603 Introduced	80
H. 607 Introduced	81
H. 620 Introduced	87
H. 621 Introduced	87
H. 623 Introduced	88
H. 630 Explained vote.....	185
H. 666 Introduced	100
H. 668 Introduced	101
H. 715 Introduced	117
H. 717 Introduced	118
H. 718 Moved to amend report	1256
Moved to amend.....	1416
Moved to amend Browning amend	1417
Moved to amend.....	1423
H. 724 Introduced	119
H. 726 Introduced	120
H. 727 Introduced	120
H. 729 Introduced	120
H. 736 Introduced	122
H. 739 Introduced	122
H. 767 Introduced	547
H. 789 Explained vote.....	895
H. 792 Introduced	914
S. 95 Explained vote	1661
S. 199 Demanded Yeas and Nays	928
S. 200 Moved to amend House prop of amend	1208
S. 237 Explained vote	1053
H.R. 16 Offered.....	221
H.R. 22 Offered.....	2052
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 29 Offered	0

Peaslee, Janice L.

Member from Guildhall (District Essex-Caledonia)

Committee:

Transportation

Motions, etc.

H. 502 Introduced	18
H. 554 Introduced	41
H. 579 Introduced	55
H. 621 Introduced	87
H. 636 Introduced	94
H. 672 Introduced	102
H. 675 Introduced	103

Peaslee, Janice L. (continued)

H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 748 Introduced	124
J.R.H. 24 Offered	377
J.R.H. 34 Offered	901

Peltz, Philip

Member from Woodbury (District Lamoille-Washington-1)

Committee:

Education

PreKindergarten-16 Council, Chair

Conference on H. 771..... 1872

Motions, etc.

H. 464 Introduced	3
H. 467 Introduced	4
H. 496 Explained vote.....	850
H. 535 Introduced	32
H. 538 Introduced	33
H. 542 Introduced	34
H. 548 Introduced	36
H. 555 Introduced	42
H. 559 Explained vote.....	391
H. 620 Introduced	87
H. 623 Introduced	88
H. 753 Spoke for committee	280
H. 767 Introduced	547
H. 771 Requested Committee of Conference	1851
S. 113 Demanded Yeas and Nays	2496
Explained vote.....	2496
S. 199 Explained vote	928
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228

Perley, Peter E.

Member from Enosburgh (District Franklin-4)

Committee:

Education

Motions, etc.

H. 78 Introduced	435
H. 502 Introduced	18
H. 554 Introduced	41
H. 621 Introduced	87
H. 668 Introduced	101
H. 672 Introduced	102
H. 685 Introduced	105

Perley, Peter E. (continued)

H. 718 Moved to amend.....	1256
Moved to amend.....	1416
H. 725 Introduced	119
S. 181 Reported for committee	879
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616

Pledge of Allegiance

Page Danielle Bachand of Starksboro	1124
Page Nina Brundage of Waterbury	21
Page Taylor Chappel of St. Johnsbury	635
Page Peter Colby of Worcester	93
Page Julie Decner of Williston.....	278
Page Thomas DeMag of South Burlington	422
Page Elysia Manriquez of Barre.....	780
Page Ethan McCollister of Montpelier.....	39
Page Kirby Occaso of Kirby	889
Page Audrey Oliver of Montpelier.....	542
Page Lalya Paine of Bristol.....	1873
Page Elijah Ransom of Bethel.....	198
Page Gretchen Wright of Jericho	1
Page Alex Ventriss of South Burlington	983
Page Megan Walker of Cabot	66
Page Abigail Zani of West Brookfield	858

Points of Order**H. 468 (Renewable portfolio standards).....746**

Objection to amendment regarding Windfall profit sharing.
 For lack of germaness to the subject matter of the bill
 Ruled well taken by the Speaker
 (Sec. 402 of Mason's)

H. 558 (Budget adjustment bill) 475

Objection to the report of the Conference Committee, in that
 it dealt with matters not in the area of disagreement between
 the two houses.
 Ruled not well taken by the Speaker
 (Sec. 771-2 of Mason's)

H. 559 (Health Care reform) 380

Objection to amendment regarding requiring sale of health
 benefit policies. That it was the same amendment voted on
 previously by the House.
 Ruled not well taken by the Speaker
 (House Rule 77)

H. 753 (School consolidation) 2274

Objection to considering the bill in that one section did not appear on the notice Calendar in violation of House rule 33.
 Ruled well taken by the Speaker
 (House rule 33)

H. 778 (Structured settlements) 1921

Objection to amendment regarding prohibited anti trust violations. For lack of germaness to the subject matter of the bill
 Ruled not well taken by the Speaker
 (Sec. 402 of Mason's)

H. 756 (Sales tax exemptions) 425

Objection to amendment regarding sales tax exemption for software. For lack of germaness to the subject matter of the bill
 Ruled not well taken by the Speaker
 (Sec. 402 of Mason's)

S. 95 (Miscellaneous wage payment).....1661

Objection to amendment regarding weekly payment of wages. For lack of germaness to the subject matter of the bill
 Ruled not well taken by the Speaker
 (Sec. 402 of Mason's)

S. 200 (Health Insurer reporting).....1212

Objection to amendment regarding health insurance. For lack of germaness to the subject matter of the bill
 Ruled not well taken by the Speaker
 (Sec. 402 of Mason's)

S. 214 (Renewable energy) 1621

Objection to amendment regarding smart meters. For lack of germaness to the subject matter of the bill
 Ruled not well taken by the Speaker
 (Sec. 402 and Sec. 617(1) of Mason's)

S. 214 (Renewable energy) 1621

Objection to amendment regarding rate setting. For lack of germaness to the subject matter of the bill
 Ruled well taken by the Speaker
 (Sec. 402 of Mason's)

Poirier, Paul N.

Member from Barre City (District Washington-3-1)

Committee:

Health Care

Motions, etc.

Perley, Peter E. (continued)

H. 78 Introduced	435
H. 468 Moved to amend.....	745
H. 477 Introduced	7
H. 481 Introduced	8
H. 498 Introduced	17
Reported for committee.....	714
H. 531 Introduced	31
H. 534 Introduced	32
H. 541 Introduced	34
H. 542 Introduced	34
H. 548 Introduced	36
H. 549 Introduced	36
H. 551 Introduced	40
H. 559 Moved to amend.....	389
Asked that question be divided.....	389
Demanded Yeas and Nays.....	389
H. 578 Introduced	55
H. 586 Introduced	67
H. 621 Introduced	87
H. 630 Explained vote.....	185
H. 666 Introduced	100
H. 715 Introduced	117
H. 718 Moved to amend report	1256
Moved to amend.....	1416
Moved to amend Browning amend	1417
Explained vote.....	1418
H. 739 Introduced	122
H. 748 Introduced	124
H. 761 Explained vote.....	297
H. 781 Explained vote.....	763
Demanded Yeas and Nays.....	1544
H. 789 Explained vote.....	1762
S. 199 Moved to amend	924
Explained vote.....	924
H.R. 22 Offered.....	2052
J.R.H. 22 Offered	110
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 39 Offered	1882

Potter, David E.

Member from Clarendon (District Rutland-1-2)

Committee:

Transportation, Vice Chair

Conference on H. 770..... 1119

Potter, David E. (continued)

Motions, etc.

H. 462 Introduced	3
H. 517 Introduced	24
H. 542 Introduced	34
H. 555 Introduced	42
H. 614 Introduced (By Request)	83
H. 620 Introduced	87
H. 748 Introduced	124
S. 199 Demanded Yeas and Nays	924
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228

Power of Attorney

Powers of attorney. See table H. 592	2571

Prescription drugs

Drug prescribing. See table H. 738	2591
Prescribing a controlled substance. See table H. 531	2561
Prescription drugs; lost or stolen; reporting. See table H. 608	2573
Vermont prescription monitoring system. See table H. 745	2592

Professions and Occupations

APRN hospital staff privileges. See table H. 591	2571
Health care professional transparency. See table H. 494	2555
Pro bobo licesure; New Hampshire. See table H. 567	2568
Regulation of professions and occupations. See table H. 524	2560
Sales by health care practitioners. See table H. 618	2574

Property

Adverse possession actions; abolishing. See table H. 708	2587
Common interest communities; regulating. See table H. 522	2559
Encumbrances on title; glebe lands. See table H. 683	2584
Grievance hearings; reimbursement. See table H. 703	2586
Homestead property taxes. See table H. 689	2584
Personal property; court judgments. See table H. 707	2586
Real estate sales; owner-financed. See table H. 575	2569
State highway condemnation law; revising. See table H. 523	2560
Tropical Storm Irene; lost/damaged homes. See table H. 554	2565

Public Health

Lupus advisory panel; Dept. of health. See table H. 501	2556
Sales by health care practitioners. See table H. 618	2574
School and child care facilities; immunizations. See table H. 527	2560

Public Records

Confidentiality; pension records; state employees. See table H. 473	2553
Office of Internal investigation; records. See table H. 489	2555

Public Safety

Emergency management. See table H. 712.....	2587
Operation of vehicles; flooded highways. See table H. 517	2559
Racial disparities; VT criminal justice system. See table H. 535	2562
Rescue operations; management of. See table H. 794	2601

Public schools

Providing elementary school education. See table H. 650.....	2579

Public Service

Dept. of public service; public service board. See table H. 718	2588
Electric poser; billing transparency. See table H. 476	2553
Metering; definitions of capacity. See table H. 475.....	2553
Penalties for possession of marijuana. See table H. 427.....	2551
Personal income tax rates; gaps. See table H. 715.....	2587
Siting and regulation of utility poles. See table H. 525	2560
Utility reconnection fees. See table H. 749.....	2593
Vermont Energy Act; 2012. See table H. 468.....	2552

Public works

Public water systems. See table H. 577	2569

Pugh, Ann D.

Member from South Burlington (District Chittenden-3-8)

Committee:

Health Care Oversight Committee, Vice Chair

Human Services, Chair

Vermont Child Poverty Council

Conference on H. 630..... 536

Conference on H. 745..... 1896

Motions, etc.

H. 39 Introduced 176

H. 157 Moved to commit 224

H. 365 Introduced 186

H. 493 Introduced 14

H. 557 Introduced 42

H. 559 Introduced 43

H. 581 Introduced 66

Moved to commit 189

H. 621 Introduced 87

H. 627 Introduced 89

H. 628 Introduced 89

H. 630 Spoke for committee 178

Requested Committee of Conference 536

H. 673 Introduced 102

H. 745 Introduced 124

Moved to commit 543

H. 762 Moved to amend..... 990

S. 95 Moved to amend 1663

Asked leave to withdraw amend..... 1663

Pugh, Ann D. (continued)

S. 199 Moved to commit.....	544
H.R. 16 Offered.....	221
J.R.H. 22 Offered.....	110
J.R.H. 24 Offered.....	377
J.R.H. 26 Offered.....	477
J.R.H. 29 Offered.....	506
J.R.H. 32 Offered.....	757
J.R.H. 34 Offered.....	901
J.R.H. 37 Offered.....	1228

R.**Railroad**

Private highway-rail grade crossings. See table H. 783.....	2599

Ralston, Paul D.

Member from Middlebury (District Addison-1)

Committee:

Commerce and Economic Development

Motions, etc.

H. 512 Introduced	23
H. 533 Introduced	32
H. 552 Introduced	41
Reported for committee.....	85
H. 556 Introduced	42
H. 619 Introduced	87
H. 623 Introduced	88
H. 640 Reported for committee.....	707
H. 661 Introduced	99
H. 668 Introduced	101
H. 718 Moved to amend report	1254
Asked leave to withdraw amend.....	1256
Moved to amend.....	1427
H. 769 Demanded Yeas and Nays.....	690
H. 775 Moved to postpone action	762
S. 237 Reported for committee	1052
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Ram, Kesha K.

Member from Burlington (District Chittenden-3-4)

Committee:

Legislative Information Technology

Sales and Use Tax Study Committee

Ways and Means

Ram, Kesha K. (continued)

Motions, etc.

H. 39 Introduced	176
H. 59 Introduced	82
H. 472 Introduced	4
H. 536 Introduced	33
H. 541 Introduced	34
H. 548 Introduced	36
H. 549 Introduced	36
H. 557 Introduced	42
H. 580 Introduced	55
H. 597 Introduced	79
H. 607 Introduced	81
H. 608 Introduced	82
H. 621 Introduced	87
H. 623 Introduced	88
H. 625 Introduced	89
H. 634 Introduced	94
H. 662 Introduced	100
H. 667 Introduced	101
H. 668 Introduced	101
H. 715 Introduced	117
H. 718 Moved to amend report	1256
Moved to amend	1416
H. 722 Introduced	119
H. 724 Introduced	119
H. 726 Introduced	120
H. 727 Introduced	120
H. 729 Introduced	120
H. 731 Introduced	121
H. 736 Introduced	122
H. 739 Introduced	122
H. 767 Introduced	547
H. 792 Introduced	914
S. 200 Moved to amend House prop of amend	1208
H.R. 16 Offered	221
Demanded Yeas and Nays	221
J.R.H. 21 Offered	0
J.R.H. 22 Offered	110
J.R.H. 24 Offered	0
J.R.H. 25 Offered	432
J.R.H. 29 Offered	506
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228

Real Estate

Encumbrances on title; glebe lands. See table H. 683	2584
Real estate sales; owner-financed. See table H. 575	2569

Reapportionment

- Reapportionment. See table H. 789 2600
- reapportionment; House districts. See table H. 629 2576

Recreation

- Amusement rides; inspection of. See table H. 734 2591

Regulations

- Siting and regulation of utility poles. See table H. 525 2560

Reis, Gerald W.

Member from St. Johnsbury (District Caledonia-3)

Committee:

Judiciary

- Conference on S. 189 1800
- Conference on S. 244 1800

Motions, etc.

- H. 468 Demanded Yeas and Nays.....687
- H. 504 Introduced 19
- H. 554 Introduced 41
- H. 602 Introduced 80
- H. 604 Introduced 80
- H. 621 Introduced 87
- H. 634 Spoke for committee 279
 - Moved to postpone action 880
- H. 718 Moved to amend report 1256
 - Moved to amend.....1416
- H. 761 Explained vote.....297
- S. 189 Reported for committee 1091
- H.R. 19 Offered.....1225
- J.R.H. 22 Offered 110
- J.R.H. 24 Offered 377
- J.R.H. 26 Offered 477
- J.R.H. 31 Offered 616

Rental Housing

- Renter rebate claims. See table H. 597 2571

Reorganization

- Title 33; reorganization. See table H. 628 2576
- Vermont's mental health system; reforming. See table H. 630 2577

Reporting

- Campaign finance reports; searchable database. See table H. 741 2592
- Elections; independent expenditures. See table H. 739 2592

RESOLUTIONS

For information on House and Senate Concurrent Resolutions, please see Table of Bills and Resolutions and the Acts and Resolves of 2012.

Joint and Concurrent Resolutions
Adjournment:

Town Meeting adjournment, R-269.....	873
Weekend adjournment:	
R-268	873
R-270	873
R-271	874
R-299	898
R-300	898
R-315	910
R-329	922
R-336	927
R-380	968
R-395	982
R-407	992
R-409	993
R-439	1019
R-457	1034
R-475	1051

Approving:

A land exchange in Alburgh and a lease with Camp Downer, Inc, R-531	1099

Authorizing:

2012 Green Mountain Boys' State to conduct a civic education program at the State House, R-285	885
2012 Green Mountain Girls' State to conduct a civic education program at the State House, R-400	986
The state of Vermont to accept a reprint of an engraving of Thaddeus Stevens for the state house art collection, R-532.....	1100

Celebrating:

The centennial anniversary of Montpelier City Hall, R-293.....	892
The 20th anniversary of the enactment of Act 135, Vermont's sexual orientation antidiscrimination law, and the vital role played in its passage by Representative Ron Squires, Vermont's first openly gay state legislator, R-450	1028

Commemorating:

The centennial anniversary of the University of Vermont Extension, R-351	942

The 250th anniversary of the town of Bristol, R-357	947
The 250th anniversary of the incorporation of the Essex County towns of Averill, Bloomfield, Lemington, and Lewis, R-360	950
The 250th charter anniversary of the town of Shaftsbury, R-362	952
The 250th anniversary of the town of Charlotte, R-363	953
The 250th anniversary of the town of Ferrisburgh, R-364.....	953
The 250th anniversary of the chartering of the town of Monkton, R-365. .	954
The 250th anniversary of the town of Hinesburg, R-372.....	961
The 30th anniversary of the Vietnam Veterans Memorial, “The Wall,” in Washington, D.C. and all Vietnam War Veterans, R-374.....	963
The 30th anniversary of the Vermont Vietnam Veterans Memorial and all Vietnam War Veterans, R-375	963
Women’s History Month, the publication of the sixth edition of The Legal Rights of Women in Vermont, and reaffirming continuing support for equal rights for women, R-399	985
The 75th anniversary of the U.S. Fish and Wildlife Service’s Wildlife & Sport Fish Restoration Program, R-448	1026
The 25th anniversary of the Rutland Open Door Mission at its Park Street location, R-463	1039
The 40th anniversary of the Retired Senior Volunteer Program’s establishment in Bennington County, R-485.....	1059
The 85th anniversary of the landing in Springfield of Col. Charles A. Lindbergh in the Spirit of St. Louis, R-515	1085
The centennial anniversary of the journey of the children from Lawrence, Massachusetts to Barre during the 1912 Bread and Roses Strike, R-530	1098

Congratulating:

The 2011 Peoples Academy Wolves Division III championship girls soccer team, R-274	876
The 2011 Peoples Academy Division III championship boys’ soccer team, R-275	876
The 2011 Champlain Valley Union High School Redhawks’ second consecutive New England championship girls’ cross country team, R-278.....	879
The 2011 Missisquoi Valley Union High School Division III field hockey team, R-280.....	881
The 2011 Missisquoi Valley Union High School Division II championship baseball team, R-281	882
The 2011 Middlebury Union High School Tigers Division I championship field hockey team, R-282	883
Bruce Garrow on being named the 2011 Henry Giauque Vermont Elementary Principal of the Year, R-287	887

The 2011 Milton High School Yellowjackets Division II girls' soccer championship team, R-288	888
Ann Thompson of Cavendish on her winning a Presidential Award for Excellence in Mathematics and Science Teaching, R-289	889
 The 2011 Johnson State College national Division IV championship women's rugby team, R-294	893
Rick Cochran of Walden on being named the Vermont and National Small Business Person of the Year, R-298	897
The 2011 Hartford High School Hurricanes Division I championship football team, R-304	900
Edward Webbley on his selection as the 2011 Vermont Principals' Association's Robert F. Pierce Vermont Secondary Principal of the Year, R-306	902
The Community College of Vermont on the opening of its new Rutland City campus, R-314	909
The 2011 Woodstock Union High School Wasps Division III championship football team, R-319	913
The 2011 Harwood Union High School Highlanders boys' and girls' cross country teams on winning their respective Division II state championships, R-320	914
The 2011 Harwood Union High School Highlanders Division II field hockey team, R-321	915
The Proctor High School Phantoms 2011 Division IV championship girls' soccer team, R-323	917
The outstanding Vermont high school women runners who participated in the 2011 Nike Cross Nationals competition, R-324	918
The Proctor High School Phantoms 2011 Division IV championship boys' soccer team, R-325	918
The 2011 Springfield High School Division II championship softball team, R-326	919
Brandon Fire District #1 Superintendent Ray Counter and the Brandon Fire District #1 Prudential Committee on the district's designation as a Class II water system, R-327	920
The 2011 recipients of the Vermont Truck & Bus Association Master Truck Driver certification, R-331	923
Barbara Brody on winning a national Teacher of the Year Award for Dedication and Excellence as a Driver Educator, R-332	923
The Vermont Cynic on winning a 2011 Pacemaker Award for excellence in college journalism, R-333	924
The Suicide Six Ski Area in Woodstock on its 75th anniversary, R-335 ..	926

The 2011 Champlain Valley Union High School Redhawks Division I championship girls' soccer team, R-340	930
Harriette B. Lerrigo-Leidich of North Bennington on her 100th birthday, R-342.....	932
Tong Chen as Vermont's 2012 Teacher of the Year, R-350.....	941
Keegan Bradley on winning the 2011 PGA Championship and the 2011 PGA Grand Slam, and being named the 2011 PGA Tour Rookie of the Year, R-352	943
The Mount Ascutney Hospital and Health Center on winning the 2011 Foster G. McGaw Prize for Excellence in Community Service, R-355	946
Grafton Elementary School students on winning a Governor's Award for Environmental Excellence, R-368	957
Kristen Kelliher on becoming the youngest female to scale the highest points in each of the lower 48 states, R-370.....	959
Ross Connelly and Thomas F. Kearney on their induction into the New England Newspaper Hall of Fame, R-379.....	967
Emery Tillman of Cornwall on her kayaking accomplishments, R-387.....	975
Marlboro College on its 65th anniversary, R-390.....	977
The Middlebury Union High School Tigers' 2012 Division II girls' championship Nordic skiing team, R-394	981
Vermont Railway on its selection as the 2012 Shortline Railroad of the Year, R-398.....	984
The Williamstown High School Blue Devils 2012 Division III championship boys' basketball team, R-402.....	988
The U-32 Raiders 2012 Lake Division championship boys' ice hockey team, R-404	990
Middlebury Union Middle School students Ronan Howlett and Meigan Clark on their success at the 2012 Vermont Spelling Bee, R-406.....	992
The University of Vermont 2012 NCAA championship skiing team, R-410	994
Julie Frost on winning the 2012 Golden Globe Award for Best Original song, R-412	996
The 2012 South Burlington High School Rebels championship girls' indoor track and field team, R-413	996
Lyndon Rescue, Inc. on its 40th anniversary, R-416.....	999
The 2011 Fair Haven Union High School Slaters Division II championship football team, R-418.....	1001
Stratton Mountain Ski Resort on its golden anniversary, R-419.....	1001
Former Representative Mary Shelby Paull, R-420	1002
The Essex High School Hornets 2012 Division I championship girls' ice hockey team, R-421	1003

Sophia Hadeka of Fair Haven on being named Miss Vermont's Outstanding Teen 2011, R-422.....	1004
The Essex High School Hornets on winning the 2012 state gymnastics championship, R-423.....	1005
The Mt. Mansfield Union High School Cougars 2012 Division I championship boys' basketball team, R-424.....	1006
The Mt. Mansfield Union High School Cougars 2012 Division I championship boys' Nordic skiing team, R-425	1007
The Mt. Mansfield Union High School Cougars 2012 Division I girls' alpine state championship team, R-426	1008
Silas Chickering Ayers of East Montpelier on winning his first Freeskiing World Tour victory at the North American Championships at Snowbird's Northwest Baldy in Utah, R-427	1008
The 2011–2012 Middlebury College skiing team on its outstanding season, R-428	1009
The 2012 University of Vermont America East championship men's basketball team, R-429	1010
The Oxbow Union High School Olympians 2012 Division III championship girls' basketball team, R-430	1011
The 2012 Mount St. Joseph Academy Mounties Division II championship boys' basketball team, R-432	1013
Kevin Wang on winning a 2012 Siemens Award for Advanced Placement excellence in science and mathematics, R-433	1014
The Hartford High School Hurricanes 2012 Division II championship girls' basketball team, R-434.....	1014
The 2012 Proctor High School Phantoms Division IV championship girls' basketball team, R-437.....	1017
The Rice Memorial High School 2012 Division I championship girls' basketball team, R-438	1018
The 2012 Essex High School Division I championship cheerleading team, R-441	1020
The Twinfield Union School 2012 Division IV championship boys' basketball team, R-443	1022
The 2011 Randolph Union High School Division III girls' cross country championship team, R-444.....	1023
The St. Johnsbury Academy Hilltoppers on winning the 2012 boys' indoor state track and field championship, R-446	1025
Xiangru Chen on winning a 2012 Siemens Award for excellence in science and mathematics, R-447.	1025
Oxbow Union High School athletes A. J. Gillis and William Heathman on their victories at the 2012 state indoor track and field championship, R-449.....	1027

The BFA-St. Albans Bobwhites 2012 Division I championship boys' ice hockey team, R-452	1030
The winning teams at the fifth annual Jr. Iron Chef VT cooking competition, R-453	1031
Patricia Howrigan Reynolds on being named the 2012 Vermont Mother of the Year, R-454	1032
Robert Swartz on being named the 2012 Northeast Kingdom Chamber Citizen of the Year, R-459	1035
The 2012 Vermont Prudential Spirit of Community Award winners, R-460	1036
The Champlain Valley Union High School Redhawks 2012 Division I championship girls' Nordic ski team, R-462	1038
Circus Smirkus on its 25th anniversary, R-465.	1041
Marita Johnson on being named the Springfield Regional Chamber of Commerce's 23rd Annual Citizen of the Year, R-466	1042
The Woodstock Union High School Wasps on winning their third consecutive Division II boys' Nordic skiing championship, R-468	1044
Blanche Lamore on her 100th birthday, R-473	1048
Christopher Gish on winning the 2012 Vermont Geographic Bee, R-477	1052
The Bromley Mountain Ski Resort and the Bromley Outing Club on celebrating their respective 75th and 60th anniversaries, R-479	1053
Alfred L. Pinsonneault Jr. on 50 exemplary years of service with the Town of Bennington Rescue Squad, Inc, R-480	1054
The Rochester School winners of the 2012 Vermont aviation art contest, R-481	1055
The H.W. Putnam Hose Company #3 of the Bennington Fire Department on its 125th anniversary, R-486	1060
The Pepin Granite Company, Inc. on its 50th anniversary, R-489	1062
Vermont Energy Investment Corporation on its 25th anniversary, R-490	1063
Milton Drama on winning its third consecutive invitation to the New England Drama Festival, No. 507	1078
The Rutland Free Library on its 125th anniversary, R-516	1086
The City of Burlington on being named a 2012 Tree City U.S.A., R-518	1087
The Vermont Business Roundtable on its 25th anniversary, R-526	1094
Craftsbury Academy boys' basketball coach Terrence Kelleher on being named the Vermont Basketball Coaches Association 2011–2012 Division IV coach of the year, R-528	1096
Essex High School teacher Maria Ung on her receipt of a Milken Family Foundation National Education Award, R-533	1100

Designating:

January 20, 2012 as Alzheimer's Awareness Day at the State House, R-290.....	890
Nurse anesthetists week in Vermont, R-291	890
February 29, 2012 as Afterschool, Summer, and Expanded Learning Day at the State House, R-343.....	933
November 2012 as Chronic Obstructive Pulmonary Disease Awareness Month in Vermont, R-354	945
March 12–18 as multiple sclerosis week in Vermont, R-384	970
March 21 as Vermont Energy Independence Day, R-396	982
March 29 as Vietnam Veterans Day, R-401	987
Wednesday, April 25, 2012, as National Walk@Lunch Day in Vermont, R-442.....	1021
May 2012 as Lupus Awareness Month in Vermont, R-458.....	1035
May 6–12, 2012 as National Nurses Week in Vermont, R-461.....	1037
April as the month of the military child in Vermont, R-472.....	1048
April 2012 as Fair Housing Month in Vermont, R-508	1079
May 2012 as Vermont Osteoporosis Awareness Month, R-535	1102

Expressing:

Solidarity with the people of Japan on the first anniversary of the 2011 triple disaster, R-377	965
Concern over the Reader's Digest portrayal of mental illness, R-504.....	1075

Extending:

Sympathy and good wishes to Lieutenant Governor Phil Scott on the fire that severely damaged DuBois Construction Inc, R-308	904
Sincere appreciation to Margaret Lucenti for her dedicated public service, R-328.....	921
Birthday wishes to the grande dame of Montpelier, Lola Aiken, who turns 100 on June 24, 2012, R-435	1015

Honoring:

Kathy Boyden for her 40 years of exemplary public service in the town of Williston, R-277.....	878
The historic preservation efforts of the Northfield Historical Cemetery Project, R-283.....	883
Dr. Frank G. Miglorie for his 41 years of service to and outstanding 28-year tenure as President of the College of St. Joseph, R-296.....	895
The public service work of Brattleboro radio station WTSA during Tropical Storm Irene, R-297.....	896

The Franklin County Industrial Development Corporation on its 40th anniversary, R-303	899
Vermont Public Radio's Vermont Edition for its extraordinary community service in the aftermath of Tropical Storm Irene, R-305	901
House Calendar Clerk Jean Jasman, R-309	905
Jan Sotirakis of Pittsford for her extraordinary public service following Tropical Storm Irene, R-310.....	906
Outstanding recently retired employees of the Northfield public school system, R-330	922
The military valor of United States Army Staff Sgt. Dylan J. Maynard, R-337.....	928
The six fire chiefs past and present who have given over 280 years of combined service to the Marshfield Volunteer Fire Department, R-338.....	928
The 2011 class of Vermont Boy Scouts awarded the rank of Eagle, R-345	935
Swanton town administrator Richard Thompson, R-353.....	944
Orange clerk-treasurer Rita Bisson for her outstanding 33 years of public service, R-359.....	949
Big Heavy World and its volunteer staff for its significant 15-year contribution to music and the creative economy in Vermont, R-361	951
Addison town clerk Jane Grace for her exemplary 40 years of public service, R-366.....	955
The heroic radio coverage and community service of WDEV radio during Tropical Storm Irene and congratulating the broadcaster on its 80th anniversary, R-369	958
Radio station WBTN AM in Bennington for its public service broadcasting during Tropical Storm Irene, R-376	964
Former Representative and Senator Robert T. Gannett on his 95th birthday, R-378.....	966
Barbara Brayton for her laudable leadership of the Northfield Senior Center, R-382	969
James T. Day for his outstanding four decade career in public education, R-383	969
Montpelier city clerk and treasurer Charlotte Hoyt for her outstanding public service, R-385.....	971
And thanking the individuals, institutions, and organizations who lent their assistance so generously during and after Tropical Storm Irene, R-386. .	972
Elizabeth Benedict for her lifelong commitment to educational excellence, R-388.....	976
Belinda H. Clegg for her outstanding public service to the town of Wolcott, R-389	976

Brattleboro radio station WKVT AM/FM for its outstanding Tropical Storm Irene community support effort, R-392	979
The outstanding efforts of those who care for, educate, and advocate for our young children in Vermont, R-393.....	980
The federal TRIO programs in Vermont, R-397.....	983
Alice Hafner of Danville for her outstanding public service on behalf of the Vermont criminal justice system, R-405	991
The St. Albans Town municipal public works department employees for their exemplary public service during the spring 2011 Lake Champlain flooding, R-414	997
Richard Strong for his more than half-century of municipal public service in the village of Ludlow, R-415	998
Diana Pfenning for her outstanding leadership of the Tapestry Program of Rutland County, R-431	1012
Louis D. Lertola of South Burlington for his outstanding work in securing increased local property tax exemptions for disabled veterans, R-455	1033
Brian Lowe for his volunteer ornithological protection activities, R-467	1043
The educational and community leadership of Jerry Sullivan, R-469	1045
Andreas Lehner for his outstanding administrative leadership in public education, R-470.....	1046
The South Burlington Dolphins on winning the 2011 Northern Vermont Youth Football League state championship, R-471	1047
Former Director of Retirement Policy and Outreach Cynthia Webster, R-476.....	1051
Dr. William Pendlebury, cofounder of The Memory Center at Fletcher Allen Health Care, R-487	1061
The Reverend Kathy Wonson Eddy for her community leadership and spiritual guidance at Bethany Church and in the town of Randolph, R-488	1061
Former Representative William Keogh on his retirement from the Burlington City Council and its presidency, R-491	1064
Fish and game warden Sergeant Daniel Swainbank for his career accomplishments, R-493	1066
Burlington Fletcher Free Library co director Amber Collins Retiring, R-494	1067
Vermont Law School President, Dean, and Professor of Law Geoffrey B. Shields and his wife, Genie, R-495.....	1068
Extending best wishes on future endeavors to each of the 2012 retiring faculty members of the Southwest Vermont Supervisory Union, R-496	1069

Librarian and Chester community leader Cynthia Collins, R-498.....	1070
The 5th grade civics education initiative at Ferrisburgh Central School, R-500.....	1072
The competitive accomplishments and international educational outreach of the University of Vermont's Lawrence Debate Union, R-502	1074
Audrey and William Keyes of Bridport for their exemplary community spirit, R-509.....	1080
William Paine of New Haven for his civic accomplishments, R-510.....	1080
John R. Stone Jr. on his 55th firefighting anniversary and for his outstanding community service in Bennington, R-512.....	1082
Kerry Clifford for her devotion to teaching young children, R-513	1083
Caroline and Hubert Daberer on their 90th birthdays and as the founders of Alpine Haven, R-514.....	1084
Nathaniel Tripp as an outstanding protector of the Connecticut River and its watershed, R-519	1088
Former Representative Michael Bernhardt for his record of outstanding public service to Vermont, R-520.....	1089
Former Londonderry town clerk and treasurer James Twitchell for his outstanding civic and community service, R-521.....	1090
Walter Mandel as an outstanding community leader, R-522	1091
Thomas Cheney for his stellar service as aide to the speaker of the house of representatives, R-524.....	1092
Evelyn T. Howard on the conclusion of her tenure as superintendent of the Addison Northeast Supervisory Union, R-527	1095
Marlene Velandar for her dedicated public service in the house clerk's office, R-529.....	1097

In Appreciation of:

Representative Ken Atkins of Winooski for offering M&M's® chocolate candies at roll call votes, R-506	1077

In Memory of:

The former Dean of the House Representative John Francis Murphy of Ludlow, R-273.....	875
Former Speaker of the House and Vermont statesman Richard Walker Mallary of Brookfield, R-276.....	877
Former Representative Mark Mitchell of Barnard, R-279.....	880
Former Representative John H. Downs, R-292	891
Former Representative Rene L. Blanchard of Essex, R-307.....	903
Former Representative Alice Cook Bassett, R-316.	910
Arthur Rush Hogan Jr. of Burlington, R-317.....	911
Rutland Regional Planning Commission Executive Director Mark	

Blucher, R-318	912
Dr. Philip Harold Dunham of Brattleboro, R-322	916
Former Vermont State Poet Ruth Stone of Goshen, R-339.	929
Garry Chalmers Simpson, a master of the cinematic, performing, and television arts, R-344	934
Michael J. Garofano and Michael G. Garofano, R-346	937
Former Representative Kermit Welch Richardson of Orange, R-347	938
Stephen Eddy of Rutland, R-348	938
Sister Elizabeth Candon, RSM (Sr. Mary Patrick), R-349.....	939
Frederick M. Faeth, Jr, R-356.....	946
Former Representative Harvey B. Otterman, Jr. of Topsham, R-358.....	948
Former Representative Carl H. Reidel of Ferrisburg, R-371	960
Former East Montpelier Town Clerk and Treasurer Sylvia Tosi, R-373	962
Alan D. Overton, R-403	989
Former Representative Gloria Ann Conant of Richmond, R-411.....	995
United States Marine Corporal Ian M. Muller of Danville, R-417.....	1000
Allyn Seward of East Wallingford, R-464.....	1040
Vermont archivist, historian, and librarian Esther Munroe Swift, R-478 .	1052
Former Representative Susan Webb, R-482	1056
Donald E. Prouty, Jr., of Pownal, R-484	1058
Former Woodbury town clerk and moderator Morris P. Lilley, R-497 ...	1069
St. Michael's college alumni Michael and Jill Casey, R-499	1071
Melinda Bussino, R-505	1076
Addison County Sheriff James Coons, R-511	1081
Anne O. Burke, R-523	1092
Edith Hunter of Weathersfield, R-525	1093

Joint assemblies:

To hear the State of the State message from the Governor, R-266.....	873
To hear the budget message of the Governor, R-267.....	873
For the election of two legislative Trustees of the Vermont State Colleges Corporation, R-301	898
Establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2012, R-302.....	898
To vote on the retention of two Superior Judges and one Magistrate, R-381	968

Recognizing:

January 4, 2012 as Homelessness Day at the State House, R-272.....	874
The dedicated public service and career accomplishments of retired Rutland City Police Chief Anthony Bossi, R-284	884

The contribution of Kenric A. Kite to the development of public access television in central Vermont, R-295.....	894
Neale Lunderville for his leadership of Vermont's post-Irene recovery effort, R-311	907
The essential health care role of licensed pharmacists in Vermont, R-313	909
The spirit of Vermont Strong online, in music, and as a commemorative license plate, R-334	925
The outstanding health care services provided by Gifford Medical Center in Randolph, R-391	978
Boseung Halliwell, PMHNP, for her efforts to improve the quality of health care delivery in Lamoille County, R-436.....	1016
The efforts of Community Health Services of Lamoille Valley to create a seamless and more effective health care environment, R-483.....	1057
The ecological importance and scenic beauty of the Lowell Mountain Range, R-492.....	1065

Relating to:

The issuance of a commemorative United States postage stamp in honor of former United States Senator George D. Aiken, R-408	993
Respectful language in the Vermont Statutes Annotated, R-456	1034
Federal agriculture policy, R-501	1073
Final adjournment of the General Assembly in 2012, R-503	1075

Remembering:

The life of U.S. Army Major Jonathan Kirk Weaver, R-534.....	1101

Supporting:

The establishment of the National Women's History Museum in Washington, D.C., R-286	886
Continuing and enhancing the mutually beneficial bilateral economic and trade relationship between the state of Vermont and Canada, R-367	956

Thanking:

The staff of the agency of natural resources, academic and scientific institutions, and community members who contributed to the development of the new Bedrock Geologic Map of Vermont, R-445.....	1024

Urging:

The restoration of intercity bus service to Rutland City, R-341	931
Each university and college in Vermont to establish offices to assist students who are United States military veterans, R-440	1019

The United States Congress to propose amendments to the United States Constitution for the states' consideration relating to contributions and expenditures intended to affect elections and relating to the rights of corporations, R-474 1049

Wishing:

A very happy and joyous 90th birthday to the member from Burlington, Representative William Aswad, R-312 908

Retirement

State employee and teacher retirement. See table H. 743 2592
 State teacher's retirement system; funding. See table H. 714 2587
 Teachers; retirement system of Vermont. See table H. 697 2585

Rivers and Streams

Stream alteration; training and certification. See table H. 560 2567

Roll Calls

House Bills

- H. 272 An act relating to maintenance of private roads**
 Shall the bill be amended by Commerce and Economic Development? 624
- H. 300 An act relating to the requirement of mandatory binding arbitration and the elimination of strikes and imposed contracts in connection with the collective bargaining for teachers' and school administrators' contracts**
 Shall the Committee on Education be relieved of the bill 907
- H. 427 An act relating to penalties for possession of marijuana**
 Shall the Committee on Judiciary be relieved of the bill? 1126
- H. 440 An act relating to creating an agency and secretary of education and clarifying the purpose of the state board**
 Shall the bill be amended by the Committee on Education? 742
- H. 464 An act relating to hydraulic fracturing wells for natural gas and oil production**
 Shall the House adopt the Committee of Conference Report? 2153
- H. 468 An act relating to the Vermont Energy Act of 2012**
 Shall the bill be amended by Natural Resources and Energy? 687
 Shall the bill be amended by Rep. Jerman of Essex? 746
 Shall the bill pass? 748
- H. 496 An act relating to preserving Vermont's working landscape**
 Shall the bill be read a third time? 850
- H. 535 An act relating to racial disparities in the Vermont criminal justice system**
 Shall the bill pass? 823

H. 558	An act relating to fiscal year 2012 budget adjustment	
	Shall the bill be read a third time?	51
	Shall the bill be amended by Rep. Olsen et al?	59
	Shall the bill pass?	61
H. 559	An act relating to health care reform implementation	
	Shall the bill be amended by Rep. Olsen of Jamaica?	381
	Shall the bill be amended by Reps. Higley of Lowell and Clark of Vergennes?	375
	Shall the bill be amended by Rep. Fagan of Rutland City?	386
	Shall the bill be amended by Rep. Poirier in Section 31 only?	389
	Shall the bill be read a third time?	391
	Shall the bill be amended by Rep. Browning of Arlington?	403
	Shall the bill be amended by Rep. Browning of Arlington?	406
	Shall the bill be amended by Rep. Degree of St. Albans City?	413
	Shall the bill pass?	415
	Shall the House adopt the Committee of Conference Report?	2148
H. 629	An act relating to reapportioning the initial districts of the House of Representatives	
	Shall the bill be amended by Reps. Browning of Arlington & Miller of Shaftsbury?	147
	Shall the bill be read a third time?	149
H. 630	An act relating to reforming Vermont's mental health system	
	Shall the bill be read a third time?	185
H. 718	An act relating to the department of public service and the public service board	
	Shall the proposal of amendment offered by Rep. Browning of Arlington be further amended by Rep. Browning of Arlington?	1417
	Shall the bill be amended by Rep. Browning of Arlington?	1418
	Shall the bill be amended by Rep. Pearson of Burlington?	1425
	Shall the bill be amended by Reps. Ralston of Middlebury & Young of Glover?	1428
H. 753	An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures	
	Shall the bill be amended by Rep. Davis of Washington?	282
H. 754	An act relating to the education property tax rate and base education amount for fiscal year 2013	
	Shall the bill be amended by Reps. Sharpe of Bristol and Olsen of Jamaica? ...	210
	Shall the bill be amended by Reps. Browning of Arlington and Scheuermann of Stowe?	212
	Shall the bill be read a third time?	215
H. 757	An act relating to a temporary moratorium on the enforcement of the sales tax on prewritten software that is accessed remotely	
	Shall the bill be withdrawn as requested by Rep. Scheuermann of Stowe?	916

H. 761	An act relating to executive branch fees, including motor vehicle and fish and wildlife fees	
	Shall the bill pass?	297
H. 762	An act relating to workers' compensation and unemployment compensation	
	Shall the bill pass?	990
H. 769	An act relating to department of environmental conservation fees	
	Shall the bill be read a third time?	690
	Shall the bill pass?	753
H. 770	An act relating to the state's transportation program	
	Shall the bill be read a third time?	652
H. 777	An act relating to licensed midwives and certified nurse midwives	
	Shall the bill be read a third time?	1056
H. 780	An act relating to compensation for certain state employees	
	Shall the bill pass?	825
H. 781	An act relating to making appropriations for the support of government	
	Shall the bill be read a third time?	763
	Shall the bill pass?	772
	Shall the House members of the Committee of Conference be instructed to concur in Sec. C. 103 of the Senate Proposal of Amendment as moved by Rep. Poirier of Barre City?	1544
	Shall the House adopt the report of the Committee of Conference?	2425
H. 782	An act relating to miscellaneous tax changes for 2012	
	Shall the bill be amended by Rep. Degree of St. Albans City?	829
	Shall the bill pass?	831
H. 789	An act relating to reapportioning the final representative districts of the House of Representatives and the senatorial districts of the Senate	
	Shall the bill be amended by Rep. Browning of Arlington and Rep. Malcolm of Pawlet?	876
	Shall the bill be read a third time?	878
	Shall the bill pass?	895
	Shall the report of the committee of conference be adopted?	1762

Senate Bills

S. 95	An act relating to employment decisions based on credit, information, allowing school employees to be paid wages over the course of a year, and union organizing	
	Shall the bill be recommitted to General, Housing and Military Affairs?	1661
	Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing and Military Affairs, as amended, in Sections 3 and 5 only?	1674

	Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing and Military Affairs, as amended, in the Section 4 only?.....	1672
	Shall the House proposal of amendment be further amended by Rep. Olsen of Jamaica?	1769
S. 106	An act relating to miscellaneous changes to municipal government law, to internal financial controls, to the management of search and rescue operations, and to emergency medical services	
	Shall the House concur with Senate proposal of amendment with further proposal of amendment?	2465
S. 113	An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools	
	Shall the House suspend rules to take up consideration of the Addendum to the Report of the Committee of Conference?	2495
	Shall the House adopt the Report of the Committee of Conference and the Addendum to the Report of the Committee of Conference?	2496
S. 199	An act relating to immunization exemptions and the immunization pilot program	
	Shall the report of the Committee on Health Care be further amended by Rep. Clark of Vergennes?	921
	Shall the report of the Committee on Health Care be amended by Reps. Poirier of Barre City and Rep. Koch of Barre Town?	924
	Shall the bill pass?.....	928
	Shall the House adopt the Addendum to the C of C Report?	2043
S. 200	An act relating to the reporting requirements of health insurers	
	Shall the bill be read a third time?.....	1195
S. 202	An act relating to regulation of flood hazard areas, river corridors, and stream alteration	
	Shall the bill be read a third time?	1317
	Shall the bill pass in concurrence with proposal of amendment?.....	1543
S. 214	An act relating to the Vermont energy act of 2012	
	Shall the House concur with the Senate proposal of amendment to House proposal of amendment?	2217
S. 237	An act relating to the genuine progress indicator	
	Shall the House propose to the Senate to amend the bill as recommended by the Committee on Commerce and Economic Development?.....	1053
S. 238	An act relating to a study on access to driving privileges in Vermont	
	Shall the bill be referred to the Committee on Judiciary?	911
Resolutions		
H.R. 16	House resolution commemorating the 39th anniversary of Roe v Wade and reaffirming support for its fundamental holding and principles	
	Shall the House adopt the resolution?	221

H.R. 21	House resolution urging the U.S. Department of Health and Human Services to reconsider its lifetime deferral on blood donation from men who have sex with other men	
	Shall the House adopt the resolution?	1874
J.R.H. 37	Joint resolution expressing the General Assembly's expectation that the full range of concerns and issues raised by the general public regarding the merger of Central Vermont Public Corporation and Green Mountain Power Corporation will be given full consideration, and that the final agreement must be in the best interests of the ratepayers and people of the State of Vermont	
	Shall the resolution be adopted?	1413
J.R.S. 11	Joint resolution urging the United States Congress to propose amendments to the United States Constitution for the states' consideration relating to contributions and expenditures intended to affect elections and relating to the rights of corporations	
	Shall the House propose to the Senate to amend the resolution as recommended by Rep. Degree of St. Albans City?	1069
	Shall the House adopt the resolution?	1070
Russell, Herbert A.		
	Member from Rutland City (District Rutland-5-3)	
	Committee:	
	Commerce and Economic Development	
	Motions, etc.	
	H. 59 Introduced	82
	H. 496 Explained vote	850
	H. 512 Introduced	23
	H. 531 Introduced	31
	H. 533 Introduced	32
	H. 548 Introduced	36
	H. 552 Introduced	41
	H. 555 Introduced	42
	H. 556 Introduced	42
	H. 582 Introduced	66
	H. 619 Introduced	87
	H. 620 Introduced	87
	H. 640 Introduced	95
	H. 661 Introduced	99
	H. 672 Introduced	102
	H. 699 Introduced	107
	Spoke for committee	715
	Moved to amend	751
	H. 702 Introduced	108
	H. 718 Introduced	118
	Moved to amend report	1254
	Moved to amend report	1256
	Moved to amend	1416
	Explained vote	1418
	Demanded Yeas and Nays	1428

Russell, Herbert A. (continued)

H. 719 Introduced	118
H. 730 Moved to postpone action	1728
H. 736 Introduced	122
S. 199 Explained vote	928
Explained vote	2043
H.R. 16 Offered	221
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882
J.R.S. 11 Explained vote	1070

S.**Savage, Brian K.**

Member from Swanton (District Franklin-5)

Committee:

General, Housing and Military Affairs

Motions, etc.

H. 39 Introduced	176
H. 59 Introduced	82
H. 78 Introduced	435
H. 502 Introduced	18
H. 517 Introduced	24
H. 543 Introduced	34
H. 548 Introduced	36
H. 554 Introduced	41
H. 555 Introduced	42
H. 559 Demanded Yeas and Nays	375
Demanded Yeas and Nays	381
Explained vote	386
Demanded Yeas and Nays	391
Demanded Yeas and Nays	415
Explained vote	415
Demanded Yeas and Nays	2148
H. 594 Introduced	76
H. 602 Introduced	80
H. 604 Introduced	80
H. 621 Introduced	87
H. 630 Moved to amend	197
Asked leave to withdraw amend	197
H. 631 Introduced	93
H. 644 Introduced	96
H. 648 Introduced	97
H. 649 Introduced	97
H. 653 Introduced	98

Savage, Brian K. (continued)

H. 657 Introduced	99
H. 658 Introduced	99
H. 668 Introduced	101
H. 672 Introduced	102
H. 674 Introduced	102
H. 677 Introduced	103
H. 682 Introduced	104
H. 689 Introduced	106
H. 692 Introduced	106
H. 699 Introduced	107
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 723 Introduced	119
H. 725 Introduced	119
H. 732 Introduced	121
H. 748 Introduced	124
H. 761 Demanded Yeas and Nays.....	297
H. 770 Demanded Yeas and Nays.....	652
H. 789 Demanded Yeas and Nays.....	895
Explained vote.....	1762
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	0
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901
J.R.H. 39 Offered	1882

Scheuermann, Heidi E.

Member from Stowe (District Lamoille-1)

Committee:

Commerce and Economic Development

Motions, etc.

H. 365 Introduced	186
H. 464 Explained vote.....	2153
H. 468 Explained vote.....	687
H. 552 Introduced	41
H. 556 Introduced	42
H. 558 Moved to amend.....	58
H. 559 Explained vote.....	415
H. 576 Introduced	54
H. 588 Introduced	68
H. 619 Introduced	87
H. 621 Introduced	87
H. 623 Introduced	88
H. 640 Introduced	95
H. 643 Introduced	96
H. 661 Introduced	99
H. 668 Introduced	101

Scheuermann, Heidi E. (continued)

H. 718 Introduced	118
Moved to amend report	1254
H. 720 Introduced	118
H. 729 Introduced	120
H. 753 Explained vote.....	282
H. 754 Moved to amend.....	212
H. 756 Moved to amend.....	435
Asked leave to withdraw amend.....	435
H. 757 Introduced	199
Asked leave to withdraw bill.....	906
Explained vote.....	916
H. 781 Explained vote.....	772
S. 237 Explained vote	1053
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 34 Offered	901

School Choice

Public high school choice; tuition. See table H. 474.....	2553
School choice. See table H. 664	2581

Scrap Metal

Scrap metal processors. See table H. 699	2585

Security

State website auditing. See table H. 659.....	2580

Senior Citizens

Licensing; older drivers. See table H. 614	2574

Shand, Ernest W.

Member from Weathersfield (District Windsor-2)

Committee:

Commerce and Economic Development

Conference on H. 730.....	1734

Conference on S. 152	1935

Motions, etc.

H. 39 Introduced	176
H. 59 Introduced	82
H. 512 Introduced	23
H. 514 Introduced	23
H. 517 Introduced	24
H. 527 Introduced	27
H. 533 Introduced	32
H. 543 Introduced	34
H. 552 Introduced	41
H. 555 Introduced	42
H. 556 Introduced	42
H. 621 Introduced	87

Shand, Ernest W. (continued)

H. 624 Introduced	89
H. 661 Introduced	99
H. 699 Introduced	107
H. 718 Introduced	118
Reported for committee.....	1237
S. 180 Reported for committee	2467
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Sharpe, David D.

Member from Bristol (District Addison-4)

Committee:

Government Accountability Committee

Joint Fiscal Committee

Ways and Means

Conference on H. 769..... 1671

Motions, etc.

H. 548 Introduced	36
H. 551 Introduced	40
H. 555 Introduced	42
H. 558 Moved to amend.....	58
H. 559 Moved to amend.....	410
Asked leave to withdraw amend.....	412
Asked leave to withdraw amend.....	412
H. 560 Introduced	45
H. 570 Introduced	47
H. 621 Introduced	87
H. 637 Introduced	95
H. 699 Introduced	107
H. 722 Introduced	119
H. 754 Spoke for committee	209
Moved to amend.....	209
Explained vote.....	212
H. 761 Moved to amend.....	290
H. 762 Recommended for committee	953
H. 769 Requested Committee of Conference	1671
H. 773 Reported for committee.....	821
H. 781 Explained vote.....	772
S. 152 Recommended for committee	1724
S. 199 Demanded Yeas and Nays	2043
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 37 Offered	1228
J.R.S. 11 Explained vote	1070

Shaw, Charles H.

Member from Pittsford (District Rutland-6)

Committee:

Corrections and Institutions

Corrections Oversight

Motions, etc.

H. 469 Introduced	4
H. 470 Introduced	4
H. 504 Introduced	19
H. 517 Introduced	24
H. 543 Introduced	34
H. 554 Introduced	41
H. 555 Introduced	42
H. 559 Explained vote.....	415
H. 577 Recommended for committee	429
H. 590 Introduced (By Request)	68
H. 621 Introduced	87
H. 646 Introduced	96
H. 653 Introduced	98
H. 654 Introduced	98
H. 657 Introduced	99
H. 668 Introduced	101
H. 672 Introduced	102
H. 699 Introduced	107
H. 718 Moved to amend report	1256
Moved to amend.....	1416
Explained vote.....	1418
H.R. 19 Offered.....	1225
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901

Smith, Harvey T.

Member from New Haven (District Addison-5)

Committee:

General, Housing and Military Affairs

Motions, etc.

H. 502 Introduced	18
H. 506 Reported for committee.....	865
Moved to concur with further amend	1924
H. 555 Introduced	42
H. 559 Explained vote.....	391
H. 564 Introduced	46
H. 621 Introduced	87
H. 718 Moved to amend report	1256
Moved to amend.....	1416
S. 106 Explained vote	2465
J.R.H. 20 Offered	44

Smith, Harvey T. (continued)

J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 34 Offered	901

Smith, Shapleigh

Member from Morristown (District Lamoille-Washington-1)

Committee:

Joint Rules

Judicial Rules, Vice Chair

Legislative Council

Motions, etc.

H. 621 Introduced	87
J.R.H. 24 Offered	377

Social impact

Social impact bonds study committee. See table H. 625	2576

South, Robert C.

Member from St. Johnsbury (District Caledonia-3)

Committee:

Corrections and Institutions

Motions, etc.

H. 78 Introduced	435
H. 586 Introduced	67
H. 604 Introduced	80
H. 619 Introduced	87
H. 718 Moved to amend report	1256
Moved to amend	1416
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 37 Offered	1228

Spengler, Kristy K.

Member from Colchester (District Chittenden-7-2)

Committee:

Health Care

Conference on S. 199	1063

Motions, etc.

H. 464 Explained vote	2153
H. 531 Introduced	31
H. 535 Introduced	32
H. 538 Introduced	33
H. 541 Introduced	34
H. 542 Introduced	34
H. 548 Introduced	36
H. 549 Introduced	36
H. 573 Introduced	48
H. 603 Introduced	80

Spengler, Kristy K. (continued)

H. 621 Introduced	87
H. 630 Explained vote.....	185
H. 668 Introduced	101
S. 209 Reported for committee	979
S. 237 Explained vote	1053
J.R.H. 24 Offered	377
J.R.H. 32 Offered	757

State Buildings

Bicycle racks at state buildings. See table H. 667.....	2581
Invasive plants on state grounds. See table H. 701	2586
Restrooms in state buildings. See table H. 726.....	2590
Vacant state buildings and properties. See table H. 648.....	2579

State Employees

State employee and teacher retirement. See table H. 743	2592
State government positions; management of. See table H. 744	2592
State group health ins. program; participation. See table H. 547	2564

State Sport

Skiing/snowboarding; office state sports. See table H. 365	2550

Stevens, Thomas S.

Member from Waterbury (District Washington-Chittenden-1)

Committee:

General, Housing and Military Affairs

Motions, etc.

H. 39 Introduced	176
H. 59 Moved to postpone action	77
Reported for committee.....	83
H. 78 Introduced	435
H. 542 Introduced	34
H. 548 Introduced	36
H. 559 Explained vote.....	415
H. 564 Introduced	46
H. 566 Introduced	46
H. 588 Introduced	68
H. 591 Introduced	75
H. 629 Explained vote.....	149
H. 733 Introduced	121
H. 781 Explained vote.....	772
S. 99 Reported for committee	1679
Moved to concur with further amend	2255
S. 128 Reported for committee	1641
S. 129 Reported for committee	1641
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506

Stevens, William C.

Member from Shoreham (District Addison-Rutland-1)

Committee:

Agriculture

Conference on H. 496..... 1208

Motions, etc.

H. 78 Introduced 435

H. 496 Introduced 17

Reported for committee.....836

H. 542 Introduced 34

H. 543 Introduced 34

H. 548 Introduced 36

H. 553 Introduced 41

H. 555 Introduced 42

H. 621 Introduced 87

H. 646 Introduced 96

H. 668 Introduced 101

H. 696 Introduced 107

H. 699 Introduced 107

H. 700 Introduced 108

H. 704 Introduced 109

H. 709 Introduced 109

H. 739 Introduced 122

J.R.H. 22 Offered 110

J.R.H. 24 Offered 377

J.R.H. 29 Offered 506

J.R.H. 31 Offered 616

Strong, Vicki M.

Member from Albany (District Orleans-Caledonia-1)

Committee:

Judiciary

Motions, etc.

H. 467 Reported for committee.....737

H. 468 Explained vote.....687

H. 502 Introduced 18

H. 554 Introduced 41

H. 559 Explained vote.....403

H. 621 Introduced 87

H. 718 Moved to amend report 1256

Moved to amend.....1416

H. 761 Explained vote.....297

S. 199 Explained vote 2043

S. 203 Reported for committee 1027

H.R. 19 Offered.....1225

J.R.H. 22 Offered 110

J.R.H. 24 Offered 377

J.R.H. 26 Offered 477

J.R.H. 31 Offered 616

J.R.H. 32 Offered 757

Strong, Vicki M. (continued)

J.R.H. 37 Offered	1228
Remarks Journalized	1412

Stuart, Valerie A.

Member from Brattleboro (District Windham-3-1)

Committee:

Education

Motions, etc.

H. 459 Introduced	436
H. 492 Introduced	14
H. 531 Introduced	31
H. 538 Introduced	33
H. 598 Introduced	79
H. 620 Introduced	87
H. 640 Introduced	95
H. 668 Introduced	101
H. 681 Introduced	104
H. 685 Introduced	105
H. 687 Introduced	105
H. 688 Introduced	105
H. 711 Introduced	110
H. 718 Moved to amend report	1256
Moved to amend	1416
H. 728 Introduced	120
S. 200 Moved to amend House prop of amend	1208
H.R. 16 Offered	221
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 32 Offered	757
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Sweaney, Donna G.

Member from Windsor (District Windsor-3)

Committee:

Government Accountability Committee, Chair

Government Operations, Chair

Public Records Legislative Study Committee

Conference on H. 789..... 1090

Motions, etc.

H. 39 Introduced	176
H. 78 Introduced	435
H. 470 Moved to commit	26
H. 503 Moved to commit	19
H. 524 Introduced	26
H. 535 Moved to commit	37
H. 536 Introduced	33

Sweaney, Donna G. (continued)

H. 542 Introduced	34
H. 588 Moved to commit	548
H. 611 Introduced	82
H. 621 Introduced	87
H. 629 Spoke for committee	126
Moved to amend.....	126
Moved to amend.....	152
H. 767 Introduced	547
H. 786 Introduced	822
H. 789 Requested Committee of Conference	1087
S. 106 Moved to concur with further amend.....	2451
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 32 Offered	757
J.R.H. 34 Offered	901

T.**Taxation and Finance****Income Tax**

Domicile in Vermont's tax laws; definition. See table H. 561	2567
Income tax return checkoff for contributions. See table H. 594.....	2571
Personal income tax rates; gaps. See table H. 715	2587
Personal income taxes; receipt for. See table H. 720	2589

Miscellaneous

Gasoline tax; funds for storm-related repairs. See table H. 540.....	2562
Income tax return checkoff for contributions. See table H. 594.....	2571
Miscellaneous tax changes for 2012. See table H. 782	2599
Nuclear fuel, postclosure activities; tax. See table H. 479	2554
Renter rebate claims. See table H. 597.....	2571
State sales tax free holiday; March 10, 2012. See table H. 502	2557
Supporting manufacturing and industry. See table H. 619.....	2574
Tax expenditure budget for 2012. See table H. 791	2601
Taxpayer appeals; independent office of. See table H. 606	2573
Timber harvest tax. See table H. 583	2570

Property

December 1, 2011 education payments; defer. See table H. 505	2557
Disabled veterans' property tax exemption. See table H. 499	2556
Disclosure of property tax adjustment information. See table H. 515	2559
Education property tax. See table H. 754.....	2594
Education property tax; billing and collection. See table H. 763	2596
Household income; losses. See table H. 704.....	2586
Nonrental residential property; appraisal. See table H. 716.....	2587
Property tax appeals; prorating. See table H. 588	2570
Property tax grievances. See table H. 705.....	2586

Property (continued)

Property taxes; flood damage. See table H. 461.....	2551
Property taxes; income sensitivity. See table H. 635	2578
Property transfer tax; exemption. See table H. 589.....	2571
Public records act exemptions. See table H. 611	2573
Recent current use decision; reimbursements. See table H. 636.....	2578
Statewide education property tax. See table H. 680.....	2583
Tropical Storm Irene; lost/damaged homes. See table H. 554	2565
Vermont Housing Finance Agency. See table H. 637.....	2578

Purchase and Use Value

Current use program; wastewater permits. See table H. 490	2555

Rooms and Meals

Exemption; meals tax; nonprofits. See table H. 598.....	2571
Facilities for elderly/disabled; rooms/meals tax. See table H. 582	2570
Meals and rooms tax; facilities for elderly. See table H. 670.....	2582

Sales and Use Tax

Online retailers; taxation of. See table H. 639	2578
Packaging equipment. See table H. 756	2594
Sales and use tax exemption; Vermont employees. See table H. 713	2587
Sales tax; prewritten software. See table H. 757.....	2594
State sales tax free holiday; March 10, 2012. See table H. 502	2557

Taylor, Therese M.

Member from Barre City (District Washington-3-2)

Committee:

Agriculture

Motions, etc.

H. 496 Introduced	17
Explained vote.....	850
H. 542 Introduced	34
H. 559 Explained vote.....	415
H. 620 Introduced	87
H. 621 Introduced	87
H. 696 Introduced	107
H. 709 Introduced	109
H. 718 Moved to amend report	1256
Moved to amend report	1256
Moved to amend.....	1416
H. 722 Introduced	119
S. 200 Moved to amend House prop of amend	1208
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228

Telecommunications

Universal service fund; mobile telecommunications . See table H. 514.....	2559

Till, George W.

Member from Jericho (District Chittenden-8)

Committee:

Health Care Oversight Committee

Health Care Reform Commission

Health Care

Conference on S. 199 1063

Motions, etc.

H. 37 Introduced 338

Moved to concur with further amend 1231

H. 495 Introduced 14

H. 498 Introduced 17

H. 500 Introduced 18

H. 527 Introduced 27

H. 531 Introduced 31

H. 539 Introduced 33

H. 542 Introduced 34

H. 548 Introduced 36

H. 568 Introduced 47

H. 571 Introduced 47

H. 580 Introduced 55

H. 595 Introduced 79

Moved to commit 224

H. 602 Introduced 80

H. 603 Introduced 80

H. 604 Introduced 80

H. 615 Introduced 83

H. 620 Introduced 87

H. 621 Introduced 87

H. 666 Introduced 100

H. 674 Introduced 102

H. 718 Moved to amend report 1256

Moved to amend 1416

H. 719 Introduced 118

H. 736 Introduced 122

H. 739 Introduced 122

H. 753 Moved to amend 289

S. 236 Reported for committee 1038

H.R. 16 Offered 221

J.R.H. 21 Offered 0

J.R.H. 22 Offered 110

J.R.H. 24 Offered 377

J.R.H. 25 Offered 432

J.R.H. 26 Offered 477

J.R.H. 29 Offered 506

J.R.H. 31 Offered 341

J.R.H. 32 Offered 757

J.R.H. 39 Offered 1882

Toll, Catherine B.

Member from Danville (District Caledonia-Washington-1)

Committee:

Appropriations

Mental Health Oversight

Motions, etc.

H. 604 Introduced	80
H. 781 Demanded Yeas and Nays.....	772
S. 93 Recommended for committee	1844
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 33 Offered	782
J.R.H. 34 Offered	901
J.R.H. 37 Offered	1228
Remarks Journalized	1411

Tourism

Tourism and marketing; promoting. See table H. 640 2578

Townsend, Lawrence E.

Member from Randolph (District Orange-Addison-1)

Committee:

Government Operations

Motions, etc.

H. 78 Introduced	435
H. 527 Introduced	27
H. 538 Introduced	33
H. 542 Introduced	34
H. 550 Reported for committee.....	707
H. 554 Introduced	41
H. 559 Explained vote.....	406
H. 604 Introduced	80
H. 621 Introduced	87
H. 668 Introduced	101
H. 672 Introduced	102
H. 699 Introduced	107
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 788 Reported for committee.....	900
S. 106 Moved to concur with further amend.....	2451
J.R.H. 21 Offered	55
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 37 Offered	1228

Traffic

School crossing guards. See table H. 620 2575

Traffic lights

Ferrisburgh; traffic light. See table H. 795 2602

Transportation

Emergency medical response vehicles; lamps. See table H. 520.....2559
 Ferrisburgh; traffic light. See table H. 795 2602
 Gasoline tax; funds for storm-related repairs. See table H. 540 2562
 Invasive plant species. See table H. 700 2586
 License plates; commemoration; military. See table H. 599.....2572
 Mini-trucks; registration and operation of. See table H. 729.....2590
 Passing and yielding to vulnerable users. See table H. 548 2564
 The state's transportation program. See table H. 770.....2597
 VT route 132; adding to state highway system. See table H. 532.....2561

Transportation Committee

H. 770. Introduced.....614
 H.C.R. 239. Introduced 0

Trieber, Matthew A.

Member from Rockingham (District Windham-4)

Committee:

Human Services

Committee of Conference on H. 745

Motions, etc.

H. 526 Introduced 27
 H. 542 Introduced 34
 H. 562 Introduced 46
 H. 597 Introduced 79
 H. 598 Introduced 79
 H. 620 Introduced 87
 H. 621 Introduced 87
 H. 623 Introduced 88
 H. 660 Introduced 99
 H. 696 Introduced 107
 H. 702 Introduced 108
 H. 704 Introduced 109
 H. 705 Introduced 109
 H. 708 Introduced 109
 H. 716 Introduced 118
 H. 729 Introduced 120
 H. 742 Introduced 123
 H. 745 Spoke for committee 692
 Moved to amend report 703
 Requested Committee of Conference 1878
 H. 746 Introduced 124
 H. 767 Introduced 547
 H.R. 16 Offered.....221
 H.R. 21 Demanded Yeas and Nays 1874
 J.R.H. 24 Offered 377
 J.R.H. 32 Offered 757

Trust

Uniform principal and income act. See table H. 327 2550

Tuition

Out-of-state independent schools; tuition payments. See table H. 508.....2558

Tuition; secondary school. See table H. 690.....2584

Turner, Donald H.

Member from Milton (District Chittenden-9)

Committee:

Commerce and Economic Development

Joint Rules

Legislative Council

Rules

Motions, etc.

H. 468 Demanded Yeas and Nays.....748

H. 543 Introduced 34

H. 555 Introduced 42

H. 558 Demanded Yeas and Nays.....51

Explained vote.....51

H. 559 Explained vote.....415

H. 594 Introduced 76

H. 600 Moved to postpone action 613

H. 629 Explained vote.....149

H. 631 Introduced 93

H. 648 Introduced 97

H. 654 Introduced 98

H. 676 Introduced 103

H. 677 Introduced 103

H. 682 Introduced 104

H. 689 Introduced 106

H. 692 Introduced 106

H. 695 Introduced (By Request) 107

H. 697 Introduced 107

H. 698 Introduced 107

H. 714 Introduced 117

H. 718 Moved to amend report 1256

Moved to amend.....1416

H. 732 Introduced 121

H. 743 Introduced 123

H. 744 Introduced 123

H. 780 Explained vote.....825

H. 781 Demanded Yeas and Nays.....763

Explained vote.....2425

H. 789 Explained vote.....1762

S. 95 Moved to commit.....9

S. 98 Moved to commit.....10

S. 180 Moved to commit.....1062

J.R.H. 20 Offered 44

J.R.H. 22 Offered 110

J.R.H. 24 Offered 377

Turner, Donald H. (continued)

J.R.H. 31 Offered	616
J.R.H. 34 Offered	901

U.**Utilities**

Dept. of public service; public service board. See table H. 718	2588
Electric residential service rates. See table H. 642	2578
Statewide electric distribution cooperative. See table H. 693	2585
Universal service fund; mobile telecommunications . See table H. 514	2559
Utility reconnection fees. See table H. 749	2593

V.**Vermont National Guard**

Vermont National Guard; rights; responsibilities. See table H. 766	2596

Vermont State Housing Authority

Federal rental subsidies; allocation of. See table H. 772	2597

Veterans

Disabled veterans' property tax exemption. See table H. 499	2556
Funeral service; disturbing. See table H. 654	2580
Motor vehicle licenses; veteran designation. See table H. 663	2581
Veterans' tax exemption. See table H. 773	2597

Victims

Human trafficking; expunging conviction record. See table H. 557	2566
Victim's compensation board; applications. See table H. 669	2582

W.**Wages**

Wages for laid-off employees. See table H. 78	2548

Waite-Simpson, Linda J.

Member from Essex (District Chittenden-6-2)

Committee:**Judiciary**

Conference on H. 778	2047
Conference on S. 189	1800
Conference on S. 244	1800

Motions, etc.

H. 78 Introduced	435
H. 412 Reported for committee	712
H. 503 Introduced	19
H. 527 Introduced	27
H. 531 Introduced	31
H. 542 Introduced	34
H. 549 Introduced	36

Waite-Simpson, Linda J. (continued)

H. 557 Introduced	42
H. 580 Introduced	55
H. 602 Introduced	80
H. 604 Introduced	80
H. 620 Introduced	87
H. 640 Introduced	95
H. 646 Introduced	96
H. 668 Introduced	101
H. 672 Introduced	102
H. 699 Introduced	107
H. 733 Introduced	121
H. 753 Explained vote.....	282
S. 122 Reported for committee	880
S. 199 Explained vote	924
S. 200 Moved to amend House prop of amend	1208
S. 244 Reported for committee	1131
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228

Wastewater

potable water supply; wastewater system. See table H. 469	2552

Water Quality

State surfact waters; water quality. See table H. 779	2598
Testing of potable water supplies. See table H. 518	2559
Water quality; appropriation. See table H. 478.....	2553

Water Resources

Emergency streak alteration activities; guidelines. See table H. 546.....	2564
Gravel removal authorization. See table H. 596	2571
Public water system. See table H. 470	2553
Removal of timber from watercourses. See table H. 483.....	2554
Stormwater discharges; watersheds. See table H. 752	2593

Ways and Means Committee

H. 461. Introduced.....	2
H. 505. Introduced.....	21
H. 754. Introduced.....	198
H. 761. Introduced.....	277
H. 763. Introduced.....	477
H. 769. Introduced.....	614
H. 782. Introduced.....	756
H. 791. Introduced.....	871

Webb, Kathryn L.

Member from Shelburne (District Chittenden-5-1)

Committee:

Fish, Wildlife & Water Resources, Clerk

Conference on H. 464..... 1145

Motions, etc.

H. 528 Introduced	27
H. 529 Introduced	31
H. 542 Introduced	34
H. 548 Introduced	36
H. 559 Explained vote.....	406
H. 604 Introduced	80
H. 616 Introduced	86
H. 620 Introduced	87
H. 668 Introduced	101
H. 672 Introduced	102
H. 706 Introduced	109
H. 722 Introduced	119
H. 736 Introduced	122
H. 754 Explained vote.....	212
H. 783 Introduced	756
S. 200 Moved to amend House prop of amend	1208
H.R. 16 Offered.....	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Wilson, Jeffrey D.

Member from Manchester (District Bennington-4)

Committee:

Ways and Means

Motions, etc.

H. 78 Introduced	435
H. 365 Introduced	186
H. 505 Spoke for committee	28
H. 531 Introduced	31
H. 533 Recommended for committee	1002
Asked leave to withdraw amend.....	1012
H. 542 Introduced	34
H. 548 Introduced	36
H. 555 Introduced	42
H. 561 Introduced	45
H. 570 Introduced	47
H. 588 Introduced	68
H. 602 Introduced	80
H. 621 Introduced	87

Wilson, Jeffrey D. (continued)

H. 625 Introduced	89
H. 634 Introduced	94
H. 639 Introduced	95
H. 640 Introduced	95
H. 642 Introduced	96
H. 731 Introduced	121
H. 735 Introduced	121
S. 95 Moved to amend	1660
Asked leave to withdraw amend.....	1660
Moved to amend.....	1767
H.R. 16 Offered.....	221
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 37 Offered	1228
Remarks Journalized	10
Resignation letter	11

Wine/Beer

Vermont wine. See table H. 537	2562

Winters, Philip C.

Member from Williamstown (District Orange-1)

Committee:

Appropriations

Motions, etc.

H. 554 Introduced	41
H. 604 Introduced	80
H. 621 Introduced	87
H. 686 Introduced	105
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 739 Introduced	122
H. 780 Reported for committee.....	821
H. 784 Introduced	770
H. 785 Reported for committee.....	785
H.R. 19 Offered.....	1225
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901

Wizowaty, Susan L.

Member from Burlington (District Chittenden-3-5)

Committee:

Judiciary, Clerk

Nonviolent Misdemeanor Sentencing Review Committee

Motions, etc.

H. 37 Introduced	338
H. 39 Introduced	176

Wizowaty, Susan L. (continued)

H. 78 Introduced	435
H. 413 Reported for committee.....	175
H. 486 Introduced	13
H. 487 Introduced	13
H. 489 Introduced	13
H. 503 Introduced	19
H. 507 Introduced	22
H. 531 Introduced	31
H. 535 Introduced	32
H. 541 Introduced	34
H. 542 Introduced	34
H. 548 Introduced	36
H. 549 Introduced	36
H. 557 Introduced	42
H. 559 Moved to amend.....	410
Explained vote.....	413
H. 572 Introduced	48
H. 580 Introduced	55
H. 600 Moved to amend.....	622
H. 602 Introduced	80
H. 607 Introduced	81
H. 609 Introduced	82
H. 633 Introduced	94
H. 638 Introduced	95
H. 652 Introduced	98
H. 702 Introduced	108
H. 715 Introduced	117
H. 718 Explained vote.....	1425
H. 724 Introduced	119
H. 733 Introduced	121
H. 736 Introduced	122
H. 739 Introduced	122
H. 751 Reported for committee.....	644
Moved to concur with further amend.....	1987
H. 792 Introduced	914
S. 116 Moved to amend	915
S. 199 Explained vote	924
S. 200 Moved to amend House prop of amend	1208
H.R. 16 Offered.....	221
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 29 Offered	506
J.R.H. 32 Offered	757
J.R.H. 37 Offered	1228

Woodward, Mark E.

Member from Johnson (District Lamoille-3)

Committee:

Health Care

Motions, etc.

H. 538 Introduced	33
H. 542 Introduced	34
H. 548 Introduced	36
H. 551 Introduced	40
H. 573 Introduced	48
H. 603 Introduced	80
H. 710 Introduced	110
H. 715 Introduced	117
H. 717 Introduced	118
H. 718 Moved to amend report	1256
Moved to amend.....	1416
H. 727 Introduced	120
H. 739 Introduced	122
J.R.H. 23 Offered	204
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 37 Offered	1228

Worker's Compensation

Cosmetologists; employment of. See table H. 746	2593
Worker's and unemployment compensation. See table H. 762	2595
Worker's comp statutes; line of duty definition. See table H. 555	2566
Worker's comp; electronic payroll card. See table H. 552	2565
Worker's compensation; mental injuries. See table H. 477	2553

Wright, Kurt

Member from Burlington (District Chittenden-3-1)

Committee:

Natural Resources and Energy

Motions, etc.

H. 300 Moved committee be relieved	907
Demanded Yeas and Nays.....	907
Explained vote.....	907
H. 440 Explained vote.....	742
H. 507 Introduced	22
H. 558 Moved to amend.....	58
Explained vote.....	61
H. 593 Introduced	76
H. 718 Moved to amend report	1256
Moved to amend.....	1416
Explained vote.....	1418
H. 739 Introduced	122
H. 782 Explained vote.....	831
H. 792 Introduced	914
J.R.H. 24 Offered	377
J.R.H. 31 Offered	616
J.R.H. 34 Offered	901

Y.

Yantachka, Michael I.

Member from Charlotte (District Chittenden-1-2)

Committee:

Natural Resources and Energy

Motions, etc.

H. 59 Introduced	82
H. 531 Introduced	31
H. 535 Introduced	32
H. 541 Introduced	34
H. 542 Introduced	34
H. 548 Introduced	36
H. 554 Introduced	41
H. 559 Explained vote.....	406
H. 580 Introduced	55
H. 584 Introduced	67
H. 604 Introduced	80
H. 620 Introduced	87
H. 621 Introduced	87
H. 640 Introduced	95
H. 699 Introduced	107
H. 719 Introduced	118
H. 733 Introduced	121
H. 781 Explained vote.....	772
H.R. 16 Offered.....	221
Explained vote.....	221
J.R.H. 21 Offered	55
J.R.H. 22 Offered	110
J.R.H. 24 Offered	377
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 31 Offered	616
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Young, Samuel R.

Member from Glover (District Orleans-Caledonia-1)

Committee:

Commerce and Economic Development

Legislative Information Technology

Conference on S. 217 1931

Motions, etc.

H. 78 Introduced	435
H. 365 Introduced	186
H. 512 Introduced	23
H. 533 Introduced	32
H. 542 Introduced	34
H. 548 Introduced	36
H. 552 Introduced	41

Young, Samuel R. (continued)

H. 556 Introduced	42
H. 565 Spoke for committee	217
H. 597 Introduced	79
H. 619 Introduced	87
H. 621 Introduced	87
H. 623 Introduced	88
H. 660 Introduced	99
H. 661 Introduced	99
H. 668 Introduced	101
H. 699 Introduced	107
H. 711 Introduced	110
H. 715 Introduced	117
H. 718 Introduced	118
Moved to amend report	1256
Explained vote	1418
H. 724 Introduced	119
H. 728 Introduced	120
H. 729 Introduced	120
H. 739 Introduced	122
H. 757 Introduced	199
H. 767 Introduced	547
H.R. 16 Offered	221
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 34 Offered	901

Z.**Zagar, Teo E.**

Member from Barnard (District Windsor-6-1)

Committee:

Agriculture

Motions, etc.

H. 496 Explained vote	850
H. 531 Introduced	31
H. 541 Introduced	34
H. 542 Introduced	34
H. 549 Introduced	36
H. 555 Introduced	42
H. 568 Introduced	47
H. 597 Introduced	79
H. 604 Introduced	80
H. 607 Introduced	81
H. 623 Introduced	88
H. 681 Introduced	104
H. 696 Introduced	107
H. 711 Introduced	110
H. 718 Moved to amend report	1256
Moved to amend	1416
H. 724 Introduced	119

Zagar, Teo E. (continued)

H. 728 Introduced	120
H. 736 Introduced	122
H. 774 Spoke for committee	821
H. 790 Introduced	871
J.R.H. 24 Offered	377
J.R.H. 25 Offered	432
J.R.H. 26 Offered	477
J.R.H. 29 Offered	506
J.R.H. 37 Offered	1228
J.R.H. 39 Offered	1882

Zoning

Act 250 review. See table H. 725	2590

Journal
of the
JOINT ASSEMBLY
Adjourned Session
2012

JOURNAL OF THE JOINT ASSEMBLY OF THE STATE OF VERMONT ADJOURNED SESSION, 2012

IN JOINT ASSEMBLY, JANUARY 5, 2012

2:00 P.M.

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a Joint Resolution which was read by the Clerk and is as follows:

J.R.S. 33. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 5, 2012, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor.

Presiding Officer

Honorable Philip B. Scott, President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Committee Appointed

Senator John F. Campbell of Windsor District moved that a Committee of three Senators and three Representatives be appointed by the Chair to wait upon His Excellency, the Governor, and inform him that the Joint Assembly was now convened for the purpose of receiving his State-of-the-State message.

Which was agreed to.

The Chair appointed as members of such Committee:

Senator Philip Baruth, of Chittenden District
Senator Mark A. MacDonald, of Orange District
Senator Margaret K. Flory, of Rutland District

Representative Lucy Leriche, of Hardwick
Representative Donald H. Turner, Jr., of Milton
Representative Christopher Pearson, of Burlington

The Committee performed the duty assigned to it and appeared within the Joint Assembly accompanied by His Excellency, Governor Peter E. Shumlin, who delivered the following message:

Governor's State-of-the-State Message

“Mr. President, Mr. Speaker, Mr. Chief Justice, Members of the General Assembly, distinguished guests, fellow Vermonters:

“Thank you. It’s been such a privilege to serve as Vermont’s governor over the past year. Our partnership of community, courage, and common purpose that has empowered us through the unprecedented challenges dumped upon us by Mother Nature, combined with our willingness to make the tough choices necessary to grow jobs and economic opportunities for all Vermonters, has made us stronger.

“I want to recognize a few of the thousands of Vermonters who have made us so proud in the last year, and serve as symbols of Vermont at its best.

“We are so grateful to the dedicated women and men of our armed forces, whose service both overseas and during the Irene recovery has been exemplary. Please join me in honoring our Vermont troops, led by Gen. Michael Dubie.

“The magnitude of devastation from Tropical Storm Irene astounded General Dubie and me as we landed in community after community in the days after the storm. I knew that we needed effective, experienced leaders to help us cut through bureaucracy and rebuild at breakneck speed as we raced winter weather. I am so grateful to our Irene Recovery Officer Neale Lunderville, who took a leave from his job to join our team in Vermont’s time of need. Neale, all Vermonters join me in thanking you for your selfless service to the state you love.

“This has been an especially tough year for Vermont’s local government leaders. I want to acknowledge four of our storm-tested, hard-working mayors: Thom Lauzon, Barre; Marty Manahan, St. Albans; Chris Louras, Rutland; Mary Hooper, Montpelier: please stand so we can acknowledge your service to Vermont.

“I also want to acknowledge an outstanding legal mind and a pioneer in civil rights who made history this year by joining the Vermont Supreme Court. Justice Robinson, thank you for your service to justice in Vermont.

“Today I report to you on the state of the greatest state in the nation, one that has demonstrated over the course of the past year what it means to be united as one community to overcome tragedy. In the wake of a deep recession, two spring storms, and a tropical storm that devastated our infrastructure and exacted an unimaginable toll on the lives of thousands of Vermonters, I can tell you without reservation or exaggeration: the state of our state is strong. Vermont strong!

“From Halifax to Hartford, Wilmington to Waterbury, Roxbury to Richmond, the hundreds of individual actions of bravery and courage in the days and months after Irene will be forever etched in my memory. I want to share one of them.

“Rutland Mayor Chris Louras, who like most local leaders was working long days without sleep after Irene, called me every few hours with progress updates on the unfolding tragedy – the search for Mike Garofano and his son, who went missing during the storm. With Route 4 nothing but a streambed in sections where roadway once ran, I came in by National Guard helicopter to join Mayor Louras and give son Tommy Garofano a bear hug from all Vermonters.

“Tommy’s dad, Mike Sr., grew up in Rutland and went to work for the city for over 30 years, rising to become the manager of the water plant, a job to which he dedicated his life. Mike and his wife Sally had two sons – Mike Jr., known also as Little Mike, and Tommy; Mike also had a son Robby. Robby lost his life in a tragic accident in 2010, and Little Mike and Tommy’s tight bond with their mom and dad helped them all in the face of such adversity.

“On the evening of Irene, with Mendon Brook raging, Mike and Little Mike braved through the storm to the water plant to check on the inlet valve that Mike had closed the previous day to make sure polluted water would not enter the city’s reservoir. It was a risk, but they were determined to protect Rutland’s water supply. With Mendon Brook carving craters where solid soil once stood, the banks gave way, sweeping them both away. Mike’s body was retrieved the next day, but the search for Little Mike went on for weeks.

“While Sally was comforted by family and friends, Tommy heroically joined the search and rescue effort, digging through mountains of Irene’s debris looking for his brother.

“Today on behalf of our state, we honor two Vermont heroes, Michael Garofano and Michael Garofano, Jr. with a promise that we will never forget. Joining us in the chamber are Sally and Tommy Garofano.

“To Sally and Tommy -- and the families of the six other Vermonters who lost their lives as a result of Tropical Storm Irene -- our admiration and support will never cease. Thank you.

“As Mayor Louras and I gave what comfort we could to Tommy on that day at Mendon Brook, something else happened that characterizes Vermont strong. With Route 4 shut down, and community after community isolated islands where roads and bridges once served, brothers John and Doug Casella had an idea. Doug said, “Governor, you get the Department of Motor Vehicles to lift the ban on hauling heavy equipment across what’s left of our roads and get us permission to retrieve some of the rock and gravel that Irene washed from our roads into our streams, and we’ll partner with other private contractors like Belden Company, Markowski Excavating, Mosher Excavating, Wilk Paving, the Agency of Transportation and the National Guard. We can have Route 4 open in three weeks.”

“As soon as I got high enough in the chopper to actually have cell service in Vermont, I called Secretary Searles, Secretary Markowitz and Commissioner Ide, and within hours, our team applied Doug’s request, not just to Rutland, but to the whole state of Vermont. And guess what? Nine days later, Route 9 from Brattleboro to Wilmington to Bennington: Open. 18 days later, Route 4 from Woodstock to Rutland: Open. And today, all the roads destroyed by Irene: Open!

“Team Casella, Belden, Wilk, Mosher, Markowski are here today, and I would ask you to please stand. You represent the many Vermont construction companies who, along with AOT, the Vermont National Guard and Guard troops from around the country rebuilt us Vermont Strong, and Vermont honors you today.

“In this public/private partnership, with winter looming, we did it right, with Vermont ingenuity, fiscal prudence, and common sense. We rebuilt, for 35 cents on the dollar, bringing total estimated damage down to \$250 million for state roads and infrastructure, and \$140 million for town roads. Thanks to the skill of the best Congressional delegation in America, Senator Leahy, Senator Sanders and Congressman Welch, the Leahy amendment became law, ensuring that Vermont will get the federal aid we need in our time of need, reducing our projected cost to the General Fund to under \$30 million. Please join me in recognizing the great work of Senator Patrick Leahy, Senator Bernie Sanders, and Congressman Peter Welch as well as our partners at FEMA.

“There are two Irene lessons that we must seize from our experience over the past four months.

“The first lesson is clear: if after Irene we can rebuild over 500 miles of damaged roads and 34 bridges in four months for a fraction of normal cost, with dwindling federal funds in our future, we must apply those lessons to maintaining and rebuilding Vermont’s aging transportation infrastructure from this point forward. We will build faster, smarter, and more economically.

“Instead of having state workers bunkered in their individual agencies, processing paper, we broke down the silos, forming a partnership between AOT, ANR, private contractors, and municipalities. Contracting procedures were modified; access to stone and gravel was expedited; dangerous debris was removed from brooks and streams as engineers worked together with environmental experts to get the job done. Projects that pre-Irene would have taken years got done in months; environmental quality was preserved; taxpayer dollars were saved; and roads and bridges were built to withstand the assault of extreme weather that looms even larger in our future.

“The second lesson comes from the remarkable tenacity of the hundreds of small businesses that were drowned in water and mud, putting hard working Vermonters out of work overnight. A year ago at this podium, I pledged the following: My jobs agenda will expand the ability of emerging entrepreneurs and businesses to get access to capital when they need it most.

“When Lt. Gov. Phil Scott and I traveled the state together, reaching out to the hundreds of small businesses shuttered by triple storms, our message to job creators was: We stand by you, we stand with you, and the state of Vermont will do its part in helping you get back on your feet.

“Partnering with the Vermont Economic Development Authority, we created an emergency low interest loan program that, with minimal bureaucracy and maximum effectiveness, got credit of up to \$100,000 to crippled job creators within days. More than 340 businesses and farms were granted loans, totaling \$15.3 million. With liquidity, Vermont ingenuity and hard work, miracle after miracle happened as business after business reopened.

- “Bartleby’s Bookstore in Wilmington: Open
- “Leader Home Center in Brattleboro: Open
- “Simon Pierce in Windsor: Open
- “The Red Wagon Toy Company in Woodstock: Open
- “Winhall Market in Bondville: Open
- “Sunrise General Store in Bridgewater Corners: Open
- “Wall-Goldfinger in Northfield: Open
- “Nelson Hardware in Barre: Open
- “The Rochester Café: Open
- “American Flatbread in Waitsfield: Open
- “Positive Pie in Montpelier: Open

“And the list goes on and on. The lesson for Vermont government in helping to grow jobs in Vermont is simple: Getting credit to entrepreneurs when they need it most grows prosperity and grows jobs. In fact, there is nothing standing in the way of Vermont’s job creators that cannot be made right by a partnership with state government that is built on a foundation of common sense, trust, and expedited risk credit for businesses when others won’t lend.

“Vermont’s response to Irene perfectly illustrates the strong state of our state. Perhaps the greatest lesson that we can take from the challenge of the previous four months is that despite Irene’s devastation, despite our heartbreak and pain, we are bound by common purpose.

“We are also bound by tragic loss. To the hundreds of Vermonters who lost so much – lost their house, lost their belongings, lost the land that their homes rested on or the land they tilled, we stand with you in the long recovery that lies ahead, to help you close the gap between your hopes and dreams that were washed away and the paltry \$30,200 maximum reimbursement afforded you by our federal government. While we know that we can never make you whole, our resolve as your neighbors and friends to continue to help you rebuild your lives remains as strong as ever.

“We are so grateful to everyone who has stepped up and contributed, from the students at Moretown Elementary School who passed a jar in class to the countless church groups, non-profits and private companies who have contributed millions of dollars. Vermont musicians like Phish and Grace Potter held concerts that raised well over \$1 million, and Tony Pomerleau, who just recently pledged a very generous \$1 million to the Vermont Disaster Relief Fund. At a youthful 93, Tony is here today. Tony, we thank you for your generosity.

“Vermonters have been so generous, but we have many miles to travel before we rest and many dollars to raise before we sleep. In that spirit, we are pleased to introduce our new Vermont Strong license plates, which can be purchased at vtstrong.vermont.gov. If you purchase this plate for the front of your vehicle, the proceeds will go to the Vermont Disaster Relief Fund to help those who need us.

“I could devote this entire speech to our recovery, because I do believe that Tropical Storm Irene represents a defining moment in Vermont’s history. But now is our moment to apply that same courage, strength and ingenuity to our most pressing need: growing jobs and prosperity for all Vermonters.

“Having witnessed what Vermont can do together, I have never been more

optimistic about our ability to keep getting tough things done to help us grow jobs in 2012.

“If we can rebuild destroyed roads and bridges in less than four months, we can meet my promise of connecting every corner of Vermont to high speed internet and vastly improved cell service by the end of 2013. In the past year, we have connected 7,500 locations, and installed 1,600 miles of fiber in our ongoing effort to connect Vermont. We are going to keep our promise of closing Vermont’s connectivity gap and we are going to grow jobs as we connect.

“If we can rebuild our transportation infrastructure at 35 cents on the dollar, we can lead the nation in arresting the skyrocketing cost of health care that is hurting job growth and picking the pockets of our struggling middle class. Your Green Mountain Health Board is hard at work building that system now.

“If we can reopen hundreds of flooded businesses in 14 weeks, we can transform Vermont into the innovative education leader, where from early childhood to higher education to continuing education, we train employees for the prosperous jobs of our future. In my budget address next week, in addition to addressing the challenges and opportunities of replacing our state hospital and state office complex, I will propose significant state investments in higher education and dual enrollment, all aimed at making Vermont students even more competitive and creating opportunities for employers to recruit the employees they are now seeking.

“If we can turn the lights back on in just three days for over 70,000 utility customers, thanks to the heroic work of our utilities, we can create jobs by harnessing the sun, wind, water, forests and fields to produce community-generated renewable power. We have made progress this past year, but we need to keep building. This session, I will propose requiring an affordable and achievable Renewable Energy Portfolio standard that sets a goal to obtain 75 percent renewable electricity in 20 years. I will also recommend that Vermont build on our Standard Offer program so that we can build faster.

“If we can reconnect hundreds of miles of washed out dirt roads in just days so that milk trucks can get to our dairy farmers who had to dump milk during the storm, we can create jobs by fueling the renaissance in locally grown Vermont food. This year we will continue to focus on farm to plate, farm to fork, buy local, and farmer’s markets, while addressing the challenge of producing enough Vermont-grown milk to meet the needs of our value-added dairy companies.

“If we can build partnerships between state and municipal governments to keep our citizens safe and secure, we can work together to address two of the most serious problems we face: winning the war on recidivism, and stemming

the epidemic abuse of prescription drugs, particularly opiates, that is driving crime and destroying the lives of too many of our neighbors.

“Next week, I will also propose changes to our Prescription Drug Monitoring System. Access to the system by law enforcement needs to recognize an individual’s right to privacy while giving law enforcement the tools they need to track down abuse so we can fight our prescription drug epidemic. This growing problem is so frightening because while FDA-approved prescription opiates are easy to get, many are just as addicting and dangerous as street heroin and crack cocaine.

“Since taking office a year ago, I have visited countless businesses throughout the state, and met with small business owners, from Bo Muller-Moore who had a simple idea to put the phrase “Eat More Kale” on t-shirts and now works 14 hour days to fill orders from across the country, to Briar and Adam Alpert of BioTek, a global leader in medical applications technology. I am so optimistic about our jobs future, and every day I see evidence of Vermont’s entrepreneurial success.

“But we have a lot more work to do. Too many Vermonters continue to struggle to make ends meet for themselves and their families.

“But to those who say that Vermont is a bad place to do business, that our bold policies for job growth aren’t getting results, that our optimism about Vermont’s jobs future is not matched by progress, I ask you to consider these facts: our unemployment rate at the peak of the recession was 7.3 percent; today it is among the lowest in America at 5.3 percent. Chittenden County now enjoys the fourth lowest unemployment rate in America. Over the past year, new jobs in Vermont grew by 62 percent over the prior year, more than any other state in the nation. Vermont ranked second in a recent study of how well states use tax breaks and economic development subsidies to actually create jobs.

“If you don’t believe the data, I invite you to join me on the road, reaching out to Vermont’s job creators. Here are a few that I have visited this year.

“In Newport, Bill Stenger is working on several projects in Orleans County in addition to building a world class four-season resort at Jay Peak that employs hundreds of Vermonters. Bill and his partners are bringing Anc/Bio and four other new projects that represent a \$350 million investment and will produce 3,000 direct and indirect jobs in the heart of the Northeast Kingdom.

“In Rutland, GE continues to expand one of the largest GE manufacturing plants of jet engines in the nation for both commercial and military aircraft.

“In Castleton, Hubbardton Forge is on track to meet its goal of doubling its sales in five years.

“In Barre, SB Electronics is up and running, with capacity to produce parts for 100,000 plug-in hybrid vehicles within three years.

“In Essex, Green Mountain Coffee Roasters is building a new plant that will employ hundreds of additional Vermonters and help fuel the exceptional growth of one of America’s most successful companies.

“Next door in Essex Junction, IBM continues to innovate and create the jobs of the future. Vermont’s IBM plant is thriving and adding jobs, and is now one of the world’s largest producers of semiconductor technology, employing 6,000 people.

“In Arlington, Mack Molding continues to hire and expand.

“In Vergennes, Goodrich is hiring.

“In Essex Junction, Revision Eyewear is thriving and has developed a new combat helmet that, if adopted by the U.S. military, will allow them to vastly expand manufacturing in Vermont.

“In Newport, Louis Garneau will be building new facilities to expand manufacturing jobs.

“From the Massachusetts line to the Canadian border, companies that opened this year include Commonwealth Yogurt in Brattleboro, Farmstead Cheese in Woodstock, Swan Valley Cheese in Swanton, and many other small value-added agricultural businesses are growing their customer base, creating jobs, and adding vitality to a dairy industry that is poised for revitalization.

“My administration and I commit ourselves every day to attracting entrepreneurs and growing jobs, one job at a time, as we slowly but surely grow our way out of the most painful recession in our nation’s history.

“Let me say one more word about staying competitive and creating jobs. Our tax policy has a direct impact on our jobs future. You may have heard me say this before: Vermont’s problem is not that our taxes are not high enough; it is that our taxes are too high.

“I am a proud and strong supporter of Vermont’s progressive income tax structure – the most progressive in the country, where unlike the federal government, we require our wealthiest citizens to pay their fair share of income tax. But, we cannot correct the tax failures of Washington from the State House in Montpelier, and we must be always mindful that every day, we compete with our neighboring states for jobs. Therefore, I remain determined not to increase broad-based taxes on Vermonters as we begin to see signs of

modest economic growth.

“Looking back on the last year, we have so much to be thankful for, and so many opportunities ahead.

“As we enter this new year, partisanship continues to paralyze our democracy in Washington, DC. At a time when many of America’s cities and communities beyond Vermont’s borders often seem more divided than united, our little state has distinguished itself. Indeed, there is nothing wrong with America that could not be made right by the ingenuity and caring spirit of the people of the state of Vermont. By continuing to set aside what divides us and finding common ground to unite us, we will rebuild our state while making the bold decisions that will lead to continued job growth and a bright future for Vermont.

“Let’s get back to work. Thank you.”

Dissolution

The Governor, having completed the delivery of his message, was escorted from the Hall by the Committee appointed by the Chair.

The purpose for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, JANUARY 12, 2012

2:00 P.M.

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a joint resolution which was read by the Clerk and is as follows:

J.R.S. 34. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 12, 2012, at two o'clock in the afternoon to receive the budget message of the Governor.

Presiding Officer

Honorable Philip B. Scott., President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Committee Appointed

Senator John F. Campbell of Windsor District moved that a Committee of three Senators and three Representatives be appointed by the Chair to wait upon His Excellency, the Governor, and inform him that the Joint Assembly is now convened his budget message.

Which was agreed to.

The Chair appointed as members of the Committee:

Senator Anne E. Cummings, of Washington District
Senator M. Jane Kitchel, of Caledonia District
Senator Kevin J. Mullin, of Rutland District
Representative Betty A. Nuovo, of Middlebury
Representative Brian K. Savage, of Swanton
Representative Sarah R. Edwards, of Brattleboro

The Committee performed the duty assigned to it and appeared within the Joint Assembly accompanied by His Excellency, Governor Peter E. Shumlin, who delivered the following message.

Governor's Budget Message

"Members of the General Assembly, distinguished guests, fellow Vermonters:

"Thank you for getting to work so quickly. This is the earliest budget address in a decade, enabling us to accomplish the important work Vermonters sent us to do and adjourn in a timely fashion. Since my budget is being presented before the official revenue forecast is updated, refinements may be required if projections change significantly.

"Today, I present a budget that makes the necessary choices to match our spending with Vermonters' ability to pay. This is a balanced budget that protects our most vulnerable, strategically invests new dollars in making Vermont the education state, and builds on our strong jobs future.

"Last year, we made tough choices to close a \$176 million gap. Today, I present a budget that closes a \$51 million shortfall without raising broad-based taxes on hardworking Vermonters who continue to struggle to make ends meet. This budget also preserves programs for Vermont's most vulnerable: our

seniors, Vermonters with disabilities, our children, and those who live in poverty.

“We face two challenges this year: to rebuild this state better than Irene found us, and to continue to build our bright jobs future. To those who say we can’t do both at the same time, I say: we must.

“We start by getting credit to entrepreneurs when they need it most. In partnership with Treasurer Beth Pearce, we are asking the legislature to increase the state’s moral obligation support for VEDA by up to \$30 million.

“Next, with over 600 historic buildings in our downtowns flooded by Irene, many Vermonters who were put out of work are counting on us. I am proposing an additional \$500,000 in downtown tax credits. Each dollar leverages 16 additional dollars in job creation, and every million dollars creates 110 new jobs.

“For the municipalities hit by Irene, I recommend we provide assistance in two ways: first, my budget increases the state match for town highways on the federal aid system. Second, for those towns whose storm damage completely overwhelms their ability to pay, the state will pay your entire share of the FEMA match. My message to towns is clear: we stand with you all the way as we rebuild together.

“Many individuals and communities are facing tough decisions about whether to rebuild in flood plains. The FEMA buyout program only covers 75 percent of the pre-disaster property value. The goal is for the state to cover the remaining 25 percent where needed. Through the Vermont Housing and Conservation Board we will provide a minimum of \$2 million in matching funds for Vermonters who seek buyouts for destroyed homes and towns who seek flood mitigation.

“Vermont’s transportation infrastructure pre-Irene was crumbling before our eyes. We will take the lessons from Irene to rebuild our roads, bridges, and rail stronger, faster, and more affordably. My budget proposes the largest transportation program in Vermont history by adding \$45 million to desperately needed paving and bridge projects. It also increases town highway aid by \$1.5 million, the first such increase in six years.

“We must turn the devastating flooding at our state office complex into opportunity by building efficient, effective, green state workspace for the future.

“The following principles must inform our decisions as we consider how to rebuild:

“One, when making capital investments of taxpayer dollars of this magnitude in real estate, facts really matter: weighing the cost of each of our options is critical.

“Two, with more intense storms looming large in our climate change future, our investments must be protected from getting washed away by future storms.

“Three, we will use this opportunity to co-locate and integrate state agencies that share a common mission.

“I recommend the following actions:

“First, it should be clear from the effective collaboration of the past four months that the Agencies of Transportation, Natural Resources, and Commerce be co-located and integrated on a permanent basis. It makes sense to consolidate them in space that we are currently leasing at National Life in Montpelier.

“Second, the Department of Education is currently functioning in two different locations in central Vermont, inhibiting efficiency and collaboration. I recommend relocating the Department of Education to the office building being proposed in the heart of Barre by Mayor Lauzon, Representative Poirier and others. This action will help revitalize Barre’s downtown and return it to a vibrant center for commerce and job creation.

“Third, the Agency of Human Services is scattered between Washington and Chittenden Counties. This inhibits our ability to provide seamless and integrated service to the people who need state government most. I ask you to support me in reuniting AHS into one location in central Vermont.

“My first choice is to unite them in Waterbury. Before we make that decision, we must first ensure that we can keep it dry and modernize the workspace affordably.

“Rebuilding in Waterbury would be ideal. My administration, working with the legislature, will move as quickly as we possibly can, as our architects and engineers develop the multiple scenarios under consideration.

“Whatever the outcome, it is unlikely that the significant costs incurred will be entirely covered by FEMA or insurance. That’s why I am requesting that the House and Senate Institutions Committees redirect \$18 million of previously approved projects to help cover the investments that lie ahead.

“Irene has also delivered an opportunity to create an outstanding mental health system for Vermont.

“We will not return to the State Hospital, whose decrepit condition did not dignify our most vulnerable Vermonters or high quality of care provided by our state employees. Since that fateful August day when we evacuated the hospital, we have worked tirelessly with our mental health community – state employees, community providers, hospitals and designated agencies, to put in place a plan to address our short-term crisis and design a long-term solution.

“Guided by the simple principle that quality care for the patient is our top priority, we will expand community services, increase peer services, enhance hospital care regionally, and build a new state of the art facility.

“In our effort to achieve mental health parity, it is inexcusable that we require patients seeking acute care for mental illness to travel far from home to receive it. Our plan allows for acute care and community-based care in multiple locations throughout Vermont to keep patients close to home.

“While we should be proud of our collective response since our hospital was flooded, let us not forget that we remain in a crisis situation. While we have been fortunate to avert disaster or loss of life thus far, that could change at any moment.

“I appreciate your commitment to address this emergency in an expedited fashion. Your authorization of the acute care beds at the Brattleboro Retreat, Rutland Regional, and in Windsor County cannot happen soon enough. Vermont’s taxpayers will be relieved to learn that most of these costs will likely be paid for by FEMA. We must also break ground on our new state 16-bed state operated facility in central Vermont this summer. I am counting on you to put a bill on my desk by February 17 that implements this plan and moves us from crisis management to quality care.

“Some critics have argued that this session we must limit any discretionary spending to only Irene-incurred expenses. I say: we must not pit Vermonters against Vermonters. We must not say to our low-income seniors in Springfield that we can’t provide heating assistance to keep them warm this winter because Irene did not impact them directly. We must not tell small businesses in the Northeast Kingdom that they don’t deserve support or a struggling dairy farmer in Swanton that we can’t help them stay in farming because they were not impacted by Irene. Pitting Vermonter against Vermonter is not the Vermont way, it’s not Vermont Strong, and we must not do it.

“Building the best education system in the country will create jobs.

“My budget proposal includes a \$282 million appropriation to the

Education Fund. For the second year in a row, we are increasing Education Fund dollars, this year by \$6 million, in our effort to hold the line on property taxes.

“Recognizing that in recent years, Vermonters gathering at town meeting have chosen to spend more per pupil than almost any other state in America, I commend our local school boards for holding the line on new spending over the past two years and urge them to do it again. Rising property taxes continue to be a tremendous burden for Vermonters struggling in this recovery, and a failure by local boards to hold the line again will result in unacceptable property tax increases. As student enrollment continues to decline, we are finally seeing a downward trend in the number of teachers and staff, which should make level funding our school budgets even more achievable.

“I am a strong supporter of local control. I firmly believe that we in Montpelier should never live under the illusion that we should decide which schools stay open and which schools consolidate. However, we can save money and retain local control by cutting administrative costs and consolidating supervisory unions. Senator Kevin Mullin has proposed consolidating our 60 supervisory unions, reducing bureaucracy and saving taxpayers roughly \$9 million each year. This bold proposal deserves your consideration.

“Your recently released school funding study demonstrates that, through Act 68, Vermont has found more success than any other state in converting the regressive property tax into fair education funding.

“Now is our time to move on from the old battles about whether our financing system works. The opportunity now is to partner with our locally controlled education community to do the more important and difficult job of enhancing creativity and quality for every student.

“Our challenge is two-fold. First, despite our progress in achieving equity, educational achievement continues to stubbornly track family income. Second, our delivery system leans too heavily on the rigid model that time spent together in class with blackboard and pencil will collectively result in acquisition of skills for our diversity of learners.

“From early education to higher education and technical school, we have among the most innovative offerings in the country. By creating a seamless system that allows each student to take advantage of these offerings, we will achieve excellence. However, we have to have the courage to do some things differently.

“We must start by elevating the Commissioner of Education to the Secretary of Education, appointed by the governor.

“We must also continue to partner with our local communities to expand access to pre-K education. Last year, we lifted the cap that gives every community equal access to quality pre-K education. Continuing to build universal pre-K in Vermont will assure a strong start for every student.

“Flexibility is critical for all students, and I strongly believe that expanding our limited school choice to all of our public high schools in Vermont will enhance innovation. Additionally, allowing high school juniors and seniors to take college courses for college credit wherever they choose will make higher education more affordable for low- and middle-income, first-generation students. This flexibility, with the money following the student, should be available to all high school juniors and seniors in Vermont.

“In my travels to businesses across the state, I hear consistently a similar story: businesses are hiring, but they can’t find enough Vermonters with skills in science, technology, engineering, and mathematics.

“To address this growing problem, I propose an \$8 million innovation investment in the University of Vermont and the Vermont State Colleges. This one-time investment from the Higher Education Trust Fund will still leave the fund ten percent higher than last year.

“Under my proposal, the University of Vermont will use its one-time investment of \$4 million to undertake the following:

1. Expand successful university-industry partnerships, giving seniors the opportunity to get hands-on job experience with businesses and nonprofits.
2. Create an international center of excellence in complex systems at UVM that will enhance economic growth. The new multi-million dollar Sandia National Laboratory is just one example of the kind of innovation this investment will stimulate.
3. Develop a program that facilitates the re-entry of critically needed science and engineering professionals back into our workforce. By targeting women who have temporarily left their fields, often to raise families, we can help retain already skilled workers.

“The Vermont State Colleges will use its \$4 million to:

1. Allow more high school students to enroll full-time in college during their senior year, saving their families money and getting a head start on finishing a college degree.
2. Create an applied educational institute supporting the renaissance in the agricultural and food production sectors.
3. Improve access to CCV and VTC in southern Vermont by supporting a

consolidated academic center in downtown Brattleboro. Both CCV and VTC School of Nursing now operate in antiquated leased space; this investment will be an economic shot in the arm for downtown Brattleboro, which has been hit hard by fires and floods.

“We hear a lot about the need to invest in innovation and the future workforce; this is an opportunity to back our words with action, and I urge you to support these initiatives.

“To build jobs, we know that strong, coordinated marketing of the Green Mountain State led by the Department of Tourism and Marketing, works. Leaf peepers poured into Vermont despite Irene. To keep our tourism industry vibrant, my budget fully funds our marketing efforts.

“Manufacturing in Vermont is showing signs of life. I have asked Secretary Lawrence Miller to lead an Advanced Manufacturing Initiative that will bring together education, industry, labor, and government to make recommendations about how to advance the manufacturing gains we are making.

“One way to grow jobs is to make sure our permit process is predictable, transparent and timely. Secretary Markowitz and Natural Resources Board Chair Shems have been holding public meetings around the state, hearing from hundreds of Vermonters about what works and what should be improved in our permit process.

“The message is clear: we need more efficiency and transparency. Under Act 250, when an applicant or neighborhood group makes their case before the local environmental commission, that should count for something. I ask the legislature to require the environmental court to use the commission’s record of the hearing to settle an appeal, avoiding the costly and inefficient process of starting all over again.

“Stewardship of our natural resources requires us to manage our wildlife and habitat by promoting hunting and fishing. Hunters and anglers have been the backbone of Vermont’s fish and wildlife conservation efforts for many years.

“Unfortunately, over the last seven years, General Fund dollars appropriated to the department have plummeted by almost 60 percent. As a lifelong hunter, I know firsthand how important hunting and fishing is to Vermont’s quality of life and economic success. It is clear to me that we can no longer rely solely on revenue from hunting and fishing licenses to adequately support our fish and wildlife resources. That is why my budget includes a 150 percent increase to \$2.4 million to Fish and Wildlife, an investment that leverages nearly \$8

million in federal dollars to ensure a bright future for Vermont's sportsmen and women.

"One year into our war on recidivism, we are seeing progress. Despite corrections spending doubling in the past decade, at an average cost of \$48,000 per year per inmate, our incarcerated population is finally declining and is now at the same level as eight years ago. Our progress represents a \$2.5 million savings since last year.

"I propose reinvesting half of these savings to deliver on our promise of providing housing, counseling, job training, drug and alcohol prevention and treatment to non-violent offenders who have completed their sentences. This will add 93 community based treatment beds to help us win the war.

"Our fight against prescription opiate addiction is directly related to our war on recidivism. There are three components to addressing this growing epidemic.

"The first, as I outlined last week, is giving law enforcement access to the Prescription Drug Monitoring System.

"Second, our Department of Health is creating a cutting edge system that will increase substance abuse treatment for the many Vermonters who desperately need it.

"Third, we will work with prescribers to help them implement best practices to responsibly dispense addictive opiates.

"A final word about my budget proposal: last year at this podium, I called on the legislature to raise our reserves to eight percent as soon as we return to better times. As the first step toward that goal, I am recommending a down payment of \$3.1 million to the stabilization fund. Should revenues exceed our forecasts in future years, I will insist that we go the rest of the way to fulfill this commitment.

"I know I have outlined an ambitious agenda to rebuild our state while we create a better economic future for all Vermonters. While I believe strongly in the principles and proposals I have outlined today, I also welcome your suggestions for improvement. This year, as last, we will work together in a bipartisan spirit to do our best for the state we love.

"Thank you, let's get to work."

Dissolution

The Governor, having completed the delivery of his message, was escorted from the Hall by the committee appointed by the Chair.

The purpose for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, FEBRUARY 16, 2012**10:30 A.M.**

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a joint resolution which was read by the Clerk and is as follows:

J.R.S. 41. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 16, 2012, at ten o'clock and thirty minutes in the forenoon to elect two legislative Trustees of the Vermont State Colleges Corporation to serve a four year term commencing March 1, 2012, and expiring on March 1, 2016. In case election of all such Trustees shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such Trustees are elected.

Presiding Officer

Honorable Philip B. Scott, President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Statement by Presiding Officer

Pursuant to our statutes we are assembled here today in Joint Assembly for the election of two legislative trustees for the Vermont State Colleges Corporation, who are to be elected as trustees for four-year terms commencing on March 1, 2012, and expiring on March 1, 2016. The Chair now cautions you with respect to two statutory conditions imposed by that law for this election:

First: No candidate for election to the Vermont State Colleges Corporation can presently be serving as a member of the Board of Trustees of the University of Vermont.

Second: Consideration shall be given to the *geographic* distribution of those elected in order to "prevent an unfair focus on any single college".

The procedure for the election of these two legislative trustees of the Vermont State Colleges Corporation will be similar to the procedure which we followed in past years. The candidates will be nominated from the floor and elected by plurality vote.

In the event that more than two candidates are nominated, the procedure for the election of these two legislative trustees of the Vermont State Colleges Corporation will be different from the procedure which we would normally follow under the Joint Rules.

J.R.S. 42 sets up a special procedure for this particular election. In the event that more than two candidates are nominated, the adoption of J.R.S. 42 permits us to determine the winners of this election by means of a *plurality vote*, so that two candidates can be elected on the *same* ballot.

In the event that more than two candidates are nominated, you will be instructed to vote for not more than two candidates on the same ballot.

Accordingly, we will need tellers, and the Chair will now make these appointments.

Tellers Appointed

The Chair appointed the following tellers:

Senator Jeanette K. White, of Windham District, as chief teller
Senator M. Jane Kitchel, of Caledonia District
Senator Diana B. Snelling, of Chittenden District
Representative Leigh J. Dakin, of Chester
Representative John L. Bartholomew, of Hartland
Representative Robert A. Bouchard, of Colchester
Representative Mollie Burke, of Brattleboro

Election of Trustees of Vermont State Colleges Corporation

The Joint Assembly then proceeded to the election of two legislative trustees of the Vermont State Colleges Corporation, each for a term of four years, from and including the first day of March, 2012.

Nominations for Both Vacancies

Representative Carolyn W. Branagan of Georgia nominated *Representative Eileen G. Dickinson* of St. Albans. The nomination was seconded by

Representative Bill Botzow of Pownal and Representative Warren F. Kitzmiller of Montpelier.

Representative Johannah Leddy Donovan of Burlington then nominated *Representative William J. Lippert, Jr.* of Hinesburg. The nomination was seconded by Senator Margaret K. Flory of Rutland District.

Representative Donna G. Sweaney of Windsor then nominated *Representative Peter Peltz* of Woodbury. The nomination was seconded by Representative Richard Lawrence of Lyndon.

There being no other nominations, the Chair declared that nominations were closed.

Summary of Names Placed in Nomination

Accordingly, those names placed in nomination and on the ballot for the office of Trustee of the Vermont State Colleges Corporation were as follows:

Representative Eileen G. Dickinson of St. Albans Town
Representative William J. Lippert, Jr. of Hinesburg
Representative Peter Peltz of Woodbury

Review of Voting Procedure

Prior to the taking of any ballots, the Chair reviewed the “plurality” procedure for choosing candidates, by quoting verbatim from the text of J.R.S. 42:

“(1) All candidates for the office of trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be two.

“(2) The two candidates receiving the greater number of votes shall be declared elected to fill the two vacancies.

“(3) In the event that the first balloting for the trustee vacancies results in a tie vote for one or more of the two vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the greater number of votes.”

Balloting for Both Vacancies

The ballots were taken and counted, and the result was as follows:

Total ballots cast	170
Necessary for election	two greater numbers of votes
Dickinson.....	96
Lippert.....	94

Peltz	91
Write-in Geier	1
Write-in Campbell	1
Write-in Mazza	1

Whereupon the Chair declared that

EILEEN G. DICKINSON of ST. ALBANS TOWN

having received a greater number of the total votes cast was duly elected a trustee of the Vermont State Colleges Corporation for a term of four years, commencing March 1, 2012.

The Chair further declared that

WILLIAM J. LIPPERT, JR., of HINESBURG

having received a greater number of the total votes cast was duly elected a trustee of the Vermont State Colleges Corporation for a term of four years, commencing March 1, 2012.

Dissolution

The purposes for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, MARCH 29, 2012

1:00 P.M.

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a Joint Resolution which was read by the Clerk and is as follows:

By Senator Nitka,

J.R.S. 50. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate.

Whereas, declarations have been submitted by the following two Superior Judges that they be retained for another six-year term, Judge Karen R. Carroll and Judge Dennis R. Pearson, and one Magistrate that he be retained for another six year term, Magistrate Barry Peterson, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least two public hearings and the review of information provided by

each candidate and the comments of members of the Vermont bar and the public, and

Whereas, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 8, 2012, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 15, 2012, the date specified in subsection 10(b) of Title 2, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 29, 2012, at one o'clock in the afternoon to vote on the retention of two Superior Judges and one Magistrate. In case the vote to retain said Judges and Magistrate shall not be made on that day, the two Houses shall meet in Joint Assembly at nine o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

Presiding Officer

Philip B. Scott, President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Statement of Presiding Officer

Pursuant to our Constitution and statutes we are assembled here today in Joint Assembly to cast our votes on the retention of two Superior Judges, and one Magistrate.

This year we are again operating under the Judicial Retention Act passed 1976, as amended in subsequent sessions of the General Assembly, which establishes the procedure for retention of incumbent Superior Judges and Magistrates. In particular, amendments made in 2010 require the retention of Magistrates and this is the first year you will also be voting on the retention of a Magistrate. The date for holding joint assemblies for the retention of judges is set by statute to be the eleventh Thursday of the session, which date may be deferred pursuant to 4 V.S.A. § 608(g).

The procedure to be followed requires that the vote be by written ballot on the specific question:

"Shall the following Judges be retained in office?"

There will be two separate written ballots: one containing the names of all of the candidates for retention as superior judges; and one containing the name of the candidate for retention as magistrate.

Retention of Superior Judges

We shall now proceed to the matter of retention of the incumbent Superior Judges. As stated previously, we are operating under the Judicial Retention Act passed in 1976, which establishes the procedure for the retention of Superior Judges. Nominations may not be received from the floor; rather, each judge seeking retention must file a declaration of intention to seek retention with the Secretary of State. The name of each judge seeking retention is automatically voted on pursuant to the terms of the Judicial Retention Act.

In addition, the Judicial Retention Act provides that when a candidate does so declare for retention, the question to be decided is:

"Shall the following Superior Judges be retained in office?"

The statute provides that the vote on this question shall be by one written ballot containing the names of all of the candidates for retention as Superior Judges.

Tellers Appointed

Accordingly, we will need tellers, and the Chair will now appoints as tellers:

Senator Jeannette K. White, of Windham District, as Chief Teller
Senator Randolph D. Brock, of Franklin District
Senator Mark A. MacDonald, of Orange District
Representative Jill Krowinski, of Burlington
Representative Teo Zagar, of Barnard
Representative William E. Johnson, of Canaan
Representative Christopher Pearson, of Burlington

We shall now proceed to the matter of retention of the incumbent superior judges. For these positions we have received declarations of intention to seek retention to the office of Superior Judge from the following:

Karen R. Carroll
Dennis R. Pearson

The question to be decided in each of these cases shall be as follows:

"Shall Superior Judge Karen R. Carroll be retained in office?"

Yes_____No_____.

"Shall Superior Judge Dennis R. Pearson be retained in office?"

Yes_____No_____.

The ballot which you will receive will contain these questions in printed form on one single ballot. The term of these Superior Judges are for six years, from and including the first day of April, 2012, and until their successors are elected and qualified.

To facilitate the procedure for this morning, the Chair will rule, unless there is objection, that debate on these two Judges will be received separately. At the end of the debates for the two Judges, any general debate on the entire question shall be in order.

Committee Reports

Prior to any debate, we will receive the report of the Joint Committee on Judicial Retention. The Chair now recognizes the Vice-Chair of this Committee, the Member from Shrewsbury, Eldred Minor French, for the purpose of receiving his report.

Representative Eldred Minor French, then delivered a general report for the Joint Committee on Judicial Retention with respect to the candidacy of the two Superior Court Judges and one Magistrate.

The Chair then recognized Senator Peter W. Galbraith, of Windham District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Karen R. Carroll.

The Chair then recognized Senator Joseph C. Benning, of Caledonia District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Dennis R. Pearson.

Results of Balloting

Balloting then proceeded for the office of Superior Judges, with the following results:

For Superior Judge Karen R. Carroll

Total votes cast	152
Necessary for a majority	77
For retention	148
Against retention	4

Whereupon the Chair declared that

KAREN R. CARROLL, of VERNON

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2012, and until her successor is elected and has qualified.

For Superior Judge Dennis R. Pearson

Total votes cast 152
 Necessary for a majority 77
 For retention 150
 Against retention 2

Whereupon the Chair declared that

DENNIS R. PEARSON, of JERICHO

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2012, and until his successor is elected and has qualified.

Retention of Magistrate

Statement of Presiding Officer

We shall now proceed to the matter of retention of the incumbent Magistrate. For this position we have received a declaration of intention to seek retention to the office of Magistrate from the following:

Barry Peterson

As in the case of the Superior Judges, the names of each magistrate seeking retention are automatically voted on, and the question to be decided is:

"Shall Magistrate Barry Peterson be retained in office?"

Yes_____No_____.

The vote on this question shall again be by one single written ballot. The term of this Magistrate is for six years, from and including the first day of April, 2012, and until his successor is elected and qualified.

Committee Report

The Chair then recognized Representative Eldred Minor French of Shrewsbury, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Magistrate Barry Peterson.

Results of Balloting

Balloting then proceeded for the office of Magistrate, with the following results:

For Magistrate Barry Peterson

Total votes cast 147
 Necessary for a majority 74
 For retention 143
 Against retention 4

Whereupon the Chair declared that

BARRY PETERSON, of EAST FAIRFIELD

having received a majority of the total votes cast was duly elected to the office of Magistrate for a term of six years, from and including the first day of April, 2012, and until his successor is elected and has qualified.

Dissolution

The purposes for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate, Clerk