

Journal of the House

of the

**STATE OF VERMONT
BIENNIAL SESSION, 2017**

Wednesday, January 4, 2017

Pursuant to the provisions of the Constitution and Laws of the State of Vermont, the members-elect of the House of Representatives convened in the State House in Montpelier on the first Wednesday after the first Monday, being the fourth day of January, in the year of our Lord, two thousand and seventeen.

At ten o'clock in the forenoon, the Honorable James C. Condos, Secretary of State, called the House to order for the seventy-fourth biennial session.

Devotional Exercises

Devotional exercises were conducted by Continua Hospice Choir.

Pledge of Allegiance

Page Mairén Tierney of Newark, led the House in the Pledge of Allegiance.

Point of Order

Rep. Chesnut-Tangerman of Middletown Springs raised a Point of Order in that the member from Orange-1 is not qualified to be seated which the Secretary of State ruled not well taken as the court decision serves as the certificate of election and the member is qualified to be seated.

ROLL CALL

Secretary of State, James Condos, called the roll for the seventy-fourth biennial session:

Addison-1	Robin Scheu Amy D. Sheldon
Addison-2	Peter Conlon
Addison-3	Diane M. Lanpher Warren VanWyck

Addison-4

Fred K. Baser
David D. Sharpe

Addison-5

Harvey T. Smith

Addison-Rutland

Alyson L. Eastman

Bennington-1

William G. F. Botzow II

Bennington-2-1

Timothy R. Corcoran II
Rachel D. Fields

Bennington-2-2

Ruqaiyah Morris
Mary A. Morrissey

Bennington-3

Alice Miller

Bennington-4

Brian Keefe
Cynthia M. Browning

Bennington-Rutland

Linda Joy Sullivan

Caledonia-1

Marcia R. Martel

Caledonia-2

Joseph J. Troiano

Caledonia-3

Scott L. Beck
Janssen D. Willhoit

Caledonia-4	Martha A. Feltus Richard H. Lawrence
Caledonia-Washington	Catherine B. Toll
Chittenden-1	Marcia Lawrence Gardner
Chittenden-2	Terence D. Macaig James M. McCullough
Chittenden-3	Trevor J. Squirrell George W. Till
Chittenden-4-1	Michael I. Yantachka
Chittenden-4-2	William J. Lippert, Jr.
Chittenden-5-1	Kathryn L. Webb
Chittenden-5-2	Jessica Comai Brumsted
Chittenden-6-1	Carol Ode Kurt Wright
Chittenden-6-2	Jean D. O'Sullivan
Chittenden-6-3	Jill L. Krowinski Curt A. McCormack

Chittenden-6-4	Brian Cina Selene Colburn
Chittenden-6-5	Johannah Leddy Donovan Mary M. Sullivan
Chittenden-6-6	Barbara Rachelson
Chittenden-6-7	Clement J. Bissonnette Diana E. González
Chittenden-7-1	Martin J. LaLonde
Chittenden-7-2	Ann D. Pugh
Chittenden-7-3	Helen J. Head
Chittenden-7-4	Maida F. Townsend
Chittenden-8-1	Elizabeth Betsy Dunn Linda K. Myers
Chittenden-8-2	Dylan Giambatista Lori Houghton
Chittenden -8-3	Robert L. Bancroft
Chittenden-9-1	James O. Condon Curt D. Taylor

Chittenden-9-2	Patrick M. Brennan Maureen P. Dakin
Chittenden-10	Ronald E. Hubert Donald H. Turner, Jr.
Essex-Caledonia	Constance N. Quimby
Essex-Caledonia-Orleans	Paul D. Lefebvre
Franklin-1	Carl Rosenquist
Franklin-2	Barbara S. Murphy
Franklin-3-1	Kathleen C. Keenan Corey J. Parent
Franklin-3-2	Eileen G. Dickinson
Franklin-4	Marianna Gamache Brian K. Savage
Franklin-5	Steve C. Beyor Albert E. Pearce
Franklin-6	Daniel F. Connor
Franklin-7	Cynthia A. Weed

Grand Isle-Chittenden	Mitzi Johnson Ben W. Joseph
Lamoille-1	Heidi E. Scheuermann
Lamoille-2	Matthew Hill Daniel Noyes
Lamoille-3	Bernard C. Juskiewicz
Lamoille-Washington	Gary Nolan David W. Yacovone
Orange-1	Robert C. Frenier Rodney P. Graham
Orange-2	Sarah L. Copeland-Hanzas
Orange-Caledonia	Charles W. Conquest
Orange-Washington- Addison	Philip Jay Hooper Ben Jickling
Orleans-1	Lynn D. Batchelor Brian Smith
Orleans-2	Michael J. Marcotte Gary G. Viens

Orleans-Caledonia	Vicki M. Strong Samuel R. Young
Orleans-Lamoille	Mark A. Higley
Rutland-1	Patricia A. McCoy
Rutland-2	Thomas B. Burditt David E. Potter
Rutland-3	William P. Canfield Robert G. Helm
Rutland-4	Thomas P. Terenzini
Rutland-5-1	Peter J. Fagan
Rutland-5-2	Lawrence P. Cupoli
Rutland-5-3	Mary E. Howard
Rutland-5-4	Douglas A. Gage
Rutland-6	Stephen A. Carr Charles H. Shaw
Rutland-Bennington	Robin J. Chesnut-Tangerman
Rutland-Windsor-1	Job B. Tate

Rutland-Windsor-2	Dennis J. Devereux
Washington-1	Anne B. Donahue Patti J. Lewis
Washington-2	Robert B. LaClair Francis M. McFaun
Washington-3	Paul N. Poirier Tommy J. Walz
Washington-4	Mary S. Hooper Warren F. Kitzmiller
Washington-5	Kimberly Jessup
Washington-6	Janet Ancel
Washington-7	Maxine Jo Grad Adam M. Greshin
Washington- Chittenden	Theresa A.M. Wood Thomas S. Stevens
Windham-1	Michael J. Hebert
Windham-2-1	Valerie A. Stuart
Windham-2-2	Mollie S. Burke

Windham-2-3	Tristan D. Toleno
Windham-3	Carolyn W. Partridge Matthew A. Trieber
Windham-4	David L. Deen Michael Mrowicki
Windham-5	Emily J. Long
Windham-6	John M. Gannon
Windham-Bennington	Laura H. Sibia
Windham-Bennington- Windsor	Oliver K. Olsen
Windsor-1	John L. Bartholomew Paul S. Belaski
Windsor-2	Annemarie Christensen
Windsor-3-1	Thomas A. Bock
Windsor-3-2	Alice M. Emmons Robert J. Forguites
Windsor-4-1	Susan M. Buckholz

Windsor-4-2	Kevin B. Christie Gabrielle M. Lucke
Windsor-5	Charles A. Kimbell
Windsor-Orange	David M. Ainsworth
Windsor-Orange-2	Timothy C. Briglin James W. Masland
Windsor-Rutland	Sandy J. Haas

Quorum Present

Thereupon, the Secretary of State declared that a quorum of the members-elect was present.

Election of Speaker

The Secretary of State directed the House to the election of a Speaker for the two years next ensuing.

Rep. Chesnut-Tangerman of Middletown Springs presented the name of **Rep. Mitzi Johnson of South Hero**.

Thereupon, **Rep. Chesnut-Tangerman of Middletown Springs's** nomination for Speaker was seconded by **Rep. Webb of Shelburne**.

Rep. Donahue of Northfield presented the name of **Rep. Linda Myers of Essex**.

Thereupon, **Rep. Donahue of Northfield's** nomination for speaker was seconded by **Rep. Shaw of Pittsford**.

There being no further nominations, the Secretary declared the nominations closed.

Tellers Appointed

The Secretary of State appointed the following tellers to count the ballots:

Rep. Deen of Westminster
Rep. Lalonde of South Burlington
Rep. Dakin of Colchester
Rep. McCoy of Poultney

Rep. Bancroft of Westford

Rep. Batchelor of Derby

The Ballots having been taken and counted by the tellers, it appeared that **Rep. Mitzi Johnson of South Hero** had 100 votes and **Rep. Linda Myers of Essex** had 50 votes.

Thereupon, the Secretary of State declared that

Mitzi Johnson

the representative from the town of South Hero, having a majority of votes cast, was elected Speaker of the House of Representatives for the two years next ensuing.

The Secretary of State designated:

Rep. Sheldon of Middlebury

Rep. Haas of Rochester

Rep. Trieber of Rockingham

Reps. Cupoli of Rutland City

Rep. Murphy of Fairfax

Rep. Feltus of Lyndon

as a committee to wait upon the Speaker-elect, inform her of her election and conduct her to the rostrum to receive the oath of office.

Oath Administered

The Speaker-elect was conducted to the rostrum, the oath of office administered by the Secretary of State, and thereupon, the Speaker was conducted to the chair and assumed her duties.

Election of Clerk

The Speaker directed the House to the election of a Clerk for the two years next ensuing.

Rep. Krowinski of Burlington presented the name of William M. MaGill of Waitsfield.

Mr. MaGill's nomination for Clerk of the House was seconded by **Rep. Turner of Milton**.

There being no further nominations, the Speaker then directed that the vote be taken *viva voce*.

The vote having been taken, the Speaker declared that

William M. MaGill

of Waitsfield was unanimously elected Clerk of the House of Representatives

for the two years next ensuing.

The Speaker designated:

Rep. Krowinski of Burlington

Rep. Turner of Milton

Rep. Greshin of Warren

Rep. Grad of Moretown

as a committee to wait upon the Clerk-elect, inform him of his election and conduct him to the bar of the House to receive the oath of office.

Oath Administered

The Clerk-elect was conducted to the bar of the House, the oath of office administered by Steven D. Marshall, and thereupon, the clerk entered upon the discharge of his duties.

Oath Administered to Members-Elect

Thereupon, the Representatives-elect each took and subscribed the oath, administered by the Clerk, as required by the Constitution and laws of the State.

Communication from Clerk

The Speaker placed before the House a communication from the Clerk as follows:

“Honorable Speaker Johnson
Speaker of the House

Madam Speaker,

I have the honor to inform you and the members of the House that I have appointed Melissa Kucserik of Montpelier as First Assistant Clerk, Rebecca Silbernagel of Fayston as Second Assistant Clerk, Jeremy Weiss of Calais as Journal Clerk, Jean Olson of Montpelier as Resolution Clerk and Christine Ditmeyer of Plainfield as Clerk Assistant.

Sincerely,

/s/ William M. MaGill
Clerk of the House”

Oath Administered to Clerks

The Doorkeepers were directed to conduct Melissa Kucserik, the First Assistant Clerk, and Rebecca Silbernagel, the Second Assistant Clerk, to the bar of the House where the oath was administered by the Clerk.

Thereupon, the assistant clerks entered upon the discharge of their duties.

House Resolutions Adopted

The Speaker placed before the House the following House resolutions which were read and adopted on the part of the House.

H.R. 1

House resolution, entitled

House resolution relating to House Rules

Offered By: Representatives Krowinski of Burlington Turner of Milton, and Chesnut-Tangerman of Middletown Springs

Resolved by the House of Representatives

That the House rules in effect at the end of the 2015-2016 session be the rules of this biennial session until others are adopted.

H.R. 2

House resolution, entitled

House resolution relating to the organization of the House and informing the Senate thereof

Offered by: Representatives Chesnut-Tangerman of Middletown Springs, Krowinski of Burlington, and Turner of Milton

Resolved by the House of Representatives

That the Clerk of the House inform the Senate that the House has organized and is ready to proceed on its part with the business of the session.

H.R. 3

House resolution, entitled

House resolution relating to the organization of the House and informing the Governor thereof

Offered by: Representatives Krowinski of Burlington, Turner of Milton, and Chesnut-Tangerman of Middletown Springs

Resolved by the House of Representatives

That His Excellency, the Governor, be informed by Committee that the House has completed its organization and is ready to receive any communication from him.

Committee Appointed

Pursuant to the provision of H.R. 3, the Speaker appointed the following as

members of the Committee to inform the Governor of the organization of the House.

Rep. Hooper of Montpelier
Rep. Hill of Wolcott
Rep. Quimby of Concord
Rep. Weed of Enosburgh
Rep. Baser of Bristol
Rep. Olsen of Londonderry

Message from the Senate No. 1

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

Madam Speaker:

I am directed to inform the House that:

A quorum of the Senate has assembled and organized by the election of

JOHN H. BLOOMER, Jr.

of the Town of Wallingford, Secretary, who in turn has appointed

STEVEN D. MARSHALL

of the Town of Swanton, Assistant Secretary, and by the election of

TIMOTHY R. ASHE

of the City of Burlington, Chittenden District, President *pro tempore*.

Message from the Senate No. 2

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

Madam 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. 1. Joint resolution relating to joint rules.

J.R.S. 2. Joint resolution to provide for a Joint Assembly to hear the farewell message of the Governor.

J.R.S. 3. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

J.R.S. 4. Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

J.R.S. 5. Joint resolution relating to Town Meeting adjournment.

J.R.S. 6. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

In the adoption of which the concurrence of the House is requested.

Message from the Senate No. 3

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

Madam Speaker:

I am directed to inform the House that:

The Senate has appointed as members of the Joint Canvassing Committee on the part of the Senate to canvass votes for state offices:

Addison District	Senator Bray
Bennington District	Senator Champion
Caledonia District	Senator Benning
Chittenden District	Senator Ingram
Essex-Orleans District	Senator Rodgers
Franklin District	Senator Branagan
Grand Isle District	Senator Mazza
Lamoille District	Senator Westman
Rutland District	Senator Collamore
Washington District	Senator Brooks
Windham District	Senator White
Windsor District	Senator Clarkson

The President has designated Senator White as Chair on the part of the Senate.

Joint Resolution Adopted in Concurrence

The speaker placed before the House the following Joint resolutions, which were read and adopted in concurrence.

J.R.S. 1

By Senator Mazza,

J.R.S. 1. Joint resolution relating to joint rules.

Resolved by the Senate and House of Representatives:

That the joint rules of the Senate and the House as adopted in 2015 be adopted as the joint rules of this biennial session until others are adopted

J.R.S. 2

By Senator Sears,

J.R.S. 2. Joint resolution to provide for a Joint Assembly to hear the farewell message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Wednesday, January 4, 2017, at two o'clock in the afternoon to receive the message of the outgoing Governor

J.R.S. 3

By Senator White,

J.R.S. 3. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 5, 2017, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the freemen and freewomen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen and freewomen

J.R.S. 4

By Senator Ashe

J.R.S. 4. Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 5, 2017, at one o'clock and thirty minutes in the afternoon to receive the inaugural message of the Governor

Rules Committee Announced

Pursuant to the provisions of House Rule 25, the following members were elected by caucus to the Committee on Rules:

Democrats:	Rep. Krowinski of Burlington
	Rep. Toleno of Brattleboro
	Rep. Deen of Westminster

Republicans: **Rep. Turner of Milton**
 Rep. Savage of Swanton
 Rep. Donahue of Northfield

House Resolution Adopted

H.R. 4

House resolution to amend Rule 25 of the House of Representatives pertaining to the jurisdiction of committees

Offered by: Representatives Chesnut-Tangerman of Middletown Springs, Krowinski of Burlington, Turner of Milton, Deen of Westminster, Donahue of Northfield, and Savage of Swanton

Resolved by the House of Representatives:

That this legislative body moves to amend Rule 25 of the Rules and Orders of the House of Representatives to read:

25. At the beginning of each regular session, standing committees shall be appointed having the following names, number of members, and duties:

Committee	Member	To Consider Matters Relating to
Agriculture & Forest Products <u>Forestry</u>	11	Agriculture and <u>forestry</u> , forest products and their markets, <u>and state parks and lands.</u>
Appropriations	11	Appropriating money from the state treasury.
Commerce and Economic Development	11	Business organizations, including banking, insurance and utility companies <u>and</u> corporations, <u>workforce development</u> , unemployment and workers' compensation insurance, and the industrial and internal development of the state, but excluding matters relating to transportation, <u>utilities, telecommunications, and energy.</u>
Corrections and Institutions	11	Department of corrections and public buildings, state lands and property.
Education	11	The educational needs of Vermonters, including the arts, libraries, and literary and scientific

		subjects; the amount of revenue required to satisfy the educational needs; and the manner of raising necessary revenue.
<u>Energy and Technology</u>	<u>8</u>	<u>Energy, including the regulation of power generation, transmission facilities, energy efficiency, natural gas facilities, and siting of energy facilities; utilities, including rates and quality of service; telecommunications, siting of telecommunications facilities, the buildout of cellular and broadband services, and rates and quality of service; and the state's information technology systems.</u>
<u>Natural Resources, Fish, and Wildlife & Water Resources</u>	9	<u>Conservation and development of the state's water resources; conservation and development of lands; land resources; land use; geology; fish and wildlife; natural habitats; air quality, environmental permitting; climate change; scenery; and solid waste and toxic substances management.</u>
General, Housing and Military Affairs	§ <u>11</u>	Alcoholic beverages, housing, claims against the state, labor relations, military matters including those relating to civil defense and discharged veterans, their dependents and survivors, and all matters relating to subjects for which there is no other appropriate committee.
Government Operations	11	Organization, oversight and conduct of state government, compensation of state officials and employees, pensions, law enforcement, public safety, reapportionment, municipal corporations, suffrage,

		nominations, elections and the election of members; local, county, and regional governmental structures; relations between state and local governments; open meeting issues, <u>and</u> public records issues and the state's information technology systems policies.
Health Care	11	Health care finance and administration.
Human Services	11	Human Services, public health and social and economic security.
Judiciary	11	Judicial and legal affairs.
Natural Resources & Energy	11	Conservation and development of the state's land resources, geology, forestry, state parks and lands; scenery; air quality issues; environmental permitting; solid waste management; and energy.
Rules (Consisting of the Speaker, who shall be chair <i>ex officio</i> ; three members of the majority party, the leader, the assistant leader, and one member at large elected by the majority party; and three members from the minority party, the leader, assistant leader, and one member at large elected by the minority party. The Speaker shall designate a vice chair who shall be ranking member.)	7	The rules of the House and to expediting the business of the House, including the final adjournment thereof.
Transportation	11	All transportation companies and corporations subject to the regulation of the Public Service Board, all air and surface transportation, the registration, regulation, and licensing of

		transportation operations and users, the construction and maintenance of thoroughfares, and the impact of the transportation sector on air pollution and climate change.
Ways and Means	11	The revenue of the state, and which shall inquire into the state of the treasury; ascertain the amount of debt due the state, and the claims against it; report the amount of taxes necessary to be raised for the support of the government and inquire what measures, if any, ought to be adopted, the better to equalize the public burdens, secure the accountability of public agents, and otherwise improve the financial concerns of the state, including all matters relating to taxation, local or otherwise and all matters relating to the grand list.

Which was read and adopted.

STANDING COMMITTEES ANNOUNCED

The Speaker announced the 2017-2018 House Standing Committees as follows:

Agriculture & Forestry

Partridge, Chair	of Windham
Lawrence, Vice Chair	of Lyndon
Bartholomew	of Hartland
Higley	of Lowell
Bock	of Chester
Buckholz	of Hartford
Eastman	of Orwell
Hooper	of Brookfield
Graham	of Williamstown
Smith	of New Haven

Sheldon of Middlebury

Appropriations

Toll, Chair of Danville
Fagan, Vice Chair of Rutland City
Keenan of St. Albans City
Lanpher of Vergennes
Dakin of Colchester
Feltus of Lyndon
Juskiewicz of Cambridge
Helm of Fair Haven
Hooper of Montpelier
Trieber of Rockingham
Yacovone of Morristown

Commerce and Economic Development

Botzow, Chair of Pownal
Marcotte, Vice Chair of Coventry
O'Sullivan of Burlington
Sullivan of Dorset
Myers of Essex
Hill of Wolcott
Frenier of Chelsea
Poirier of Barre City
Stuart of Brattleboro
Kimbell of Woodstock
McCoy of Poultney

Corrections and Institutions

Emmons, Chair of Springfield
Shaw, Vice Chair of Pittsford
Macaig of Williston
Scheu of Middlebury

Morrissey of Bennington

Martel of Waterford

Taylor of Colchester

Connor of Fairfield

Turner of Milton

Batchelor of Derby

Belaski of Windsor

Education

Sharpe, Chair of Bristol

Pearce, Vice Chair of Richford

Webb of Shelburne

Miller of Shaftsbury

Conlon of Cornwall

Beck of St. Johnsbury

Giambatista of Essex

Joseph of North Hero

Cupoli of Rutland City

Long of Newfane

Greshin of Warren

Energy and Technology

Carr, Chair of Brandon

McCormack, Vice Chair of Burlington

Parent of St. Albans Town

Yantachka of Charlotte

Chesnut-Tangerman of Middletown Springs

Sibilia of Dover

Forguites of Springfield

Van Wyck of Ferrisburgh

General, Housing, and Military Affairs

Head, Chair of South Burlington

Stevens, Vice Chair	of Waterbury
Tate	of Mendon
Fields	of Bennington
Gonzalez	of Winooski
Walz	of Barre City
Howard	of Rutland City
Smith	of Derby
Strong	of Albany
Scheurmann	of Stowe
Christie	of Hartland

Government Operations

Townsend, Chair	of South Burlington
Hubert, Vice Chair	of Milton
Kitzmiller	of Montpelier
Brumsted	of Shelburne
Gardner	of Richmond
Weed	of Enosburgh
LaClair	of Barre Town
Devereaux	of Mount Holly
Gannon	of Wilmington
Lewis	of Berlin
Toleno	of Brattleboro

Health Care

Lippert, Chair	of Hinesburg
Donahue, Vice Chair	of Northfield
Briglin	of Thetford
Copeland-Hanzas	of Bradford
Cina	of Burlington
Dunn	of Essex
Jickling	of Brookfield

Gage of Rutland City

Hebert of Vernon

Christensen of Weathersfield

Houghton of Essex

Human Services

Pugh, Chair of South Burlington

Haas, Vice Chair of Rochester

McFaun of Barre Town

Keefe of Manchester

Gamache of Swanton

Rosenquist of Georgia

Noyes of Wolcott

Wood of Waterbury

Mrowicki of Putney

Troiano of Stannard

Olsen of Londonderry

Judiciary

Grad, Chair of Moretown

Conquest, Vice Chair of Newbury

Burditt of West Rutland

LaLonde of South Burlington

Colburn of Burlington

Rachelson of Burlington

Dickinson of St. Albans Town

Viens of Newport City

Willhoit of St. Johnsbury

Morris of Bennington

Jessup of Middlesex

Natural Resources, Fish and Wildlife

Deen, Chair of Westminster

Sullivan, Vice Chair	of Burlington
McCullough	of Williston
Beyor	of Highgate
Squirrell	of Underhill
Ode	of Burlington
Lefebvre	of Newark
Terenzini	of Rutland Town
Ainsworth	of Royalton

Transportation

Brennan, Chair	of Colchester
Potter, Vice Chair	of Clarendon
Corcoran	of Bennington
Quimby	of Concord
Nolan	of Morristown
Burke	of Brattleboro
Krowinski	of Burlington
Bancroft	of Westford
Murphy	of Fairfax
Savage	of Swanton
Bissonnette	of Winooski

Ways and Means

Ancel, Chair	of Calais
Young, Vice Chair	of Glover
Canfield	of Fair Haven
Baser	of Bristol
Browning	of Arlington
Wright	of Burlington
Condon	of Colchester
Donovan	of Burlington
Masland	of Thetford

Lucke of Hartford

Till of Jericho

Recess

At eleven o'clock and fifty 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.

Seating of Members

Pursuant to the provisions of House Rule 5, the members were seated.

Canvassing Committee Elected

The Speaker nominated as the Committee on the part of the House to canvass votes for state officers, the following named members:

Addison District	Baser of Bristol
	Scheu of Middlebury
	Van Wyck of Ferrisburg
Bennington District	Fields of Bennington
	Keefe of Manchester
	Miller of Shaftsbury
Caledonia District	Beck of St. Johnsbury
	Martel of Waterford
	Troiano of Stanard
Chittenden District	Dunn of Essex
	Gardner of Richmond
	Hubert of Milton
Essex-Orleans District	Quimby of Concord
	Viens of Newport City
	Young of Glover
Franklin District	Dickinson of St. Albans Town
	Weed of Enosburgh
	Rosenquist of Georgia
Grand Isle District	Dakin of Colchester

	Joseph of North Hero
	Taylor of Colchester
Lamoille District	Nolan of Morristown
	Noyles of Wolcott
	Scheuermann of Stowe
Orange District	Conquest of Newbury
	Graham of Williamstown
	Hooper of Brookfield
Rutland District	Devereux of Mount Holly
	Howard of Rutland City
	Tate of Mendon
Washington District	Greshin of Warren
	Jessup of Middlesex
	Wood of Waterbury
Windham District	Burke of Brattleboro
	Gannon of Wilmington
	Hebert of Vernon
Windsor District	Bartholomew of Hartland
	Christensen of Weathersfield
	Kimbell of Woodstock

Rep. Krowinski of Burlington moved the election of the candidates, as nominated by the speaker which was agreed to.

Thereupon, the Speaker appointed **Rep. Troiano of Stannard** as Chair on the part of the House.

Oath Administered to Canvassing Committee

The Clerk administered the oath to the above-names Canvassing Committee as required by the rules of the House.

Adjournment

At one o'clock and forty-seven 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.

Thursday, January 5, 2017

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

Devotional Exercises

Devotional exercises were conducted by Susan Kittridge, Associate Pastor, Charlotte Congregational Church of Charlotte, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 1

By Rep. McFaun of Barre Town,

House bill, entitled

An act relating to the exemption from State taxation of Social Security payments;

To the committee on Ways and Means.

H. 2

By Reps. Corcoran of Bennington and Emmons of Springfield,

House bill, entitled

An act relating to creating a lien for towing;

To the committee on Transportation.

H. 3

By Rep. Ancel of Calais,

House bill, entitled

An act relating to burial depth in cemeteries;

To the committee on General, Housing and Military Affairs.

H. 4

By Reps. Lalonde of South Burlington and Haas of Rochester,

House bill, entitled

An act relating to calculating time periods in court proceedings;

To the committee on Judiciary.

H. 5

By Rep. Ancel of Calais,53

House bill, entitled

An act relating to investment of town cemetery funds;

To the committee on Government Operations.

H. 6

By Reps. Kitzmiller of Montpelier and Hooper of Montpelier,

House bill, entitled

An act relating to approval of an amendment to the charter of the City of Montpelier regarding the regulation of its public water supply sources;

To the committee on Government Operations.

House Resolution Referred to Committee

H.R. 5

House resolution, entitled

House resolution relating to House Rules

Offered by: Representative Deen of Westminster

Resolved by the House of Representatives:

That Rule 40 of the Rules and Orders of the House of Representatives be amended to read:

40. (a) During the first year of the biennium, ~~except:~~

(1) ~~Except~~ with the prior consent of the Committee on Rules, no member may introduce a bill ~~into the House~~ drafted in standard form, ~~after the last day of February or submit any requests unless he or she submits the request to the Office of Legislative Council that a bill be drafted in this form later than~~ on or before the last legislative day of January and approves the bill for printing on or before the fourth legislative day before the end of February. ~~During the first year of the biennium, a~~

(2) A member may submit a request to the Office of Legislative Council for a bill to be drafted in standard form relating to the adoption or amendment of a municipal charter or to the approval of a municipal merger at any time and may introduce such a bill at any time.

(3) ~~A member may introduce a bill into the House drafted in short form at any time, and may submit requests~~ submit a request to the Office of Legislative Council that for a bill to be drafted in this short form at any time and may introduce such a bill at any time.

(b) During the second year of the biennium, ~~except:~~

(1) Except with the prior consent of the Committee on Rules, no member may introduce a bill into the House drafted in standard form after the last day of January or submit any requests unless he or she submits the request to the Office of Legislative Council that a bill be drafted in this form later than on or before the fifteenth day of January, and approves the bill for printing on or before the last legislative day of January. During the second year of the biennium, a

(2) A member may submit a request to the Office of Legislative Council for a bill to be drafted in standard form relating to the adoption or amendment of a municipal charter or to the approval of a municipal merger at any time and may introduce such a bill at any time.

(3) Except with the prior consent of the Committee on Rules, no member may introduce a bill into the House drafted in short form until the second Friday after the annual Town meeting day, and may submit requests unless he or she submits the request to the Office of Legislative Council that a bill be drafted in short form until on or before the fifteenth day of February and approves the bill for printing on or before the second Friday after the annual Town meeting day.

(c) During the first year of the biennium, a Committee may submit a request to the Office of Legislative Council for a bill to be drafted in standard form at any time and may introduce such a bill at any time. During the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, ~~except the Committee on Appropriations, the Committee on Ways and Means, or the Committee on Government Operations,~~ may introduce a bill drafted in standard form ~~after~~ unless it approves the bill for printing on or before the last legislative day of March. The, except for the Committees on Appropriations and on Ways and Means, which may ~~introduce a bill drafted in standard form~~ submit a request to the Office of Legislative Council at any time, and the Committee on Government Operations may introduce a bill drafted in standard form relating to changes in a town or city charter and may approve the bill for printing at any time.

(d) For the purposes of this rule, a request ~~for drafting by~~ to the Office of Legislative Council shall contain specific instructions as to the content of the bill sufficient to permit its drafting in accordance with Rules 41 and 42.

Which was read and referred to the committee on Rules.

House Resolution Referred to Committee

H.R. 6

House resolution, entitled

House resolution amending the Rules and Orders of the House of Representatives related to members' disclosure form

Offered by: Representative Deen of Westminster

Whereas, pursuant to Rule 14a, members of the House of Representatives are required to submit a disclosure form that lists information including any boards, commissions, or other entities on which the member serves and the member's employer, and

Whereas, Rule 14a states that these forms should be publicly available, and

Whereas, the forms are currently kept only in paper form in the Clerk's office, are not available online, and, as a result, are not easily accessible to the public or to other members, now therefore be it

Resolved by the House of Representatives:

That Rule 14a of the Rules and Orders of the House of Representatives be amended to read:

14a. On or before the 10th day of the beginning of the biennium, each member shall submit to the Clerk a disclosure form prepared by the Clerk. The form shall be signed by the member, be publicly available on the official website of the Clerk, and may be updated. The form shall set forth, to the best of the member's ability, the following information applicable as of the date of submission:

(a) any boards, commissions, or other entities on which the member serves; a description of that position; and, except in the case of legislative appointments, whether the member receives any form of remuneration for that position; and

(b) the member's employer.

Which was read and referred to the committee on Rules.

Joint Resolution Adopted in Concurrence

J.R.S. 5

By Senator Ashe,

J.R.S. 5. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 3, 2017, or Saturday, March 4, 2017, it be to meet again no later than Tuesday, March 14, 2017

Was taken up read and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 6

By Senator Kitchel,

J.R.S. 6. 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 Tuesday, January 24, 2017, at two o'clock in the afternoon to receive the budget message of the Governor

Was taken up read and adopted in concurrence.

Adjournment

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

Friday, January 6, 2017

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

Devotional Exercises

Devotional exercises were conducted by Rev. Peter Plagge, Congregational Church, Waterbury, VT.

Memorial Service

The Speaker placed before the House the following names of members of past sessions of the Vermont General Assembly who had passed away recently:

Gordon J. Booth of Barre Town	Member of the House, Sessions 1979, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995
Winston E. Dowland of Holland	Member of the House Session of 2005

Thereupon, the members of the House rose for a moment of prayer in memory of the deceased members. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved families

Message from the Senate No. 4

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 7. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 7

By Reps. Ancel of Calais, Mrowicki of Putney, Morrissey of Bennington, Batchelor of Derby, Beyor of Highgate, Botzow of Pownal, Briglin of Thetford, Browning of Arlington, Cristensen of Weathersfield, Conquest of Newbury, Deen of Westminster, Devereux of Mount Holly, Dunn of Essex, Gannon of Wilmington, Hebert of Vernon, Hooper of Montpelier, Jessup of Middlesex, Partridge of Windham, Pearce of Richford, Savage of Swanton, Scheuermann of Stowe, Strong of Albany, Troiano of Stannard, Viens of Newport City, Wood of Waterbury and Young of Glover,

House bill, entitled

An act relating to amendments to Act 46 to extend time frames;

To the committee on Education.

H. 8

By Reps. Lalonde of South Burlington, Bissonnette of Winooski, Conquest of Newbury, Potter of Clarendon, Stuart of Brattleboro, Townsend of South Burlington, Viens of Newport City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to distracted driving;

To the committee on Transportation.

H. 9

By Reps. Willhoit of St. Johnsbury and Troiano of Stannard,

House bill, entitled

An act relating to deferred sentences;

To the committee on Judiciary.

H. 10

By Rep. Yacovone of Morristown,

House bill, entitled

An act relating to increasing the population served by the Child Care Services Program and the rates of the Child Care Financial Assistance Program;

To the committee on Human Services.

Joint Resolution Adopted in Concurrence

J.R.S. 7

By Senator Ashe,

J.R.S. 7. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 6, 2017, it be to meet again no later than Tuesday, January 10, 2017.

Was taken up read and adopted in concurrence.

Communication from Rep. Alyson Eastman

"January 5th, 2017
Clerk of the House
115 State Street
Montpelier, VT 05633-5301

Dear William MaGill,

Effective today immediately following the Governor's Inaugural Address I will be resigning as the State Representative for Addison-Rutland 1 in order to serve as the Deputy Secretary of Agriculture for the honorable governor Phil Scott. I have been honored and humbled to serve in the House of Representatives and thank all that work in this amazing building. I look forward to serving in my new position as Deputy Secretary of the Vermont Agency of Agriculture, Food & Markets.

Thank you for your assistance over these last two years, it's appreciated.

Warm regards,

/s/Alyson Eastman
Orwell"

Adjournment

At nine o'clock and fourty-seven minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, January 10, 2017, at ten o'clock in the forenoon, pursuant to the provisions of JRS 7.

Tuesday, January 10, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Elissa Johnk, The Old Meeting House, East Montpelier Center, VT.

Pledge of Allegiance

Page William Belluche of Burlington led the House in the Pledge of Allegiance.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 11

By Reps. Willhoit of St. Johnsbury and Eastman of Orwell,

House bill, entitled

An act relating to foster parents' right to intervene in CHINS proceedings;

To the committee on Human Services.

H. 12

By Rep. Hubert of Milton,

House bill, entitled

An act relating to miscellaneous law enforcement amendments;

To the committee on Government Operations.

H. 13

By Reps. Viens of Newport City and Higley of Lowell,

House bill, entitled

An act relating to fees and costs allowed at a tax sale;

To the committee on Government Operations.

H. 14

By Reps. Grad of Moretown, Greshin of Warren and Lalonde of South Burlington,

House bill, entitled

An act relating to automated external defibrillators;

To the committee on Judiciary.

H. 15

By Reps. Ancel of Calais, Conquest of Newbury, Mrowicki of Putney, Botzow of Pownal, Briglin of Thetford, Browning of Arlington, Cristensen of Weathersfield, Dunn of Essex, Hooper of Montpelier, Jessup of Middlesex, Masland of Thetford, Partridge of Windham, Scheuermann of Stowe and Toll of Danville,

House bill, entitled

An act relating to amendments to Act 46 to facilitate the approval of alternative governance structures and extend time frames;

To the committee on Education.

H. 16

By Reps. Macaig of Williston, Masland of Thetford and McCullough of Williston,

House bill, entitled

An act relating to the display of license plates on pleasure cars;

To the committee on Transportation.

H. 17

By Reps. Lalonde of South Burlington and McCormack of Burlington,

House bill, entitled

An act relating to municipal authority to establish speed limits;

To the committee on Transportation.

H. 18

By Rep. Deen of Westminster,

House bill, entitled

An act relating to releasing land from Act 250 jurisdiction;

To the committee on Natural Resources, Fish, and Wildlife.

H. 19

By Reps. Stuart of Brattleboro, Burke of Brattleboro and Toleno of Brattleboro,

House bill, entitled

An act relating to notice for local development review;

To the committee on Natural Resources, Fish, and Wildlife.

H. 20

By Reps. McCoy of Poultney and Shaw of Pittsford,
House bill, entitled
An act relating to prohibiting consumption of marijuana in a motor vehicle;
To the committee on Judiciary.

H. 21

By Reps. Donahue of Northfield, Grad of Moretown and Lewis of Berlin,
House bill, entitled
An act relating to military pension income tax exemption;
To the committee on Ways and Means.

Adjournment

At ten o'clock and twenty minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, January 11, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Monsignor Routhier, St. Augustine Church, Montpelier VT.

Message from the Senate No. 5

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 8. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted Senate Concurrent Resolution of the following title:

S.C.R. 1. Senate concurrent resolution honoring former Senator William T. Doyle and designating March 7, 2017 as "Bill Doyle Town Meeting Day".

In the adoption of which the concurrence of the House is requested.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 22

By Reps. Hubert of Milton, Condon of Colchester, Devereux of Mount Holly, Gage of Rutland City, Gannon of Wilmington, Kitzmiller of Montpelier, LaClair of Barre Town, Lewis of Berlin, Townsend of South Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council;

To the committee on Government Operations.

H. 23

By Reps. Till of Jericho, Donovan of Burlington, Dunn of Essex, Kitzmiller of Montpelier, Lalonde of South Burlington, Macaig of Williston, McCullough of Williston, Morris of Bennington, Mrowicki of Putney, Potter of Clarendon, Rachelson of Burlington, Squirrell of Underhill, Stuart of Brattleboro, Sullivan of Burlington, Webb of Shelburne, Yacovone of Morristown, Yantachka of Charlotte and Young of Glover,

House bill, entitled

An act relating to building resilience for persons experiencing adverse childhood experiences;

To the committee on Human Services.

H. 24

By Reps. Grad of Moretown, Conquest of Newbury, Lalonde of South Burlington and Viens of Newport City,

House bill, entitled

An act relating to drugged driving;

To the committee on Judiciary.

H. 25

By Reps. Grad of Moretown, Conquest of Newbury, Lalonde of South Burlington and Morris of Bennington,

House bill, entitled

An act relating to sexual assault survivors' rights;

To the committee on Judiciary.

H. 26

By Rep. Till of Jericho,

House bill, entitled

An act relating to physician expert witnesses in medical malpractice actions;

To the committee on Judiciary.

H. 27

By Reps. Grad of Moretown and Morris of Bennington,

House bill, entitled

An act relating to eliminating the statute of limitations on prosecutions for sexual assault;

To the committee on Judiciary.

H. 28

By Rep. Poirier of Barre City,

House bill, entitled

An act relating to creating a public option for health care coverage;

To the committee on Health Care.

H. 29

By Reps. Trieber of Rockingham, Scheuermann of Stowe, Nolan of Morrystown, Ode of Burlington, Olsen of Londonderry, Partridge of Windham and Wright of Burlington,

House bill, entitled

An act relating to permitting Medicare supplemental plans to offer expense discounts;

To the committee on Health Care.

H. 30

By Reps. Hubert of Milton, Ainsworth of Royalton, Batchelor of Derby, Beck of St. Johnsbury, Beyor of Highgate, Frenier of Chelsea, Gage of Rutland City, Graham of Williamstown, Higley of Lowell, Lawrence of Lyndon, Lefebvre of Newark, Lewis of Berlin, Morrissey of Bennington, Pearce of Richford, Quimby of Concord, Rosenquist of Georgia, Savage of Swanton, Smith of Derby, Smith of New Haven, Tate of Mendon and Viens of Newport

City,

House bill, entitled

An act relating to dissolution of the Green Mountain Care Board;

To the committee on Health Care.

Communication from Secretary of State

“January 11, 2017

To: Representative Mitzi Johnson
Speaker of the House

Cc: William MaGill
Clerk of the House

Speaker Johnson,

Enclosed please find the Attorney General's finding on the question of the seating of the member from Orange 1 District, in accordance with the requirements of 17 V.S.A. § 2605.

Sincerely,

/s/ James C. Condos”

**Communication from Michael Duane
Senior Assistant Attorney General**

"January 10, 2017

James C. Condos
Secretary of State
Office of the Vermont Secretary of State
128 State Street
Montpelier, VT 05633

RE: Report and Opinion

Dear Secretary Condos:

In accordance with 17 V.S.A. § 2605(b), enclosed please find a report and opinion from the Office of the Attorney General regarding “In Re: Petition of Susan Hatch Davis - Petition for Recount, House of Representatives for District Orange – 1 General Election held November 8, 2016”, which was filed with your office on December 22, 2016.

Sincerely,

/s/ Michael O. Duane
Senior Assistant Attorney General

Director, General Counsel and Administrative Law Division

DATE: December 30, 2016
TO: Will Senning, Director of Elections, Secretary of State
FROM: Michael O. Duane, Sr. Assistant Attorney General
RE: Petition of Susan Hatch Davis Orange -1

I have reviewed the request that the Secretary gave notice of and delivered to our Office on December 23, 2016 regarding the challenge of Susan Hatch Davis which was received by the Secretary on December 22, 2016. In accordance with 17 V.S.A. § 2605 the Attorney General shall investigate, prepare an opinion and report, and send such opinion and report to the Secretary at least 10 days before the General Assembly convenes. That date would have been Sunday, December 25, 2016, as the General Assembly will convene on January 3, 2017.

In light of the underlying court judgment order date of December 19, 2016 concerning the recount petition, the 10-day period shall have passed.

Pursuant to 17 V.S.A. § 2605(b), I would like to interview you with respect to this request on January 6, 2017 at your office at the Secretary of State's Office. I do not believe it will be necessary to conduct a formal deposition of you regarding the information I will seeking concerning this matter.

**REPORT AND OPINION TO
SECRETARY OF STATE JAMES C. CONDOS**

A request under 17 V.S.A. § 2605 in the form of a "Petition" was filed with the Secretary of State on December 22, 2016 by Susan Hatch Davis seeking to invoke the constitutional authority granted to the Vermont House of Representatives, pursuant to Chapter II, Section 14 of the Vermont Constitution, to judge of the election and qualifications of their own members.

Ms. Hatch Davis was a candidate for the two seats established for the Orange-1 House District. Hatch Davis seeks as a remedy in her request that the House order a new recount and order that all ballots deemed spoiled or defective be examined to determine whether they should be counted.

The matter originated at the Vermont Superior Court, Civil Division, Orange Unit at Chelsea where Hatch Davis requested a recount following the November 8, 2016 election. In that election four candidates sought election for the two seats established for the Orange-1 District. The recount was held on November 28, 2016.

Proceedings regarding the recount were commenced as *In Re: Petition of Susan Hatch Davis*, Docket No. 151-11-16 Oecv. On December 19, 2016, a Judgment was entered in the recount action (Teachout, J.) in accordance with

17 V.S.A. § 2602j declaring Rodney Graham and Robert Frenier as the winners in the election.

Ms. Hatch Davis' request to the Secretary of State presents a question that involves threading a constitutional eye of a needle. Under the Vermont Constitution the voters have the right to elect officers [Chapter 1, Article 7] and, more specifically with respect to the Vermont House of Representatives, the voters of each representative district shall elect the representatives from that district. [Chapter II § 13]. In conjunction therewith, however, Chapter II, § 14 provides that the House of Representatives shall have the power to judge of the elections and qualifications of their own members.

The General Assembly has enacted a series of laws governing the conduct of elections. *See* 17 V.S.A., Chapter 51. Within that framework of laws, the local boards of civil authority shall have charge of the conduct of elections, 17 V.S.A. § 2451, and along with a local presiding officer and other assistant election officers, shall be responsible for the counting of votes, certifying the result of the vote count and assuring that an election is conducted according to law. *See* 17 V.S.A. §§ 2452 – 2455.

In accordance with these governing statutes[sic], a losing candidate has the right to have the votes “recounted” if the result of the votes cast in the election is within a numerical margin, 17 V.S.A. § 2601, and may do so by filing a petition for a recount with the civil division of the Vermont superior court. 17 V.S.A. § 2602(b). Vermont law also provides that the result of an election may be “contested” by any legal voter entitled to vote on the office by filing a complaint with a superior court. 17 V.S.A. § 2603. This provision allowing “any legal voter” to contest an election presumably would include the candidate themselves in an election for an office. However, in *Kennedy v. Chittenden*, 142 Vt. 397 (1983), the Vermont Supreme Court ruled that the then existing provisions of 17 V.S.A. § 2603 [and 17 V.S.A. § 2604] could not constitutionally apply to the contest of an election to the Vermont House of Representatives. The Court held that as Chapter II, § 14 of the Vermont Constitution, noted above, provides the House of Representatives shall have the power to judge of the elections of its members, a statute purporting to give the courts of the judicial branch such authority violated the separation of powers doctrine contained in Chapter II, § 5 of our Constitution. In 1986, following the Court's decision in *Kennedy*, the legislature amended 17 V.S.A. § 2603(a) to add a provision to exclude elections to offices the general assembly with respect to the right to contest the results of elections for offices generally. 1985 Acts & Resolves, No. 148 (Adj.Sess.).

It thus appears that a candidate for a seat in the Vermont House of Representatives who seeks a “recount” following an election may do so by invoking the recount procedures set forth in 17 V.S.A. § 2601 through §

2602k, even though the superior court: presides over the recount petition process, 17 V.S.A. § 2602(b) and (c); may take evidence relating to the recount, 17 V.S.A. § 2602j(c); and shall issue a judgment regarding the election. *Id.* It would follow that any appeal from a recount judgment with respect to the specific recount procedures set forth in the statutory scheme would be to the Vermont Supreme Court, as authorized by 4 V.S.A. § 2 and the Vermont Rules of Appellate Procedure.

It should be noted that in *Kennedy v. Chittenden*, 142 Vt. 397, the Supreme Court stated the case “first started” as a recount matter in which the recount appeared to confirm the election victory of the defendant candidate Chittenden, “... whereupon a contest was initiated before the Chittenden Superior Court, on the basis of asserted checklist irregularities ...”. It was the “contest” to the checklist irregularities, and the superior court’s order calling for a new election regarding those perceived irregularities, that seemingly violated the separation of powers doctrine.

It must be presumed that the statutory role of the judicial branch in “recount” proceedings in 17 V.S.A. § 2601 through § 2602k (as opposed to “contest” proceedings in 17 V.S.A. § 2605) is a proper constitutional delegation by the Legislature, as statutes are presumed to be constitutional until the Supreme Court rules otherwise. *Badgley v. Walton*, 2010 VT 68, ¶¶ 20, 38, 188 Vt. 367.¹

In this matter, any claim by Ms. Hatch Davis regarding the presentation of evidence to the superior court in the recount proceeding under 17 V.S.A. § 2602j, the application of the Vermont Rules of Evidence regarding offers of proof under V.R.E. 103 with respect to such evidence, and the superior courts’ interpretation of § 2602j concerning the standard of proof in a recount action may be matters for appellate review by the Vermont Supreme Court, but not by the Attorney General or the Secretary of State under 17 V.S.A. § 2605.

Here, Ms. Hatch Davis’ specific request for relief in contesting the election is that all ballots deemed spoiled or defective should be examined to determine whether they should be counted. She claims that such ballots were treated inconsistently within the district during the election and recount process.

With respect to early or absentee ballots, 17 V.S.A. § 2547 provides the instances in which early or absentee ballots shall be marked “defective”, and that in those instances the defective ballots shall not be counted. The Secretary

¹ 17 V.S.A. § 2605(a) allows for a candidate to file a request with the Secretary of State to have the House of Representatives exercise its constitutional authority to judge of the elections and qualifications of its own members. If there has been a final court judgment in a “contest” under § 2603, such a request must be filed no later than 10 days after a final court judgment. The statute also requires that a request must be filed 20 days after the date of the election generally, and 10 days after a final court judgment if there is a “recount” under § 2602. In light of *Kennedy v. Chittenden*, the provisions of the statute providing for the filing of requests after a final court judgment in a “contest” of an election may no longer be operative.

of State's "2016 Elections Procedures" (July 2016) guide for local officials at Appendices H and I also instructs that "defective" and "spoiled" ballots", respectively, should be placed into envelopes, and further instructs in case of a recount that these "ballots" should not be counted. The Secretary of State is the chief election official of the State, and has been authorized to adopt rules for the counting of ballots. 17 V.S.A. § 2582. As such, the Secretary of State's published procedures regarding the treatment of defective and spoiled ballots under Vermont's election laws is entitled to great weight, and should not be disregarded or overturned, except for cogent reasons, and unless it is clear that his statutory construction is erroneous. *See Town of Lunenburg, et al. v. Unorganized Towns and Gores of Essex County*, 2006 VT 71 ¶ 11, 180 Vt. 578 (mem.).

In light of the constitutional separation of powers line laid down by the Vermont Supreme Court in *Kennedy v. Chittenden*, when a "recount" proceeding turns into a "contest" of the election regarding alleged irregularities in the treatment of defective and spoiled ballots, the jurisdiction of the judicial branch ends. Therefore, any claims by Ms. Hatch Davis here that all ballots deemed spoiled or defective should be examined to determine whether they should be counted, is a "contest" of the election. Thus, her claims for relief fall under 17 V.S.A. § 2605, and are within the exclusive power of the House of Representatives to judge in accordance Chapter II, § 14 of the Vermont Constitution.

Respectfully submitted and dated at Montpelier, Vermont this 10th day of January, 2017.

/s/ Michael O. Duane
Sr. Assistant Attorney General
Director, General Counsel and
Administrative Law Division"

Which was read and referred to the committee on Government Operations.

Joint Resolution Adopted in Concurrence

J.R.S. 8

By Senator Ashe,

J.R.S. 8. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 13, 2017, it be to meet again no later than Tuesday, January 17, 2017.

Was taken up read and adopted in concurrence.

Adjournment

At one o'clock and thirteen minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, January 12, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Amy Pitton, Bethany Church, Montpelier, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 31

By Reps. Till of Jericho and Brennan of Colchester,
House bill, entitled
An act relating to the use of gun suppressors for hunting;
To the committee on Natural Resources, Fish & Wildlife.

H. 32

By Reps. Grad of Moretown and Strong of Albany,
House bill, entitled
An act relating to the provision of traumatic brain injury services to family members of active duty service members;
To the committee on Health Care.

H. 33

By Reps. Botzow of Pownal and Marcotte of Coventry,
House bill, entitled
An act relating to nonprofit corporations;
To the committee on Commerce and Economic Development.

H. 34

By Rep. Till of Jericho,
House bill, entitled
An act relating to banning baby bumper pads;
To the committee on Human Services.

H. 35

By Reps. Botzow of Pownal and Marcotte of Coventry,
House bill, entitled
An act relating to adopting the Uniform Voidable Transactions Act;
To the committee on Commerce and Economic Development.

H. 36

By Reps. Botzow of Pownal and Marcotte of Coventry,
House bill, entitled
An act relating to adopting the Uniform Limited Partnership Act;
To the committee on Commerce and Economic Development.

H. 37

By Reps. Sibilias of Dover and Olsen of Londonderry,
House bill, entitled
An act relating to authorizing repossession of commercial property;
To the committee on Commerce and Economic Development.

H. 38

By Reps. Sheldon of Middlebury and Webb of Shelburne,
House bill, entitled
An act relating to the membership of the Clean Water Fund Board;
To the committee on Natural Resources, Fish & Wildlife.

H. 39

By Rep. Sheldon of Middlebury,
House bill, entitled
An act relating to the threshold for operational stormwater permits;
To the committee on Natural Resources, Fish & Wildlife.

H. 40

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to the use of internal combustion engines on public water sources;

To the committee on Natural Resources, Fish & Wildlife.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 24

Rep. Grad of Moretown moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to drugged driving

And that the bill be committed to the committee on Transportation, which was agreed to.

Adjournment

At one o'clock and nineteen 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.

Friday, January 13, 2017

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

Devotional Exercises

Devotional exercises were conducted by Rev. Earl Kooperkamp, Good Shepherd Episcopal Church, Barre, VT.

Memorial Service

The Speaker placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Ruth Smith of Barre Town

Member of the House,
Sessions of 1987, 1989, 1991, 1993

Thereupon, the members of the House rose for a moment of silence in memory of the deceased member. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved family

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 41

By Reps. Greshin of Warren, Condon of Colchester, Myers of Essex and Olsen of Londonderry,

House bill, entitled

An act relating to eliminating sitting legislators as members of the Board of Trustees of the University of Vermont and State Agricultural College and increasing the number of private board members;

To the committee on Education.

H. 42

By Rep. Marcotte of Coventry,

House bill, entitled

An act relating to appointing municipal clerks and treasurers and to incompatible municipal offices;

To the committee on Government Operations.

H. 43

By Reps. Poirier of Barre City, Condon of Colchester, Kitzmiller of Montpelier, Masland of Thetford, Till of Jericho and Wright of Burlington,

House bill, entitled

An act relating to exempting feminine hygiene products from sales tax;

To the committee on Ways and Means.

H. 44

By Reps. LaClair of Barre Town, Bancroft of Westford, Cupoli of Rutland City, Devereux of Mount Holly, Higley of Lowell, Hubert of Milton, Martel of Waterford and Shaw of Pittsford,

House bill, entitled

An act relating to carrying a handgun and a bow after the close of the legal hunting day;

To the committee on Natural Resources, Fish & Wildlife.

H. 45

By Reps. Potter of Clarendon, Canfield of Fair Haven, Carr of Brandon,

Cupoli of Rutland City, Fagan of Rutland City, Helm of Fair Haven, Lefebvre of Newark, McCoy of Poultney and Shaw of Pittsford,

House bill, entitled

An act relating to amending the settlement patterns criterion of Act 250;

To the committee on Natural Resources, Fish & Wildlife.

H. 46

By Rep. Weed of Enosburgh,

House bill, entitled

An act relating to the registration of bicycles;

To the committee on Transportation.

H. 47

By Reps. Sibilica of Dover, Browning of Arlington, Burditt of West Rutland, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Colburn of Burlington, Conquest of Newbury, Copeland-Hanzas of Bradford, Donovan of Burlington, Fagan of Rutland City, Forguites of Springfield, Gannon of Wilmington, Hebert of Vernon, Hubert of Milton, Jickling of Brookfield, Keefe of Manchester, Long of Newfane, Morris of Bennington, Olsen of Londonderry, Parent of St. Albans Town, Quimby of Concord, Sullivan of Dorset, Toleno of Brattleboro, Troiano of Stannard, Van Wyck of Ferrisburgh, Viens of Newport City, Weed of Enosburgh, Willhoit of St. Johnsbury and Yantachka of Charlotte,

House bill, entitled

An act relating to requiring telemarketers to provide accurate caller identification information;

To the committee on Energy and Technology.

H. 48

By Reps. Dickinson of St. Albans Town, Gamache of Swanton and Savage of Swanton,

House bill, entitled

An act relating to water supply rates;

To the committee on Government Operations.

Joint Resolution Referred to Committee**J.R.H. 1**

Joint resolution expressing strong opposition to any governmental registry based on religion, race, or ethnicity and to any mass deportation of undocumented residents

Offered by: Representatives Deen of Westminster, Mrowicki of Putney, Sharpe of Bristol, Ancel of Calais, Christie of Hartford, Conquest of Newbury, Dakin of Colchester, Giambatista of Essex, Head of South Burlington, Houghton of Essex, Lippert of Hinesburg, McCormack of Burlington, McCullough of Williston, Miller of Shaftsbury, Partridge of Windham, Pugh of South Burlington, Scheu of Middlebury, Stevens of Waterbury, Sullivan of Burlington, Toleno of Brattleboro, Trieber of Rockingham, Troiano of Stannard, Walz of Barre City, Yacovone of Morristown, and Yantachka of Charlotte

Whereas, the Declaration of Independence’s proclamation “that all men are created equal,” has, on occasion, fallen short when members of religious, racial, or ethnic groups have been subjected to discriminatory federal policies, and

Whereas, the Chinese Exclusion Act of 1882 and the far broader Immigration Act of 1924 are two of examples of federal laws that either prohibited or restricted immigration based on religion, race, or ethnicity, and

Whereas, at the start of World War II, Civilian Exclusion Order No. 34 directed the exclusion of persons of Japanese ancestry, including U.S. citizens, from the nation’s west coast and resulted in the relocation of Japanese Americans to internment (concentration) camps, and

Whereas, the U.S. Supreme Court upheld this order in an infamous decision, *Korematsu v. United States*, 323 U.S. 214 (1944), and although Congress enacted the Civil Liberties Act of 1988, Pub.L. No. 100–983, that apologized for this wartime policy, the potential of the federal government mistreating individuals based on their religion, race, or ethnicity still exists, and

Whereas, while campaigning, now President elect Donald Trump stated his support for mandatory registration of Muslims residing in the United States, seemingly to include American citizens, and

Whereas, although he quickly began to narrow, if at times ambiguously, the scope of his proposed registry, the mere fact that he would contemplate a religiously based national registry raises chilling comparisons to the relocation of Japanese Americans during World War II, and

Whereas, President-elect Trump also proposed while campaigning to deport all 11 million undocumented persons residing in the United States, and

Whereas, although he subsequently narrowed the deportation proposal to those undocumented persons who have committed crimes, a number he estimated at two to three million individuals, the concept still raises core constitutional issues of due process, and

Whereas, this proposal, depending on the ultimate scope of its coverage, has the potential to result in the deportation of hundreds of thousands of undocumented young persons who are living in this country through President Obama's Deferred Action for Childhood Arrivals program, and

Whereas, the registry and mass deportation proposals run contrary to our nation's most fundamental democratic principles, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its strong opposition to any governmental registry based on religion, race, or ethnicity and to any mass deportation of undocumented residents, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President-elect Donald Trump and the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on General, Housing and Military Affairs.

Message from the Senate No. 6

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 2. Senate concurrent resolution congratulating the Central Vermont Economic Development Corporation on its 40th anniversary.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 1. House concurrent resolution honoring the military service of the 300 members of the Vermont Air National Guard recently deployed to the Middle East.

H.C.R. 2. House concurrent resolution designating Thursday, January 5, 2017 as Homelessness Awareness Day at the State House.

H.C.R. 3. House concurrent resolution congratulating Jon Binhammer on his 25 years of outstanding service at the Vermont chapter of The Nature Conservancy.

H.C.R. 4. House concurrent resolution honoring Pamela Taylor for her exemplary service as a teacher, mentor, and community leader in Vergennes.

H.C.R. 5. House concurrent resolution honoring Jonas Rosenthal for his outstanding municipal service as Poultney Town and Village Manager.

H.C.R. 6. House concurrent resolution honoring consummate volunteers Dan and Dana Grossman of Thetford.

H.C.R. 7. House concurrent resolution commemorating the 240th anniversary of the Vermont Republic.

H.C.R. 8. House concurrent resolution congratulating the 2016 Essex High School Hornets girls' State championship rugby team.

Joint Fiscal Committee Appointed

Pursuant to 2 V.S.A. § 501, the Chair hereby appoints the following members to the Joint Fiscal Committee:

Rep. Ancel of Calais

Rep. Donovan of Burlington

Reps. Fagan of Rutland City

Rep. Lippert of Hinesburg

Rep. Toll of Danville

New England Board Of Higher Education Appointed

Pursuant to 16 V.S.A. § 2731, the Chair hereby appoints the following member to the New England Board of Higher Education:

Rep. Miller of Shaftsbury

Adjournment

At nine o'clock and forty-six minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, January 17, 2017, at ten o'clock in the forenoon, pursuant to the provisions of JRS 8.

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. 1

House concurrent resolution honoring the military service of the 300 members of the Vermont Air National Guard recently deployed to the Middle East;

H.C.R. 2

House concurrent resolution designating Thursday, January 5, 2017 as Homelessness Awareness Day at the State House;

H.C.R. 3

House concurrent resolution congratulating Jon Binhammer on his 25 years of outstanding service at the Vermont chapter of The Nature Conservancy;

H.C.R. 4

House concurrent resolution honoring Pamela Taylor for her exemplary service as a teacher, mentor, and community leader in Vergennes;

H.C.R. 5

House concurrent resolution honoring Jonas Rosenthal for his outstanding municipal service as Poultney Town and Village Manager;

H.C.R. 6

House concurrent resolution honoring consummate volunteers Dan and Dana Grossman of Thetford;

H.C.R. 7

House concurrent resolution commemorating the 240th anniversary of the Vermont Republic;

H.C.R. 8

House concurrent resolution congratulating the 2016 Essex High School Hornets girls' State championship rugby team;

S.C.R. 1

Senate concurrent resolution honoring former Senator William T. Doyle and designating March 7, 2017 as "Bill Doyle Town Meeting Day";

S.C.R. 2

Senate concurrent resolution congratulating the Central Vermont Economic Development Corporation on its 40th anniversary;

[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 2017, seventy-fourth Biennial session.]

Tuesday, January 17, 2017

At eleven o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Pledge of Allegiance

Page Aliza Jernigan of Waitsfield led the House in the Pledge of Allegiance.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 49

By Reps. Sullivan of Dorset, Browning of Arlington, Dunn of Essex and Gannon of Wilmington,

House bill, entitled

An act relating to the State Board of Education and concurrence by the Secretary of Education of proposed rules;

To the committee on Education.

H. 50

By Reps. Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Forguites of Springfield, McCormack of Burlington, Parent of St. Albans Town, Sibia of Dover, Van Wyck of Ferrisburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to extending the current expiration date of the telecommunications siting law;

To the committee on Energy and Technology.

H. 51

By Reps. Botzow of Pownal, Marcotte of Coventry and Sibia of Dover,

House bill, entitled

An act relating to notice of telecommunications facility installation;

To the committee on Energy and Technology.

H. 52

By Reps. Till of Jericho, Canfield of Fair Haven, Christie of Hartford, Donovan of Burlington, Dunn of Essex, Gonzalez of Winooski, Joseph of

North Hero, Juskiewicz of Cambridge, Lalonde of South Burlington, Lanpher of Vergennes, Lucke of Hartford, Macaig of Williston, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Partridge of Windham, Poirier of Barre City, Potter of Clarendon, Rachelson of Burlington, Squirrell of Underhill, Sullivan of Burlington, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Webb of Shelburne, Yacovone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to increasing the smoking age from 18 to 21 years of age;

To the committee on Human Services.

H. 53

By Rep. Deen of Westminster,

House bill, entitled

An act relating to permitting planting projects in flood hazard areas;

To the committee on Natural Resources, Fish & Wildlife.

H. 54

By Reps. Brennan of Colchester, Gamache of Swanton, Houghton of Essex and Savage of Swanton,

House bill, entitled

An act relating to the Total Abstinence program;

To the committee on Transportation.

H. 55

By Reps. Grad of Moretown, Colburn of Burlington, Conquest of Newbury, Morris of Bennington and Rachelson of Burlington,

House bill, entitled

An act relating to appointing public defenders for accused persons 25 years of age or less;

To the committee on Judiciary.

H. 56

By Reps. Grad of Moretown, Colburn of Burlington, Conquest of Newbury, Lalonde of South Burlington and Rachelson of Burlington,

House bill, entitled

An act relating to pretrial risk assessments and needs screenings;

To the committee on Judiciary.

H. 57

By Rep. Botzow of Pownal,

House bill, entitled

An act relating to property tax abatement appeals;

To the committee on Ways and Means.

H. 58

By Reps. Shaw of Pittsford, Bancroft of Westford, Beck of St. Johnsbury, Beyor of Highgate, Bissonnette of Winooski, Canfield of Fair Haven, Carr of Brandon, Corcoran of Bennington, Cupoli of Rutland City, Fagan of Rutland City, Gage of Rutland City, Helm of Fair Haven, Higley of Lowell, Howard of Rutland City, Hubert of Milton, Juskiewicz of Cambridge, LaClair of Barre Town, Lawrence of Lyndon, Lefebvre of Newark, Lewis of Berlin, Martel of Waterford, McCoy of Poultney, McFaun of Barre Town, Morrissey of Bennington, Pearce of Richford, Potter of Clarendon, Quimby of Concord, Smith of Derby, Smith of New Haven, Sullivan of Dorset, Tate of Mendon, Terenzini of Rutland Town, Viens of Newport City, Walz of Barre City and Wright of Burlington,

House bill, entitled

An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older;

To the committee on Natural Resources, Fish & Wildlife.

H. 59

By Rep. Townsend of South Burlington,

House bill, entitled

An act relating to technical corrections;

To the committee on Government Operations.

H. 60

By Rep. Deen of Westminster,

House bill, entitled

An act relating to the hunting of coyotes;

To the committee on Natural Resources, Fish & Wildlife.

H. 61

By Rep. Deen of Westminster,

House bill, entitled

An act relating to the designation of heritage trout waters;
To the committee on Natural Resources, Fish & Wildlife.

Message from the Senate No. 7

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 10. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Adjournment

At ten o'clock and eighteen minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, January 18, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Kevin Christie of Hartford, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 62

By Reps. Christie of Hartford, Buckholz of Hartford, Hill of Wolcott and Lucke of Hartford,

House bill, entitled

An act relating to a study regarding the use of lights on motor vehicles;

To the committee on Transportation.

H. 63

By Reps. Christie of Hartford, Batchelor of Derby, Buckholz of Hartford, Burditt of West Rutland, Higley of Lowell, Hill of Wolcott, Lucke of Hartford, McCormack of Burlington and Viens of Newport City,

House bill, entitled

An act relating to special license plates for municipal law enforcement vehicles;

To the committee on Transportation.

H. 64

By Rep. Poirier of Barre City,

House bill, entitled

An act relating to increasing the minimum wage;

To the committee on General, Housing and Military Affairs.

H. 65

By Reps. Weed of Enosburgh, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Colburn of Burlington, Dunn of Essex, Gonzalez of Winooski, Haas of Rochester, McCormack of Burlington, Till of Jericho and Yantachka of Charlotte,

House bill, entitled

An act relating to health insurance coverage for enteral formula for home use;

To the committee on Health Care.

H. 66

By Reps. Donahue of Northfield and Lewis of Berlin,

House bill, entitled

An act relating to shared candidate campaign expenditures;

To the committee on Government Operations.

H. 67

By Reps. Weed of Enosburgh, Bartholomew of Hartland, Buckholz of Hartford, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Colburn of Burlington, Dunn of Essex, Gannon of Wilmington, Gonzalez of Winooski, Masland of Thetford, McCormack of Burlington, McCullough of Williston, Squirrell of Underhill, Sullivan of Burlington and Webb of Shelburne,

House bill, entitled

An act relating to the expansion of the beverage container redemption system;

To the committee on Natural Resources, Fish & Wildlife.

H. 68

By Rep. Frenier of Chelsea,

House bill, entitled

An act relating to the definition of “resident” in the motor vehicle laws;

To the committee on Transportation.

H. 69

By Reps. Condon of Colchester, Baser of Bristol, Bissonnette of Winooski, Canfield of Fair Haven, Gage of Rutland City, Graham of Williamstown, Greshin of Warren, Hubert of Milton, Poirier of Barre City, Smith of New Haven and Van Wyck of Ferrisburgh,

House bill, entitled

An act relating to declaring August 26 and 27, 2017 a State sales tax holiday;

To the committee on Ways and Means.

H. 70

By Reps. Gonzalez of Winooski, Buckholz of Hartford, Chesnut-Tangerman of Middletown Springs, Lalonde of South Burlington, Partridge of Windham and Rachelson of Burlington,

House bill, entitled

An act relating to Medicaid coverage for doula services;

To the committee on Health Care.

H. 71

By Reps. Donahue of Northfield and Lewis of Berlin,

House bill, entitled

An act relating to lowering the minimum corporate tax for a tax-exempt corporation;

To the committee on Ways and Means.

H. 72

By Reps. Till of Jericho, Christie of Hartford, Tate of Mendon, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Connor of Fairfield, Cupoli of Rutland City, Dunn of Essex, Fields of Bennington, Gannon of Wilmington, Gonzalez of Winooski, Lucke of Hartford, Morris of Bennington,

Morrissey of Bennington, Parent of St. Albans Town, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Sibilia of Dover, Smith of Derby, Strong of Albany, Terenzini of Rutland Town and Walz of Barre City,

House bill, entitled

An act relating to the Vermont National Guard Educational Assistance Program;

To the committee on General, Housing and Military Affairs.

H. 73

By Reps. Bissonnette of Winooski, Brennan of Colchester and Strong of Albany,

House bill, entitled

An act relating to prohibiting nudity in a public place;

To the committee on Judiciary.

Executive Order Referred to Committee

The Speaker placed before the House Executive Order No.05-17 which was read and referred to the committee on Commerce and Economic Development.

STATE OF VERMONT EXECUTIVE DEPARTMENT EXECUTIVE ORDER NO. 05-17

[Creation of the Agency of Economic Opportunity]

WHEREAS, the Governor, pursuant to 3 V.S.A. Section 2001, may make such changes in the organization of the Executive Branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, it is desirable to reorganize the agencies, departments and divisions of government by better coordinating certain activities and improve the coordination and effectiveness of services to the public; and

WHEREAS, the Agency of Commerce and Community Development and the Department of Labor administer programs and provide services that share common policy interests, objectives and constituencies; and

WHEREAS, the goals of greater affordability, economic growth and optimal government efficacy require a stronger and more direct alignment of State government workforce training, recruitment and service programs with economic and community development activities; and

WHEREAS, certain Department of Labor programs relating to workforce and consumer safety can be more efficiently administered by the Department of Public Safety, where additional opportunities for simplifying and streamlining service to Vermonters will be created; and

WHEREAS, the State could strengthen and more efficiently deliver services to the public through the reorganization of the Agency of Commerce and Community Development and the Department of Labor into a single Agency of Economic Opportunity.

NOW THEREFORE, by virtue of the authority vested in me by 3 V.S.A. chapter 41 as Governor, I, Philip B. Scott, do hereby create an Agency of Economic Opportunity by reorganizing the Agency of Commerce and Community Development and the Department of Labor. The Agency of Economic Opportunity shall be successor to the Agency of Commerce and Community Development and the Department of Labor.

1. All duties, responsibilities and authority of the Agency of Commerce and Community Development are hereby transferred to the Agency of Economic Opportunity.
2. All other authorized positions and equipment of the Agency of Commerce and Community Development are transferred to the Agency of Economic Opportunity.
3. All duties, responsibilities and authority of the Department of Labor, other than those relating to V.O.S.H.A., Project WorkSAFE and Passenger Tramway Safety, are hereby transferred to the Agency of Economic Opportunity.
4. All duties, responsibilities and authority of the Department of Labor relating to V.O.S.H.A., Project WorkSAFE and Passenger Tramway Safety, are hereby transferred to the Department of Public Safety.
5. The rules of the former Agency of Commerce and Community Development and the former Department of Labor in effect on the effective date of this Executive Order, other than those relating to V.O.S.H.A., WorkSAFE and Passenger Tramway Safety, shall be the rules of the Agency of Economic Opportunity.
6. The rules of the former Department of Labor in effect on the effective date of this Executive Order relating to V.O.S.H.A.,

WorkSAFE and Passenger Tramway Safety, shall be the rules of the Department of Public Safety.

7. The positions of Secretary of the Agency of Commerce and Community Development and Commissioner of the Department of Labor are abolished and all the duties, responsibilities, and authority of the Secretary and the Commissioner are hereby transferred to the Secretary of the Agency of Economic Opportunity.
8. Effective April 17, 2017, the Agency of Economic Opportunity shall administer the programs formerly administered by the Department of Labor, other than those programs relating to V.O.S.H.A, WorkSAFE and Passenger Tramway Safety, including but not limited to:
 - A. Apprenticeship Division and Council (21 V.S.A. §§ 1101-1105);
 - B. State and Federal job training and employment services programs, including Vermont Employment Service (21 V.S.A. §§ 1201-1206), Displaced Homemakers (21 V.S.A. §§ 1231-1232), Domestic and Sexual Violence Survivors' Transitional Employment Program (21 V.S.A. §§ 1253-1255), and Regional Workforce Education and Training (10 V.S.A. § 542);
 - C. Vermont Employment Security Board (21 V.S.A. § 1302);
 - D. Workforce Development Board (10 V.S.A. § 541a);
 - E. Advisory Council (21 V.S.A. § 1306);
 - F. Employee Leasing Companies (21 V.S.A. §§ 1031-1043);
 - G. Employment Practices (21 V.S.A. §§ 301-561);
 - H. Governor's Committee on Employment of People with Disabilities (21 V.S.A. § 497a);
 - I. Employee's Liability and Workers' Compensation program (21 V.S.A. §§ 601-711); and
 - J. Unemployment Compensation law (21 V.S.A §§ 1301-1471).

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9. The Youth in Agriculture, Natural Resources and Food Production Consortium (21 V.S.A. §§ 1151-1153), shall be attached to the Agency of Economic Opportunity for administrative purposes.
 10. All duties, responsibilities and authority of the Department of Labor relating to the following programs are hereby transferred to the Department of Public Safety:
 - A. V.O.S.H.A. and Project WorkSAFE programs (21 V.S.A. §§ 201-232 and 18 V.S.A. §§ 1415-1418 (transferred to Department of Labor by Executive Order No. 21-08 dated January 14, 2005)); and
 - B. Passenger Tramway program and the Passenger Tramway Board (31 V.S.A. §§ 701-712).
 11. All other positions and equipment of the Department of Labor relating to VOSHA, Project WorkSAFE and the Passenger Tramway Program are transferred to the Department of Public Safety.
 12. Effective April 17, 2017, the Agency of Economic Opportunity shall administer all programs formerly administered by the Agency of Commerce and Community Development including, but not limited to:
 - A. Housing, Community Development, Economic Development Historic Preservation and Tourism and Marketing programs (3 V.S.A. §§ 2401-2516);
 - B. Vermont Housing Council (created by Executive Order 08-11); and
 - C. Travel and Information Council (10 V.S.A. § 484 (for purposes of the collection and distribution of travel information)).
 13. The Sustainable Jobs Fund Program (10 V.S.A. §§ 326-330), shall be attached to the Agency of Economic Opportunity for administrative purposes.

14. Effective April 17, 2017, the Agency of Economic Opportunity shall consist of four Departments:
 - A. Department of Marketing and Tourism;
 - B. Department of Economic Development;
 - C. Department of Housing and Community Development; and
 - D. Department of Labor and Workforce Development.
15. The Agency of Economic Opportunity shall be headed by a Secretary appointed by the Governor, with advice and consent of the Senate. The Governor shall also appoint a Deputy Secretary. Each of the four Departments shall be headed by a Commissioner to be appointed by the Governor.
16. The Secretary of the Agency of Economic Opportunity, together with the Commissioner of Labor and Workforce Development, shall further study the effectiveness, priority and delivery of services and shall report any additional recommendation for restructuring and/or statutory changes to the Governor by November 17, 2017.

This Executive Order supersedes and replaces Executive Order No. 01-05, codified as Executive Order No. 21-8.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002. This Executive Order shall take effect on April 17, 2017, unless disapproved by the General Assembly pursuant to 3 V.S.A. § 2002(b).

WITNESS my name hereunto subscribed
and the Great Seal of the State of Vermont
hereunto affixed at Montpelier this 15th day of January, 2017.

/s/Philip B. Scott
Governor

Executive Order Referred to Committee

The Speaker placed before the House Executive Order No.06-17 which was read and referred to the committee on Energy and Technology.

**STATE OF VERMONT
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NO. 06-17**

[Creation of the Agency of Digital Services]

WHEREAS, the Governor, pursuant to 3 V.S.A. Section 2001, may make such changes in the organization of the executive branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, it is desirable to reorganize the departments and divisions of government by better coordinating certain activities and to improve the coordination and effectiveness of services to the public; and

WHEREAS, the Department of Information and Innovation and various State agencies purchase information technology (IT) products and services, administer IT programs and provide IT services; and

WHEREAS, the existing structure of centralized IT and decentralized IT operating in parallel has made it difficult to (i) share data; (ii) capture comprehensive IT usage metrics, including spending; (iii) develop a comprehensive strategy for funding, procurement and use of IT; (iv) ensure results based accountability; and (v) collaborate on statewide best practices; and

WHEREAS, many states have restructured information technology governance in order to increase efficiency, broaden transparency and enable more strategic use of IT; and

WHEREAS, restructuring IT governance presents an opportunity to better align business functions and IT through:

- 1) Improved coordination of technology procurements;
- 2) Improved project management practices and standards;
- 3) Improved communication among State agency and department technology resources;
- 4) Improved IT governance;
- 5) Utilization of technology skills and resources across departments for the benefit of all agencies and departments;
- 6) A comprehensive understanding of IT spending;
- 7) Support of results based accountability;

8) Realignment of IT resources with State priorities; and

WHEREAS, this restructuring offers benefits to State employees through greater opportunities for professional development within State government; and

WHEREAS, the State could improve and more efficiently deliver services to the public through the creation of the Agency of Digital Services.

NOW THEREFORE, by virtue of the authority vested in me by 3 V.S.A. Chapter 41 as Governor, I, Philip B. Scott, do hereby create an Agency of Digital Services. The Agency of Digital Services shall be the successor to, and the continuation of, the Department of Information and Innovation.

1. All duties, obligations, responsibilities and authority, including all contracts, grant agreements, service level agreements and MOUs of the Department of Information and Innovation are hereby transferred to the Agency of Digital Services and shall continue in force and effect without any interruption in their functions.

2. All financial assets and liabilities of the Department of Information and Innovation are hereby transferred to the Agency of Digital Services and shall be accounted for in the Internal Services Fund, known as the Communications and Information Technology Fund.

3. The position of the Commissioner of the Department of Information and Innovation is abolished and all the duties, responsibilities and authority of the Commissioner are hereby transferred to the Secretary and Chief Information Officer of the Agency of Digital Services.

4. All other authorized positions and equipment of the Department of Information and Innovation are transferred to the Agency of Digital Services.

5. Effective April 17, 2017, the Agency of Digital Services shall be headed by the Secretary and Chief Information Officer (together, the "CIO") appointed by the Governor with the advice and consent of the Senate.

6. Effective April 17, 2017, the CIO of the Agency of Digital Services may appoint a Chief Financial Officer who shall be exempt from the classified service.

7. Effective April 17, 2017, the Agency of Digital Services shall consist of five divisions: (A) the Security Division which shall be headed by the Chief Information Security Officer appointed by the CIO of the Agency of Digital Services, with the approval of the Governor; (B) the Enterprise Architecture Division which shall be headed by the Chief Technology Officer appointed by

the CIO of the Agency of Digital Services, with the approval of the Governor; (C) the Data Management Division which shall be headed by the Chief Data Officer appointed by the CIO of the Agency of Digital Services, with the approval of the Governor; (D) the Division of Enterprise Project Management; and (E) the Division of Shared Services. The Division of Enterprise Project Management and the Division of Shared Services shall each be headed by a Director appointed by the CIO of the Agency of Digital Services, with the approval of the Governor. The Chief Information Security Officer, the Chief Technology Officer, the Chief Data Officer and the Directors shall be exempt from the classified service.

8. Effective April 17, 2017, all existing department and agency technology leaders, including, but not limited to, chief information officers and directors of information technology (“technology leaders”), and their professional IT personnel in the Executive Branch agencies and departments, shall report directly to the CIO of the Agency of Digital Services.

9. The Commissioner of the Department of Human Resources and the CIO of the Agency of Digital Services, in consultation with agency and department heads, shall identify technology leaders. The Commissioner of the Department of Human Resources and the CIO of the Agency of Digital Services shall define the position duties and identify and determine appropriate classifications for all State personnel who perform information security activities, as that term is defined in 3 V.S.A. §2222(9) and information technology activities, as that term is defined in 3 V.S.A. 2222(10). All technology leaders shall be exempt from the classified service.

10. Beginning April 17, 2017, on an agency-by-agency and department-by-department basis, all positions and incumbents identified by the Commissioner of Human Resources and the CIO of the Agency of Digital Services as set forth above, shall transfer to the Agency of Digital Services. Technology leaders and professional IT personnel shall remain in their current physical locations.

11. Beginning April 17, 2017, on an agency-by-agency and department-by-department basis, all appropriations associated with the positions transferred pursuant to paragraph 10 above, shall transfer from the affected agencies and departments to the Agency of Digital Services.

12. Beginning April 17, 2017, on an agency-by-agency and department-by-department basis, all the functions, equipment, supplies and inventory associated with the positions transferred pursuant to paragraph 10 above, shall transfer from the affected agencies and departments to the Agency of Digital

Services. All agency and department contracts for goods and services shall remain with the respective agencies and departments.

13. The CIO of the Agency of Digital Services shall further study the effectiveness, priority and delivery of IT services and shall report to the Governor any additional recommendation for restructuring and/or statutory changes by November 17, 2017.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002 and shall take effect on April 17, 2017, unless disapproved by the General Assembly pursuant to 3 V.S.A. § 2002(b).

WITNESS my name hereunto subscribed
and the Great Seal of the State of Vermont
hereunto affixed at Montpelier this 15th day of January, 2017.

/s/Philip B. Scott
Governor

Executive Order Referred to Committee

The Speaker placed before the House Executive Order No.07-17 which was read and referred to the committee on General; Housing and Military Affairs.

STATE OF VERMONT EXECUTIVE DEPARTMENT EXECUTIVE ORDER NO. 07-17

[Merger of the Department of Liquor Control and the State Lottery Commission]

WHEREAS, the Governor, pursuant to 3 V.S.A. Section 2001, may make such changes in the organization of the Executive Branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, it is desirable to reorganize the departments and divisions of government by better coordinating certain activities and to improve the coordination, effectiveness and value of services to the public; and

WHEREAS, both the Department of Liquor Control and the State Lottery Commission have rights, powers, duties and responsibilities that involve, in significant part, the collection of proceeds, charges and other forms of revenue to the State of Vermont; and

WHEREAS, the State could improve and more efficiently deliver services to the public through the merger of the Department of Liquor Control and the State Lottery Commission; and

WHEREAS, streamlining and consolidating the functions of the Department of Liquor Control and the State Lottery Commission under a single Department offers the opportunity to realize cost savings, eliminate redundancy, improve accountability, provide more efficient use of specialized expertise and facilities, and promote more effective sharing of best practices and state of the art technology, among other benefits.

NOW THEREFORE, by virtue of the authority vested in me by 3 V.S.A. Chapter 41 as Governor, I, Philip B. Scott, do hereby create the Department of Liquor and Lottery by merging the Department of Liquor Control with the State Lottery Commission. The Department of Liquor and Lottery shall be successor to, and a continuation of, the Department of Liquor Control with the State Lottery Commission.

1. All duties, responsibilities and authority, including all contracts, grant agreements and MOUs of the Department of Liquor Control, are hereby transferred to the Department of Liquor and Lottery and shall continue in force and effect without any interruption in their functions.

2. The State Lottery Commission is abolished and all duties, responsibilities and authority, including all contracts, grant agreements and MOUs of the State Lottery Commission, are hereby transferred to the Department of Liquor and Lottery and shall continue in force and effect without any interruption in their functions.

3. The position of the Director of the Lottery Commission is abolished and all the duties, responsibilities and authority of the Director are hereby transferred to the Commissioner of Liquor and Lottery.

4. The position of the Commissioner of Liquor Control is hereby renamed the Commissioner of Liquor and Lottery with all of the duties, responsibilities and authority of the former Commissioner of Liquor Control and the former Director of the Lottery Commission. The Commissioner of Liquor and Lottery shall be a State employee exempt from the State classified system who shall serve at the pleasure of the Governor, subject to Laws of 2016, Act No. 144 § 20.

5. All other authorized positions and equipment of the Department of Liquor Control and the State Lottery Commission are transferred to the Department of Liquor and Lottery.

6. Effective April 17, 2017, the Department of Liquor and Lottery shall be comprised of a Commissioner of Liquor and Lottery and a Board of Liquor and Lottery.

7. The Board of Liquor and Lottery will consist of a Chair and four (4) members who shall be appointed by the Governor, with the advice and consent of the Senate. Initially, the members of the Board of Liquor and Lottery shall be the five (5) members of the former Liquor Control Board who shall serve the remainder of their terms at the pleasure of the Governor, subject to removal pursuant to 7 V.S.A. § 102. Vacancies on the Board of Liquor and Lottery shall be filled by the Governor, with the advice and consent of the Senate. A member appointed by the Governor when the General Assembly is not in session shall be subject to approval by the Senate at its next regular, special or adjourned session. The members shall serve until their successors are appointed and qualified. No member of the Board of Liquor and Lottery shall have any pecuniary interest in any licensee licensed to conduct a lottery or to sell malt, vinous beverages and/or spirituous liquors. No member of the Board of Liquor and Lottery shall have a pecuniary interest in any contract awarded by the Board or Department.

8. The Chair shall have general charge of the offices and employees of the Board. The Chair shall receive reasonable compensation at a level to be determined by the Governor.

9. The term of each member, other than the Chair and the members of the former Liquor Control Board, shall be three (3) years.

10. Effective April 17, 2017, the Department of Liquor and Lottery shall consist of a Division of Liquor Control and a Division of State Lottery, with both divisions reporting to the Commissioner of Liquor and Lottery. The divisions shall each be headed by a Director appointed by the Commissioner of Liquor and Lottery. The Directors shall be exempt from the classified service.

11. The Governor shall annually submit a budget to the General Assembly.

12. The rules of the Department of Liquor Control and the State Lottery Commission in effect on the effective date of this Executive Order shall be the rules of the Department of Liquor and Lottery, until amended or repealed.

13. The Chair, in consultation with the Board of Liquor and Lottery and the Commissioner of Liquor and Lottery, shall further study the effectiveness, priority and delivery of liquor and lottery sales and services and shall report to the Governor additional recommendation for restructuring and/or statutory changes by November 17, 2017.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002 and shall take effect on April 17, 2017, unless disapproved by the General Assembly pursuant to 3 V.S.A. § 2002(b).

WITNESS my name hereunto subscribed
and the Great Seal of the State of Vermont
hereunto affixed at Montpelier this 15th day of January, 2017.

Philip B. Scott
Governor

Joint Resolution Adopted in Concurrence

J.R.S. 10

By Senator Ashe,

J.R.S. 10. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 20, 2017, it be to meet again no later than Tuesday, January 24, 2017.

Was taken up read and adopted in concurrence.

Legislative Committee On Administrative Rules (LCAR) Appointed

Pursuant to 3 V.S.A. § 817, the Chair hereby appoints the following members the Legislative Committee on Administrative Rules:

Rep. Chesnut-Tangerman of Middletown Springs

Rep. Myers of Essex

Rep. Sheldon of Middlebury

Rep. Yantachka of Charlotte

PreKindergarten-16 Council Appointed

Pursuant to 16 V.S.A. § 2905, the Chair hereby appoints the following member to the PreKindergarten-16 Council:

Rep. Christie of Hartford

Advisory Council On Special Education Appointed

Pursuant to 16 V.S.A. § 2945, the Chair hereby appoints the following member to the Advisory Council on Special Education:

Rep. Christie of Hartford

**Higher Education Subcommittee of
PreK Council Appointed**

Pursuant to Act 140 of 2015 Sec. 1, the Chair hereby appoints the following member to the Higher Education Subcommittee of PreK Council:

Rep. Christie of Hartford

Adjournment

At one o'clock and twenty-six minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, January 19, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 74

By Rep. Grad of Moretown,

House bill, entitled

An act relating to nonconsensual sexual conduct;

To the committee on Judiciary.

H. 75

By Reps. Beck of St. Johnsbury and Chesnut-Tangerman of Middletown Springs,

House bill, entitled

An act relating to the Government Accountability Committee and the State Outcomes Report;

To the committee on Government Operations.

H. 76

By Rep. Partridge of Windham,

House bill, entitled

An act relating to miscellaneous agricultural subjects;

To the committee on Agriculture & Forestry.

H. 77

By Reps. Pugh of South Burlington and Till of Jericho,

House bill, entitled

An act relating to expanding the Vermont Practitioner Recovery Network;

To the committee on Health Care.

H. 78

By Rep. Weed of Enosburgh,

House bill, entitled

An act relating to commercial vehicle operation on the Hazen's Notch segment of Vermont Route 58;

To the committee on Transportation.

H. 79

By Reps. Weed of Enosburgh, Cina of Burlington, Gonzalez of Winooski and McCormack of Burlington,

House bill, entitled

An act relating to slow-moving vehicles;

To the committee on Transportation.

H. 80

By Rep. Weed of Enosburgh,

House bill, entitled

An act relating to traffic safety on Vermont Route 242;

To the committee on Transportation.

H. 81

By Rep. Weed of Enosburgh,

House bill, entitled

An act relating to improving safety at the intersection of VT Route 105 and Water Tower Road in Enosburg Falls;

To the committee on Transportation.

H. 82

By Reps. Bissonnette of Winooski, Batchelor of Derby, Canfield of Fair Haven, Higley of Lowell, Hubert of Milton and Smith of Derby,

House bill, entitled

An act relating to prohibiting the use of salt brine on Vermont roads;

To the committee on Transportation.

H. 83

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to unemployment compensation referee final decisions;

To the committee on Commerce and Economic Development.

H. 84

By Reps. Yantachka of Charlotte, Copeland-Hanzas of Bradford, Dunn of Essex, Forguites of Springfield, Parent of St. Albans Town, Sibia of Dover and Van Wyck of Ferrisburgh,

House bill, entitled

An act relating to survivor benefits for law enforcement officers;

To the committee on Government Operations.

H. 85

By Reps. Botzow of Pownal, Marcotte of Coventry, Frenier of Chelsea, Hill of Wolcott, Kimbell of Woodstock, McCoy of Poultney, Myers of Essex, O'Sullivan of Burlington, Poirier of Barre City, Stuart of Brattleboro and Sullivan of Dorset,

House bill, entitled

An act relating to captive insurance companies;

To the committee on Commerce and Economic Development.

H. 86

By Rep. Poirier of Barre City,

House bill, entitled

An act relating to the regulation of vision insurance plans;

To the committee on Health Care.

H. 87

By Reps. Sullivan of Dorset, Browning of Arlington, Frenier of Chelsea and Murphy of Fairfax,

House bill, entitled

An act relating to strengthening the role of municipal and regional recommendations in energy siting;

To the committee on Energy and Technology.

H. 88

By Reps. Yantachka of Charlotte, McCormack of Burlington, Sullivan of Burlington, Cristensen of Weathersfield, Dunn of Essex and Gannon of Wilmington,

House bill, entitled

An act relating to the use of disposable carryout bags;

To the committee on Natural Resources, Fish & Wildlife.

H. 89

By Reps. Morrissey of Bennington, Botzow of Pownal, Browning of Arlington, Corcoran of Bennington, Fields of Bennington, Keefe of Manchester, Miller of Shaftsbury, Morris of Bennington and Sullivan of Dorset,

House bill, entitled

An act relating to the service of alcoholic beverages by theaters;

To the committee on General, Housing and Military Affairs.

H. 90

By Rep. Poirier of Barre City,

House bill, entitled

An act relating to providing health coverage for hearing aids;

To the committee on Health Care.

H. 91

By Reps. Myers of Essex, Devereux of Mount Holly, Potter of Clarendon, Bancroft of Westford, Batchelor of Derby, Greshin of Warren, Hubert of Milton, Parent of St. Albans Town, Poirier of Barre City, Sullivan of Dorset and Tate of Mendon,

House bill, entitled

An act relating to allocation of monies collected from enforcement of distracted driving laws;

To the committee on Transportation.

House Resolution Amended; House Resolution Adopted

H.R. 5

Rep. Deen of Westminster, for the committee on Rules, to which had been referred House Resolution, entitled

House resolution relating to House Rules

Reported in favor of its passage when amended as follows:

First: That Rule 40 of the Rules and Orders of the House of Representatives be amended to read:

40. (a) During the first year of the biennium, ~~except:~~

(1) ~~Except~~ with the prior consent of the Committee on Rules, no member may introduce a bill ~~into the House~~ drafted in standard form, ~~after the last day of February or submit any requests~~ unless he or she submits the request to the Office of Legislative Council that a bill be drafted in this form later than on or before the last legislative day of January and approves the bill for public release on or before the fourth legislative day before the end of February. ~~During the first year of the biennium, a~~

(2) A member may submit a request to the Office of Legislative Council for a bill to be drafted in standard form relating to the adoption or amendment of a municipal charter or to the approval of a municipal merger at any time and may introduce such a bill at any time.

(3) ~~A member may introduce a bill into the House drafted in short form at any time, and may submit requests~~ submit a request to the Office of Legislative Council that for a bill to be drafted in this short form at any time and may introduce such a bill at any time.

(b) During the second year of the biennium, ~~except:~~

(1) ~~Except~~ with the prior consent of the Committee on Rules, no member may introduce a bill ~~into the House~~ drafted in standard form ~~after the last day of January or submit any requests~~ unless he or she submits the request to the Office of Legislative Council that a bill be drafted in this form later than on or before the fifteenth day of January, and approves the bill for public release on or before the last legislative day of January. ~~During the second year of the biennium, a~~

(2) A member may submit a request to the Office of Legislative Council for a bill to be drafted in standard form relating to the adoption or amendment of a municipal charter or to the approval of a municipal merger at any time and may introduce such a bill at any time.

(3) Except with the prior consent of the Committee on Rules, no member may introduce a bill into the House drafted in short form until the second Friday after the annual Town meeting day, and may submit requests unless he or she submits the request to the Office of Legislative Council that a bill be drafted in short form until on or before the fifteenth day of February and approves the bill for public release on or before the second Friday after the annual Town meeting day.

(c) During the first year of the biennium, a Committee may submit a request to the Office of Legislative Council for a bill to be drafted in standard form at any time and may introduce such a bill at any time. During the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, except the Committee on Appropriations, the Committee on Ways and Means, or the Committee on Government Operations, may introduce a bill drafted in standard form after unless it approves the bill for public release on or before the last legislative day of March. The, except for the Committees on Appropriations and on Ways and Means, which may introduce a bill drafted in standard form submit a request to the Office of Legislative Council at any time, and the Committee on Government Operations may introduce a bill drafted in standard form relating to changes in a town or city charter and may approve the bill for public release at any time.

(d) For the purposes of this rule, a request for drafting by to the Office of Legislative Council shall contain specific instructions as to the content of the bill sufficient to permit its drafting in accordance with Rules 41 and 42.

Second: That Rule 90(f) of the Rules and Orders of the House of Representatives be amended to read:

(f) The House Rules Committee shall, at the beginning of the biennium, or as soon as possible thereafter, establish a Sexual Harassment Prevention Panel with the authority to receive, investigate, and resolve complaints of sexual harassment, retaliation, and noncompliance made against members or officers of the House. The panel shall be comprised of five members of the House.

The resolution, having appeared on the Calendar one day for notice, was taken up and read, report of the committee on Rules agreed to and resolution adopted as amended.

House Resolution Amended; House Resolution Adopted**H.R. 6**

Rep. Deen of Westminster, for the committee on Rules, to which had been referred House Resolution, entitled

House resolution amending the Rules and Orders of the House of Representatives related to members' disclosure form

Reported in favor of its passage when amended as follows:

That Rule 14a of the Rules and Orders of the House of Representatives be amended to read:

14a. On or before the 10th day of the beginning of the biennium, each member shall submit to the Clerk a disclosure form prepared by the Clerk. The form shall be signed by the member, be publicly available on the official website of the General Assembly and of the Clerk, and may be updated. The form shall set forth, to the best of the member's ability, the following information applicable as of the date of submission:

(a) any boards, commissions, or ~~other~~ entities that are regulated by law or that receive funding from the State on which the member serves; ~~a description of that the member's position on the board, commission, or entity~~; and, except in the case of legislative appointments, whether the member receives any form of remuneration for that position; and

(b) the member's employer.

The resolution, having appeared on the Calendar one day for notice, was taken up and read, the report of the committee on Rules agreed to and resolution adopted as amended.

Tobacco Evaluation And Review Board Appointed

Pursuant to 18 V.S.A. § 9504, the Chair hereby appoints the following member to the Tobacco Evaluation and Review Board:

Rep. Till of Jericho

Adjournment

At one o'clock and forty 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.

Friday, January 20, 2017

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

Devotional Exercises

Devotional exercises were conducted by Julia Shipley, Poet, Craftsbury, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 92

By Rep. Deen of Westminster,

House bill, entitled

An act relating to the registration of dams;

To the committee on Natural Resources, Fish & Wildlife.

H. 93

By Reps. McCormack of Burlington, Ancel of Calais, Bartholomew of Hartland, Bissonnette of Winooski, Botzow of Pownal, Burke of Brattleboro, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Copeland-Hanzas of Bradford, Deen of Westminster, Donovan of Burlington, Dunn of Essex, Fields of Bennington, Gonzalez of Winooski, Grad of Moretown, Haas of Rochester, Hill of Wolcott, Howard of Rutland City, Jessup of Middlesex, Joseph of North Hero, Kitzmiller of Montpelier, Krowinski of Burlington, Lippert of Hinesburg, Long of Newfane, Lucke of Hartford, Macaig of Williston, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Mrowicki of Putney, O'Sullivan of Burlington, Poirier of Barre City, Rachelson of Burlington, Sharpe of Bristol, Sheldon of Middlebury, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh, Wood of Waterbury, Yacovone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to increasing the minimum wage;

To the committee on General, Housing and Military Affairs.

H. 94

By Reps. Sabilia of Dover, Connor of Fairfield, Cupoli of Rutland City,

Fagan of Rutland City, Gannon of Wilmington, Helm of Fair Haven, Juskiewicz of Cambridge, Olsen of Londonderry, Strong of Albany, Tate of Mendon, Townsend of South Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to exempting certain forms of income from the calculation of household income for veterans who are permanently and totally disabled;

To the committee on Ways and Means.

H. 95

By Reps. Dickinson of St. Albans Town, Ainsworth of Royalton, Beyor of Highgate, Bock of Chester, Cupoli of Rutland City, Gamache of Swanton, Higley of Lowell, Murphy of Fairfax, Myers of Essex, Parent of St. Albans Town, Pearce of Richford, Savage of Swanton, Smith of Derby and Viens of Newport City,

House bill, entitled

An act relating to funding the Clean Water Fund;

To the committee on Natural Resources, Fish & Wildlife.

H. 96

By Reps. Wright of Burlington, Beck of St. Johnsbury, Brennan of Colchester, Canfield of Fair Haven, Christie of Hartford, Condon of Colchester, Jickling of Brookfield, Myers of Essex, Ode of Burlington, Olsen of Londonderry, Parent of St. Albans Town, Poirier of Barre City, Scheuermann of Stowe and Sibilgia of Dover,

House bill, entitled

An act relating to the phased-in exemption from State income taxation of Social Security payments for certain taxpayers;

To the committee on Ways and Means.

H. 97

By Reps. Stevens of Waterbury, Buckholz of Hartford, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Colburn of Burlington, Deen of Westminster, Dunn of Essex, Fields of Bennington, Gonzalez of Winooski, Haas of Rochester, Joseph of North Hero, Lucke of Hartford, Masland of Thetford, McCullough of Williston, Partridge of Windham, Sheldon of Middlebury, Squirrell of Underhill, Sullivan of Burlington, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh and Yacovone of Morristown,

House bill, entitled

An act relating to reclaiming revenue losses resulting from federal tax cuts;

To the committee on Ways and Means.

H. 98

By Reps. Wright of Burlington, Brennan of Colchester, Browning of Arlington, Condon of Colchester, Dakin of Colchester and Myers of Essex,

House bill, entitled

An act relating to the elimination of strikes and imposed terms in connection with collective bargaining for teachers' and school administrators' contracts and the formation of a task force;

To the committee on Education.

H. 99

By Reps. Emmons of Springfield, Bock of Chester and Forguites of Springfield,

House bill, entitled

An act relating to labeling of roll-off dumpsters;

To the committee on Natural Resources, Fish & Wildlife.

H. 100

By Rep. Till of Jericho,

House bill, entitled

An act relating to sudden cardiac arrest prevention during school athletic activities;

To the committee on Education.

House Concurrent Resolution Read and Referred to Committee

H.C.R. 20

House resolution, entitled

House concurrent resolution celebrating over two centuries of peaceful presidential transitions

Offered by: Representatives Lewis of Berlin, Ainsworth of Royalton, Beck of St. Johnsbury, Beyor of Highgate, Cupoli of Rutland City, Devereux of Mount Holly, Hebert of Vernon, LaClair of Barre Town, Lawrence of Lyndon, Morrissey of Bennington, Myers of Essex, Pearce of Richford, Savage of Swanton, Shaw of Pittsford, Smith of New Haven, Strong of Albany, Tate of Mendon, Turner of Milton, and Van Wyck of Ferrisburgh

Whereas, a special highlight of our nation's political history is the uninterrupted chain of peaceful presidential transitions spanning over two centuries, and

Whereas, through 2016, 44 presidents have governed the United States, and on 21 occasions, Inauguration Day marked a change in the president's political party, and

Whereas, the first major test in the presidential transition process occurred in 1797 when George Washington passed the executive authority to his fellow Federalist, John Adams, signifying that the leader of our nation serves for a limited tenure subject to an electoral decision and not for life as does a monarch, and

Whereas, another milestone transition took place in 1801, when not only was there a change in President, from John Adams to Thomas Jefferson, but the President's partisan affiliation switched from Federalist to DemocraticRepublican, and

Whereas, presidential deaths due to natural causes in 1841, 1850, 1923, and 1945 and even more memorably because of an assassination in 1865, 1881, 1901, and 1963 did not halt the peaceful transfer of power to the sitting Vice President, proving the durability and strength of the presidential transition process even under the most perilous circumstances at the closing days of the Civil War, and

Whereas, the presidential electorate has become far more societally inclusive since the election of George Washington with racial discrimination barred, as a result of the U.S. Constitution's 15th Amendment and the Voting Rights Act of 1965, and the granting of the franchise to women in accordance with the U.S. Constitution's 19th Amendment, and

Whereas, at critical moments in our nation's history, such as in the weeks preceding the Civil War in 1861 or at the height of the Great Depression in 1933, the transfer of presidential power signaled extraordinary public policy implications, but this most important political event still proceeded peacefully, and

Whereas, Americans can take great pride in the extraordinary continuity in the peaceful transfer of executive power in our nation, starting in the 18th and continuing into the 21st century, and the inauguration in 2017 of the 45th President continues this unbroken chain, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly celebrates over two centuries of peaceful presidential transitions.

Which was read and referred to the committee on Government Operations.

Adjournment

At ten o'clock in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, January 24, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S.10.

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. 9

House concurrent resolution congratulating the 2016 Essex High School Division I championship softball team;

H.C.R. 10

House concurrent resolution honoring Richard Carter and Danby–Mt Tabor NOW for their innovative leadership in establishing the new Danby–Mount Tabor veterans memorial;

H.C.R. 11

House concurrent resolution congratulating the 2016 Essex High School State championship boys' rugby team;

H.C.R. 12

House concurrent resolution congratulating the 2016 Essex High School State championship Ultimate team;

H.C.R. 13

House concurrent resolution designating January 2017 as National Mentoring Month in Vermont;

H.C.R. 14

House concurrent resolution congratulating Robert McBride on receiving the 2016 Vermont Arts Council's Margaret L. (Peggy) Kannenstine Award for Arts Advocacy;

H.C.R. 15

House concurrent resolution congratulating Eric Aho of Saxtons River on his selection as the winner of the 2016 Governor's Award for Excellence in the Arts;

H.C.R. 16

House concurrent resolution designating January 2017 as School Board Recognition Month in Vermont;

S.C.R. 3

Senate concurrent resolution congratulating radio station WDEV in Waterbury on its 85th anniversary;

S.C.R. 4

Senate concurrent resolution congratulating Katherine McCann on her selection as the 2017 Vermont Teacher of the Year;

S.C.R. 5

Senate concurrent resolution honoring Howard Frank Mosher, the Northeast Kingdom's special chronicler and literary ambassador;

[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 2017, seventy-fourth Biennial session.

Tuesday, January 24, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Rep. Krowinski of Burlington in chair.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Pledge of Allegiance

Page Hazel Wagner of Brattleboro led the House in the Pledge of Allegiance.

Message from the Senate No. 8

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 3. Senate concurrent resolution congratulating radio station WDEV in Waterbury on its 85th anniversary.

S.C.R. 4. Senate concurrent resolution congratulating Katherine McCann

on her selection as the 2017 Vermont Teacher of the Year.

S.C.R. 5. Senate concurrent resolution honoring Howard Frank Mosher, the Northeast Kingdom's special chronicler and literary ambassador.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 9. House concurrent resolution congratulating the 2016 Essex High School Division I championship softball team.

H.C.R. 10. House concurrent resolution honoring Richard Carter and Danby–Mt Tabor NOW for their innovative leadership in establishing the new Danby–Mount Tabor veterans memorial.

H.C.R. 11. House concurrent resolution congratulating the 2016 Essex High School State championship boys' rugby team.

H.C.R. 12. House concurrent resolution congratulating the 2016 Essex High School State championship Ultimate team.

H.C.R. 13. House concurrent resolution designating January 2017 as National Mentoring Month in Vermont.

H.C.R. 14. House concurrent resolution congratulating Robert McBride on receiving the 2016 Vermont Arts Council's Margaret L. (Peggy) Kannenstine Award for Arts Advocacy.

H.C.R. 15. House concurrent resolution congratulating Eric Aho of Saxtons River on his selection as the winner of the 2016 Governor's Award for Excellence in the Arts.

H.C.R. 16. House concurrent resolution designating January 2017 as School Board Recognition Month in Vermont.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Shaw of Pittsford**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 101

By Reps. Van Wyck of Ferrisburgh, Batchelor of Derby, Christie of Hartford, Dickinson of St. Albans Town, Higley of Lowell, Hubert of Milton, Lawrence of Lyndon, Lewis of Berlin, Morrissey of Bennington, Rosenquist of Georgia, Savage of Swanton, Smith of Derby, Smith of New Haven, Strong of Albany and Viens of Newport City,

House bill, entitled

An act relating to drug-free workplace workers' compensation premium reductions;

To the committee on General, Housing and Military Affairs.

H. 102

By Reps. Toll of Danville, Brumstead of Shelburne, Dakin of Colchester, Dunn of Essex, Hooper of Brookfield, Lucke of Hartford, Parent of St. Albans Town, Pugh of South Burlington, Scheuermann of Stowe and Sullivan of Burlington,

House bill, entitled

An act relating to penalties for the failure to timely file standard campaign finance reports;

To the committee on Government Operations.

H. 103

By Rep. Till of Jericho,

House bill, entitled

An act relating to primary enforcement of the adult seatbelt law;

To the committee on Judiciary.

H. 104

By Reps. Corcoran of Bennington, Emmons of Springfield, Bock of Chester and Forguites of Springfield,

House bill, entitled

An act relating to removal of vehicles and cargo from highways;

To the committee on Transportation.

H. 105

By Reps. Mrowicki of Putney, Squirrell of Underhill and Till of Jericho,

House bill, entitled

An act relating to the use of single-use carryout bags;

To the committee on Natural Resources, Fish & Wildlife.

H. 106

By Rep. Till of Jericho,

House bill, entitled

An act relating to presumed consent for organ donation;

To the committee on Human Services.

H. 107

By Reps. Devereux of Mount Holly, Townsend of South Burlington, Brumstead of Shelburne, Gardner of Richmond, Hubert of Milton, LaClair of Barre Town and Lewis of Berlin,

House bill, entitled

An act relating to marriage solemnization;

To the committee on Government Operations.

H. 108

By Reps. Colburn of Burlington and Rachelson of Burlington,

House bill, entitled

An act relating to limiting drug-related criminal liability and civil forfeiture actions against persons associated with an approved safer drug consumption program;

To the committee on Judiciary.

H. 109

By Reps. Botzow of Pownal, Marcotte of Coventry, Hill of Wolcott, Kimbell of Woodstock, Myers of Essex, O'Sullivan of Burlington, Stuart of Brattleboro and Sullivan of Dorset,

House bill, entitled

An act relating to portable employment benefits and contingent workers;

To the committee on General, Housing and Military Affairs.

H. 110

By Reps. Scheuermann of Stowe, Bancroft of Westford, Beck of St. Johnsbury, Brennan of Colchester, Burditt of West Rutland, Conquest of Newbury, Dakin of Colchester, Greshin of Warren, Keefe of Manchester, LaClair of Barre Town, Olsen of Londonderry, Parent of St. Albans Town, Sibilias of Dover, Tate of Mendon and Wright of Burlington,

House bill, entitled

An act relating to excluding reinvested capital gains from Vermont's income tax;

To the committee on Ways and Means.

H. 111

By Reps. Devereux of Mount Holly, Townsend of South Burlington, Brumstead of Shelburne, Gannon of Wilmington, Gardner of Richmond, Hubert of Milton, Kitzmiller of Montpelier, LaClair of Barre Town, Lewis of Berlin and Weed of Enosburgh,

House bill, entitled

An act relating to vital records;

To the committee on Government Operations.

H. 112

By Reps. Hubert of Milton, Batchelor of Derby, Bissonnette of Winooski, Fagan of Rutland City, Higley of Lowell, Martel of Waterford, Tate of Mendon and Viens of Newport City,

House bill, entitled

An act relating to automobile advertising;

To the committee on Transportation.

H. 113

By Reps. Scheuermann of Stowe, Ainsworth of Royalton, Baser of Bristol, Beck of St. Johnsbury, Browning of Arlington, Burditt of West Rutland, Conquest of Newbury, Dakin of Colchester, Donahue of Northfield, Gage of Rutland City, Jickling of Brookfield, Keefe of Manchester, Keenan of St. Albans City, Olsen of Londonderry, Parent of St. Albans Town, Pugh of South Burlington, Shaw of Pittsford, Sibia of Dover, Strong of Albany, Tate of Mendon, Till of Jericho, Willhoit of St. Johnsbury and Wright of Burlington,

House bill, entitled

An act relating to establishing ethics rules for the General Assembly and the Executive Branch of government and creating the Vermont Ethics Commission;

To the committee on Government Operations.

H. 114

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to portability of Vermont Student Assistance Corporation grants and scholarships;

To the committee on Education.

H. 115

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to defining an ounce of marijuana for the purpose of therapeutic use;

To the committee on Human Services.

H. 116

By Rep. Botzow of Pownal,

House bill, entitled

An act relating to contamination of a public water system or a potable water supply by a hazardous material release;

To the committee on Natural Resources, Fish & Wildlife.

H. 117

By Reps. Scheuermann of Stowe, Beck of St. Johnsbury, Browning of Arlington, Chesnut-Tangerman of Middletown Springs, Cupoli of Rutland City, Donahue of Northfield, Frenier of Chelsea, Gannon of Wilmington, Juskiewicz of Cambridge, Keefe of Manchester, Morrissey of Bennington, Myers of Essex, Pearce of Richford, Poirier of Barre City, Sibia of Dover, Strong of Albany, Sullivan of Dorset, Toll of Danville, Van Wyck of Ferrisburgh, Willhoit of St. Johnsbury and Wright of Burlington,

House bill, entitled

An act relating to the State Board of Education;

To the committee on Education.

H. 118

By Reps. Donahue of Northfield, Ancel of Calais, Briglin of Thetford, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Dunn of Essex, Gage of Rutland City, Gamache of Swanton, Joseph of North Hero, McFaun of Barre Town, Morrissey of Bennington, Ode of Burlington and Pugh of South Burlington,

House bill, entitled

An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility;

To the committee on Health Care.

H. 119

By Reps. Scheuermann of Stowe, Beck of St. Johnsbury, Brennan of

Colchester, Burditt of West Rutland, Corcoran of Bennington, Cupoli of Rutland City, Gage of Rutland City, Greshin of Warren, Jickling of Brookfield, Keefe of Manchester, LaClair of Barre Town, McCormack of Burlington, Olsen of Londonderry, Parent of St. Albans Town, Shaw of Pittsford, Sibia of Dover, Tate of Mendon, Van Wyck of Ferrisburgh and Wright of Burlington,

House bill, entitled

An act relating to the classification of employees and independent contractors;

To the committee on Commerce and Economic Development.

H. 120

By Reps. Devereux of Mount Holly, Townsend of South Burlington, Brumstead of Shelburne, Gannon of Wilmington, Gardner of Richmond, Hubert of Milton, Kitzmiller of Montpelier, LaClair of Barre Town, Lalonde of South Burlington, Lewis of Berlin and Weed of Enosburgh,

House bill, entitled

An act relating to changes of name;

To the committee on Judiciary.

H. 121

By Reps. Chesnut-Tangerman of Middletown Springs, Buckholz of Hartford, Burke of Brattleboro, Colburn of Burlington, Forguites of Springfield, Gonzalez of Winooski, Haas of Rochester, McCullough of Williston, Sibia of Dover and Weed of Enosburgh,

House bill, entitled

An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct;

To the committee on Government Operations.

H. 122

By Reps. Hill of Wolcott, Baser of Bristol, Beck of St. Johnsbury, Bissonnette of Winooski, Burke of Brattleboro, Christie of Hartford, Connor of Fairfield, Dickinson of St. Albans Town, Donovan of Burlington, Giambatista of Essex, Gonzalez of Winooski, Houghton of Essex, Jickling of Brookfield, Lippert of Hinesburg, Macaig of Williston, Masland of Thetford, Miller of Shaftsbury, Mrowicki of Putney, Noyes of Wolcott, O'Sullivan of Burlington, Parent of St. Albans Town, Poirier of Barre City, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Troiano of Stannard and Wood of Waterbury,

House bill, entitled

An act relating to appropriations for Vermont State Colleges;

To the committee on Education.

H. 123

By Reps. Willhoit of St. Johnsbury and Rachelson of Burlington,

House bill, entitled

An act relating to the process for furlough revocation;

To the committee on Corrections and Institutions.

H. 124

By Reps. Donahue of Northfield, Cristensen of Weathersfield, Cina of Burlington, Dunn of Essex and Pugh of South Burlington,

House bill, entitled

An act relating to mental health insurance benefits;

To the committee on Health Care.

H. 125

By the committee on Appropriations,

An act relating to fiscal year 2017 budget adjustments;

Under the rule, placed on the Calendar for notice.

Message from the Senate No. 9

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 11. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Adjournment

At ten o'clock and sixteen minutes in the forenoon, on motion of **Rep. Shaw of Pittsford**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, January 25, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Liam Markey, Peacham, VT, Student at the Riverside School, Lyndonville, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 126

By Reps. Keenan of St. Albans City, Copeland-Hanzas of Bradford, Dakin of Colchester, Dunn of Essex, Fagan of Rutland City, Head of South Burlington, Helm of Fair Haven, Hooper of Montpelier, Howard of Rutland City, Juskiewicz of Cambridge and Lanpher of Vergennes,

House bill, entitled

An act relating to circulating nurses in hospital operating rooms;

To the committee on Health Care.

H. 127

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to prohibiting smoking in multi-unit housing;

To the committee on General, Housing and Military Affairs.

H. 128

By Rep. Bissonnette of Winooski,

House bill, entitled

An act relating to casino events hosted by nonprofit organizations;

To the committee on General, Housing and Military Affairs.

Joint Resolution Adopted in Concurrence

J.R.S. 11

By Senator Ashe,

J.R.S. 11. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 27, 2017, it be to meet again no later than Tuesday, January 31, 2017.

Was taken up read and adopted in concurrence.

Legislative Council Committee Appointed

Pursuant to 2 V.S.A. § 402, the Chair hereby appoints the following members to Legislative Council Committee:

Reps. Copeland-Hanzas of Bradford

Rep. Johnson of South Hero

Rep. Murphy of Fairfax

Rep. Turner of Milton

Message from the Senate No. 10

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 2. An act relating to information sharing by the Commissioner of Financial Regulation.

S. 5. An act relating to plea agreements.

In the passage of which the concurrence of the House is requested.

Adjournment

At one o'clock and thirty-one minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, January 26, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Paul Habersang, Christ Episcopal Church, Montpelier, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 129

By Rep. Weed of Enosburgh,

House bill, entitled

An act relating to providing educational materials on nutrition to recipients of the Supplemental Nutrition Assistance Program;

To the committee on Human Services.

H. 130

By Reps. Christie of Hartford, Buckholz of Hartford and Lucke of Hartford,

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Hartford;

To the committee on Government Operations.

H. 131

By Reps. Yantachka of Charlotte, Burke of Brattleboro, Carr of Brandon, Lalonde of South Burlington, McCormack of Burlington and Wood of Waterbury,

House bill, entitled

An act relating to licensing and regulating art therapists;

To the committee on Government Operations.

H. 132

By Reps. Stevens of Waterbury and Rachelson of Burlington,

House bill, entitled

An act relating to limiting landowner liability for posting the dangers of swimming holes;

To the committee on Judiciary.

H. 133

By Reps. Stevens of Waterbury, Masland of Thetford and Webb of Shelburne,

House bill, entitled

An act relating to establishing the Office of Native American Affairs;

To the committee on General, Housing and Military Affairs.

H. 134

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to establishing the Agency of Controlled Substances;

To the committee on General, Housing and Military Affairs.

H. 135

By Rep. Greshin of Warren,

House bill, entitled

An act relating to subcommittee meetings under the Open Meeting Law;

To the committee on Government Operations.

H. 136

By Reps. Till of Jericho, Brumsted of Shelburne, Buckholz of Hartford, Burke of Brattleboro, Christie of Hartford, Colburn of Burlington, Connor of Fairfield, Donovan of Burlington, Dunn of Essex, Howard of Rutland City, Joseph of North Hero, Macaig of Williston, Miller of Shaftsbury, Poirier of Barre City, Stevens of Waterbury, Sullivan of Burlington, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to accommodations for pregnant employees;

To the committee on General, Housing and Military Affairs.

H. 137

By Reps. Masland of Thetford, Briglin of Thetford, Carr of Brandon, Conquest of Newbury, Troiano of Stannard and Yantachka of Charlotte,

House bill, entitled

An act relating to workers' compensation premiums;

To the committee on Commerce and Economic Development.

H. 138

By Reps. Till of Jericho, Brumsted of Shelburne, Christie of Hartford, Connor of Fairfield, Conquest of Newbury, Dunn of Essex, Houghton of Essex, Joseph of North Hero, Troiano of Stannard and Yacovone of Morristown,

House bill, entitled

An act relating to co-payments for physical therapy services;

To the committee on Health Care.

H. 139

By Reps. Masland of Thetford and Briglin of Thetford,

House bill, entitled

An act relating to a private right of action against unpermitted salvage yards;

To the committee on Natural Resources, Fish & Wildlife.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 2

Senate bill, entitled

An act relating to information sharing by the Commissioner of Financial Regulation;

To the committee on Commerce and Economic Development.

S. 5

Senate bill, entitled

An act relating to plea agreements;

To the committee on Judiciary.

Bill Referred to Committee on Ways and Means

H. 58

House bill, entitled

An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations

H. 38

House bill, entitled

An act relating to the membership of the Clean Water Fund Board

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 125

Rep. Toll of Danville spoke for the committee on Appropriations.

House bill entitled

An act relating to fiscal year 2017 budget adjustments

Having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the bill be read a third time? **Reps. Brennan of Colchester** and **Helm of Fair Haven** moved to amend the bill as follows:

In Sec. 64, in subsection (a), by striking out the phrase "is authorized to" and inserting in lieu thereof the word "shall"

Which was agreed to and third reading was ordered.

Message from the Senate No. 11

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed a Senate bill of the following title:

S. 1. An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018.

In the passage of which the concurrence of the House is requested.

Adjournment

At one o'clock and thirty seven 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.

Friday, January 27, 2017

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

Devotional Exercises

Devotional exercises were conducted by Rev. Carl VanOsdall, First Presbyterian Church, Barre, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 140

By Reps. Willhoit of St. Johnsbury and Conquest of Newbury,

House bill, entitled

An act relating to the validity of criminal statutes and conditions of probation or release related to alcohol consumption;

To the committee on Judiciary.

H. 141

By Reps. Masland of Thetford, Briglin of Thetford, Toleno of Brattleboro and Yantachka of Charlotte,

House bill, entitled

An act relating to appurtenant dwelling units under the use value appraisal program;

To the committee on Ways and Means.

H. 142

By Botzow of Pownal and Marcotte of Coventry,

House bill, entitled

An act relating to life insurance policies and the Vermont Uniform Securities Act;

To the committee on Commerce and Economic Development.

H. 143

By Botzow of Pownal, Marcotte of Coventry, Kimbell of Woodstock, Myers of Essex and Stuart of Brattleboro,

House bill, entitled

An act relating to automobile insurance requirements and transportation network companies;

To the committee on Transportation.

H. 144

By Rep. Deen of Westminster,

House bill, entitled

An act relating to the membership of the Nuclear Decommissioning Citizens Advisory Panel;

To the committee on Natural Resources, Fish & Wildlife.

H. 145

By Reps. Donahue of Northfield, Donovan of Burlington and Lippert of Hinesburg,

House bill, entitled

An act relating to establishing the Mental Health Crisis Response Commission;

To the committee on Health Care.

H. 146

By Reps. Grad of Moretown, Lalonde of South Burlington, Conquest of Newbury and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to tests to determine the blood alcohol content of a motor vehicle operator;

To the committee on Transportation.

H. 147

By Botzow of Pownal, Marcotte of Coventry, O'Sullivan of Burlington and Sullivan of Dorset,

House bill, entitled

An act relating to consumer protection and data security breaches;

To the committee on Commerce and Economic Development.

H. 148

By Reps. Masland of Thetford, Bancroft of Westford, Briglin of Thetford, Conquest of Newbury and Nolan of Morristown,

House bill, entitled

An act relating to special annual overweight permits for truck combinations with six or more axles;

To the committee on Transportation.

H. 149

By Rep. Conquest of Newbury,

House bill, entitled

An act relating to providing meals to health care providers at conferences;

To the committee on Health Care.

H. 150

By Reps. Burke of Brattleboro and Batchelor of Derby,

House bill, entitled

An act relating to parole eligibility;

To the committee on Corrections and Institutions.

Senate Bill Referred

S. 1

Senate bill, entitled

An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018

Was read and referred to the committee on Education.

Joint Resolution Referred to Committee

J.R.H. 2

Joint resolution commending Vermont municipalities that have adopted or are considering adopting sanctuary status

Offered by: Representatives Ancel of Calais, Bartholomew of Hartland, Baser of Bristol, Botzow of Pownal, Briglin of Thetford, Burditt of West Rutland, Burke of Brattleboro, Carr of Brandon, Christie of Hartford, Conlon of Cornwall, Conquest of Newbury, Copeland-Hanzas of Bradford, Dakin of Colchester, Deen of Westminster, Donahue of Northfield, Dunn of Essex, Emmons of Springfield, Gannon of Wilmington, Grad of Moretown, Greshin of Warren, Haas of Rochester, Hooper of Montpelier, Jessup of Middlesex, Kitzmiller of Montpelier, Lanpher of Vergennes, Lippert of Hinesburg, Long of Newfane, Lucke of Hartford, Masland of Thetford, McCormack of Burlington, Morris of Bennington, Mrowicki of Putney, O’Sullivan of Burlington, Olsen of Londonderry, Partridge of Windham, Pugh of South Burlington, Rachelson of Burlington, Scheu of Middlebury, Sharpe of Bristol, Sibia of Dover, Squirrell of Underhill, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Troiano of Stannard, Webb of Shelburne, Wood of Waterbury, Yantachka of Charlotte, and Young of Glover

Whereas, American jurisdictions outside Vermont, including numerous counties, as well as the cities of Cambridge, Massachusetts, and Chicago, Illinois, have adopted formal sanctuary city policies, and Boston, Massachusetts; New York, New York; and Los Angeles, California, have implemented some type of immigration status protections, and

Whereas, in Vermont, the Montpelier City Council passed a resolution authorizing the city to adopt a sanctuary city policy, and sanctuary city policies are being considered in Burlington, South Burlington, Winooski, and other towns, and

Whereas, undocumented residents of Vermont confront the constant fear that if deported they may face political persecution and potentially physical harm in their countries of origin, and

Whereas, the General Assembly enacted 2014 Acts and Resolves No 193 (the Act), requiring that by July 1, 2016, the State's municipalities adopt the mandatory provisions of the Criminal Justice Training Council's impartial model policing policy, including not asking persons about their immigration status, and

Whereas, the Act did allow the State's municipalities to refrain from adopting the optional provisions of the model policy, such as disregarding federal requests to detain undocumented residents, and

Whereas, Grand Isle County and the towns of Milton and Williston have adopted the model policy in full, and

Whereas, throughout the world, millions of people are displaced by war, violence, economic or political strife, and natural disasters and are forced to seek safety and a better life elsewhere, and

Whereas, Vermont has a long tradition of protecting the politically threatened, dating to its official refusal prior to the Civil War to cooperate with federal fugitive slave acts and Vermonters' participation in the Underground Railroad that assisted escaped slaves fleeing to Canada, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commends Vermont municipalities that have adopted or are considering adopting sanctuary status, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont League of Cities and Towns, Governor Phil Scott, and the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Government Operations.

**Joint Committee On
Judicial Retention Appointed**

Pursuant to 4 V.S.A. § 607, the Chair hereby appoints the following members to the Joint Committee on Judicial Retention:

Rep. Conquest of Newbury
Rep. Rachelson of Burlington
Rep. Troiano of Stannard
Rep. Viens of Newport City

Third Reading; Bill Passed

H. 125

House bill, entitled

An act relating to fiscal year 2017 budget adjustments

Was taken up, read the third time.

Pending the question, Shall the bill pass? **Rep. Krowinski 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 pass? was decided in the affirmative. Yeas, 141. Nays, 0.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gardner of Richmond	O'Sullivan of Burlington
Ancel of Calais	Giambatista of Essex	Parent of St. Albans Town
Bancroft of Westford	Gonzalez of Winooski	Partridge of Windham
Bartholomew of Hartland	Grad of Moretown	Pearce of Richford
Baser of Bristol	Graham of Williamstown	Poirier of Barre City
Beck of St. Johnsbury	Haas of Rochester	Potter of Clarendon
Belaski of Windsor	Head of South Burlington	Pugh of South Burlington
Beyor of Highgate	Hebert of Vernon	Quimby of Concord
Bissonnette of Winooski	Helm of Fair Haven	Rachelson of Burlington
Bock of Chester	Higley of Lowell	Rosenquist of Georgia
Botzow of Pownal	Hill of Wolcott	Savage of Swanton
Brennan of Colchester	Hooper of Montpelier	Scheu of Middlebury
Briglin of Thetford	Hooper of Brookfield	Scheuermann of Stowe
Browning of Arlington	Houghton of Essex	Sharpe of Bristol
Brumsted of Shelburne	Howard of Rutland City	Shaw of Pittsford
Buckholz of Hartford	Hubert of Milton	Sheldon of Middlebury
Burditt of West Rutland	Jessup of Middlesex	Sibilia of Dover
Burke of Brattleboro	Jickling of Brookfield	Smith of Derby
Canfield of Fair Haven	Joseph of North Hero	Smith of New Haven
Carr of Brandon	Juskiewicz of Cambridge	Squirrell of Underhill
Chesnut-Tangerman of	Keefe of Manchester	Stevens of Waterbury
Middletown Springs	Keenan of St. Albans City	Strong of Albany
Cristensen of Weathersfield	Kimbell of Woodstock	Stuart of Brattleboro
Christie of Hartford	Kitzmiller of Montpelier	Sullivan of Dorset
Cina of Burlington	Krowinski of Burlington	Sullivan of Burlington

Colburn of Burlington	LaClair of Barre Town	Tate of Mendon
Condon of Colchester	Lanpher of Vergennes	Taylor of Colchester
Conlon of Cornwall	Lawrence of Lyndon	Terenzini of Rutland Town
Connor of Fairfield	Lefebvre of Newark	Till of Jericho
Conquest of Newbury	Lewis of Berlin	Toleno of Brattleboro
Copeland-Hanzas of	Long of Newfane	Toll of Danville
Corcoran of Bennington	Macaig of Williston	Townsend of South
Cupoli of Rutland City	Marcotte of Coventry	Burlington
Dakin of Colchester	Martel of Waterford	Trieber of Rockingham
Deen of Westminster	Masland of Thetford	Troiano of Stannard
Devereux of Mount Holly	McCormack of Burlington	Turner of Milton
Donahue of Northfield	McCoy of Poultney	Van Wyck of Ferrisburgh
Donovan of Burlington	McCullough of Williston	Viens of Newport City
Dunn of Essex	McFaun of Barre Town	Walz of Barre City
Emmons of Springfield	Miller of Shaftsbury	Webb of Shelburne
Fagan of Rutland City	Morris of Bennington	Weed of Enosburgh
Feltus of Lyndon	Morrissey of Bennington	Willhoit of St. Johnsbury
Fields of Bennington	Mrowicki of Putney	Wood of Waterbury
Forguites of Springfield	Murphy of Fairfax	Wright of Burlington
Frenier of Chelsea	Nolan of Morristown	Yacovone of Morristown
Gage of Rutland City	Noyes of Wolcott	Yantachka of Charlotte
Gamache of Swanton	Ode of Burlington	Young of Glover
Gannon of Wilmington	Olsen of Londonderry	

Those who voted in the negative are: None

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

Batchelor of Derby	Lalonde of South Burlington	Myers of Essex
Dickinson of St. Albans	Lippert of Hinesburg	
Greshin of Warren	Lucke of Hartford	

Message from the Senate No. 12

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 6. Senate concurrent resolution in memory of John Behan of Bennington.

S.C.R. 7. Senate concurrent resolution honoring Shirley Arlene Brown for her over half century of outstanding community service in the town of Belvidere.

S.C.R. 8. Senate concurrent resolution congratulating Jane Sprenger of

Greensboro on her centennial birthday.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 17. House concurrent resolution congratulating David Provost, Leonard Crouse, and the late Edward Meehan on their being named to the Captive Review Hall of Fame.

H.C.R. 18. House concurrent resolution in memory of esteemed Vermont poet David Budbill.

H.C.R. 19. House concurrent resolution designating January 20, 2017 as Vermont Pharmacists Day.

H.C.R. 21. House concurrent resolution designating January 22–28, 2017 as National Certified Registered Nurse Anesthetist Week in Vermont.

H.C.R. 22. House concurrent resolution commemorating the 240th anniversary of the Vermont Constitution.

H.C.R. 23. House concurrent resolution designating Wednesday, January 25, 2017 as School Choice Day in Vermont.

H.C.R. 24. House concurrent resolution congratulating The Dorset Inn on its 220th anniversary and honoring the current owners, Steve and Lauren Bryant.

H.C.R. 25. House concurrent resolution congratulating the Dorset Players and the Dorset Theater Festival on their respective 90th and 40th anniversaries.

Adjournment

At ten o'clock and six minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, January 31, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 11.

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. 17

House concurrent resolution congratulating David Provost, Leonard Crouse, and the late Edward Meehan on their being named to the Captive Review Hall of Fame;

H.C.R. 18

House concurrent resolution in memory of esteemed Vermont poet David Budbill;

H.C.R. 19

House concurrent resolution designating January 20, 2017 as Vermont Pharmacists Day;

H.C.R. 21

House concurrent resolution designating January 22–28, 2017 as National Certified Registered Nurse Anesthetist Week in Vermont;

H.C.R. 22

House concurrent resolution commemorating the 240th anniversary of the Vermont Constitution;

H.C.R. 23

House concurrent resolution designating Wednesday, January 25, 2017 as School Choice Day in Vermont;

H.C.R. 24

House concurrent resolution congratulating The Dorset Inn on its 220th anniversary and honoring the current owners, Steve and Lauren Bryant;

H.C.R. 25

House concurrent resolution congratulating the Dorset Players and the Dorset Theater Festival on their respective 90th and 40th anniversaries;

S.C.R. 6

Senate concurrent resolution in memory of John Behan of Bennington;

S.C.R. 7

Senate concurrent resolution honoring Shirley Arlene Brown for her over half century of outstanding community service in the town of Belvidere;

S.C.R. 8

Senate concurrent resolution congratulating Jane Sprenger of Greensboro on her centennial birthday;

[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 2017, seventy-fourth Biennial session.]

Tuesday, January 31, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rabbi Jan Salzman, Ruach HaMaqom, Burlington, VT.

Pledge of Allegiance

Page Olivia Davidson, Hardwick, VT led the House in the Pledge of Allegiance.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 151

By Reps. Mrowicki of Putney, Donovan of Burlington, Burke of Brattleboro, Copeland-Hanzas of Bradford, Deen of Westminster, Gonzalez of Winooski, Head of South Burlington, Macaig of Williston, Masland of Thetford, McCullough of Williston, O'Sullivan of Burlington, Stevens of Waterbury, Till of Jericho and Yantachka of Charlotte,

House bill, entitled

An act relating to requiring background checks for the transfer of firearms;

To the committee on Judiciary.

H. 152

By Reps. Lalonde of South Burlington and Botzow of Pownal,

House bill, entitled

An act relating to the Vermont Revised Uniform Fiduciary Access to Digital Assets Act;

To the committee on Judiciary.

H. 153

By Reps. Poirier of Barre City and Lanpher of Vergennes,

House bill, entitled

An act relating to underwriting motor vehicle insurance and credit history;

To the committee on Transportation.

H. 154

By Reps. Donovan of Burlington, Bissonnette of Winooski, Cina of Burlington, Colburn of Burlington, Gonzalez of Winooski, Krowinski of Burlington, McCormack of Burlington, Ode of Burlington, O'Sullivan of Burlington, Rachelson of Burlington, Sullivan of Burlington and Wright of Burlington,

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington;

To the committee on Government Operations.

H. 155

By Reps. Van Wyck of Ferrisburgh, Gamache of Swanton, Lefebvre of Newark, Morrissey of Bennington, Shaw of Pittsford and Smith of New Haven,

House bill, entitled

An act relating to digital speed limit signs and authorizing temporary speed limits;

To the committee on Transportation.

H. 156

By Rep. Haas of Rochester,

House bill, entitled

An act relating to the phase-out of the declining student hold-harmless provision;

To the committee on Education.

H. 157

By Reps. Hubert of Milton, Beyor of Highgate, Christie of Hartford, Hebert of Vernon, Lewis of Berlin, Pearce of Richford, Savage of Swanton and Viens of Newport City,

House bill, entitled

An act relating to adopting a statewide calendar for public schools;

To the committee on Education.

H. 158

By Reps. Parent of St. Albans Town and Tate of Mendon,

House bill, entitled

An act relating to moving the date for school district budget votes for fiscal year 2018;

To the committee on Education.

H. 159

By Reps. Hubert of Milton and Smith of New Haven,

House bill, entitled

An act relating to use of a colored light on a funeral procession lead vehicle;

To the committee on Transportation.

H. 160

By Reps. Masland of Thetford and Briglin of Thetford,

House bill, entitled

An act relating to use of auxiliary fuel tanks on Type II school buses;

To the committee on Transportation.

H. 161

By Rep. Frenier of Chelsea,

House bill, entitled

An act relating to union membership fees for teachers and administrators;

To the committee on Education.

H. 162

By Rep. O'Sullivan of Burlington,

House bill, entitled

An act relating to execution of court judgments on personal property;

To the committee on Judiciary.

H. 163

By Reps. Baser of Bristol, Scheu of Middlebury, Carr of Brandon, Christie of Hartford, Deen of Westminster, Frenier of Chelsea, Giambatista of Essex, Greshin of Warren, Higley of Lowell, Houghton of Essex, Kimbell of Woodstock, Lalonde of South Burlington, Marcotte of Coventry, Masland of Thetford, McCoy of Poultney, Mrowicki of Putney, Ode of Burlington, O'Sullivan of Burlington, Parent of St. Albans Town, Shaw of Pittsford, Sibia of Dover and Stuart of Brattleboro,

House bill, entitled

An act relating to promoting workforce housing;

To the committee on General, Housing and Military Affairs.

Bill Referred to Committee on Ways and Means

S. 1

Senate bill, entitled

An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Message from the Senate No. 13

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 12. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

House Resolution Referred to Committee

H.R. 7

House resolution, entitled

House resolution amending the Rules and Orders of the House of Representatives related to members who do not belong to a political party and their appointment to nonstanding legislative committees

Offered by: Representatives Poirier of Barre City, Jickling of Brookfield, Murphy of Fairfax, Olsen of Londonderry, and Sibilila of Dover

Whereas, not all members of the House of Representatives belong to a political party, and

Whereas, the ability of members of the House of Representatives to participate in all aspects of legislative service should not be conditioned on political party membership, and

Whereas, each biennium, members of the House of Representatives are appointed to nonstanding committees, including interim study and continuing jurisdictional committees, and

Whereas, on occasion, the directive for the appointment of members of the House of Representatives to nonstanding committees requires a specified ratio of members from the majority and minority political parties, now therefore be it

Resolved by the House of Representatives:

That House Rule 14b is added to read:

14b. Any legal directive for the Speaker to appoint multiple members, not all of whom shall belong to the same political party, to a nonstanding committee shall not prohibit the appointment of members who do not belong to a political party.

Which was read and referred to the committee on Rules.

House Resolution Placed on Calendar

H.R. 8

House resolution, entitled

House resolution relating to conducting a recount in the election for the House of Representatives for the Orange-1 District

Offered by: Committee on Government Operations

Whereas, Chapter I, Article 8 of the Vermont Constitution provides that voters have the right to elect and to be elected into office agreeably to the regulations of the Constitution, and

Whereas, Chapter II, § 14 provides that the House of Representatives shall have the power to “judge of the elections and qualifications” of its members, and

Whereas, on November 8, 2016, the general election was held for the Orange-1 House District, with four candidates competing for two House seats, and

Whereas, Rodney Graham won the most votes, 2,018, and, as a result, his election to one of the seats is not in dispute, and

Whereas, Robert Frenier received the second highest number of votes, 1,853, and Graham and Frenier were therefore declared the winners of the two House seats for this district, and

Whereas, Susan Hatch Davis, who had received 1,845 votes, eight less than Robert Frenier, requested a recount pursuant to 17 V.S.A. § 2601(b), and

Whereas, the recount was held on November 28, 2016, with three questionable ballots submitted to the Superior Court for a final decision in accordance with law, and

Whereas, on November 29, 2016, and December 12, 2016, Susan Hatch Davis moved in Superior Court for a hearing and second recount, and

Whereas, on December 19, 2016, the Superior Court conducted a hearing and ruled on the three disputed ballots, and issued a Judgment that Robert Frenier had received 1,852 votes, seven more than Susan Hatch Davis’ 1,845 votes, and

Whereas, on December 22, 2016, Susan Hatch Davis petitioned the House of Representatives to challenge the election and request that the House conduct another recount, and

Whereas, the petition of Susan Hatch Davis was referred to the Committee on Government Operations, and

Whereas, the Committee on Government Operations heard testimony from witnesses, including Petitioner, Petitioner's attorney, Respondent Representative Frenier, Respondent's attorney, multiple town clerks, representatives from the Office of the Secretary of State, and a representative from the Office of the Attorney General, and

Whereas, it is the conclusion of the Committee on Government Operations that the petition should be granted and that a new recount should be conducted to determine if Robert Frenier or Susan Hatch Davis won more votes and therefore should be deemed duly elected and qualified to hold the other seat from the Orange-1 District, and

Whereas, it is the belief of the Committee on Government Operations that this additional recount is necessary to ensure public faith and confidence in the accuracy of the election, now therefore be it

Resolved by the House of Representatives:

That this legislative body resolves that a recount of all votes cast for the House of Representatives in District Orange-1, except for 14 ballots previously determined to be defective, shall be conducted, and be it further

Resolved: That the Committee on Government Operations shall adopt policies and procedures as to how the recount shall be conducted, and be it further

Resolved: That for purposes of this recount, and to ensure parity among members of the Republican, Progressive, and Democratic parties, a Special Recount Committee shall be created, and be it further

Resolved: That the Special Recount Committee shall be composed of 23 members. The leader of the Progressive Party caucus shall appoint six members, one of whom shall be the current member of the Committee on Government Operations who belongs to the Progressive Party caucus. The leader of the Democratic Party caucus shall appoint five members, each of whom shall be current members of the Committee on Government Operations who belong to the Democratic caucus. The leader of the Republican Party caucus shall appoint 11 members, four of whom shall be the current members of the Committee on Government Operations who belong to the Republican caucus. If the leader of the Progressive, Republican, or Democratic caucus

fails to appoint sufficient members, the Speaker of the House shall do so. In addition to these 22 members, the Chair of the Committee on Government Operations shall serve on the Special Recount Committee as presiding officer, and shall have the special assistance of the Republican and Progressive Party caucus leaders, and be it further

Resolved: That the Special Recount Committee shall conduct the recount pursuant to the policies and procedures adopted by the Committee on Government Operations, and be it further

Resolved: That the Special Recount Committee shall be allowed to work without interruption to complete the recount as quickly as reasonably possible, and that the members of the Special Recount Committee will be exempt from all other duties and obligations, and be it further

Resolved: That the Special Recount Committee shall have the power to compel, by subpoena, the attendance of witnesses and the production of records and things, including documents, papers, and ballots, and be it further

Resolved: That the Committee on Government Operations and the Special Recount Committee shall have the support and assistance of the Secretary of State, Sergeant at Arms, Capitol Police Department, Clerk of the House, and Office of Legislative Council to carry out its duties, and be it further

Resolved: That the Special Recount Committee, after conducting the recount, shall report its findings and recommendations to the Committee on Government Operations, and that the Special Recount Committee will then be dissolved, and be it further

Resolved: That the Committee on Government Operations shall report its findings and recommendations to the House as to whether Robert Frenier or Susan Hatch Davis shall be deemed to be duly elected and qualified to represent the Orange-1 District in the House of Representatives.

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

House Resolution Adopted

H.R. 9

House resolution, entitled

House resolution supporting a woman's right to decide her own reproductive choices, commemorating the 44th anniversary of the U.S. Supreme Court's decision in *Roe v. Wade*, and the 52nd anniversary of Planned Parenthood of Northern New England

Offered by: Representatives Pugh of South Burlington, Grad of Moretown, Krowinski of Burlington, Ancel of Calais, Bartholomew of Hartland, Belaski

of Windsor, Botzow of Pownal, Briglin of Thetford, Brumsted of Shelburne, Buckholz of Hartford, Burditt of West Rutland, Burke of Brattleboro, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Christensen of Weathersfield, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Connor of Fairfield, Conquest of Newbury, Copeland-Hanzas of Bradford, Dakin of Colchester, Deen of Westminster, Donovan of Burlington, Dunn of Essex, Emmons of Springfield, Gardner of Richmond, Giambatista of Essex, Gonzalez of Winooski, Haas of Rochester, Hooper of Montpelier, Houghton of Essex, Howard of Rutland City, Jessup of Middlesex, Kitzmiller of Montpelier, LaLonde of South Burlington, Long of Newfane, Macaig of Williston, Masland of Thetford, Miller of Shaftsbury, Morris of Bennington, Mrowicki of Putney, Murphy of Fairfax, Ode of Burlington, Olsen of Londonderry, O'Sullivan of Burlington, Partridge of Windham, Poirier of Barre City, Rachelson of Burlington, Scheu of Middlebury, Sharpe of Bristol, Sheldon of Middlebury, Squirrell of Underhill, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Dorset, Sullivan of Burlington, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Webb of Shelburne, Yacovone of Morristown, and Young of Glover

Whereas, on January 22, 1973, the U.S. Supreme Court's decision in *Roe v. Wade*, 410 U.S. 113 (1973), established that the U.S. Constitution protects a woman's right to privacy and limits government interference with medical decisions, and

Whereas, Planned Parenthood of Northern New England has been providing essential health care services to all Vermonters since 1965, and all Vermonters continue to have access to Planned Parenthood's services at its health care centers regardless of income, and

Whereas, the State of Vermont has set a goal to reduce unintended pregnancies to 35 percent of all pregnancies by 2020, and

Whereas, Planned Parenthood of Northern New England helps individuals and families make responsible choices that contribute to our overall public health, and

Whereas, the House of Representatives of the State of Vermont believes that the U.S. Supreme Court's decision in *Roe v. Wade* ensures that abortion remains a safe and legal procedure for a woman to consider, if and when she needs it, and

Whereas, in 2015, Planned Parenthood of Northern New England staff saw over 18,000 Vermonters who visited for essential health care services, trusted information, and family planning services, and

Whereas, the State of Vermont strives to enhance the health of all its citizens, including women of all ages, and to strengthen individuals and families by encouraging and promoting access to comprehensive family planning services, and

Whereas, Planned Parenthood of Northern New England plays a pivotal role in Vermont's health care landscape, now therefore be it

Resolved by the House of Representatives:

That this legislative body, on the 44th anniversary of *Roe v. Wade* and the 52nd anniversary of Planned Parenthood of Northern New England, urges Congress and other state legislatures to preserve the rights protected in *Roe v. Wade* and to preserve access to essential health care services, and be it further

Resolved: That this legislative body reaffirms the right of every Vermont woman to privacy, autonomy, and safety in making personal decisions regarding reproduction and family planning and the right to continued access to safe and legal abortion, and be it further

Resolved: That this legislative body acknowledges and celebrates Planned Parenthood of Northern New England's 52 years of providing essential, high quality health services to all Vermonters and advocating for and promoting women's health, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Planned Parenthood of Northern New England and the Vermont Congressional Delegation.

Which was read.

Pending the question, Shall the resolution be adopted? **Rep. Grad of Moretown** 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, 102. Nays, 32.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gonzalez of Winooski	Noyes of Wolcott
Ancel of Calais	Grad of Moretown	Ode of Burlington
Bartholomew of Hartland	Greshin of Warren	O'Sullivan of Burlington
Baser of Bristol	Haas of Rochester	Partridge of Windham
Belaski of Windsor	Head of South Burlington	Poirier of Barre City *
Bissonnette of Winooski	Hill of Wolcott	Potter of Clarendon
Bock of Chester	Hooper of Montpelier	Rachelson of Burlington
Botzow of Pownal	Hooper of Brookfield	Scheu of Middlebury
Briglin of Thetford	Houghton of Essex	Sharpe of Bristol
Burke of Brattleboro	Howard of Rutland City	Sheldon of Middlebury

Carr of Brandon	Jessup of Middlesex	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Jickling of Brookfield	Smith of Derby
Christensen of Weathersfield	Keefe of Manchester	Squirrell of Underhill
Christie of Hartford *	Keenan of St. Albans City	Stevens of Waterbury
Cina of Burlington	Kimbell of Woodstock	Stuart of Brattleboro *
Colburn of Burlington	Kitzmiller of Montpelier	Sullivan of Dorset
Condon of Colchester	Krowinski of Burlington	Sullivan of Burlington
Conlon of Cornwall	LaClair of Barre Town	Taylor of Colchester
Conquest of Newbury	Lalonde of South Burlington	Till of Jericho
Copeland-Hanzas of	Lanpher of Vergennes	Toleno of Brattleboro
Corcoran of Bennington	Lawrence of Lyndon	Toll of Danville
Dakin of Colchester	Lefebvre of Newark	Townsend of South Burlington
Deen of Westminster	Lewis of Berlin	Trieber of Rockingham
Devereux of Mount Holly	Lippert of Hinesburg	Troiano of Stannard
Donovan of Burlington	Long of Newfane	Turner of Milton
Dunn of Essex	Macaig of Williston	Walz of Barre City
Emmons of Springfield	Masland of Thetford	Webb of Shelburne
Fagan of Rutland City	McCormack of Burlington	Weed of Enosburgh
Feltus of Lyndon	McCoy of Poultney	Wood of Waterbury
Fields of Bennington	McCullough of Williston	Wright of Burlington
Forguites of Springfield	McFaun of Barre Town	Yacovone of Morristown
Gannon of Wilmington	Morris of Bennington	Yantachka of Charlotte
Gardner of Richmond	Mrowicki of Putney *	Young of Glover
Giambatista of Essex	Murphy of Fairfax	
	Myers of Essex *	

Those who voted in the negative are:

Batchelor of Derby	Graham of Williamstown	Quimby of Concord
Beck of St. Johnsbury	Hebert of Vernon	Rosenquist of Georgia
Beyor of Highgate	Helm of Fair Haven	Savage of Swanton
Brennan of Colchester	Higley of Lowell	Shaw of Pittsford
Canfield of Fair Haven	Hubert of Milton	Smith of New Haven
Cupoli of Rutland City	Juskiewicz of Cambridge	Strong of Albany
Dickinson of St. Albans	Marcotte of Coventry	Tate of Mendon
Donahue of Northfield *	Martel of Waterford	Terenzini of Rutland Town
Frenier of Chelsea	Morrissey of Bennington	Van Wyck of Ferrisburgh
Gage of Rutland City	Nolan of Morristown	Willhoit of St. Johnsbury
Gamache of Swanton	Pearce of Richford	

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

Bancroft of Westford	Connor of Fairfield	Parent of St. Albans Town
Browning of Arlington	Joseph of North Hero	Pugh of South Burlington
Brumsted of Shelburne	Lucke of Hartford	Scheuermann of Stowe
Buckholz of Hartford	Miller of Shaftsbury	Viens of Newport City
Burditt of West Rutland	Olsen of Londonderry	

Rep. Christie of Hartford explained his vote as follows:

“Madam Speaker:

On Nov. 21, 2016 Pope Francis gave priests the authority to give absolution for abortion.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

Abortion has remained a difficult subject for half a century and beyond, because it pits a woman’s control over what is happening within her body against the life of a unique human person growing and developing there. This terrible tension should never be dismissed or minimized; those who promote the right to choose abortion should respect the rights of those who do not wish to be a party to it, and should be balanced in the way this traumatic issue is discussed with women. Planned Parenthood does not do that. The subject of a woman’s right to end a pregnancy that is already underway should always be a sobering reflection of our power over life itself. It should never be a cause for celebration. That is why I do not support this resolution.”

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

Given the current assaults on liberties by the new regime in Washington, I vote yes for women to be able to make their own choices in regards to their health and I vote yes for my daughters and future generations of women to enjoy these same rights.”

Rep. Myers of Essex explained her vote as follows:

“Madam Speaker:

I voted “yes” on this resolution as I have for many years. I am pro choice and support Planned Parenthood. But I rise today, as I did a few years ago, to express my disappointment in the year after year offering of this resolution. There is nothing this will do to further the state’s support of Planned Parenthood, and Roe v. Wade. Those are firmly entrenched. But what this resolution does is continue, and enlarge, the rift among members of this body. That is very disheartening to me. In my opinion we should be working to bring greater collegiality in this chamber, not working to create further discord.”

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

“Madam Speaker:

I voted yes as a means to express my strong support for women’s reproductive rights. Also, this yes vote is my only legislative way to express

my resentment to the Trump administration's attempt to send women back to the days of backroom medical procedures for women."

Rep. Stuart of Brattleboro explained her vote as follows:

"Madam Speaker:

Now that we have a known misogynist who wears the sacred title of president, it is more important than ever to stand up for women's right to choose."

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 143

Rep. Brennan of Colchester moved that the committee on Transportation be relieved of House bill, entitled

An act relating to automobile insurance requirements and transportation network companies

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

Remarks Journalized

On motion of **Rep. Yantachka of Charlotte**, the following remarks by **Rep. Stevens of Waterbury** were ordered printed in the Journal:

"Madam Speaker:

The news of the immediate closure of America to vetted refugees and immigrants with visas and green cards from seven countries last Friday is serious news, but I would like to take a moment to acknowledge the statement made earlier in the day commemorating International Holocaust Remembrance Day. In it, the president pledged to ensure that the powers of evil never again defeat the power of good. Which, in and of itself, is worthy. But in his remarks, the President never once mentioned that the Holocaust was a planned genocide of the Jews in Europe, and never once did he mention the others that were caught in that net -- gays, gypsies, dissidents, pacifists, and other so-called social deviants. The administration issued a statement saying they chose to be inclusive, as nearly 5 million other people died during the Holocaust and it was important to signify their deaths as well.

This isn't revisionism, Madam Speaker. This is technique. We, as legislators, are well aware of the power of words. We argue for hours over the force of law inherent in words like "may" and "shall." We wield these words as swords, and it is right, because we know arguing over words is safer than using swords against our neighbors.

In the case of the Holocaust, it is wrong to downplay the motivation behind the plan. Saying that neglecting the use of the word “Jew” or the word “antisemitism” is a way to be more inclusive is, in fact, a way to diminish what the Nazi terror was: Jews were targeted, boycotted, stereotyped into animals, hunted, abused, tortured and killed. The leader of the Nazi party, in the beginning of his cleansing campaign, told Germans not to hurt a hair on a Jew’s head. But once they were in a camp, their hair was removed. This plan, scoped out in the few years before the rise to power of the National Socialists, used simple words to fan the flames of hatred, fear and nationalism. And those who opposed those words and those tactics were arrested also, or were forced into exile.

And so, Madam Speaker, I remember the Jews who were murdered in work camps across Europe. I remember the anti-Semitism that drove it. I remember the xenophobia that existed in this country, when it rejected boats with Jews on them and forced them to return to certain deaths. I remember the gays, and the pacifists, and the gypsies and the others who were murdered in the name of ethnic cleansing. Just as I remember the other genocides that occurred in the 20th century, including in the Soviet Union during and after the war, when Stalin killed 20 million of his own citizens. And just as I remember the rejection of Jews from Britain and Europe and North America immediately after the war.

By diminishing what happened in Germany during the war, Madam Speaker, we allow the planting of the seeds of forgetfulness, and of denial, and of normalization. The Holocaust was a specific campaign against the Jewish people of Europe. When we allow the horror and specificity of that to be “smoothed over”, we begin to know how other atrocities can be normalized.

I cannot let this lapse by the president go unnoticed and unacknowledged, because it is tied directly to the executive order barring legal immigrants entry into our country by fiat. We must notice, we must call it by its name, and we must never accept it.”

Remarks Journalized

On motion of **Rep. Macaig of Williston**, the following remarks by **Rep. McCullough of Williston** were ordered printed in the Journal:

“Madam Speaker:

I ruminate today... not to bash, trash, or disparage our newly elected President Trump, but rather to seize this, an educable moment.

In 1966 I worked for Luther Belden on his home farm of several generations. Mr. Belden was a beautiful person; hard working; highly principled. After I had partied, perhaps too hard and long the nights previous, Mr. Belden would assign me to the haymow for a 4-hour stint in the middle of the day, or perhaps a full day of hand weeding pigweed in an endless field of potatoes. I learned a

lot that summer, but his take-home for me was (I did not know how profound at the time) was, “Jim, the only hope for the world is the United Nations”.

Twenty years later, perhaps 1986, I officiated the marriage of the blissful Emily Wesson and Peter Millar; two recent UVM graduates who rented a bungalow on our family farm of many generations. Peter and Emily continued their educations, becoming doctors. They subsequently served on the ship, Doctors Without Borders.

Seventeen years later, 2003, I was a freshman Vermont legislator serving on House Transportation. I was most fortunate to serve with the current “Dean of the House”, a former “Dean of the House” (later retiring to become Commissioner of BGS), and the former Sargent at Arms, the newly minted Senator from Washington County... (talk about educable moments for me!)... I also served that biennium with the late Representative of the House from Barre, the Honorable Henry Gray. Rep. Gray taught me the “Rule of Holes”. If you don’t know this rule, ask me off line. However, the gold Henry gave me was, “I am the Representative from Barre but I work for the State”. The quiet, very Vermont, Representative Gray recognized the provincialism of towns often interfered with quality statewide legislation. I intuit he understood a “State without Borders”.

Today, I stand before you in this Great Hall of Vermont Representatives adding my small flag of the United Nations on my desk to the numerous Old Glories displayed on other member’s desks... imploring our Members, “Seek Unbounded Awareness”; imploring our President, our Congress; imploring our planet’s various Governments, and most importantly imploring... We the people of the planet... “Disabuse borders; join together in the Absolute. Understand we are one... one with each other, one with the planet. Vision a Planet bereft of fear, hate and prejudice...abundant of love... A Planet without Borders.”

**Favorable Report; Read Second Time;
Third Reading Ordered**

H. 53

Rep. Ode of Burlington, for the committee on Natural Resources, Fish & Wildlife, to which had been referred House bill, entitled

An act relating to permitting planting projects in flood hazard areas

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.

Adjournment

At eleven o'clock and fourteen minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, February 1, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 164

By Rep. Beck of St. Johnsbury,

House bill, entitled

An act relating to reducing over time the cap on property tax adjustments;

To the committee on Education.

H. 165

By Rep. Willhoit of St. Johnsbury,

House bill, entitled

An act relating to the repeal of the crime of obtaining maps while at war;

To the committee on General, Housing and Military Affairs.

H. 166

By Reps. Masland of Thetford, Briglin of Thetford and Yantachka of Charlotte,

House bill, entitled

An act relating to shared parental rights and responsibilities and equal parent-child contact;

To the committee on Judiciary.

H. 167

By Reps. Grad of Moretown, Burditt of West Rutland, Colburn of Burlington and Conquest of Newbury,

House bill, entitled

An act relating to establishing drug possession thresholds to distinguish misdemeanor and felony crimes;

To the committee on Judiciary.

H. 168

By Rep. Beck of St. Johnsbury,
House bill, entitled

An act relating to special education reimbursement and weighted long-term membership;

To the committee on Education.

H. 169

By Reps. Till of Jericho, Brumsted of Shelburne, Christie of Hartford, Connor of Fairfield, Dunn of Essex, Jickling of Brookfield, Joseph of North Hero, Parent of St. Albans Town, Sibilina of Dover, Smith of Derby, Tate of Mendon, Troiano of Stannard, Willhoit of St. Johnsbury and Yacovone of Morristown,

House bill, entitled

An act relating to creating a property tax exemption for all veterans;

To the committee on Ways and Means.

H. 170

By Reps. Grad of Moretown, Conquest of Newbury and Burditt of West Rutland,

House bill, entitled

An act relating to possession and cultivation of marijuana by a person 21 years of age or older;

To the committee on Judiciary.

H. 171

By Reps. Grad of Moretown, Burditt of West Rutland, Conquest of Newbury, Lalonde of South Burlington and Morris of Bennington,

House bill, entitled

An act relating to expungement;

To the committee on Judiciary.

H. 172

By Reps. Canfield of Fair Haven, Gamache of Swanton, McFaun of Barre Town and Strong of Albany,

House bill, entitled

An act relating to health insurance coverage for bone marrow testing;

To the committee on Health Care.

Bill Referred to Committee on Ways and Means

H. 85

House bill, entitled

An act relating to captive insurance companies

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Joint Resolution Adopted in Concurrence

J.R.S. 12

By Senator Ashe,

J.R.S. 12. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 3, 2017, it be to meet again no later than Tuesday, February 7, 2017.

Was taken up read and adopted in concurrence.

Judicial Nominating Board Elected

Pursuant to 4 V.S.A. § 601, the Speaker nominated as a committee to the Judicial Nominating Board the following named members:

Rep. Grad of Moretown

Rep. Morris of Bennington

Rep. Myers of Essex

Rep. Burditt of West Rutland moved the election of the candidates, as nominated by the Speaker, which was agreed to.

**Vermont Child Poverty
Council Announced**

Pursuant to Act No. 68 of 2007, Sec. 1(b), the Chair hereby announces the following members of the Vermont Child Poverty Council:

Rep. Lanpher of Vergennes

Rep. Sharpe of Bristol

Rep. Wood of Waterbury

Government Accountability Committee Appointed

Pursuant to 2 V.S.A. § 970, the Chair hereby appoints the following members to the Government Accountability Committee:

Rep. Beck of St. Johnsbury
Rep. Brumsted of Shelburne
Rep. Scheu of Middlebury
Rep. Townsend of South Burlington

Joint Energy Committee Appointed

Pursuant to 2 V.S.A. § 601, the Chair hereby appoints the following members to Joint Energy Committee:

Rep. McCormack of Burlington
Rep. Lefebvre of Newark
Rep. Sullivan of Burlington
Rep. Van Wyck of Ferrisburgh

Joint Legislative Justice Oversight Committee Appointed

Pursuant to 2 V.S.A. § 801, the Chair hereby appoints the following members to the Joint Legislative Oversight Committee:

Rep. Emmons of Springfield
Rep. Grad of Moretown
Rep. Haas of Rochester
Rep. Hooper of Montpelier
Rep. Shaw of Pittsford

Public Transit Advisory Council Appointed

Pursuant to 24 V.S.A. § 5084, the Chair hereby appoints the following member to the Public Transit Advisory Council:

Rep. Burke of Brattleboro

**Vermont Information Technology Leaders Inc. (VITL)
Board Of Directors Appointed**

Pursuant to 18 V.S.A. § 9352, the Chair hereby appoints the following member to the Vermont Information Technology Leaders Inc. Board of Directors:

Rep. Houghton of Essex

**Vermont Citizens Advisory Committee On
Lake Champlain's Future Appointed**

Pursuant to 10 V.S.A. § 1960, the Chair hereby appoints the following member to the Vermont Citizens Advisory Committee on Lake Champlain's Future:

Rep. Ode of Burlington

Access Board Announced

Pursuant to 20 V.S.A. § 2901, the Chair hereby announces the following member of the Access Board:

Rep. Emmons of Springfield

Message from the Senate No. 14

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed a Senate bill of the following title:

S. 17. An act relating to the qualifications of candidates for Adjutant and Inspector General.

In the passage of which the concurrence of the House is requested.

Third Reading; Bill Passed

H. 53

House bill, entitled

An act relating to permitting planting projects in flood hazard areas

Was taken up, read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 58

Rep. McCullough of Williston, for the committee on Natural Resources, Fish & Wildlife, to which had been referred House bill, entitled

An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older

Reported in favor of its passage when amended as follows:

Sec. 1 10 V.S.A. § 4255(c) is amended to read:

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

(1) A Vermont resident ~~70~~ 66 years of age or older may receive one or all of the following licenses ~~at no cost~~ for \$60.00:

(A) a permanent fishing license;

(B) if the person qualifies for a hunting license, a permanent combination fishing and hunting license, which shall include all big game licenses, except for a moose license;

(C) if the person qualifies for a trapping license, a permanent trapping license; and

(D) if the person qualifies for an archery license, ~~an~~ a permanent archery license.

* * *

Sec. 2. EFFECTIVE DATE; IMPLEMENTATION

This act shall take effect on passage, provided that the Commissioner of Fish and Wildlife shall not start collecting license fees for licenses issued under 10 V.S.A. § 4255(c)(1) until July 1, 2017.

And that after passage the title of the bill be amended to read: “An act relating to permanent licenses for persons 66 years of age or older”

Rep. Canfield of Fair Haven, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on Natural Resources, Fish, & Wildlife and when further amended as follows:

By striking out Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Natural Resources, Fish & Wildlife amended as recommended by the committee on Ways and Means. Report of the committee on Natural Resources, Fish & Wildlife as amended agreed to and third reading ordered.

Resolution Taken Up; Resolution Amended; Adopted

H.R. 8

House resolution relating to conducting a recount in the election for the House of Representatives for the Orange–1 District

Rep. Townsend of South Burlington, spoke for the committee on Government Operations.

Pending the question Shall the resolution be adopted? **Rep. Townsend of South Burlington** moved to amend the resolution as follows:

First: By striking the fourth, fifth, and sixth resolved clauses.

Second: In the third, seventh, eighth and ninth resolved clauses after the word "Recount", by striking "Committee" where it severally appears and inserting in lieu thereof "Panel"

Third: By inserting a new fourth resolved clause to read:

Resolved: That temporary House Rule 90b. is established as follows:

90b. Special Recount Panel. The Panel shall be composed of 23 members. The leader of the Progressive Party caucus shall appoint six members, one of whom shall be a current member of the Committee on Government Operations who belongs to the Progressive Party caucus. The leader of the Democratic Party caucus shall appoint five members, each of whom shall be a current member of the Committee on Government Operations who belongs to the Democratic caucus. The leader of the Republican Party caucus shall appoint 11 members, four of whom shall be a current member of the Committee on Government Operations who belongs to the Republican caucus. If the leader of the Progressive, Republican, or Democratic caucus fails to appoint sufficient members, the Speaker of the House shall do so. In addition to these 22 members, the Chair of the Committee on Government Operations shall serve on the Special Recount Panel as presiding officer, and shall have the special assistance of the Republican and Progressive Party caucus leaders.

The panel shall have the power to review and count ballots in the matter of the contested election in District Orange-1. The policies and procedures governing this Panel shall be adopted by the Committee on Government Operations. The Panel shall report its findings to the Committee on Government Operations. The Panel may conduct its business and members shall not be subject to the provisions of House Rules 10 and 27. Temporary Rule 90b shall be in effect until the Panel has completed its duties and this Rule shall be dissolved after the report of the Committee on Government Operations has been voted on by the House of Representatives.

Fourth: By striking the tenth resolved clause and inserting in lieu thereof the following:

Resolved: That the Committee on Government Operations shall report its findings and recommendations to the House of Representatives as to whether it recommends Robert Frenier or Susan Hatch Davis should be the duly elected

and qualified Representative for the Orange-1 District in the House of Representatives upon which the House of Representatives will take a final vote.

Pending the question, Shall the resolution be amended as recommended by Rep. Townsend of South Burlington? **Rep. LaClair of Barre Town** 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 amended as recommended by Rep. Townsend of South Burlington? was decided in the affirmative. Yeas, 83. Nays, 57. Abstain, 1.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Noyes of Wolcott
Bartholomew of Hartland	Gardner of Richmond	Ode of Burlington
Belaski of Windsor	Giambatista of Essex	O'Sullivan of Burlington
Bock of Chester	Gonzalez of Winooski	Partridge of Windham
Botzow of Pownal	Grad of Moretown	Poirier of Barre City
Briglin of Thetford	Haas of Rochester	Potter of Clarendon
Browning of Arlington	Head of South Burlington	Rachelson of Burlington
Brumsted of Shelburne	Hill of Wolcott	Scheu of Middlebury
Buckholz of Hartford	Hooper of Montpelier	Sharpe of Bristol
Burke of Brattleboro	Hooper of Brookfield	Sheldon of Middlebury
Carr of Brandon	Howard of Rutland City	Squirrell of Underhill
Chesnut-Tangerman of Middletown Springs	Jessup of Middlesex	Stevens of Waterbury
Christensen of Weathersfield	Joseph of North Hero	Stuart of Brattleboro
Christie of Hartford	Keenan of St. Albans City	Sullivan of Burlington
Cina of Burlington	Kimbell of Woodstock	Taylor of Colchester
Colburn of Burlington	Kitzmiller of Montpelier	Till of Jericho
Conlon of Cornwall	Krowinski of Burlington	Toleno of Brattleboro
Connor of Fairfield	Lalonde of South Burlington	Toll of Danville
Conquest of Newbury	Lanpher of Vergennes	Townsend of South Burlington
Copeland-Hanzas of	Lippert of Hinesburg	Trieber of Rockingham
Dakin of Colchester	Long of Newfane	Troiano of Stannard
Deen of Westminster	Macaig of Williston	Walz of Barre City
Donovan of Burlington	Masland of Thetford	Webb of Shelburne
Dunn of Essex	McCormack of Burlington	Weed of Enosburgh
Emmons of Springfield	McCullough of Williston	Wood of Waterbury
Fields of Bennington	Miller of Shaftsbury	Yacovone of Morristown
Forguites of Springfield	Morris of Bennington	Yantachka of Charlotte
	Mrowicki of Putney	Young of Glover

Those who voted in the negative are:

Ainsworth of Royalton	Graham of Williamstown	Nolan of Morristown
Bancroft of Westford	Greshin of Warren	Parent of St. Albans Town
Baser of Bristol	Hebert of Vernon	Pearce of Richford
Beck of St. Johnsbury	Helm of Fair Haven	Quimby of Concord
Beyor of Highgate	Higley of Lowell	Rosenquist of Georgia
Bissonnette of Winooski	Hubert of Milton	Savage of Swanton

Brennan of Colchester	Jickling of Brookfield	Scheuermann of Stowe
Burditt of West Rutland	Juskiewicz of Cambridge	Shaw of Pittsford
Canfield of Fair Haven	LaClair of Barre Town	Sibilia of Dover
Condon of Colchester	Lawrence of Lyndon	Smith of Derby
Corcoran of Bennington	Lefebvre of Newark	Smith of New Haven
Cupoli of Rutland City	Lewis of Berlin	Strong of Albany
Devereux of Mount Holly	Marcotte of Coventry	Sullivan of Dorset
Dickinson of St. Albans	Martel of Waterford	Tate of Mendon
Donahue of Northfield	McCoy of Poultney	Terenzini of Rutland Town
Fagan of Rutland City	McFaun of Barre Town	Turner of Milton
Feltus of Lyndon	Morrissey of Bennington	Van Wyck of Ferrisburgh
Gage of Rutland City	Murphy of Fairfax	Willhoit of St. Johnsbury
Gamache of Swanton	Myers of Essex	Wright of Burlington

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

Batchelor of Derby	Keefe of Manchester	Pugh of South Burlington
Houghton of Essex	Lucke of Hartford	Viens of Newport City
	Olsen of Londonderry	

Those members abstaining:

Frenier of Chelsea

Pending the question, Shall the resolution be adopted? **Rep. Haas of Rochester** moved to amend the resolution as follows:

In the first resolved clause by striking out “, except for 14 ballots previously determined to be defective,” and after the words “shall be conducted, and” by inserting “all ballots shall be inspected, and”

Pending the question, Shall the resolution be amended as offered by Rep. Haas of Rochester? **Rep. Willhoit of St. Johnsbury** moved to substitute an amendment for the amendment offered by **Rep. Haas of Rochester** as follows:

In the last resolved clause after the word “vote”, by inserting the following: “, and be it further”

Resolved: Given that the House of Representatives believes that any election result is properly in dispute when the number of defective ballots in an election is less than the number separating the winning and losing candidates, the House shall conduct a recount of every general election for the House of Representatives held in 2016 in which the difference between the number of votes received by a candidate who was deemed to have won a seat and a candidate for the same House District who did not win a seat is less than the total number of defective ballots in the same election.

Thereupon **Rep. Willhoit of St. Johnsbury** asked and was granted leave of the house to withdraw the amendment.

Pending the question, Shall the resolution be amended as offered by Rep.

Haas of Rochester? **Rep. McCoy of Poultney** 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 amended as offered by Rep. Haas of Rochester? was decided in the negative. Yeas, 11. Nays, 125. Abstained, 1.

Those who voted in the affirmative are:

Burke of Brattleboro	Colburn of Burlington	McCormack of Burlington
Chesnut-Tangerman of Middletown Springs	Gonzalez of Winooski	Poirier of Barre City
Cina of Burlington *	Haas of Rochester	Sullivan of Burlington
	Howard of Rutland City	Weed of Enosburgh

Those who voted in the negative are:

Ainsworth of Royalton	Gardner of Richmond	Nolan of Morristown
Ancel of Calais	Giambatista of Essex	Noyes of Wolcott
Bancroft of Westford	Grad of Moretown	Ode of Burlington
Bartholomew of Hartland	Graham of Williamstown	O'Sullivan of Burlington
Beck of St. Johnsbury	Greshin of Warren	Parent of St. Albans Town
Belaski of Windsor	Head of South Burlington	Partridge of Windham
Beyor of Highgate	Hebert of Vernon	Pearce of Richford
Bissonnette of Winooski	Helm of Fair Haven	Potter of Clarendon
Bock of Chester	Higley of Lowell	Quimby of Concord
Botzow of Pownal	Hill of Wolcott	Rachelson of Burlington
Brennan of Colchester	Hooper of Montpelier	Rosenquist of Georgia
Briglin of Thetford	Hooper of Brookfield	Savage of Swanton
Browning of Arlington	Hubert of Milton	Scheu of Middlebury
Brumsted of Shelburne	Jessup of Middlesex	Scheuermann of Stowe
Buckholz of Hartford	Jickling of Brookfield	Shaw of Pittsford
Burditt of West Rutland	Joseph of North Hero	Sheldon of Middlebury
Canfield of Fair Haven	Juskiewicz of Cambridge	Sibilia of Dover
Carr of Brandon	Keenan of St. Albans City	Smith of Derby
Christensen of Weathersfield	Kimbell of Woodstock	Smith of New Haven
Christie of Hartford	Kitzmiller of Montpelier	Squirrell of Underhill
Condon of Colchester	Krowinski of Burlington	Stevens of Waterbury
Conlon of Cornwall	LaClair of Barre Town	Stuart of Brattleboro
Connor of Fairfield	Lalonde of South Burlington	Sullivan of Dorset
Conquest of Newbury	Lanpher of Vergennes	Tate of Mendon
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Taylor of Colchester
Corcoran of Bennington	Lefebvre of Newark	Terenzini of Rutland Town
Cupoli of Rutland City	Lewis of Berlin	Till of Jericho
Dakin of Colchester	Lippert of Hinesburg	Toleno of Brattleboro
Deen of Westminster	Long of Newfane	Toll of Danville
Devereux of Mount Holly	Macaig of Williston	Townsend of South Burlington
Dickinson of St. Albans	Marcotte of Coventry	Trieber of Rockingham
Donahue of Northfield	Martel of Waterford	Troiano of Stannard
Donovan of Burlington	Masland of Thetford	Turner of Milton
Dunn of Essex	McCoy of Poultney	Van Wyck of Ferrisburgh
Emmons of Springfield	McCullough of Williston	Webb of Shelburne
	McFaun of Barre Town	

Fagan of Rutland City	Miller of Shaftsbury	Willhoit of St. Johnsbury
Feltus of Lyndon	Morris of Bennington	Wood of Waterbury
Fields of Bennington	Morrissey of Bennington	Wright of Burlington
Forguites of Springfield	Mrowicki of Putney	Yacovone of Morristown
Gage of Rutland City	Murphy of Fairfax	Yantachka of Charlotte
Gamache of Swanton	Myers of Essex	Young of Glover
Gannon of Wilmington		

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

Baser of Bristol	Keefe of Manchester	Sharpe of Bristol
Batchelor of Derby	Lucke of Hartford	Strong of Albany
Houghton of Essex	Olsen of Londonderry	Viens of Newport City
	Pugh of South Burlington	Walz of Barre City

Those members abstaining:

Frenier of Chelsea

Rep. Cina of Burlington explained his vote as follows:

“Mr. Speaker:

If a recount is going to be conducted, then every ballot ought to be re-inspected as part of that process. We have a responsibility to the people of Vermont to ensure that we count every valid vote in an election.”

Pending the question, Shall the resolution be adopted? **Rep. Donahue of Northfield** moved to amend the resolution as follows:

In the fourth resolved clause after the words “governing this Panel shall be adopted by the Committee on Government Operations”, by inserting the following: “and shall be approved by the House of Representatives”

Which was agreed to.

Pending the question, Shall the resolution be adopted as amended? **Rep. Bancroft of Westford** moved to amend the resolution as follows:

By striking all after the title and inserting in lieu thereof the following:

Whereas, Chapter I, Article 8 of the Vermont Constitution provides that voters have the right to elect and to be elected into office agreeably to the regulations of the Constitution, and

Whereas, Chapter II, § 14 provides that the House of Representatives shall have the power to “judge of the elections and qualifications” of its members, and

Whereas, on November 8, 2016, the general election was held for the Orange–1 House District, with four candidates competing for two House seats, and

Whereas, Rodney Graham won the most votes, 2,018, and, as a result, his election to one of the seats is not in dispute, and

Whereas, Robert Frenier received the second highest number of votes, 1,853, and Graham and Frenier were therefore declared the winners of the two House seats for this district, and

Whereas, Susan Hatch Davis, who had received 1,845 votes, eight less than Robert Frenier, requested a recount pursuant to 17 V.S.A. § 2601(b), and

Whereas, the recount was held on November 28, 2016, and three questionable ballots were submitted to the Superior Court for a final decision in accordance with law, and

Whereas, on November 29, 2016, and on December 12, 2016, Susan Hatch Davis moved in Superior Court for a hearing and second recount, and

Whereas, on December 19, 2016, the Superior Court conducted a hearing and ruled on the three disputed ballots, and issued a Judgment that Robert Frenier had received 1,852 votes, seven more than Susan Hatch Davis' 1,845 votes, and

Whereas, on December 22, 2016, Susan Hatch Davis petitioned the House of Representatives challenge the election request that the House conduct another recount, and

Whereas, the petition of Susan Hatch Davis was referred to the Committee on Government Operations, and

Whereas, the Committee on Government Operations heard testimony from witnesses, including Petitioner, Susan Hatch Davis; Petitioner's attorney; Respondent, Representative Frenier; Respondent's attorney; multiple town clerks; representatives from the Office of the Secretary of State; a representative from the Office of the Attorney General; and a former Democratic Representative who had participated in a recount in another election, and

Whereas, Petitioner and Petitioner's attorney presented numerous claims in the Petition and in their testimony before the Committee, and those claims can be broken into three groups: claims concerning the conduct of the election, claims concerning the rulings of the Superior Court, and claims concerning the conduct of the recount, and

Whereas, as to Petitioner's first group of claims, concerning the election, Petitioner's most important allegation was that early voter absentee ballots were not handled consistently by all clerks and that early voter absentee ballots that should have been counted were improperly deemed defective and therefore not counted by certain clerks, and

Whereas, after hearing the testimony of all six town clerks, it appears that all clerks properly and consistently followed the applicable law and guidance of the Secretary of State's office, and

Whereas, as a result, the Committee on Government Operations voted to no longer consider or discuss ballots that had been deemed defective by election officials, including the defective early absentee voter ballots, and

Whereas, as to Petitioner's second group of claims, regarding the rulings of the Superior Court, Petitioner argued that the court had misinterpreted statute, and thereby improperly prevented Petitioner from presenting evidence, and

Whereas, the proper avenue for such a claim, concerning a legal issue, would have been an appeal to the Supreme Court of Vermont, but Petitioner opted not to pursue an appeal, and the Committee on Government Operations did not consider this claim, and

Whereas, as to Petitioner's third group of claims, concerning the recount, Petitioner and Petitioner's attorney alleged multiple specific problems as to how the recount was conducted, including that candidates were consulted as to how to treat ballots and a counter reversed her position and sent a ballot to the Court to determine voter intent, and

Whereas, the Committee heard little testimony concerning these specific allegations, Petitioner and her attorney did not discuss or emphasize them during their testimony, and such unsubstantiated and conclusory allegations provide no basis to order yet another recount in this election, and

Whereas, concerning the recount, Petitioner and Petitioner's attorney also advanced a number of claims concerning vote tabulators, including that ballots were forced into the tabulators, transfer ballots were not created, some ballots were folded or stapled together, an appropriate tabulator memory card was not used when counting the votes of one town, and ballots were not manually inspected before being inserted into the tabulator, and

Whereas, little or no testimony was taken concerning the accuracy of these claims or, even if true, whether any of these claims would have changed the outcome of the recount, and

Whereas, instead, the Committee heard at length the testimony of a former Democratic Representative, an attorney who had represented a Democratic candidate in a contested election for a different House district, and a current Republican Representative who had represented a Republican candidate in the same matter, and

Whereas, the former Democratic Representative, as he admitted, had not participated in or observed the election or recount in the Orange-1 House

District, and

Whereas, the former Democratic Representative testified concerning how vote tabulators were used in the other contested election that he had participated in, how he believed tabulators did not always function properly, and how he believed that changes would be appropriate in how vote tabulators were used, and

Whereas, specifically, the former Democratic Representative told the Committee that in his opinion, during a recount, all ballots should be manually inspected before they are inserted into a vote tabulators, and that this procedure had been followed in the other contested election that he had participated in with the agreement of both parties, and

Whereas, the former Democratic Representative's opinion that ballots should be manually inspected before they are inserted into a vote tabulator is a procedure that appears to be contrary to 17 V.S.A. § 2602f(a)(1), which states that during a recount, all tabulator-readable ballots shall be fed through a tabulator and that any ballots that cannot be read, such as damaged ballots, shall be collected and the voter's choices transferred onto blank ballots, which will then be fed through the tabulator, and to 17 V.S.A. § 2602f(b), which states that only after all ballots have been tabulated by a vote tabulator will the recount team print the tape and examine the ballots to find write-in names and markings of voter intent that were not tabulator-readable, and count those, and

Whereas, the Secretary of State has not specifically authorized in rule or in other guidance the procedure recommended by the former Representative, and

Whereas, it is apparent that one of the main, or the main, reason that the Committee on Government Operations is recommending yet another recount be conducted is based on speculation and vague concerns about the accuracy of vote tabulators, the testimony of a person who was not present for, and had nothing to do with, the recount in the Orange-1 District, and a desire to conduct this new recount based on procedures that are contrary to statute and Secretary of State guidance, and

Whereas, it is also appears that Petitioner and her attorney have thrown forth as many allegations as possible in an effort to undermine public confidence in the election and in the hard work and competence of local election officials and the Secretary of State, now therefore be it

Resolved by the House of Representatives:

That this legislative body finds that Petitioner's first group of claims, concerning the election and in particular the treatment of early voter absentee ballots, were fully investigated by the Committee on Government Operations

and found baseless, and as a result, these claims provide no basis to doubt the election result or any basis to conduct yet another recount, and be it further

Resolved: That the House of Representatives finds that Petitioner's second group of claims, concerning the rulings of the Superior Court, which supposedly prevented Petitioner from presenting evidence, could have been pursued in an appeal, and the Committee on Government Operations appropriately declined to consider these arguments based on petitioner's failure to pursue such an appeal, and as a result, these claims also provide no basis to doubt the election result or conduct another recount, and be it further

Resolved: That the House of Representatives finds that Petitioner's third group of claims, concerning the conduct of the recount, are speculative, based on generalized concerns about the accuracy and functioning of vote tabulators or based on opinions as to how election procedures might be improved in the future, but provide no basis to doubt the results of the recount as to the Orange-1 District, or any basis to conduct yet another recount in this district, and be it further

Resolved: That the House of Representatives therefore finds that Representative Robert Frenier is duly elected and qualified to continue to hold his seat representing the Orange-1 District.

Pending the question, Shall the resolution be further amended as proposed by Rep. Bancroft of Westford? **Rep. Bancroft 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 amendment be further amended as proposed by Rep. Bancroft of Westford? was decided in the negative. Yeas, 52. Nays, 87. Abstain, 1.

Those who voted in the affirmative are:

Ainsworth of Royalton	Graham of Williamstown	Nolan of Morristown
Bancroft of Westford	Greshin of Warren	Parent of St. Albans Town
Beck of St. Johnsbury	Hebert of Vernon	Pearce of Richford
Beyor of Highgate	Helm of Fair Haven	Quimby of Concord
Bissonnette of Winooski	Higley of Lowell	Rosenquist of Georgia
Brennan of Colchester	Hubert of Milton	Savage of Swanton
Burditt of West Rutland	Juskiewicz of Cambridge	Scheuermann of Stowe
Canfield of Fair Haven	LaClair of Barre Town	Shaw of Pittsford
Condon of Colchester	Lawrence of Lyndon	Smith of Derby
Corcoran of Bennington	Lefebvre of Newark	Smith of New Haven
Cupoli of Rutland City	Lewis of Berlin	Tate of Mendon
Devereux of Mount Holly	Marcotte of Coventry	Terenzini of Rutland Town
Dickinson of St. Albans	Martel of Waterford	Turner of Milton
Donahue of Northfield	McCoy of Poultney	Van Wyck of Ferrisburgh
Fagan of Rutland City	McFaun of Barre Town	Willhoit of St. Johnsbury
Feltus of Lyndon	Morrissey of Bennington	Wright of Burlington
Gage of Rutland City	Murphy of Fairfax	

Gamache of Swanton

Myers of Essex

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Bartholomew of Hartland	Gardner of Richmond	O'Sullivan of Burlington
Baser of Bristol	Giambatista of Essex	Partridge of Windham
Batchelor of Derby	Gonzalez of Winooski	Poirier of Barre City
Belaski of Windsor	Grad of Moretown	Potter of Clarendon
Bock of Chester	Haas of Rochester	Rachelson of Burlington
Botzow of Pownal	Head of South Burlington	Scheu of Middlebury
Briglin of Thetford	Hill of Wolcott	Sharpe of Bristol
Browning of Arlington	Hooper of Montpelier	Sheldon of Middlebury
Brumsted of Shelburne	Hooper of Brookfield	Sibilia of Dover
Buckholz of Hartford	Howard of Rutland City	Squirrell of Underhill
Burke of Brattleboro	Jessup of Middlesex	Stevens of Waterbury
Carr of Brandon	Jickling of Brookfield	Stuart of Brattleboro
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Sullivan of Dorset
Christensen of Weathersfield	Keenan of St. Albans City	Sullivan of Burlington
Christie of Hartford	Kimbell of Woodstock	Taylor of Colchester
Cina of Burlington	Kitzmillier of Montpelier	Till of Jericho
Colburn of Burlington	Krowinski of Burlington	Toleno of Brattleboro
Conlon of Cornwall	Lalonde of South Burlington	Toll of Danville
Connor of Fairfield	Lanpher of Vergennes	Townsend of South Burlington
Conquest of Newbury	Lippert of Hinesburg	Trieber of Rockingham
Copeland-Hanzas of	Long of Newfane	Troiano of Stannard
Dakin of Colchester	Macaig of Williston	Webb of Shelburne
Deen of Westminster	Masland of Thetford	Weed of Enosburgh
Donovan of Burlington	McCormack of Burlington	Wood of Waterbury
Dunn of Essex	McCullough of Williston	Yacovone of Morristown
Emmons of Springfield	Miller of Shaftsbury	Yantachka of Charlotte
Fields of Bennington	Morris of Bennington	Young of Glover
Forguites of Springfield	Mrowicki of Putney	
	Noyes of Wolcott	

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

Houghton of Essex	Lucke of Hartford	Strong of Albany
Keefe of Manchester	Olsen of Londonderry	Viens of Newport City
	Pugh of South Burlington	Walz of Barre City

Those members abstaining:

Frenier of Chelsea

Pending the question, Shall the resolution be adopted as amended? **Rep. Ainsworth of Royalton** moved to amend the resolution as follows:

First: By striking out in its entirety the second Resolved clause (regarding the requirement that the Committee on Government Operations adopt policies and procedures as to how the recount shall be conducted)

Second: In the fourth Resolved clause (adding temporary House Rule 90b), in the sixth sentence, following “In addition to these 22 members,” by striking out “the Chair of the Committee on Government Operations” and inserting in lieu thereof “the Speaker of the House”, and by striking out in its entirety the eighth sentence (“The policies and procedures governing this Panel shall be adopted by the Committee on Government Operations.”).

Third: By adding a fifth resolved clause to read:

Resolved: That the Special Recount Panel shall conduct its recount procedures in accordance with State law set forth in 17 V.S.A. chapter 51 (conduct of elections), subchapter 9 (recounts and contests of elections) to the fullest extent practicable in the context of the Special Recount Panel’s acting as the recount committee described in that subchapter. To wit, those recount procedures include the following:

(1) The Speaker of the House, with the special assistance of the Republican and Progressive Party caucus leaders, shall act as presiding officer and supervise the recount in place of the county clerk, as described in the subchapter.

(2) The Speaker shall assign duties to the members of the Special Recount Panel, securely store ballots, and provide the necessary materials for the recount in accordance with 17 V.S.A. § 2602b.

(3) Before the recount begins, the Speaker shall explain the recount procedures, answer questions relating to those procedures, and use volunteer town clerks to operate and instruct on the use of vote tabulators in accordance with 17 V.S.A. § 2602c(a).

(4) The Special Recount Panel shall inspect, number, and maintain the containers in accordance with 17 V.S.A. § 2602c(b)–(f).

(5) The Special Recount Panel shall examine the checklist and make a determination regarding the number of voters who voted at a polling place in accordance with 17 V.S.A. § 2602d.

(6) The Special Recount Panel shall then feed through a vote tabulator the vote tabulator-readable ballots from each polling place in accordance with 17 V.S.A. § 2602f(a). The physical nature of a ballot shall determine whether a ballot is vote-tabulator readable. Any votes on a ballot that are unable to be read by a vote tabulator, such as a damaged or a plain paper ballot, shall be transferred to a blank vote tabulator-readable ballot, and these transfer ballots shall be fed into the vote tabulator after the original vote tabulator-readable ballots have been fed through, in accordance with that subsection.

(7) In accordance with 17 V.S.A. § 2602f(b):

(A) After all ballots from a polling place have been fed through a vote tabulator, the Special Recount Panel shall print the tabulator tape containing the results and document the results on a tally sheet.

(B) Members of this Panel shall then remove the ballots from the tabulator ballot box and divide the ballots among the members for them to then examine those ballots to find write-in names and markings of voter intent that were not vote tabulator-readable as outlined in the Secretary of State's vote tabulator guide and most recent elections procedures manual.

(8) In accordance with 17 V.S.A. § 2602f(c), if one member of the Special Recount Panel does not agree on how a ballot should be counted, it shall be deemed a questionable ballot and the Speaker, with the special assistance of the Republican and Progressive Party caucus leaders, shall render a final decision on how that ballot shall be counted.

(9) In accordance with 17 V.S.A. § 2602h, after the totals for a polling place have been listed, the Speaker shall:

(A) Add them up in the presence of the Special Recount Panel and shall compare that number with the number of voters who voted at the polling place and shall note on the summary sheet the amount of any difference in those numbers.

(B) Return all ballots to their container, seal it, record the seal number on the summary sheet, and move the container to another side of the room.

(10) The Special Recount Panel shall repeat the tallying for each container until the results from each polling place within a town have been recounted, and then until the results from all towns have been recounted, in accordance with 17 V.S.A. § 2602h(c).

(11) The Speaker shall then add the totals on each summary sheet and shall certify the results.

Pending the question, Shall the resolution be further amended as offered by Rep. Ainsworth of Royalton? **Rep. Ainsworth of Royalton** 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 further amended as offered by Rep. Ainsworth of Royalton? was decided in the negative. Yeas, 52. Nays, 84. Abstained, 1.

Those who voted in the affirmative are:

Ainsworth of Royalton
Bancroft of Westford
Beck of St. Johnsbury
Beyor of Highgate

Graham of Williamstown
Greshin of Warren
Hebert of Vernon
Helm of Fair Haven

Nolan of Morristown
Parent of St. Albans Town
Pearce of Richford
Quimby of Concord

Bissonnette of Winooski	Higley of Lowell	Rosenquist of Georgia
Brennan of Colchester	Hubert of Milton	Savage of Swanton
Burditt of West Rutland	Jickling of Brookfield	Scheuermann of Stowe
Canfield of Fair Haven	Juskiewicz of Cambridge	Shaw of Pittsford
Condon of Colchester	LaClair of Barre Town	Smith of Derby
Corcoran of Bennington	Lawrence of Lyndon	Smith of New Haven
Cupoli of Rutland City	Lefebvre of Newark	Tate of Mendon
Devereux of Mount Holly	Lewis of Berlin	Terenzini of Rutland Town
Dickinson of St. Albans	Marcotte of Coventry	Turner of Milton
Donahue of Northfield	Martel of Waterford	Van Wyck of Ferrisburgh
Fagan of Rutland City	McCoy of Poultney	Willhoit of St. Johnsbury
Feltus of Lyndon	McFaun of Barre Town	Wright of Burlington
Gage of Rutland City	Morrissey of Bennington	
Gamache of Swanton	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Gardner of Richmond	O'Sullivan of Burlington
Bartholomew of Hartland	Giambatista of Essex	Partridge of Windham
Belaski of Windsor	Gonzalez of Winooski	Poirier of Barre City
Bock of Chester	Grad of Moretown	Potter of Clarendon
Botzow of Pownal	Haas of Rochester	Rachelson of Burlington
Briglin of Thetford	Head of South Burlington	Scheu of Middlebury
Browning of Arlington	Hill of Wolcott	Sharpe of Bristol
Brumsted of Shelburne	Hooper of Montpelier	Sheldon of Middlebury
Buckholz of Hartford	Hooper of Brookfield	Sibilia of Dover
Burke of Brattleboro	Howard of Rutland City	Squirrell of Underhill
Carr of Brandon	Jessup of Middlesex	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Stuart of Brattleboro
Christensen of Weathersfield	Keenan of St. Albans City	Sullivan of Dorset
Christie of Hartford	Kimbell of Woodstock	Sullivan of Burlington
Cina of Burlington	Kitzmiller of Montpelier	Taylor of Colchester
Colburn of Burlington	Krowinski of Burlington	Till of Jericho
Conlon of Cornwall	Lanpher of Vergennes	Toleno of Brattleboro
Connor of Fairfield	Lippert of Hinesburg	Toll of Danville
Conquest of Newbury	Long of Newfane	
Copeland-Hanzas of	Macaig of Williston	Townsend of South Burlington
Dakin of Colchester	Masland of Thetford	Trieber of Rockingham
Deen of Westminster	McCormack of Burlington	Troiano of Stannard
Donovan of Burlington	McCullough of Williston	Webb of Shelburne
Dunn of Essex	Miller of Shaftsbury	Weed of Enosburgh
Emmons of Springfield	Morris of Bennington	Wood of Waterbury
Fields of Bennington	Mrowicki of Putney	Yacovone of Morristown
Forguites of Springfield	Murphy of Fairfax	Yantachka of Charlotte
Gannon of Wilmington	Noyes of Wolcott	Young of Glover
	Ode of Burlington	

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

Baser of Bristol	Keefe of Manchester	Pugh of South Burlington
Batchelor of Derby	Lalonde of South Burlington	Strong of Albany
Houghton of Essex	Lucke of Hartford	Viens of Newport City

Olsen of Londonderry

Walz of Barre City

Those members abstaining:

Frenier of Chelsea

Pending the question, Shall the resolution be adopted as amended? **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 resolution be adopted as amended? was decided in the affirmative. Yeas, 76. Nays, 59. Abstained, 1.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Bartholomew of Hartland	Gardner of Richmond	O'Sullivan of Burlington
Belaski of Windsor	Giambatista of Essex	Partridge of Windham
Bock of Chester	Gonzalez of Winooski	Poirier of Barre City
Botzow of Pownal	Grad of Moretown	Potter of Clarendon
Browning of Arlington	Haas of Rochester	Rachelson of Burlington
Brumsted of Shelburne	Head of South Burlington	Scheu of Middlebury
Buckholz of Hartford	Hill of Wolcott	Sharpe of Bristol
Burke of Brattleboro	Hooper of Montpelier	Sheldon of Middlebury
Carr of Brandon	Howard of Rutland City	Squirrell of Underhill
Chesnut-Tangerman of	Jessup of Middlesex	Stevens of Waterbury
Middletown Springs	Joseph of North Hero	Stuart of Brattleboro
Christensen of Weathersfield	Keenan of St. Albans City	Sullivan of Burlington
Christie of Hartford	Kimbell of Woodstock	Till of Jericho
Cina of Burlington	Kitzmiller of Montpelier	Toleno of Brattleboro
Colburn of Burlington	Krowinski of Burlington	Toll of Danville
Conlon of Cornwall	Lanpher of Vergennes	Townsend of South
Connor of Fairfield	Lippert of Hinesburg	Burlington
Conquest of Newbury	Long of Newfane	Trieber of Rockingham
Copeland-Hanzas of	Macaig of Williston	Troiano of Stannard
Bradford	McCormack of Burlington	Webb of Shelburne
Dakin of Colchester	McCullough of Williston	Weed of Enosburgh
Deen of Westminster	Miller of Shaftsbury	Wood of Waterbury
Donovan of Burlington	Morris of Bennington	Yacovone of Morristown
Dunn of Essex	Mrowicki of Putney	Yantachka of Charlotte
Emmons of Springfield	Noyes of Wolcott	Young of Glover
Fields of Bennington		

Those who voted in the negative are:

Ainsworth of Royalton	Greshin of Warren	Nolan of Morristown
Bancroft of Westford	Hebert of Vernon	Parent of St. Albans Town
Beck of St. Johnsbury	Helm of Fair Haven	Pearce of Richford
Beyor of Highgate	Higley of Lowell	Quimby of Concord
Bissonnette of Winooski	Hooper of Brookfield	Rosenquist of Georgia
Brennan of Colchester	Hubert of Milton	Savage of Swanton
Briglin of Thetford	Jickling of Brookfield	Scheuermann of Stowe
Burditt of West Rutland	Juskiewicz of Cambridge	Shaw of Pittsford

Canfield of Fair Haven	LaClair of Barre Town	Sibilia of Dover
Condon of Colchester	Lawrence of Lyndon	Smith of Derby
Corcoran of Bennington	Lefebvre of Newark	Smith of New Haven
Cupoli of Rutland City	Lewis of Berlin	Sullivan of Dorset
Dickinson of St. Albans	Marcotte of Coventry	Tate of Mendon
Donahue of Northfield	Martel of Waterford	Taylor of Colchester
Fagan of Rutland City	Masland of Thetford	Terenzini of Rutland Town
Feltus of Lyndon	McCoy of Poultney	Turner of Milton *
Forguites of Springfield	McFaun of Barre Town	Van Wyck of Ferrisburgh
Gage of Rutland City	Morrissey of Bennington	Willhoit of St. Johnsbury
Gamache of Swanton	Murphy of Fairfax	Wright of Burlington
Graham of Williamstown *	Myers of Essex	

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

Baser of Bristol	Keefe of Manchester	Strong of Albany
Batchelor of Derby	Lalonde of South Burlington	Viens of Newport City
Devereux of Mount Holly	Lucke of Hartford	Walz of Barre City
Houghton of Essex	Olsen of Londonderry	
	Pugh of South Burlington	

Those members abstaining:

Frenier of Chelsea

Rep. Bartholomew of Hartland explained his vote as follows:

“Madam Speaker:

I represent three Vermont towns. One of these is small enough that votes still are hand counted. The other two towns now use vote tabulators, but the leadership for one of these, my home town, was extremely reluctant to embrace the use of this technology. One of their concerns related to the accuracy of results. These town officials will not be pleased to learn that the margin of error introduced by these devices may exceed the potential for errors when hand counting votes. My vote relates to the uncertainty introduced by the tabulators. The election process is taken very seriously in my district. I feel certain that my constituents will agree that every reasonable effort be made to determine the intention of the voters to determine the winner in close elections. This is will only make our democracy stronger. This is why I voted for this resolution.”

Rep. Graham of Williamstown explained his vote as follows:

“Madam Speaker:

It’s a sad day in Vermont and our country when we elected officials cannot trust the many people we elected to oversee our elections and we cannot trust our Judiciary system overseeing recounts.”

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

Democracy is not easy. It is not clean and neat and especially in this instance it is not quick and expeditious. It does require a clean and clear result. My vote is for the process to play out until, we get to a clear resolution. Today not only are the voters served but the Constitution.”

Rep. Turner of Milton explained his vote as follows:

“Madam Speaker:

Today I vote “no”! This Vermont House of Representatives voted on party lines to judge the election and qualifications of a member. However, it does not hold the power to override the democratic processes of the collective will of the people. Authorizing another recount of a settled election sets a problematic precedent and amounts to a shameful corruption of our legislative duty. It’s unfortunate that the majority is using Washington style partisan politics here in Vermont rather than resolving this issue the “Vermont way”. I’m very disappointed that the majority, by adopting this resolution has failed to reject what is a blatantly prejudiced effort to challenge the legitimacy of a democratically elected official, and the competence of the voters, town clerks and judiciary involved in the Orange-1 district election and recount.”

Adjournment

At seven o'clock and seventeen minutes in the evening, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, February 2, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 173

By Rep. Yantachka of Charlotte,
House bill, entitled

An act relating to solid waste management of beverage containers;
To the committee on Natural Resources, Fish & Wildlife.

H. 174

By Reps. Beck of St. Johnsbury and Bartholomew of Hartland,
House bill, entitled

An act relating to school district consolidation;
To the committee on Education.

H. 175

By Reps. Townsend of South Burlington, Donovan of Burlington, Dunn of Essex, Fields of Bennington, Houghton of Essex, Kitzmiller of Montpelier, McCullough of Williston, Mrowicki of Putney, O'Sullivan of Burlington, Partridge of Windham, Sullivan of Dorset, Till of Jericho, Toll of Danville and Yantachka of Charlotte,

House bill, entitled

An act relating to including psychological abuse as the basis for obtaining a civil abuse protection order;

To the committee on Judiciary.

H. 176

By Reps. Sullivan of Dorset, Poirier of Barre City, Gannon of Wilmington and Kimbell of Woodstock,

House bill, entitled

An act relating to the assessment of Vermont's public benefit structure;

To the committee on Human Services.

H. 177

By Rep. McCullough of Williston,

House bill, entitled

An act relating to the moisture content of firewood sold in Vermont;

To the committee on Agriculture & Forestry.

H. 178

By Reps. Till of Jericho, Dakin of Colchester, Dunn of Essex, Kitzmiller of Montpelier, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Sharpe of Bristol, Sullivan of Burlington, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to the taxation of electronic cigarettes;

To the committee on Ways and Means.

H. 179

By Reps. Till of Jericho, Dakin of Colchester, Donovan of Burlington, Kitzmiller of Montpelier, McCullough of Williston, Miller of Shaftsbury and Sullivan of Burlington,

House bill, entitled

An act relating to increasing the tobacco tax on cigarettes and new smokeless tobacco;

To the committee on Ways and Means.

H. 180

By Reps. Helm of Fair Haven, Brennan of Colchester, Canfield of Fair Haven, Juskiewicz of Cambridge and Savage of Swanton,

House bill, entitled

An act relating to warranty obligations for motorboat and personal watercraft dealers;

To the committee on Transportation.

H. 181

By Reps. Stevens of Waterbury, Christie of Hartford, Copeland-Hanzas of Bradford, Donovan of Burlington, Howard of Rutland City, Ode of Burlington, Poirier of Barre City, Sullivan of Burlington, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh, Wood of Waterbury and Yantachka of Charlotte,

House bill, entitled

An act relating to promoting safe, sustainable, and affordable housing;

To the committee on General, Housing and Military Affairs.

H. 182

By Botzow of Pownal, Marcotte of Coventry, Hill of Wolcott, O'Sullivan of Burlington, Stuart of Brattleboro and Sullivan of Dorset,

House bill, entitled

An act relating to certain businesses regulated by the Department of Financial Regulation;

To the committee on Commerce and Economic Development.

H. 183

By Reps. Olsen of Londonderry, Long of Newfane, Sibia of Dover, Browning of Arlington, Gannon of Wilmington and Partridge of Windham,

House bill, entitled

An act relating to funding for school districts with declining student enrollment;

To the committee on Education.

H. 184

By Reps. Masland of Thetford, Briglin of Thetford, Donahue of Northfield, Donovan of Burlington, Lalonde of South Burlington, Strong of Albany, Stuart of Brattleboro, Till of Jericho, Walz of Barre City and Young of Glover,

House bill, entitled

An act relating to evaluation of suicide profiles;

To the committee on Health Care.

H. 185

By Reps. McCormack of Burlington, Colburn of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to the efficient operation of air conditioners and heating systems at retail establishments;

To the committee on Energy and Technology.

H. 186

By Reps. Masland of Thetford, Briglin of Thetford, Conquest of Newbury, Copeland-Hanzas of Bradford, Haas of Rochester, Hooper of Montpelier, Hooper of Brookfield, O'Sullivan of Burlington, Sibia of Dover and Tate of Mendon,

House bill, entitled

An act relating to pole attachment rules and broadband deployment;

To the committee on Energy and Technology.

H. 187

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to prohibiting smoking outside places of business;
To the committee on Human Services.

Senate Bill Referred

S. 17

Senate bill, entitled

An act relating to the qualifications of candidates for Adjutant and Inspector General;

Was taken up, read the first time and referred to the committee on General; Housing and Military Affairs.

Joint Resolution Referred to Committee

J.R.H. 3

Joint resolution requesting Congress to call an Article V Convention of the states limited to proposing specific U.S. Constitutional Amendments

Offered by: Representatives Helm of Fair Haven, Batchelor of Derby, Strong of Albany, Cupoli of Rutland City, Gage of Rutland City, Higley of Lowell, Martel of Waterford, Pearce of Richford, Shaw of Pittsford, and Viens of Newport City

Whereas, the founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government, and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending, and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent, and

Whereas, it is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly of the State of Vermont hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the

federal government, and limit the terms of office for its officials and for members of Congress, and be it further

Resolved: That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the President and the Secretary of the U.S. Senate, the Speaker and the Clerk of the U.S. House of Representatives, and the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Government Operations.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 20

Rep. Grad of Moretown moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to prohibiting consumption of marijuana in a motor vehicle

And that the bill be committed to the committee on Transportation, which was agreed to.

Third Reading; Bill Passed

H. 58

House bill, entitled

An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older

Was taken up, read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 38

Rep. Beyor of Highgate for the committee on Natural Resources, Fish & Wildlife, to which had been referred House bill entitled,

An act relating to the membership of the Clean Water Fund Board

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 1389 is amended to read:

§ 1389. CLEAN WATER FUND BOARD

(a) Creation. There is created a Clean Water Fund Board which shall recommend to the Secretary of Administration expenditures from the Clean Water Fund. The Clean Water Fund Board shall be attached to the Agency of Administration for administrative purposes.

(b) Organization of the Board. The Clean Water Fund Board shall be composed of:

- (1) ~~the~~ The Secretary of Administration or designee;
- (2) ~~the~~ The Secretary of Natural Resources or designee;
- (3) ~~the~~ The Secretary of Agriculture, Food and Markets or designee;
- (4) ~~the~~ The Secretary of Commerce and Community Development or designee; ~~and~~.
- (5) ~~the~~ The Secretary of Transportation or designee.

(6) Six members of the public to be appointed as follows:

(A) The Speaker of the House of Representatives shall appoint three members of the public, one of whom shall be a municipal official.

(B) The Committee on Committees shall appoint three members of the public, one of whom shall be a municipal official.

(C) Of the members appointed under this subdivision (6), it is the intent of the General Assembly that at any one time a member representing each of the following major watersheds shall be serving on the Board:

- (i) the Connecticut River watershed;
- (ii) the Hudson River watershed;
- (iii) the Lake Champlain watershed; and
- (iv) the Lake Memphramagog watershed.

(c) Officers; committees; rules; reimbursement.

(1) The Clean Water Fund Board shall annually elect a chair from its members. The Clean Water Fund Board may elect additional officers from its members, establish committees or subcommittees, and adopt procedural rules as necessary and appropriate to perform its work.

(2) Members of the Board who are not employees of the State of Vermont, who are not legislators, and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 paid from the budget of the Agency of Administration for attendance of meetings of the Board.

Legislative members of the Board shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

* * *

(g) Terms; appointed members. Members who are appointed to the Clean Water Fund Board shall be appointed for terms of three years, except initially, appointments shall be made such that two members appointed by the Speaker shall be appointed for a term of two years, and two members appointed by the Committee on Committees shall be appointed for a term of one year. Vacancies on the Board shall be filled for the remaining period of the term in the same manner as initial appointments.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Helm of Fair Haven, for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committee on Natural Resources, Fish & Wildlife.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committees on Natural Resources, Fish & Wildlife and Appropriations agreed to and third reading was ordered.

Favorable Report; Read Second Time; Third Reading Ordered

S. 1

Rep. Cupoli of Rutland City, for the committee on Education, to which had been referred Senate bill, entitled

An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018

Reported in favor of its passage in concurrence.

Rep. Wright of Burlington, for the committee on Ways & Means 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 was ordered.

Adjournment

At one o'clock and twenty 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.

Friday, February 3, 2017

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

Devotional Exercises

Devotional exercises were conducted by Geof Hewitt, Poet, Calais, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 188

By Reps. Wright of Burlington, Christie of Hartford, Cupoli of Rutland City, Dickinson of St. Albans Town, Hill of Wolcott, Jickling of Brookfield, Lewis of Berlin, Parent of St. Albans Town, Poirier of Barre City, Toll of Danville and Young of Glover,

House bill, entitled

An act relating to increasing the penalties for animal cruelty;

To the committee on Agriculture & Forestry.

H. 189

By Rep. Young of Glover,

House bill, entitled

An act relating to allowing a voter's spouse to pick up an early voter absentee ballot;

To the committee on Government Operations.

H. 190

By Reps. McCormack of Burlington, Colburn of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to regulating leaf blowers and leaf vacuums;

To the committee on Natural Resources, Fish & Wildlife.

H. 191

By Reps. Dickinson of St. Albans Town, Keefe of Manchester, McFaun of Barre Town, Myers of Essex and Webb of Shelburne,

House bill, entitled

An act relating to the recalculation of a town's education tax liability after a

reduction in property tax values;

To the committee on Ways and Means.

H. 192

By Reps. Masland of Thetford, Briglin of Thetford, Mrowicki of Putney, Troiano of Stannard and Yantachka of Charlotte,

House bill, entitled

An act relating to immunity from liability for licensed professionals providing essential services during emergencies;

To the committee on Judiciary.

H. 193

By Rep. Till of Jericho,

House bill, entitled

An act relating to liability for damage to customer-owned, underground electric service lines;

To the committee on Energy and Technology.

H. 194

By Reps. Baser of Bristol and Deen of Westminster,

House bill, entitled

An act relating to priority housing projects under 10 V.S.A. chapter 151 (Act 250);

To the committee on General, Housing and Military Affairs.

Green Mountain Care Board Nominating Committee Appointed

Pursuant to 18 V.S.A. § 9390, the Chair hereby appoints the following members to the Green Mountain Care Board Nominating Committee:

Rep. Bancroft of Westford

Rep. Lippert of Hinesburg

Dr. Allan Ramsay

Legislative Advisory Committee On The State House Appointed

Pursuant to 2 V.S.A. § 651, the Chair hereby appoints the following members to the Legislative Advisory Committee on the State House:

Rep. Burke of Brattleboro

Rep. Kitzmiller of Montpelier

Rep. Strong of Albany

Governor's Snowmobile Council Appointed

Pursuant to 23 V.S.A. § 3216, the Chair hereby appoints the following member to the Governor's Snowmobile Council:

Rep. Nolan of Morristown

Third Reading; Bill Passed**H. 38**

House bill, entitled

An act relating to the membership of the Clean Water Fund Board

Was taken up, read the third time and passed.

Senate Bill Considered; Consideration Interrupted**S. 1**

Pending third reading on Senate bill, entitled

An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018

Rep. Poirier of Barre City moved that the House propose to the Senate to amend the bill as follows:

By adding a new Sec. 2 to read:

Sec. 2. SCHOOL DISTRICT BUDGET VOTES FOR FISCAL YEAR 2018

Notwithstanding any other provision of law, a special school budget vote date is set for Tuesday, May 23, 2017 for school districts to vote a budget for fiscal year 2018. This date shall be in place of the budget votes scheduled under current law for fiscal year 2018 school district budgets.

and by renumbering the remaining section to be numerically correct.

Rep. Wright of Burlington raised a Point of Order whether the amendment was germane. The Speaker ruled the amendment was germane as the amendment and the bill both considered dates for budgeting purposes.

Recess

At ten o'clock and nine minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed; Bill Read Third Time; Passed

S. 1

Consideration resumed on Senate bill, entitled

An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018

Pending the question Shall the House propose to the Senate to amend the bill as proposed by Rep. Poirier of Barre City? **Rep. Beck of St. Johnsbury** moved to substitute an amendment for the amendment offered by the **Rep. Poirier of Barre City**, as follows:

Propose to the Senate that the bill be amended by adding a new Sec. 2 to read:

Sec. 2. SCHOOL DISTRICT BUDGET VOTES

Notwithstanding any provision of law, for fiscal year 2019 and every succeeding fiscal year, the electorate of a school district shall vote on the district's proposed budget no earlier than the Tuesday preceding Memorial Day.

And by renumbering the remaining section to be numerically correct.

Thereupon **Rep. Beck of St. Johnsbury** asked and was granted leave of the House to withdraw the amendment.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by Rep. Poirier of Barre City? **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 propose to the Senate to amend the bill as offered by Rep. Poirier of Barre City? was decided in the negative. Yeas, 47. Nays, 87.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gage of Rutland City	Nolan of Morristown
Bancroft of Westford	Gamache of Swanton	Parent of St. Albans Town
Baser of Bristol	Graham of Williamstown	Pearce of Richford
Beck of St. Johnsbury	Hebert of Vernon	Rosenquist of Georgia
Beyor of Highgate	Helm of Fair Haven	Savage of Swanton
Brennan of Colchester	Higley of Lowell	Scheuermann of Stowe
Burditt of West Rutland	Hubert of Milton	Shaw of Pittsford
Canfield of Fair Haven	Juskiewicz of Cambridge	Smith of Derby
Cupoli of Rutland City	LaClair of Barre Town	Smith of New Haven
Devereux of Mount Holly	Lawrence of Lyndon	Strong of Albany
Dickinson of St. Albans	Lefebvre of Newark *	Tate of Mendon
Donahue of Northfield	Lewis of Berlin	Terenzini of Rutland Town
Fagan of Rutland City	Marcotte of Coventry	Turner of Milton

Feltus of Lyndon	McCoy of Poultney	Van Wyck of Ferrisburgh
Frenier of Chelsea	McFaun of Barre Town	Viens of Newport City
	Myers of Essex	Willhoit of St. Johnsbury

Those who voted in the negative are:

Ancel of Calais	Giambatista of Essex	Ode of Burlington
Bartholomew of Hartland	Gonzalez of Winooski	O'Sullivan of Burlington
Belaski of Windsor	Grad of Moretown	Partridge of Windham
Bissonnette of Winooski	Greshin of Warren	Poirier of Barre City
Bock of Chester	Haas of Rochester	Potter of Clarendon
Briglin of Thetford	Head of South Burlington	Pugh of South Burlington
Browning of Arlington	Hill of Wolcott	Rachelson of Burlington
Brumsted of Shelburne	Hooper of Montpelier	Sharpe of Bristol
Buckholz of Hartford	Hooper of Brookfield	Sheldon of Middlebury *
Carr of Brandon	Howard of Rutland City	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Jessup of Middlesex	Squirrell of Underhill
Christensen of Weathersfield	Jickling of Brookfield	Stevens of Waterbury
Christie of Hartford	Joseph of North Hero	Stuart of Brattleboro
Cina of Burlington	Keenan of St. Albans City	Sullivan of Dorset
Colburn of Burlington	Kimbell of Woodstock	Sullivan of Burlington
Condon of Colchester	Kitzmiller of Montpelier	Taylor of Colchester
Conlon of Cornwall	Krowinski of Burlington *	Till of Jericho
Connor of Fairfield	Lalonde of South Burlington	Toll of Danville
Conquest of Newbury	Lanpher of Vergennes	Townsend of South Burlington
Copeland-Hanzas of	Lippert of Hinesburg	Trieber of Rockingham
Corcoran of Bennington	Long of Newfane	Troiano of Stannard *
Dakin of Colchester	Lucke of Hartford	Walz of Barre City
Deen of Westminster	Macaig of Williston	Webb of Shelburne *
Donovan of Burlington	Masland of Thetford	Weed of Enosburgh
Dunn of Essex	McCullough of Williston	Wood of Waterbury
Emmons of Springfield	Miller of Shaftsbury	Wright of Burlington
Forguites of Springfield	Morris of Bennington	Yacovone of Morristown
Gannon of Wilmington	Mrowicki of Putney	Young of Glover
Gardner of Richmond	Murphy of Fairfax	
	Noyes of Wolcott	

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

Batchelor of Derby	Martel of Waterford	Scheu of Middlebury
Botzow of Pownal	McCormack of Burlington	Toleno of Brattleboro
Burke of Brattleboro	Morrissey of Bennington	Yantachka of Charlotte
Fields of Bennington	Olsen of Londonderry	
Houghton of Essex	Quimby of Concord	
Keefe of Manchester		

Rep. Copeland-Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

I vote no. This date change is part of a larger proposal that dumps \$138M of new spending on to property tax payers. I don't think very highly of the

budget proposal that shifts costs onto our property taxes, forces local school districts to throw out their hard-worked budgets and imposes a top-down restriction that will hurt kids as it costs us all more on our property tax bills. Boards are doing hard work to find efficiencies by consolidating with neighboring districts. This is a step backwards.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

We must work together to find solutions to improve education without raising taxes on the backs of hard-working property tax payers and teachers. Let’s make sure we give all Vermont kids a fair shot.”

Rep. Lefebvre of Newark explained his vote as follows:

“Madam Speaker:

I voted yes on this amendment because I want to stand up whenever I can to support the call to change the way we fund education.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

We are in crisis as far as our Education Funding system is concerned. I’ve heard this body referred to as a ship that takes time to change its direction. We are the Titanic, Madam Speaker, as you used the analogy during the first speech; we are just trying to point out the rocks.”

Rep. Sharpe of Bristol explained his vote as follows:

“Madam Speaker:

This date is the lynch pin of the Governor’s education budget plan which will raise taxes and hurt the education of Vermont’s children.”

Rep. Sheldon of Middlebury explained her vote as follows:

“Madam Speaker:

Using the blunt tool of requiring zero funded school budgets by May 23rd is disrespectful of the hard work our school boards have already done and an irresponsible approach to addressing our budget challenges.”

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

This is too much, too late!”

Rep. Troiano of Troiano explained his vote as follows:

“Madam Speaker:

I voted no. As I looked at the Hardwick Gazette this morning the first 2 pages were filled with articles on each of many towns who have just finalized their school budgets in preparation for town meeting. School boards whose members have reached out to me, school boards who have worked for the past 4 months to get these budgets done have asked me to not support this change. Walden moved their school budget vote to May and the next year the voters voted the budget vote back to March.”

Rep. Turner of Milton explained his vote as follows:

“Madam Speaker:

I vote yes on this amendment in support of moving the date of school budgets out to May 23rd. This will allow the legislature to provide all pertinent information to Vermonters before they vote on school budgets unlike what occurs today. This does not require school boards to change their FY18 budgets or increase property taxes! Thank you.”

Rep. Webb of Shelburne explained her vote as follows:

“Madam Speaker:

Simply moving the school budget vote date creates a distraction for towns facing merger votes, stymies collective bargaining conversations around the state, makes timely implementation of S1 all but impossible and ultimately stands to increase not decrease pressure on the property tax.”

Pending the question, Shall the bill be read a third time? **Rep. Beck of St. Johnsbury** moved to amend the bill as follows:

By adding a new Sec. 2 to read:

Sec. 2. SCHOOL DISTRICT BUDGET VOTES

Notwithstanding any provision of law, for fiscal year 2019 and every succeeding fiscal year, the electorate of a school district shall vote on the district's proposed budget no earlier than the Tuesday preceding Memorial Day.

And by renumbering the remaining section to be numerically correct.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by Rep. Beck of St. Johnsbury? **Rep. Beck of St. Johnsbury** 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 offered by Rep. Beck of St. Johnsbury? was decided in the negative. Yeas, 52. Nays, 83.

Those who voted in the affirmative are:

Ainsworth of Royalton	Graham of Williamstown	Parent of St. Albans Town
Bancroft of Westford	Greshin of Warren	Pearce of Richford
Baser of Bristol	Hebert of Vernon	Rosenquist of Georgia
Beck of St. Johnsbury	Helm of Fair Haven	Savage of Swanton
Beyor of Highgate	Higley of Lowell	Scheuermann of Stowe
Brennan of Colchester	Hubert of Milton	Shaw of Pittsford
Brumsted of Shelburne	Juskiewicz of Cambridge	Smith of Derby
Burditt of West Rutland	LaClair of Barre Town	Smith of New Haven
Canfield of Fair Haven	Lawrence of Lyndon	Strong of Albany
Cupoli of Rutland City	Lefebvre of Newark	Tate of Mendon
Devereux of Mount Holly	Lewis of Berlin	Terenzini of Rutland Town
Dickinson of St. Albans	Marcotte of Coventry	Turner of Milton
Donahue of Northfield	Martel of Waterford	Van Wyck of Ferrisburgh
Fagan of Rutland City	McCoy of Poultney	Viens of Newport City
Feltus of Lyndon	McFaun of Barre Town	Willhoit of St. Johnsbury
Frenier of Chelsea	Morrissey of Bennington	Wright of Burlington *
Gage of Rutland City	Myers of Essex	
Gamache of Swanton	Nolan of Morristown	

Those who voted in the negative are:

Ancel of Calais	Gardner of Richmond	Murphy of Fairfax
Bartholomew of Hartland	Giambatista of Essex	Noyes of Wolcott
Belaski of Windsor	Gonzalez of Winooski	Ode of Burlington
Bissonnette of Winooski	Grad of Moretown	O'Sullivan of Burlington
Bock of Chester	Haas of Rochester	Partridge of Windham
Briglin of Thetford	Head of South Burlington	Poirier of Barre City
Browning of Arlington	Hill of Wolcott	Potter of Clarendon
Buckholz of Hartford	Hooper of Montpelier	Pugh of South Burlington
Carr of Brandon	Hooper of Brookfield	Rachelson of Burlington
Chesnut-Tangerman of	Howard of Rutland City	Sharpe of Bristol
Middletown Springs	Jessup of Middlesex	Sheldon of Middlebury
Christensen of Weathersfield	Jickling of Brookfield	Sibilia of Dover
Christie of Hartford	Joseph of North Hero	Squirrell of Underhill
Cina of Burlington	Keenan of St. Albans City	Stevens of Waterbury
Colburn of Burlington	Kimbell of Woodstock	Stuart of Brattleboro
Condon of Colchester	Kitzmiller of Montpelier	Sullivan of Dorset
Conlon of Cornwall	Krowinski of Burlington	Sullivan of Burlington
Connor of Fairfield	Lalonde of South Burlington	Taylor of Colchester
Conquest of Newbury	Lanpher of Vergennes	Till of Jericho
Copeland-Hanzas of	Lippert of Hinesburg	Townsend of South
Corcoran of Bennington	Long of Newfane *	Burlington
Dakin of Colchester	Lucke of Hartford	Trieber of Rockingham
Deen of Westminster	Macaig of Williston	Troiano of Stannard
Donovan of Burlington	Masland of Thetford	Walz of Barre City
Dunn of Essex	McCullough of Williston	Webb of Shelburne
Emmons of Springfield	Miller of Shaftsbury	Weed of Enosburgh
Forguites of Springfield	Morris of Bennington	Wood of Waterbury
Gannon of Wilmington	Mrowicki of Putney	Yacovone of Morristown
		Young of Glover

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

Batchelor of Derby	Keefe of Manchester	Toleno of Brattleboro
Botzow of Pownal	McCormack of Burlington	Toll of Danville
Burke of Brattleboro	Olsen of Londonderry	Yantachka of Charlotte
Fields of Bennington	Quimby of Concord	
Houghton of Essex	Scheu of Middlebury	

Reps. Copeland-Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

School districts already have the freedom to change the date of their vote. If there’s wisdom in the plan I trust they’ll make the changes without our interference.”

Rep. Dunn of Essex explained her vote as follows:

“Madam Speaker:

I voted no on this bill. I do believe that there are systemic changes needed in our educational system. I do not believe that this measure does that. This assembly passed Act 46 in the last biennium. I think we should allow that work to go forward.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

While the Governor’s education proposal may contain some laudable goals, among other things, it also takes away our local authority to decide how much to spend on our public schools and instead, creates imposed spending limits from Montpelier. I have spent the last 22 years in my role as a school board member listening to my local tax payers – and I cannot support this because a change in date will not change anything.”

Rep. Sharpe of Bristol explained his vote as follows:

“Madam Speaker:

I would like to thank the body to allow S.1, the counting of pre-K pupils, to move forward unscathed.”

Rep. Shaw of Pittsford explained his vote as follows:

“Madam Speaker:

If today’s exercise moves the education funding conversation forward it was certainly worth our time spent today.”

Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

I vote no. Changing the date of a vote on school budgets does absolutely nothing to reduce school spending or property taxes.”

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

There are reasons to support this amendment, and reasons to oppose it as well. Voters will have more information in May, but do they really want another election, up to 4 in one year? If by this vote alone we moved the election to May, I could not support it. I vote yes strictly as a conversation starter, one that would need testimony, and much public input before ever adopting it.”

Thereupon, the bill was read a third time and passed in concurrence.

**Favorable Report; Read Second Time;
Third Reading Ordered**

S. 2

Rep. Myers of Essex, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to information sharing by the Commissioner of Financial Regulation

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.

Rules Suspended; Bill Messaged to Senate Forthwith

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

S. 1

Senate bill, entitled

An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018

Message from the Senate No. 15

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 26. House concurrent resolution commemorating the 225th anniversary of the Town of Mount Holly.

H.C.R. 27. House concurrent resolution congratulating the 2016 Harwood Union High School Highlanders Division II championship girls' cross-country team.

H.C.R. 28. House concurrent resolution honoring Tufts University Medical Center neurosurgery chair Dr. Carl B. Heilman.

H.C.R. 29. House concurrent resolution congratulating the 2016 Hartford High School Hurricanes Division I championship football team.

H.C.R. 30. House concurrent resolution designating the month of February 2017 as Self-Care Month in Vermont.

Adjournment

At twelve o'clock and eighteen minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 7, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S.12.

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. 26

House concurrent resolution commemorating the 225th anniversary of the Town of Mount Holly;

H.C.R. 27

House concurrent resolution congratulating the 2016 Harwood Union High School Highlanders Division II championship girls' cross-country team;

H.C.R. 28

House concurrent resolution honoring Tufts University Medical Center neurosurgery chair Dr. Carl B. Heilman;

H.C.R. 29

House concurrent resolution congratulating the 2016 Hartford High School Hurricanes Division I championship football team;

H.C.R. 30

House concurrent resolution designating the month of February 2017 as Self-Care Month in Vermont;

[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 2017, seventy-fourth Biennial session.]

Tuesday, February 7, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Representative Brian Cina of Burlington, VT.

Pledge of Allegiance

Page Joshua LaJeunesse, Northfield, VT led the House in the Pledge of Allegiance.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Savage of Swanton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 195

By Rep. Botzow of Pownal,

House bill, entitled

An act relating to cooperative insurance companies, group life insurance, and medical examiner liability;

To the committee on Commerce and Economic Development.

H. 196

By Reps. Trieber of Rockingham, Young of Glover, Copeland-Hanzas of Bradford, Bartholomew of Hartland, Beck of St. Johnsbury, Belaski of Windsor, Briglin of Thetford, Buckholz of Hartford, Burke of Brattleboro, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Connor of Fairfield, Deen of Westminster, Donovan of Burlington, Dunn of Essex, Fields of Bennington, Gonzalez of Winooski, Hebert of Vernon, Hill of Wolcott, Hooper of Brookfield, Howard of Rutland City, Krowinski of Burlington, Lippert of Hinesburg, Long of Newfane, Macaig of Williston, Masland of Thetford, McCormack of Burlington, McCullough of Williston, McFaun of Barre Town, Miller of Shaftsbury, Morris of Bennington, Mrowicki of Putney, O'Sullivan of Burlington, Partridge of Windham, Poirier of Barre City, Pugh of South Burlington, Rachelson of Burlington, Sharpe of Bristol, Squirrel of

Underhill, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of

Burlington, Till of Jericho, Toleno of Brattleboro, Troiano of Stannard, Walz of Barre City, Webb of Shelburne, Weed of Enosburgh, Willhoit of St. Johnsbury, Wood of Waterbury and Yantachka of Charlotte,

House bill, entitled

An act relating to paid family leave;

To the committee on General, Housing and Military Affairs.

H. 197

By Reps. Copeland-Hanzas of Bradford, Chesnut-Tangerman of Middletown Springs, Hubert of Milton and Poirier of Barre City,

House bill, entitled

An act relating to mental health parity for workers' compensation;

To the committee on Commerce and Economic Development.

H. 198

By Rep. Shaw of Pittsford,

House bill, entitled

An act relating to the use of colored lights on fire department and emergency service vehicles;

To the committee on Transportation.

H. 199

By Reps. Head of South Burlington and Noyes of Wolcott,

House bill, entitled

An act relating to reinstating legislative members to the Commission on Alzheimer's Disease and Related Disorders;

To the committee on Human Services.

H. 200

By Reps. Strong of Albany and Grad of Moretown,

House bill, entitled

An act relating to expanding the qualifying crimes for expungement;

To the committee on Judiciary.

H. 201

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to length of stay at designated shelters;
To the committee on Human Services.

H. 202

By Reps. Marcotte of Coventry and Botzow of Pownal,
House bill, entitled
An act relating to portable electronics insurance;
To the committee on Commerce and Economic Development.

H. 203

By Reps. Wood of Waterbury and Stevens of Waterbury,
House bill, entitled
An act relating to the sale of State-owned land in the Village of Waterbury;
To the committee on Corrections and Institutions.

H. 204

By Reps. Walz of Barre City, Brumsted of Shelburne and Pearce of
Richford,
House bill, entitled
An act relating to standards for the care of domestic pets;
To the committee on Agriculture & Forestry.

H. 205

By Reps. Canfield of Fair Haven, Baser of Bristol and Wright of
Burlington,
House bill, entitled
An act relating to certain business tax provisions;
To the committee on Ways and Means.

H. 206

By Reps. Masland of Thetford and Troiano of Stannard,
House bill, entitled
An act relating to adding post-traumatic stress disorder to the list of
qualified medical conditions for therapeutic use of cannabis and waiving the
three-month professional-patient relationship requirement for veterans with
post-traumatic stress disorder;

To the committee on Human Services.

H. 207

By Reps. Masland of Thetford, Carr of Brandon and Troiano of Stannard,
House bill, entitled

An act relating to therapeutic use of marijuana for relieving symptoms of post-traumatic stress disorder;

To the committee on Human Services.

H. 208

By Reps. Cina of Burlington, Bartholomew of Hartland, Buckholz of Hartford, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Colburn of Burlington, Conquest of Newbury, Gonzalez of Winooski, Jessup of Middlesex, Masland of Thetford, McCormack of Burlington, Poirier of Barre City, Squirrell of Underhill, Stevens of Waterbury, Sullivan of Burlington, Till of Jericho and Weed of Enosburgh,

House bill, entitled

An act relating to creating the Commission on the State Bank of Vermont;

To the committee on Commerce and Economic Development.

H. 209

By Reps. Dickinson of St. Albans Town, Bock of Chester, Burditt of West Rutland, Canfield of Fair Haven, Cupoli of Rutland City, Devereux of Mount Holly, Gage of Rutland City, Gamache of Swanton, Juskiewicz of Cambridge, Kitzmiller of Montpelier, Lawrence of Lyndon, Myers of Essex, Parent of St. Albans Town, Pearce of Richford, Potter of Clarendon, Savage of Swanton, Shaw of Pittsford, Sibilia of Dover, Tate of Mendon and Terenzini of Rutland Town,

House bill, entitled

An act relating to land use and environmental permit processing;

To the committee on Natural Resources, Fish & Wildlife.

H. 210

By Reps. Lefebvre of Newark, Ainsworth of Royalton, Bancroft of Westford, Beyor of Highgate, Hebert of Vernon, Lawrence of Lyndon, Sheldon of Middlebury, Strong of Albany and Troiano of Stannard,

House bill, entitled

An act relating to eligibility for an antlerless deer permit when land is

posted as open to hunting or fishing by permission only;

To the committee on Natural Resources, Fish & Wildlife.

Joint Resolution Adopted

J.R.H. 4

Joint resolution reaffirming the General Assembly's commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in *Brigham v. State*

Offered by: Representative Deen of Westminster

Whereas, the Common Benefits Clause of the Vermont Constitution, Chapter I, Article 7, provides "that government is, or ought to be, instituted for the common benefit, protection, and security of the people," and

Whereas, the Education Clause of the Vermont Constitution, Chapter II, § 68, states that a "competent number of schools ought to be maintained in each town," and

Whereas, in the mid1990s, three sets of plaintiffs filed suit in Lamoille Superior Court alleging that the State's existing Foundation public school funding formula denied students in the towns of Hardwick and Whiting an equal educational opportunity, and

Whereas, the trial court granted summary judgment to the State, holding in part that Section 68 does not provide "any rights...to Vermont citizens," and

Whereas, undaunted, the plaintiffs appealed to the Vermont Supreme Court, and

Whereas, in the Vermont Supreme Court's historic decision, *Brigham v. State*, 166 Vt. 246, on February 5, 1997, the Court explained that "from its earliest days, Vermont has recognized the obligation to provide for the education of its youth," and

Whereas, the Court analyzed the Education Clause's historic development, prior pertinent judicial opinions, and the 1828 inaugural address of Governor Samuel Crafts, who, in speaking before the General Assembly, stated, it is "our paramount duty to place the means for obtaining instruction and information, equally within the reach of all," and

Whereas, the Court concluded that "the current [Foundation] educational financing system in Vermont violates the right to equal educational opportunities under Chapter II, § 68 and Chapter I, Article 7 of the Vermont Constitution," and directed the General Assembly to devise a new education funding formula implementing the principle of equal educational opportunity for all of Vermont's children, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly reaffirms its commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in *Brigham v. State*, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott.

Which was read and adopted.

Joint Resolution Referred to Committee

J.R.H. 5

Joint resolution urging the prompt rehabilitation of the Vilas Bridge

Offered by: Representatives Partridge of Windham, Trieber of Rockingham, Deen of Westminster, and Mrowicki of Putney

Whereas, the 635foot Vilas Bridge (the bridge) spans the Connecticut River, was built in 1930, and was financed with \$30,000.00 in grants from each of the connected towns of Rockingham, Vermont, and Walpole, New Hampshire, and Charles Vilas, for whom the bridge is named, provided significant financial support, and

Whereas, the bridge became a direct gateway into downtown Bellows Falls from neighboring New Hampshire, and

Whereas, despite the bridge's original funding formula, because it spans the Connecticut River, which in 1934, the U.S. Supreme Court ruled in the case State of Vermont v State of New Hampshire, 290 U.S. 579, lies within the State of New Hampshire up to the Vermont low-water mark, 93 percent of the bridge is located in New Hampshire, and a similar percentage of the repair costs should be the Granite State's responsibility, and

Whereas, in May 1994, the Federal Highway Administration and the New Hampshire State Historic Preservation Officer entered into a Memorandum of Understanding (MOU) on the Vilas Bridge, and

Whereas, the New Hampshire Department of Transportation signed the memorandum in concurrence, and New Hampshire's Advisory Council on Historic Preservation became a signatory in July 1994, and

Whereas, the MOU recognized the bridge's eligibility for placement on the National Register of Historic Places, provided that the bridge was "of sufficient quality, location and importance that only under exceptional circumstances...will the bridge be removed," and further guaranteed long-term maintenance in accordance with New Hampshire's 10-year Highway Program, and

Whereas, the Vermont General Assembly previously adopted 2006 Acts and Resolves J.R.H. 7, "Joint resolution urging the state of New Hampshire to expedite the restoration of the Vilas Bridge," and

Whereas, in 2009, the New Hampshire Department of Transportation closed

the span to all vehicular and pedestrian traffic due to its poor condition, and

Whereas, the approximately 4,600 cars that crossed the bridge daily must now use alternative routes, and

Whereas, the bridge has now been removed from the 10-year Highway Plan although the New Hampshire Transportation Advisory Committee supposedly still discusses the bridge's future, and

Whereas, the town of Rockingham has requested the Vermont Attorney General to serve as an intermediary in the town's request to New Hampshire state officials to assist in repairing the bridge, and

Whereas, the State of New Hampshire's wanton neglect of the Vilas Bridge continues to cause significant economic and traffic problems in Bellows Falls, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly implores New Hampshire state officials and its Congressional Delegation to make every possible effort, on a timely basis, to seek state or federal funding for the rehabilitation of the Vilas Bridge, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to New Hampshire Governor Chris Sununu, the New Hampshire Executive Council, New Hampshire Commissioner of Transportation Victoria Sheehan, the chairs of the New Hampshire House and Senate transportation committees, the New Hampshire Congressional Delegation, Vermont Secretary of Transportation Joe Flynn, Vermont Attorney General T. J. Donovan, and the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Transportation.

Third Reading; Senate Bill Passed in Concurrence

S. 2

Senate bill, entitled

An act relating to information sharing by the Commissioner of Financial Regulation

Was taken up, read the third time and passed in concurrence.

Second Reading; Bill Amended; Third Reading Ordered

H. 14

Rep. Lalonde of South Burlington, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to automated external defibrillators

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 907 is amended to read:

§ 907. AUTOMATED EXTERNAL DEFIBRILLATORS

(a) As used in this section:

(1) “Automated external defibrillator (AED)” means a medical device approved by the ~~United States~~ U.S. Food and Drug Administration, that:

(A) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(B) is capable of determining whether defibrillation should be performed on an individual;

(C) upon determination that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual’s heart; and

(D) then, upon action by an operator, delivers an appropriate electrical impulse to the patient’s heart to perform defibrillation.

(b) [Deleted].

(c) Any person who owns or leases an AED, or to whom an AED is donated, shall:

(1) notify the department and the person’s regional ambulance service or first responder service of the existence, location, and type of device the person possesses; and

(2) maintain and test the device in accordance with the applicable standards of the manufacturer.

(d)(1) Any person, other than a person defined as a health care provider by subdivision 9432(9) of this title or as emergency medical personnel by 24 V.S.A. § 2651(6) acting in the normal course of his or her duties as a health care provider or as emergency medical personnel, who acts in good faith and who renders emergency care by the use of an AED, acquires an AED, owns a premises on which an AED is located, or provides a training course in the operation of an AED shall not be liable for civil damages for that person’s acts or omissions with respect to such use, ownership, or training in the operation of an AED unless those acts or omissions were grossly negligent or willful and wanton. As used in this subdivision (d)(1), “ownership” shall not include the maintenance and testing of the device in accordance with the applicable

standards of the manufacturer as required by subdivision (c)(2) of this section.

(2) This subsection shall not relieve an AED manufacturer, designer, developer, distributor, installer, or ~~supplier~~ seller of any liability under any applicable statute or rule of law.

(e) This section shall not be construed to create a duty to act under 12 V.S.A. § 519 for any person.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Message from the Senate No. 16

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

Madam 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. 13. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 14. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2017.

J.R.S. 15. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Adjournment

At ten o'clock and twenty-seven minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, February 8, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. John Lucy, Waterbury Center Community Church, Waterbury, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 211

By Reps. Deen of Westminster, McCullough of Williston, Ode of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to the water resources and water supplies of the State;

To the committee on Natural Resources, Fish & Wildlife.

H. 212

By Reps. Jickling of Brookfield, Hooper of Brookfield, Parent of St. Albans Town and Sibia of Dover,

House bill, entitled

An act relating to increasing the penalties for killing a law enforcement dog;

To the committee on Agriculture & Forestry.

H. 213

By Reps. Grad of Moretown, Haas of Rochester and Viens of Newport City,

House bill, entitled

An act relating to establishing statewide access to drug and DUI treatment courts;

To the committee on Judiciary.

H. 214

By Reps. Till of Jericho, Dunn of Essex, Joseph of North Hero, McCullough of Williston, Mrowicki of Putney, Stevens of Waterbury and Sullivan of Burlington,

House bill, entitled

An act relating to the imposition of an excise tax on sugar-sweetened beverages;

To the committee on Ways and Means.

H. 215

By Reps. Morrissey of Bennington, Corcoran of Bennington, Fields of Bennington, Morris of Bennington, Keefe of Manchester, Miller of Shaftsbury and Sibia of Dover,

House bill, entitled

An act relating to the creation of a tax increment financing district in Bennington;

To the committee on Ways and Means.

Joint Resolution Adopted in Concurrence

J.R.S. 13

By Senator White,

J.R.S. 13. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 16, 2017, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers 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 officers are elected.

Was taken up read and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 14

By Senator White,

J.R.S. 14. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2017.

Whereas, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

Whereas, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

Whereas, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

Whereas, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 16, 2017, shall be governed by the following procedure:

(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 three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

Was taken up read and adopted in concurrence.

Joint Resolution Adopted in Concurrence**J.R.S. 15**

By Senator Ashe,

J.R.S. 15. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 10, 2017, it be to meet again no later than Tuesday, February 14, 2017.

Was taken up read and adopted in concurrence.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****H. 197**

Rep. Botzow of Pownal moved that the committee on Commerce and Economic Development be relieved of House bill, entitled

An act relating to mental health parity for workers' compensation

And that the bill be committed to the committee on Health Care, which was agreed to.

Third Reading; Bill Passed**H. 14**

House bill, entitled

An act relating to automated external defibrillators

Was taken up, read the third time and passed.

Adjournment

At one o'clock and twenty-four minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, February 9, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Representative Kevin Christie of Hartford, VT.

Rep. Krowinski of Burlington in chair.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 216

By Reps. Pugh of South Burlington and Carr of Brandon,

House bill, entitled

An act relating to establishment of the Vermont Lifeline program;

To the committee on Energy and Technology.

H. 217

By Reps. Donovan of Burlington, Bissonnette of Winooski, Briglin of Thetford, Buckholz of Hartford, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Dunn of Essex, Gonzalez of Winooski, Howard of Rutland City, Lanpher of Vergennes, Macaig of Williston, Masland of Thetford, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, O'Sullivan of Burlington, Ode of Burlington, Pugh of South Burlington, Rachelson of Burlington, Squirrell of Underhill, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Till of Jericho, Troiano of Stannard, Walz of Barre City, Wood of Waterbury, Yacovone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to an occupancy fee;

To the committee on General, Housing and Military Affairs.

H. 218

By Reps. Bartholomew of Hartland and Viens of Newport City,

House bill, entitled

An act relating to the adequate shelter of dogs and cats;

To the committee on Agriculture & Forestry.

H. 219

By Rep. Bartholomew of Hartland,

House bill, entitled

An act relating to the Vermont spaying and neutering program;

To the committee on Agriculture & Forestry.

H. 220

By Reps. McCullough of Williston, Webb of Shelburne, Belaski of Windsor, Bock of Chester, Browning of Arlington, Brumsted of Shelburne, Christie of Hartford, Dakin of Colchester, Deen of Westminster, Dunn of Essex, Grad of Moretown, Joseph of North Hero, Lucke of Hartford, Macaig of Williston, Masland of Thetford, Mrowicki of Putney, Sharpe of Bristol, Sheldon of Middlebury, Sullivan of Burlington, Till of Jericho, Townsend of South Burlington, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to the sale of ivory or rhinoceros horn;

To the committee on Natural Resources, Fish & Wildlife.

H. 221

By Reps. Till of Jericho, Belaski of Windsor, Brumsted of Shelburne, Deen of Westminster, Emmons of Springfield, Fields of Bennington, Head of South Burlington, Joseph of North Hero, Long of Newfane, Macaig of Williston, McCullough of Williston, Morris of Bennington, Mrowicki of Putney, Noyes of Wolcott, Scheu of Middlebury, Squirrell of Underhill, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Wood of Waterbury and Yacovone of Morristown,

House bill, entitled

An act relating to an income tax deduction for home modifications required by a disability or physical hardship;

To the committee on Ways and Means.

H. 222

By Reps. Marcotte of Coventry, Keenan of St. Albans City, Botzow of Pownal, Fagan of Rutland City, Helm of Fair Haven, Shaw of Pittsford and Young of Glover,

House bill, entitled

An act relating to Public Service Board investigations of Enhanced 911 system outages;

To the committee on Energy and Technology.

H. 223

By Reps. Poirier of Barre City, Christie of Hartford, Donovan of Burlington, Gonzalez of Winooski, Hill of Wolcott, Macaig of Williston, McCormack of Burlington, Morris of Bennington, O'Sullivan of Burlington, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Dorset, Sullivan of Burlington, Till of Jericho, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to employee classification and transitional assistance for beneficiaries of public assistance;

To the committee on Commerce and Economic Development.

H. 224

By Reps. Donovan of Burlington, O'Sullivan of Burlington and Stuart of Brattleboro,

House bill, entitled

An act relating to prohibiting organized retail theft;

To the committee on Judiciary.

H. 225

By Reps. Sibia of Dover, Burke of Brattleboro, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Condon of Colchester, Donovan of Burlington, Forguites of Springfield, Gannon of Wilmington, Keefe of Manchester, Kimbell of Woodstock, Olsen of Londonderry, Stuart of Brattleboro and Sullivan of Dorset,

House bill, entitled

An act relating to information on the collection of the local option portion of Vermont's sales and use tax;

To the committee on Ways and Means.

H. 226

By Rep. Joseph of North Hero,

House bill, entitled

An act relating to increasing Probate judge salaries;

To the committee on Government Operations.

H. 227

By Rep. Browning of Arlington,

House bill, entitled

An act relating to the repeal of Vermont's statute permitting alternative forms of regulation for electric and natural gas companies;

To the committee on Energy and Technology.

H. 228

By Reps. Krowinski of Burlington, Chesnut-Tangerman of Middletown Springs and Scheuermann of Stowe,

House bill, entitled

An act relating to freedom from compulsory collection of personal information;

To the committee on Judiciary.

H. 229

By Reps. Sheldon of Middlebury, Graham of Williamstown, McCullough of Williston, Partridge of Windham and Webb of Shelburne,

House bill, entitled

An act relating to regulation of treated article pesticides;

To the committee on Agriculture & Forestry.

Rep. Johnson of South Hero presiding.

Remarks Journalized

On motion of **Rep. Wood of Waterbury**, the following remarks by **Rep. Morris of Bennington** were ordered printed in the Journal:

“Madam Speaker:

This is an important moment. A truly precious moment. Today, we celebrated the courageous, difficult work of local Vermonters who have stood in

solidarity with our Black community to declare that Black Lives Matter. This is not a question of whether some lives matter more than others, but an acknowledgment, honoring and calling out of the disparate treatment of Black Vermonters and Black Americans.

Our state is bold, our state is revolutionary, our state is great and powerfully progressive in its protection of human and civil rights. But we cannot continue to grow unless we are willing to openly speak truth to power and speak with clarity that we have substantial work that is still do be done.

Today, we have gross inequalities in housing, a massive divide between the wealthy and the poor, Healing is needed to solve the rift between law enforcement and our communities, our immigrant community lives in fear, bias within our schools squelches the spirits of Vermont youth and changes our landscape significantly.

The Black lives matter movement has shone a light. A needed light and it is up to us to amplify it today and to ensure that we do not falter, we rise above, we resist hegemony, we rectify our wrongs and work with our communities to get it right. Thank you to all who have done so.

I encourage you all to come to the cafeteria and enjoy the amazing artwork, faces and stories of Vermonters on display.

Some of those individuals are here today as well as activists from throughout the state to celebrate this movement and resolution I would like to yield to the members from Winooski And Hartford To speak their truths and to recognize those guests who are seated in the senate seats at the conclusion.”

Remarks Journalized

On motion of **Rep. Wood of Waterbury**, the following remarks by **Rep. Gonzalez of Winooski** were ordered printed in the Journal:

“Madam Speaker:

Thank you for the wonderful words from the member from Bennington. As a member from Winooski, I am particularly glad to be part of sponsoring this resolution. 7% of those living in Winooski are African-American and Black, ranging from multiple-generation Vermonters to those who have recently found refuge in our welcoming city. Their presence and contribution is part of what makes Winooski great.

Last night I had the privilege to hear from one such community member who

fled from war, went through extensive vetting to make his way to Winooski, has found welcoming and community, as well as challenge and hardship, and is touched by the recent executive orders through family and friends who are stuck in the process abroad or are afraid to return home to Winooski.

Winooski is also the home of much of the BLM leadership and a new storefront and community center. A physical location will continue to build this movement and build our community.

As a third generation Mexican-American, I am also particularly glad to be speaking on behalf of the resolution. Nationally, Latinos die in interactions with the police at disproportion rates. The work of BLM has pushed us nationally and in VT to address our policing standards. As we work to reduce bias in policing it assists all Vermonters to live safer lives, including those in or wanting to be in law enforcement.

BLM VT brings individuals and groups together to fight for social justice and equality in our institutions and our day to day lives.

Affirming the basic value of Black Lives assists all of us, black and non-black alike, to affirm our place in a multi-cultural Vermont where we see human rights and equity for all.

Madam. Speaker, may I yield to the member from Hartford to continue to talk about this resolution.”

Remarks Journalized

On motion of **Rep. Wood of Waterbury**, the following remarks by **Rep. Christie of Hartford** were ordered printed in the Journal:

"Madam Speaker

I am humbled to represent my fellow members we heard the reading of the resolution for Vermont Black Lives Matter Movement, and the remarks of the members from Bennington and Williston. I am proud to be a Vermonter because we have committed ourselves to justice. Our work as a body clearly represents that commitment. We still have a lot of work to do and we Vermonter's are up to the task. Another symbol, the tie I am wearing today has black and white Vermont maps stamped over it. Dr. King had a dream and my dream is that we can continue to find solutions to our differences as we in Vermont do so well. Madam Speaker at this time I would like to introduce to you our guests from all over Vermont!"

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 153

Rep. Brennan of Colchester moved that the committee on Transportation be relieved of House bill, entitled

An act relating to underwriting motor vehicle insurance and credit history

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

Second Reading; Bill Amended; Third Reading Ordered

H. 143

Rep. Kimbell of Woodstock, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to automobile insurance requirements and transportation network companies

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. chapter 113, subchapter 5 is added to read:

Subchapter 5. Transportation Network Companies

§ 4256a. TRANSPORTATION NETWORK COMPANIES

(a) Definitions. As used in this subchapter:

(1) “Digital network” or “network” means any online-enabled application, software, website, or system offered or used by a transportation network company that enables the prearrangement of rides with transportation network drivers.

(2) “Personal vehicle” means a vehicle that is:

(A) used by a driver to provide a prearranged ride;

(B) owned, leased, or otherwise authorized for use by the driver; and

(C) not a taxicab, limousine, or other for-hire vehicle.

(3) “Prearranged ride” or “ride” means the provision of transportation by a driver to a transportation network rider, beginning when a driver accepts the rider’s request for a ride through a digital network controlled by a company; continuing while the driver transports the rider; and ending when the last requesting rider departs from the vehicle. The term does not include:

(A) shared expense carpool or vanpool arrangements;

(B) use of a taxicab, limousine, or other for-hire vehicle; or

(C) a regional transportation company.

(4) “Transportation network company” or “company” means a person that uses a digital network to connect riders to drivers who provide prearranged rides. A company shall not be deemed to control, direct, or manage the personal vehicles or drivers that connect to its digital network, except where agreed to by written contract.

(5) “Transportation network company driver” or “driver” means an individual who:

(A) receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the company; and

(B) uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in exchange for compensation or payment of a fee.

(6) “Transportation network company rider” or “rider” means an individual who uses a company’s digital network to connect with a driver who provides rides in his or her personal vehicle between points chosen by the rider.

(b) Company’s financial responsibility.

(1) Beginning on or before July 1, 2017, a driver, or company on the driver’s behalf, shall maintain primary automobile insurance that recognizes that the driver is a company driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver while the driver is logged on to the company’s digital network or while the driver is engaged in a prearranged ride.

(2)(A) The following automobile insurance requirements shall apply while a participating driver is logged on to the transportation network company’s digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(i) primary automobile liability insurance in the amount of at least \$50,000.00 for death and bodily injury per person, \$100,000.00 for death and bodily injury per incident, and \$25,000.00 for property damage; and

(ii) any other State-mandated coverage under 23 V.S.A. § 941.

(B) The coverage requirements of this subdivision (2) may be satisfied by any of the following:

(i) automobile insurance maintained by the driver;

(ii) automobile insurance maintained by the company; or

(iii) any combination of subdivisions (i) and (ii) of this subdivision (2)(B).

(3)(A) The following automobile insurance requirements shall apply while a driver is engaged in a prearranged ride:

(i) primary automobile liability insurance that provides at least \$1,000,000.00 for death, bodily injury, and property damage; and

(ii) any other State-mandated coverage under 23 V.S.A. § 941.

(B) The coverage requirements of this subdivision may be satisfied by any of the following:

(i) automobile insurance maintained by the driver;

(ii) automobile insurance maintained by the company; or

(iii) any combination of subdivisions (i) and (ii) of this subdivision (3)(B).

(4) If insurance maintained by a driver under subdivision (2) or (3) of this subsection has lapsed or does not provide the required coverage, insurance maintained by a company shall provide such coverage beginning with the first dollar of a claim and shall have the duty to defend such claim.

(5) Coverage under an automobile insurance policy maintained by the company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

(6) Insurance required by this subsection may be placed with an insurer licensed under chapter 101 (insurance companies generally) or 138 (surplus lines insurance) of this title.

(7) Insurance satisfying the requirements of this subsection shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under 23 V.S.A. § 800.

(8) A driver shall carry proof of coverage satisfying this section at all times during use of a vehicle in connection with a company's digital network. In the event of an accident, a driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and law enforcement, upon request. Upon such request, a driver shall also disclose whether he or she was logged on to the network or was on a prearranged ride at the time of an accident.

(c) Disclosures. A transportation network company shall disclose in

writing to its drivers the following before they are allowed to accept a request for a prearranged ride on the company's digital network:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the company provides while the driver uses a personal vehicle in connection with the company's network; and

(2) that the driver's own automobile insurance policy, depending on its terms, might not provide any coverage while the driver is logged on to the company's network and available to receive transportation requests or engaged in a prearranged ride.

(d)(1) Automobile insurers. Notwithstanding any other provision of law to the contrary, insurers that write automobile insurance in Vermont may exclude any and all coverage afforded under a policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage in an automobile insurance policy including:

(A) liability coverage for bodily injury and property damage;

(B) personal injury protection coverage;

(C) uninsured and underinsured motorist coverage;

(D) medical payments coverage;

(E) comprehensive physical damage coverage; and

(F) collision physical damage coverage.

(2) Nothing in this subsection implies or requires that a personal automobile insurance policy provide coverage while the driver is logged on to a company's digital network, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a vehicle to transport passengers for compensation.

(3) Nothing in this section shall be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a driver is logged on to a company's digital network or while a driver provides a prearranged ride.

(4) Nothing in this subsection is deemed to preclude an insurer from providing primary or excess coverage for the driver's vehicle, if it chooses to do so by contract or endorsement.

(5) Insurers that exclude the coverage described under subsection (b) of this section shall have no duty to defend or indemnify any claim expressly

excluded thereunder.

(6) Nothing in this section is deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Vermont prior to the enactment of this section, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(7) An insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy, shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of subsection (b) of this section at the time of loss.

(8) In a claims coverage investigation, transportation network companies shall immediately provide upon request by directly involved parties or any insurer of the transportation network company driver, if applicable, the precise times that a transportation network company driver logged on and off the transportation network company's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. Insurers providing coverage under subsection (b) of this section shall disclose, upon request by any other insurer involved in the particular claim, the applicable charges, exclusions, and limits provided under any automobile insurance maintained in order to satisfy the requirements of subsection (b) of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce and Economic Development agreed to and third reading ordered.

House Ethics Panel Announced

Pursuant to House rule 90a. the House Rules Committee elected the following members to the House Ethics Panel:

Reps. Cupoli of Rutland City

Rep. Deen of Westminster

Rep. Gannon of Wilmington

Rep. Sibilias of Dover

Rep. Haas of Rochester

Adjournment

At one o'clock and forty 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.

Friday, February 10, 2017

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

Devotional Exercises

Devotional exercises were conducted by Representative Kiah Morris of Bennington, 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:

Noah Anderson of Woodstock
William Belluche of Burlington
Olivia Davison of Hardwick
Isidora Dickstein of St. Johnsbury
Aliza Jernigan of Waitsfield
Meghan Kimball of Lake Elmore
Joshua LaJeunesse of Northfield
Mairen Tierney of Newark
Hazel Wagner of Brattleboro
Katy Waterman of Weybridge

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 230

By Reps. Lucke of Hartford, Belaski of Windsor, Buckholz of Hartford, Christensen of Weathersfield, Christie of Hartford, Cina of Burlington, Deen of Westminster, Dunn of Essex, Gannon of Wilmington, Gonzalez of Winooski, Head of South Burlington, Lippert of Hinesburg, Macaig of Williston, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, Squirrel of Underhill, Stevens of Waterbury, Till of Jericho, Townsend of South Burlington, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity;

To the committee on Health Care.

H. 231

By Reps. Fagan of Rutland City, Cupoli of Rutland City, Howard of Rutland City and Potter of Clarendon,

House bill, entitled

An act relating to authorizing municipalities to prohibit through traffic by heavy vehicles;

To the committee on Government Operations.

H. 232

By Reps. Keefe of Manchester, Ainsworth of Royalton, Burditt of West Rutland, Chesnut-Tangerman of Middletown Springs, Cupoli of Rutland City, Frenier of Chelsea, Gamache of Swanton, Haas of Rochester, Hooper of Brookfield, Keenan of St. Albans City, Lewis of Berlin, McFaun of Barre Town, Morrissey of Bennington, Mrowicki of Putney, Noyes of Wolcott, Parent of St. Albans Town, Pugh of South Burlington, Rosenquist of Georgia, Sibilila of Dover, Smith of Derby, Smith of New Haven, Strong of Albany, Sullivan of Dorset, Trieber of Rockingham, Troiano of Stannard, Willhoit of St. Johnsbury and Wood of Waterbury,

House bill, entitled

An act relating to motor vehicle inspections;

To the committee on Transportation.

H. 233

By Reps. Sheldon of Middlebury, McCullough of Williston, McCormack of Burlington, Squirrell of Underhill, Sullivan of Burlington and Wood of Waterbury,

House bill, entitled

An act relating to protecting working forests and habitat;

To the committee on Agriculture & Forestry.

H. 234

By Reps. Miller of Shaftsbury, Botzow of Pownal, Browning of Arlington, Cina of Burlington, Corcoran of Bennington, Fields of Bennington, Morris of Bennington, Morrissey of Bennington, Sibilila of Dover, Sullivan of Dorset and Till of Jericho,

House bill, entitled

An act relating to the liability of municipalities for hazardous material releases from landfills;

To the committee on Natural Resources, Fish & Wildlife.

H. 235

By Reps. Webb of Shelburne, Brumsted of Shelburne and Greshin of Warren,

House bill, entitled

An act relating to the Open Meeting Law;

To the committee on Government Operations.

H. 236

By Reps. Squirrell of Underhill, Dunn of Essex, McCullough of Williston, Mrowicki of Putney, Ode of Burlington, Sullivan of Burlington, Till of Jericho, Troiano of Stannard, Wood of Waterbury and Yacovone of Morristown,

House bill, entitled

An act relating to funding the Vermont Traumatic Brain Injury Fund;

To the committee on Health Care.

H. 237

By Reps. Potter of Clarendon, Bissonnette of Winooski, Brennan of Colchester, Browning of Arlington, Lalonde of South Burlington, O'Sullivan of Burlington and Viens of Newport City,

House bill, entitled

An act relating to saliva testing;

To the committee on Transportation.

H. 238

By the committee on General; Housing and Military Affairs,

An act relating to modernizing and reorganizing Title 7;

Under the rule, placed on the Calendar for notice.

Third Reading; Bill Passed

H. 143

House bill, entitled

An act relating to automobile insurance requirements and transportation network companies

Was taken up, read the third time and passed.

Adjournment

At ten o'clock and two minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Tuesday, February 14, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S 15.

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. 31

House concurrent resolution in memory of Marion Pritchard;

H.C.R. 32

House concurrent resolution designating February 3, 2017 as Wear Red Day at the State House;

H.C.R. 33

House concurrent resolution honoring Bonnie and Timothy Burke for their outstanding work at Wilson House in East Dorset;

H.C.R. 34

House concurrent resolution designating February 8, 2017 as Farm to School Awareness Day at the State House;

H.C.R. 35

House concurrent resolution commemorating the 240th anniversary of the Battle of Hubbardton;

H.C.R. 36

House concurrent resolution congratulating the 2016 Eagle class of Green Mountain Council Boy Scouts;

H.C.R. 37

House concurrent resolution honoring Nathaniel A. Boone of Winhall for his pioneering national service;

H.C.R. 38

House concurrent resolution recognizing the importance of the Black Lives Matter Movement in the U.S. and Vermont Black communities;

[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 2017, seventy-fourth Biennial session.]

Tuesday, February 14, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Representative Michael Yantachka of Charlotte, VT.

Pledge of Allegiance

Page Emma Steever of Wallingford led the House in the Pledge of Allegiance.

Message from the Senate No. 17

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 8. An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 31. House concurrent resolution in memory of Marion Pritchard.

H.C.R. 32. House concurrent resolution designating February 3, 2017 as Wear Red Day at the State House.

H.C.R. 33. House concurrent resolution honoring Bonnie and Timothy Burke for their outstanding work at Wilson House in East Dorset.

H.C.R. 34. House concurrent resolution designating February 8, 2017 as Farm to School Awareness Day at the State House.

H.C.R. 36. House concurrent resolution congratulating the 2016 Eagle class of Green Mountain Council Boy Scouts.

H.C.R. 37. House concurrent resolution honoring Nathaniel A. Boone of Winhall for his pioneering national service.

H.C.R. 38. House concurrent resolution recognizing the importance of the Black Lives Matter Movement in the U.S. and Vermont Black communities.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first

reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 239

By Rep. Hebert of Vernon,

House bill, entitled

An act relating to withdrawal from a union high school district;

To the committee on Education.

H. 240

By Reps. Fagan of Rutland City and Christie of Hartford,

House bill, entitled

An act relating to the manner in which average daily membership is computed for public high school students exercising school choice;

To the committee on Education.

H. 241

By Reps. Kitzmiller of Montpelier and Lewis of Berlin,

House bill, entitled

An act relating to the charter of the Central Vermont Solid Waste Management District;

To the committee on Government Operations.

H. 242

By Rep. Deen of Westminster,

House bill, entitled

An act relating to tile drains;

To the committee on Agriculture & Forestry.

H. 243

By Reps. Keenan of St. Albans City, Ancel of Calais, Botzow of Pownal, Briglin of Thetford, Browning of Arlington, Buckholz of Hartford, Christensen of Weathersfield, Christie of Hartford, Dakin of Colchester, Deen of Westminster, Dunn of Essex, Emmons of Springfield, Fields of Bennington, Hooper of Montpelier, Hooper of Brookfield, Jickling of Brookfield, Joseph of North Hero, Lanpher of Vergennes, Lippert of Hinesburg, Lucke of Hartford, Macaig of Williston, Morris of Bennington, Mrowicki of Putney, Pugh of South Burlington, Sabilia of Dover, Squirrell of Underhill, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Till of Jericho,

Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh, Wood of Waterbury and Yantachka of Charlotte,

House bill, entitled

An act relating to requiring a presidential candidate to disclose federal tax returns in order to be placed on the presidential primary and general election ballots;

To the committee on Government Operations.

H. 244

By Reps. Townsend of South Burlington, Head of South Burlington and Pugh of South Burlington,

House bill, entitled

An act relating to environmental health standards for Vermont schools;

To the committee on Education.

H. 245

By Reps. Walz of Barre City, Burke of Brattleboro, Gonzalez of Winooski, Head of South Burlington, O'Sullivan of Burlington and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to residential treatment units within the Department of Corrections;

To the committee on Corrections and Institutions.

H. 246

By Reps. Devereux of Mount Holly, Townsend of South Burlington, Brumsted of Shelburne, Gannon of Wilmington, Gardner of Richmond, Hubert of Milton, Kitzmiller of Montpelier, LaClair of Barre Town, Lewis of Berlin and Weed of Enosburgh,

House bill, entitled

An act relating to marriage by proxy, teleconference, or other technology;

To the committee on Judiciary.

H. 247

By Reps. Strong of Albany, Batchelor of Derby, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Chesnut-Tangerman of Middletown Springs, Gage of Rutland City, Gamache of Swanton, Grad of Moretown, Higley of Lowell, Jessup of Middlesex, Lawrence of Lyndon, Lefebvre of Newark, Masland of Thetford, Morrissey of Bennington,

Mrowicki of Putney, Quimby of Concord, Savage of Swanton, Sheldon of Middlebury, Tate of Mendon, Troiano of Stannard, Van Wyck of Ferrisburgh, Yantachka of Charlotte and Young of Glover,

House bill, entitled

An act relating to reporting on adverse reactions related to immunizations;

To the committee on Health Care.

H. 248

By Reps. Cina of Burlington, Christie of Hartford, Sharpe of Bristol, Briglin of Thetford, Buckholz of Hartford, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Colburn of Burlington, Conlon of Cornwall, Donovan of Burlington, Dunn of Essex, Fields of Bennington, Gonzalez of Winooski, Haas of Rochester, Macaig of Williston, McCormack of Burlington, McCullough of Williston, Miller of Shaftsbury, Partridge of Windham, Poirier of Barre City, Sheldon of Middlebury, Sullivan of Burlington, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to a universal, publicly financed primary care system;

To the committee on Health Care.

H. 249

By Reps. McCullough of Williston, Macaig of Williston and Townsend of South Burlington,

House bill, entitled

An act relating to property tax appeals;

To the committee on Ways and Means.

H. 250

By Reps. Stevens of Waterbury, Dunn of Essex, Burke of Brattleboro, Christie of Hartford, Colburn of Burlington, Donovan of Burlington, Gonzalez of Winooski, Macaig of Williston, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to collective bargaining representative elections;

To the committee on General, Housing and Military Affairs.

H. 251

By Reps. Browning of Arlington, Graham of Williamstown, Lefebvre of

Newark, Potter of Clarendon, Quimby of Concord and Viens of Newport City,

House bill, entitled

An act relating to wind generation and trout habitat;

To the committee on Energy and Technology.

H. 252

By Reps. Savage of Swanton and Gamache of Swanton,

House bill, entitled

An act relating to pet specialty license plates;

To the committee on Transportation.

H. 253

By Reps. Stevens of Waterbury, Christie of Hartford, Colburn of Burlington, Donovan of Burlington, Dunn of Essex, Fields of Bennington, Gonzalez of Winooski, Macaig of Williston, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to whistleblower protections for employees;

To the committee on General, Housing and Military Affairs.

H. 254

By Rep. Tate of Mendon,

House bill, entitled

An act relating to physician-patient relationships and Vermont residency for patient choice at end of life;

To the committee on Human Services.

H. 255

By Rep. Tate of Mendon,

House bill, entitled

An act relating to requiring a witness and independent communication in exercising patient choice at end of life;

To the committee on Human Services.

H. 256

By Reps. Christie of Hartford, Wright of Burlington, Baser of Bristol, Bock of Chester, Cupoli of Rutland City, Deen of Westminster, Fields of

Bennington, Head of South Burlington, Joseph of North Hero, Long of Newfane, Lucke of Hartford, Masland of Thetford, McCoy of Poultney, Ode of Burlington, Parent of St. Albans Town, Poirier of Barre City, Sheldon of Middlebury, Townsend of South Burlington, Weed of Enosburgh and Wood of Waterbury,

House bill, entitled

An act relating to sexual assault nurse examiners;

To the committee on Judiciary.

H. 257

By Reps. Sibilia of Dover, Chesnut-Tangerman of Middletown Springs, Forguites of Springfield, Hooper of Brookfield, Jickling of Brookfield, Van Wyck of Ferrisburgh, Wright of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to the Secretary of State notifying the regional development corporations and regional planning commissions when a new business registers with the Office;

To the committee on Government Operations.

H. 258

By Rep. Tate of Mendon,

House bill, entitled

An act relating to licensing casinos;

To the committee on General, Housing and Military Affairs.

H. 259

By Rep. Tate of Mendon,

House bill, entitled

An act relating to residential eviction proceedings;

To the committee on General, Housing and Military Affairs.

H. 260

By Reps. Christie of Hartford, Baser of Bristol, Parent of St. Albans Town, Smith of Derby, Walz of Barre City and Wright of Burlington,

House bill, entitled

An act relating to residential rental agreements and expedited eviction;

To the committee on General, Housing and Military Affairs.

H. 261

By Rep. Tate of Mendon,

House bill, entitled

An act relating to application of stormwater permitting to municipalities;
To the committee on Natural Resources, Fish & Wildlife.

H. 262

By Rep. McCullough of Williston,

House bill, entitled

An act relating to the licensing of nuisance wildlife control operators;
To the committee on Natural Resources, Fish & Wildlife.

H. 263

By Reps. Lucke of Hartford, Christie of Hartford, Dunn of Essex and
Savage of Swanton,

House bill, entitled

An act relating to patient testing for bloodborne pathogen-related illnesses
after possible transmission to health care, safety, or emergency personnel;
To the committee on Human Services.

H. 264

By Reps. Donovan of Burlington, Brumsted of Shelburne, Connor of
Fairfield, McCullough of Williston, Sullivan of Burlington, Till of Jericho and
Walz of Barre City,

House bill, entitled

An act relating to the nutritional requirements for children's meals;
To the committee on Human Services.

H. 265

By Reps. Pugh of South Burlington, Haas of Rochester, McFaun of Barre
Town, Troiano of Stannard and Wood of Waterbury,

House bill, entitled

An act relating to the State Long-Term Care Ombudsman;
To the committee on Human Services.

H. 266

By Reps. Head of South Burlington, Dunn of Essex, Kitzmiller of
Montpelier, Lalonde of South Burlington, Pugh of South Burlington, Stuart of

Brattleboro, Sullivan of Burlington, Till of Jericho, Townsend of South Burlington and Walz of Barre City,

House bill, entitled

An act relating to public funding of out-of-state independent schools;
To the committee on Education.

H. 267

By Reps. Head of South Burlington, Dunn of Essex, Kitzmiller of Montpelier, Lalonde of South Burlington, Lucke of Hartford, Pugh of South Burlington, Sullivan of Burlington, Townsend of South Burlington and Walz of Barre City,

House bill, entitled

An act relating to prohibiting public funding of independent schools;
To the committee on Education.

H. 268

By Reps. Deen of Westminster, McCullough of Williston, Squirrell of Underhill and Sullivan of Burlington,

House bill, entitled

An act relating to the regulation of toxic substances and hazardous materials;
To the committee on Natural Resources, Fish & Wildlife.

H. 269

By Rep. Deen of Westminster,

House bill, entitled

An act relating to the collection of recycling of waste motor vehicle tires;
To the committee on Natural Resources, Fish & Wildlife.

H. 270

By Reps. Lanpher of Vergennes, Bissonnette of Winooski, Christensen of Weathersfield, Christie of Hartford, Cina of Burlington, Conquest of Newbury, Donovan of Burlington, Dunn of Essex, Fields of Bennington, Gannon of Wilmington, Gonzalez of Winooski, Head of South Burlington, Hooper of Brookfield, Howard of Rutland City, Joseph of North Hero, Lalonde of South Burlington, Lefebvre of Newark, Long of Newfane, Lucke of Hartford, Macaig of Williston, Masland of Thetford, Miller of Shaftsbury, Morris of Bennington, Mrowicki of Putney, Ode of Burlington, Partridge of Windham, Rachelson of Burlington, Stevens of Waterbury, Strong of Albany, Sullivan of Burlington,

Till of Jericho, Townsend of South Burlington, Troiano of Stannard, Webb of Shelburne, Weed of Enosburgh, Wood of Waterbury, Wright of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to increasing expanded learning opportunities;
To the committee on Education.

Senate Bill Referred

S. 8

Senate bill, entitled

An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct

Was read and referred to the committee on Government Operations.

Communication from the Governor

February 13, 2017

The Honorable Mitzi Johnson
Speaker of the House
115 State Street. Drawer 33
Montpelier, Vermont 05633-5301

Dear Speaker Johnson,

I have the great honor to inform you that I have appointed Terry Norris, 525 Palmer Rd Shoreham, VT 05770, to serve in the General Assembly representing House District Addison-Rutland, formerly held by Representative Alyson Eastman.

Sincerely,

/s/Philip B. Scott
Governor

Action on Bill Postponed

H. 3

House bill, entitled

An act relating to burial depth in cemeteries

Was taken up and pending the reading of the report of the committee on General, Housing and Military Affairs, on motion of **Rep. Gonzalez of Winooski**, action on the bill was postponed until February 21, 2017.

Adjournment

At ten o'clock and eighteen minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

Wednesday, February 15, 2017

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Lila Iyengar Lehman and Ella Mason, Students at Edmunds Middle School, Burlington, VT.

Message from the Senate No. 18

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

Madam Speaker:

I am directed to inform the House that:

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

H. 125. An act relating to fiscal year 2017 budget adjustments.

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 on its part adopted joint resolution of the following title:

J.R.S. 16. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

New Member Seated

Representative Norris of Shoreham, the newly appointed member, having taken and subscribed the oath administered by the Clerk, as required by the Constitution and laws of the State, was conducted to his seat by the Doorkeeper. Thereupon, Speaker appointed **Rep Norris of Shoreham** to the Committee on Agriculture and Forestry.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 271

By Reps. Pugh of South Burlington and Haas of Rochester,

House bill, entitled

An act relating to administration of the Supplemental Nutrition Assistance Program;

To the committee on Human Services.

H. 272

By Reps. Emmons of Springfield, Belaski of Windsor, Connor of Fairfield, Macaig of Williston, Martel of Waterford, Scheu of Middlebury and Shaw of Pittsford,

House bill, entitled

An act relating to segregation of inmates requiring treatment;

To the committee on Corrections and Institutions.

H. 273

By Reps. Burke of Brattleboro and Sullivan of Burlington,

House bill, entitled

An act relating to a cap and trade program for greenhouse gas emissions caused by transportation, heating, and other energy use;

To the committee on Natural Resources, Fish & Wildlife.

H. 274

By Reps. Sibilica of Dover, Gannon of Wilmington, Jickling of Brookfield and Olsen of Londonderry,

House bill, entitled

An act relating to rural schools;

To the committee on Education.

H. 275

By Reps. Lippert of Hinesburg, Conquest of Newbury and Strong of Albany,

House bill, entitled

An act relating to access to emergency buprenorphine;

To the committee on Human Services.

H. 276

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to municipal authority to regulate the possession, use, and manufacture of knives;

To the committee on Government Operations.

H. 277

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to authorizing the use of a light to hunt coyotes;

To the committee on Natural Resources, Fish & Wildlife.

H. 278

By Rep. Burke of Brattleboro,

House bill, entitled

An act relating to operation of motor vehicles with studded snow tires;

To the committee on Transportation.

H. 279

By Reps. Bancroft of Westford, LaClair of Barre Town and Nolan of Morristown,

House bill, entitled

An act relating to maintenance of class 4 town highways and public trails;

To the committee on Transportation.

House Resolution Placed on Calendar**H.R. 10**

House resolution, entitled

House resolution relating to policies and procedures for the Orange-1 legislative recount

Offered by: Committee on Government Operations

Resolved by the House of Representatives:

That this legislative body approves the following policies and procedures for the Orange-1 legislative recount:

PART 1. PRE-RECOUNT LOGISTICS***I. Subpoenaing Ballot Containers, Entrance Checklists, and Ballot Container Tag IDs***

(a)(1) The Director and Chief Counsel of Legislative Council shall issue on behalf of the Committee on Government Operations subpoenas for the Orange1 district ballot containers from the November 8, 2016 general election, unused ballots from that election that are inside or outside the ballot containers, and any entrance checklists from that election not in ballot containers.

(2) In addition, the Orange County Clerk subpoena shall include the ballot container tag identification.

(b) A sheriff shall deliver the subpoenas. The Office of Legislative Council shall arrange for this delivery.

II. Obtaining and Transporting Ballots and Entrance Checklists

The Office of Legislative Council shall arrange for a sheriff to pick up and deliver the subpoenaed materials to the State House on the day preceding the recount, and to return those materials as soon as practicable following the recount.

III. Storage and Security of Ballots and Entrance Checklists

(a) Upon arrival at the State House, subpoenaed materials shall be stored in the closet of Room 11.

(b) The Sergeant at Arms shall keep this room locked at all times until the morning of the recount. The lock shall be changed using a core key. The Sergeant at Arms shall restrict access to this room and the room key.

IV. Obtaining Vote Tabulators, Vote Tabulator Memory Cards, Blank Ballots, and Other Election Materials

(a) Vote tabulators.

(1) Number. The Recount Panel shall obtain at least two vote tabulators. One shall be used at the recount, and the second shall be reserved as a backup.

(2) Source. The Office of the Secretary of State will request that the City of Montpelier loan these tabulators to the Recount Panel.

(3) Pickup and return. One or more legislators or legislative staff shall pick up these tabulators by car on the morning of the recount and shall return them to the City of Montpelier during the soonest office hours following the recount.

(b) Vote tabulator memory cards.

(1) Number and price.

(A) A total of two memory cards are needed. One shall be used at the recount, and the second shall be reserved as a backup.

(B) The cost is currently estimated at approximately \$250.00 total.

(2) Source. The Office of the Secretary of State will contact and work with vote tabulator company LHS to prepare the memory cards.

(3) Delivery and storage.

(A) LHS will mail the memory cards to the State House.

(B) The Chief of the Capitol Police shall store the memory cards in a locked drawer within his or her office and shall keep this drawer locked at all times until the morning of the recount. The Chief shall restrict access to this drawer and the drawer key and shall deliver the memory cards to the location of the recount on the morning thereof.

(C) The Office of the Secretary of State will provide a chain of custody form that shall be completed by any person who handles the memory cards.

(c) Other election materials.

(1)(A) The Office of the Secretary of State will provide tally sheets, summary sheets, and returns. The Office of the Secretary of State will also provide a copy of its Rules for Counting Ballots to assist the Recount Panel.

(B) The Office of the Secretary of State will deliver these materials on the day of the recount.

(2) The Sergeant at Arms shall provide a stanchion to separate the recount area from the rest of the room in which the recount is held.

(3) The Office of the Secretary of State will arrange for an LHS representative to be available by telephone on the day of the recount.

V. General Information Regarding Recount

(a) Location. The recount shall be held in Room 11.

(b) Notice. The Committee on Government Operations shall provide advance notice of the recount in a press release and on the website of the General Assembly.

(c) Costs. Payments for all costs associated with conducting the recount shall be paid from the legislative appropriation.

(d) Access.

(1) Members of the public and of the press and the two candidates and their attorneys shall remain outside the stanchion during the recount and shall not interfere or communicate with the Recount Panel.

(2) Only Recount Panel members and their chosen assistants, including staff of the Office of Legislative Council and of the Office of the Secretary of State, shall be permitted on the side of the stanchion in which the recount is taking place.

(e) Maintaining order. The Sergeant at Arms and the Capitol Police shall maintain order during the recount.

(f) Securing election materials overnight. If the recount cannot be completed within one day or if election materials cannot be returned during business hours on the day of the recount, the Sergeant at Arms shall:

(1) store and lock any election materials in the Room 11 closet with the core lock; and

(2) change the locks on the Room 11 doors using a core lock and keep those doors locked overnight.

PART 2. RECOUNT PROCEDURES ON THE DAY(S) OF THE RECOUNT

I. Necessary Designees

(a) If for any reason the Chair of the Committee on Government Operations cannot attend the recount, the Vice Chair of the Committee shall serve as Chair. In this instance, the Republican Party caucus leader shall serve on the Recount Panel and the Majority Leader of the Democratic Party caucus shall take the Republican Party caucus leader's place on the Chair Observer Team.

(b) If for any reason any other Recount Panel member cannot attend the recount, his or her party caucus leader shall appoint a person of his or her party to act as designee.

II. Vote Tabulator Test

(a) Before any containers are opened or removed from the Room 11 closet, the Recount Panel shall perform a test of the vote tabulator using a minimum of 10 blank ballots provided by LHS.

(b) After this test, these ballots shall be sealed in an envelope that shall be dated and marked "TEST BALLOTS—DO NOT COUNT." This envelope shall then be kept separate from the rest of the ballots.

III. Assignment of Duties

(a) The Chair of the Committee on Government Operations (Chair) shall supervise the recount.

(b) The Chair shall assign Recount Panel members to the following teams. Half of each team shall be made up of Republican Party representatives and the other half of each team shall be made up equally of Progressive and Democratic representatives, except as otherwise agreed upon by the Recount Panel.

(1) One Checklist Team, comprising four members.

(2) Three Pile Teams, each comprising four members.

(3) One Pile/Tally Team, comprising four members.

(4) One Vote Tabulator Team, comprising two members.

(c) Each four-member team shall consist of one caller and one observer, one representing the Republican Party and the other representing either the Progressive or Democratic Party, and one tally person and one double-check person, likewise representing those different parties.

(d) The Chair may require the teams to switch roles for each subsequent container of ballots.

(e) The Republican and Progressive Party caucus leaders shall be the Chair Observer Team.

IV. General Rules Regarding the Recount

(a) Explaining recount. Before the recount begins, the Chair or his or her designee shall explain the recount procedures that are to be followed and shall answer questions relating to such procedures.

(b) Separating containers and towns.

(1) The Recount Panel shall recount the contents of one container before opening another container, and shall complete the recount for one town before moving onto another town.

(2) A town shall not be left partially counted overnight.

(3) Uncounted containers shall be kept in one part of the room and moved to the other side as they are counted.

(c) Separating tables. Each team shall have a separate table and the Chair shall have a separate table, and each table shall be spaced apart.

V. Inspecting Containers, Tags, and Seals

(a) Containers. The Chair shall count and record the number of containers for each town on the master list.

(b) Tags. Before opening, each container shall be inspected, and if no tag is present, replacement manila tags shall be affixed, specifying the date of election and the name of the town.

(c) Seals.

(1) The Chair and the Chair Observer Team shall compare each seal number to that listed by the county clerk following the recount. Each seal shall be examined to see if it is intact, and the Chair shall attach to any container with a defective seal a tag stating that the seal was defective and containing the information that was contained on the defective seal.

(2) If it is found that any seal or container has been tampered with, the

recount shall not move forward and Representative Frenier shall retain his seat.

VI. Opening Containers

(a) If there is more than one container from a town, the Chair shall open first the container that is identified as containing the checklist, if applicable.

(b) The Chair shall open each container in the presence of the Chair Observer Team and shall empty the contents onto the Chair's table.

(c) The Chair shall ensure that teams are not given unused ballots, early or absentee ballots that arrived after the close of polls, any ballots marked defective or placed in a defective ballot envelope, or ballots spoiled by voters and turned in by voters requesting fresh ballots.

(d) In the presence of the Chair Observer Team, the Chair shall mark the number of defective ballots from the official return of votes for each town on the summary sheet.

VII. Examination of Checklists by the Checklist Team

(a) The checklist from the first container shall be assigned to the Checklist Team. The caller and observer, each acting independently, shall examine the checklist and determine how many voters voted in the town, repeating the process until they agree on a number or until they agree to disagree on a number.

(b) Then the checklist shall be examined by the tally person and the double-check person, repeating the process until they agree on a number or they agree to disagree on the number.

(c) The results obtained from the two subgroups will be compared and if they do not match, the process shall be repeated until there is agreement among all the members of the Checklist Team or until Checklist Team members agree to disagree.

(d)(1) The number finally determined by a majority of Checklist Team members shall be submitted to the Chair in the presence of the Chair Observer Team, together with an indication of the nature and extent of the disagreement.

(2) If one or more team members do not agree with the number submitted, the Chair shall note on the master list the fact that the number of people appearing as having voted on a specified checklist was subject to dispute.

VIII. Ballot Review and Hand Count

(a) While the checklist count is occurring, each Pile Team shall take a stack of ballots from the Chair's table and take those ballots to its own table.

(b) The caller and the observer shall sort ballots into piles of 50, and the tally and double-check persons shall recount that pile to ensure that there are 50 ballots in the pile.

(c)(1) Then, for each pile of 50, each Pile Team shall review each ballot within the pile and remove from that pile each ballot upon which, for the office in question, the voter recorded his or her vote or votes in that race in any manner other than completely filling in the oval to the right of the candidate's name. These teams shall also remove any plain paper or damaged ballots.

(2) A ballot shall be removed only if at least two members of the team agree to its removal.

(3) A ballot without markings for the office in question shall not be removed.

(4) A ballot that is not removed upon this first review shall not be reviewed again.

(d) Each Pile Team shall then count the number of ballots that remain in a pile, attach to that pile a note with that number, and deliver those ballots to the Vote Tabulator Team.

(e)(1) Each Pile Team shall then take any removed ballots, hand count the votes for the office in question on those ballots, and mark the results on a tally sheet for the town.

(2) If a team cannot unanimously agree on how to count a vote in this race, it shall be delivered the Chair and the Chair Observer Team for a final determination.

(f) At the end of the hand count for a town, the caller and observer on the Pile/Tally Team shall add together all of the hand counted tally sheets. The tally and double-check persons on that team shall then double-check that calculation for accuracy.

IX. Rules for hand counting ballots

(a) In counting ballots, Pile Team members shall attempt to ascertain the intent of the voter, as expressed by markings on the ballot that is consistent with rules adopted by the Secretary of State.

(b) If the voter marks more names than there are persons to be elected to the office in question, his or her ballot shall not be counted for that office and the Pile Team shall record two overvotes on the tally sheet.

(c)(1) If the Pile Team decides by majority vote that any markings on a ballot were made for the purpose of enabling it to be identified and the vote traced, so as to defeat the secrecy of the ballot, that ballot shall be submitted to

the Chair and Chair Observer Team for a final determination.

(2) If the Pile Team cannot reach a decision on such a ballot by majority vote, the ballot shall be submitted to the Chair and Chair Observer Team for a final determination.

(d) If it is impossible to determine the intent of the voter for the office in question, the ballot shall be counted as blank.

(e)(1) In the case of “write-in” votes, the act of writing in the name of a candidate, or pasting a label containing a candidate’s name upon the ballot, without other indications of the voter’s intent, shall constitute a vote for that candidate, even though the voter did not fill in the square or oval after the name.

(2)(A) Write-in votes for a preprinted candidate, including the use of a nickname or last name, shall be counted as a vote for that candidate.

(B) For any other write-in candidate, the Pile Team shall only mark on the tally sheet the number of those write-in votes.

(3) A person who receives more than one vote for the same office on any ballot shall be entitled to one vote, and one vote only.

X. Vote Tabulator Count

(a) At the same time as any removed ballots are being hand counted, the Vote Tabulator Team shall take any ballots delivered to it and shall feed them through a vote tabulator until all the ballots from the container have been entered into the tabulator.

(b) The Vote Tabulator Team shall attempt to feed ballots into the tabulator in the same direction.

(c)(1) If the tabulator refuses a ballot, a member of the Vote Tabulator Team shall announce that occurrence and whether the ballot was counted, and attempt to override that refusal.

(2) If the tabulator continues to refuse the ballot, a member of the Vote Tabulator Team shall announce that occurrence and return it to a Pile Team for hand counting.

(d) This process shall be used until all applicable ballots from a town have been tabulated by a vote tabulator.

(e)(1) The Vote Tabulator Team shall then print the tabulator tape containing the unofficial results.

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

Joint Resolution Adopted in Concurrence**J.R.S. 16**

By Senator Ashe,

J.R.S. 16. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 17, 2017, it be to meet again no later than Tuesday, February 21, 2017.

Was taken up read and adopted in concurrence.

**Favorable Report; Read Second Time;
Third Reading Ordered****H. 75**

Rep. Brumsted of Shelburne, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to the Government Accountability Committee and the State Outcomes Report

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.

Rep. Krowinski of Burlington in chair.

Committee Bill Read Second Time; Third Reading Ordered**H. 238**

Rep. Stevens of Waterbury spoke for the committee on General, Housing and Military Affairs.

House bill entitled

An act relating to modernizing and reorganizing Title 7

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Favorable Report; Read Second Time;
Third Reading Ordered****H. 55**

Rep. Willhoit of St. Johnsbury, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to appointing public defenders for accused persons 25 years of age or less

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.

Adjournment

At two o'clock and thirty three minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, February 16, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Deadra Ashton, Christ Church, Presbyterian, Burlington, VT.

Message from the Senate No. 19

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 10. An act relating to liability for the contamination of potable water supplies.

S. 18. An act relating to freedom of expression for students.

S. 33. An act relating to the Rozo McLaughlin Farm-to-School Program.

S. 60. An act relating to the repeal of 21 V.S.A. § 6.

In the passage of which the concurrence of the House is requested.

The Senate has considered a joint concurrent resolution originating in the House of the following title:

H.C.R. 35. House concurrent resolution commemorating the 240th anniversary of the Battle of Hubbardton.

And has adopted the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 280

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to prescribing by doctoral-level psychologists;

To the committee on Health Care.

H. 281

By Reps. Till of Jericho, Browning of Arlington, Christie of Hartford, Cina of Burlington, Donovan of Burlington, Dunn of Essex, Gannon of Wilmington, Lalonde of South Burlington, Masland of Thetford, McCullough of Williston, Squirrell of Underhill, Webb of Shelburne, Yacovone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to preventing adverse childhood experiences;

To the committee on Human Services.

H. 282

By Reps. Grad of Moretown and Burditt of West Rutland,

House bill, entitled

An act relating to health insurance coverage for acupuncture;

To the committee on Health Care.

H. 283

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to protecting against financial exploitation of vulnerable adults;

To the committee on Human Services.

H. 284

By Reps. Wood of Waterbury, Noyes of Wolcott, Briglin of Thetford, Christensen of Weathersfield, Cina of Burlington, Dunn of Essex, Gannon of

Wilmington, Hill of Wolcott, Howard of Rutland City, Keefe of Manchester, Mrowicki of Putney, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Willhoit of St. Johnsbury and Yacovone of Morristown,

House bill, entitled

An act relating to increasing Medicaid rates for home- and community-based service providers;

To the committee on Human Services.

H. 285

By Reps. Rachelson of Burlington and Cina of Burlington,

House bill, entitled

An act relating to a statutory will;

To the committee on Judiciary.

H. 286

By Reps. Rachelson of Burlington, Cina of Burlington, Donovan of Burlington, Hooper of Brookfield and Ode of Burlington,

House bill, entitled

An act relating to automatic renewal provisions in consumer contracts;

To the committee on Commerce and Economic Development.

H. 287

By Reps. Hubert of Milton, Ainsworth of Royalton, Bancroft of Westford, Batchelor of Derby, Beck of St. Johnsbury, Brumsted of Shelburne, Canfield of Fair Haven, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donahue of Northfield, Frenier of Chelsea, Gage of Rutland City, Gamache of Swanton, Gannon of Wilmington, Graham of Williamstown, Higley of Lowell, Keefe of Manchester, Kitzmiller of Montpelier, LaClair of Barre Town, Lawrence of Lyndon, Lefebvre of Newark, Lewis of Berlin, Marcotte of Coventry, Martel of Waterford, McCoy of Poultney, McFaun of Barre Town, Morrissey of Bennington, Myers of Essex, Nolan of Morristown, Parent of St. Albans Town, Rosenquist of Georgia, Savage of Swanton, Shaw of Pittsford, Strong of Albany, Tate of Mendon, Townsend of South Burlington, Van Wyck of Ferrisburgh and Viens of Newport City,

House bill, entitled

An act relating to ways used for vehicular travel;

To the committee on Transportation.

H. 288

By Reps. Marcotte of Coventry, Batchelor of Derby, Botzow of Pownal, Higley of Lowell, O'Sullivan of Burlington, Smith of Derby, Strong of Albany, Sullivan of Dorset, Viens of Newport City and Young of Glover,

House bill, entitled

An act relating to prohibiting the retention of any payment due and owing a material supplier for a construction project;

To the committee on Commerce and Economic Development.

H. 289

By Reps. Sullivan of Burlington, Lefebvre of Newark and McCullough of Williston,

House bill, entitled

An act relating to a registry for conservation rights and interests;

To the committee on Natural Resources, Fish & Wildlife.

H. 290

By Reps. McCullough of Williston and Macaig of Williston,

House bill, entitled

An act relating to clarifying ambiguities relating to real estate titles and conveyances;

To the committee on Judiciary.

H. 291

By Reps. Rachelson of Burlington, Cina of Burlington, Colburn of Burlington, Donovan of Burlington and Hooper of Brookfield,

House bill, entitled

An act relating to prohibiting State contracts with for-profit correctional facilities;

To the committee on Corrections and Institutions.

H. 292

By Reps. Fagan of Rutland City, Cupoli of Rutland City and Howard of Rutland City,

House bill, entitled

An act relating to cut-through traffic on private highways;

To the committee on Government Operations.

H. 293

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to Mental Health and Addiction Services Loan Forgiveness and Development Program;

To the committee on Health Care.

H. 294

By Reps. Sullivan of Burlington, Belaski of Windsor, Christensen of Weathersfield, Conlon of Cornwall, Dunn of Essex, Fields of Bennington, Macaig of Williston, McCormack of Burlington, O'Sullivan of Burlington, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City and Weed of Enosburgh,

House bill, entitled

An act relating to inquiries about an applicant's salary history;

To the committee on General, Housing and Military Affairs.

H. 295

By Reps. Lalonde of South Burlington, Conquest of Newbury and Viens of Newport City,

House bill, entitled

An act relating to distracted driving and the crime of grossly negligent motor vehicle operation;

To the committee on Transportation.

H. 296

By Reps. Browning of Arlington, Bartholomew of Hartland, Briglin of Thetford, Gannon of Wilmington and Masland of Thetford,

House bill, entitled

An act relating to school district consolidation;

To the committee on Education.

H. 297

By Rep. Grad of Moretown,

House bill, entitled

An act relating to judicial organization and restructuring;

To the committee on Judiciary.

H. 298

By Reps. Gamache of Swanton, Canfield of Fair Haven, Donahue of Northfield, Gage of Rutland City, Hebert of Vernon, Morrissey of Bennington, Rosenquist of Georgia, Savage of Swanton, Strong of Albany and Viens of Newport City,

House bill, entitled

An act relating to requiring an Adult Protective Services consultation prior to issuing certain prescriptions;

To the committee on Human Services.

H. 299

By Reps. Rachelson of Burlington, Cina of Burlington and Hooper of Brookfield,

House bill, entitled

An act relating to the sale of shell eggs;

To the committee on Agriculture & Forestry.

H. 300

By Reps. Graham of Williamstown, Hooper of Brookfield, Sheldon of Middlebury and Tate of Mendon,

House bill, entitled

An act relating to the statute of limitations for recovery and possession of property actions against the grantee of a tax collector's deed;

To the committee on Judiciary.

S. 10

Senate bill, entitled

An act relating to liability for the contamination of potable water supplies;

To the committee on Natural Resources, Fish & Wildlife.

S. 18

Senate bill, entitled

An act relating to freedom of expression for students;

To the committee on Education.

S. 33

Senate bill, entitled

An act relating to the Rozo McLaughlin Farm-to-School Program;
To the committee on Agriculture & Forestry.

S. 60

Senate bill, entitled

An act relating to the repeal of 21 V.S.A. § 6;

To the committee on General; Housing and Military Affairs.

Message from the Senate No. 20

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 13. An act relating to fees and costs allowed at a tax sale.

S. 38. An act relating to the Government Accountability Committee and the State Outcomes Report.

In the passage of which the concurrence of the House is requested.

Third Reading; Bill Passed

H. 55

House bill, entitled

An act relating to appointing public defenders for accused persons 25 years of age or less

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 75

House bill, entitled

An act relating to the Government Accountability Committee and the State Outcomes Report

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 238

House bill, entitled

An act relating to modernizing and reorganizing Title 7

Was taken up and pending third reading of the bill, **Reps. Olsen of Londonderry, Chesnut-Tangerman of Middletown Springs, McCormack of Burlington, Parent of St. Albans Town, Sibia of Dover, Wright of Burlington and Young of Glover** moved to amend the bill as follows:

In Sec. 34, first-class licenses, after subsection (h) by inserting a subsection (i) to read:

(i) Each day, a first-class licensee may offer malt beverages or vinous beverages, or both, at a temporarily reduced price for a period of not more than two hours in duration. A licensee shall not offer any malt beverage or vinous beverage for sale pursuant to this subsection at a price below the wholesale purchase price for the beverage.

Which was disagreed to on a division, Yeas, 49, Nays, 69. Thereupon, the bill was read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 27

Rep. Morris of Bennington, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to eliminating the statute of limitations on prosecutions for sexual assault

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 4501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, sexual assault, sexual abuse of a vulnerable adult, human trafficking, aggravated human trafficking, murder, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

(b) Prosecutions for manslaughter, ~~sexual assault~~, lewd and lascivious conduct, ~~sexual exploitation of children under chapter 64 of this title, sexual abuse of a vulnerable adult~~, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.

(c) Prosecutions for any of the following offenses alleged to have been committed against a child under 18 years of age shall be commenced within 40 years after the commission of the offense, and not after:

(1) ~~sexual assault~~ sexual exploitation of children under chapter 64 of this title;

(2) lewd and lascivious conduct;

(3) sexual exploitation of a minor as defined in subsection 3258(c) of this title;

(4) lewd or lascivious conduct with a child; and

(5) manslaughter.

(d) Prosecutions for arson shall be commenced within 11 years after the commission of the offense, and not after.

(e) Prosecutions for other felonies and for misdemeanors shall be commenced within three years after the commission of the offense, and not after.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 25

Rep. Rachelson of Burlington, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to sexual assault survivors' rights

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3281 is added to read:

§ 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

(a) Short Title. This section may be cited as the "Bill of Rights for Sexual Assault Survivors."

(b) Definition. As used in this section, "sexual assault survivor" means a person who is a victim of an alleged sexual offense.

(c) Survivors' Rights. When a sexual assault survivor makes a verbal or written report to a law enforcement officer, medical provider, or victim's advocate of an alleged sexual offense, the recipient of the report shall provide written notification to the survivor that he or she has the following rights:

(1) The right to receive a medical forensic examination and any related toxicology testing at no cost to the survivor in accordance with 32 V.S.A. § 1407, irrespective of whether the survivor reports to or cooperates with law enforcement. If the survivor opts to have a medical forensic examination, he or she shall have the following additional rights:

(A) The right to have the medical forensic examination kit or its probative contents delivered to a forensics laboratory within 72 hours of collection.

(B) The right to have the sexual assault evidence collection kit or its probative contents preserved without charge for the duration of the maximum applicable statute of limitations.

(C) The right to be informed in writing of all policies governing the collection, storage, preservation, and disposal of a sexual assault evidence collection kit.

(D) The right to be informed of a DNA profile match on a reported or confidential kit, on a toxicology report, or on a medical record documenting a medical forensic examination, if the disclosure would not impede or compromise an ongoing investigation.

(E) Upon written request from the survivor, the right to:

(i) receive written notification from the appropriate official with custody not later than 60 days before the date of the kit's intended destruction or disposal; and

(ii) be granted further preservation of the kit or its probative contents.

(2) The right to consult with a sexual assault advocate.

(3) The right to information concerning the availability of protective orders and policies related to the enforcement of protection orders.

(4) The right to information about the availability of, and eligibility for, victim compensation and restitution.

(5) The right to information about confidentiality.

(d) Notification protocols. The Vermont Network Against Domestic and Sexual Violence and the Sexual Assault Nurse Examiner Program, in consultation with other parties referred to in this section, shall develop protocols and written materials to assist all responsible entities in providing notification to victims.

Sec. 2. 32 V.S.A. § 1407 is amended to read:

§ 1407. COSTS TO BE BORNE BY THE STATE

(a) As described in this section, the State shall cover the costs of certain medical care for victims of crime committed in this State without health insurance or whose health insurance does not pay for all of the care provided, or who request coverage because of concern that his or her safety or confidentiality would be adversely affected if the insurer were billed.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 74

Rep. Conquest of Newbury, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to nonconsensual sexual conduct

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 2601a is added to read:

§ 2601a. LEWD CONDUCT

(a) No person shall engage in open and gross lewdness.

(b) A person who violates this section shall:

(1) be imprisoned for not more than one year or fined not more than \$300.00, or both, for a first offense; and

(2) be imprisoned not more than two years or fined not more than \$1,000.00, or both, for a second or subsequent offense.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 35**

Rep. Hill of Wolcott, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to adopting the Uniform Voidable Transactions Act

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 57 is amended to read:

~~CHAPTER 57. FRAUDULENT CONVEYANCES~~ VOIDABLE
TRANSACTIONS AND FALSE CHECKS

Subchapter 1: ~~Fraudulent Transfers~~ Voidable Transactions

§ 2285. DEFINITIONS

As used in this chapter:

(1) “Affiliate” means:

(A) a person who directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(i) as a fiduciary or agent without sole discretionary power to vote the securities; or

(ii) solely to secure a debt, if the person has not exercised the power to vote;

(B) a corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by the debtor or a person that directly or indirectly owns, controls, or holds, with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than a person that holds the securities:

(i) as a fiduciary or agent without sole discretionary power to vote the securities; or

(ii) solely to secure a debt, if the person has not in fact exercised the power to vote;

(C) a person whose business is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the debtor; or

~~(D)~~ a person who operates the debtor’s business under a lease or other agreement or controls substantially all of the debtor’s assets.

-
- (2) “Asset” means property of a debtor, but the term does not include:
- (A) property to the extent it is encumbered by a valid lien;
 - (B) property to the extent it is generally exempt under nonbankruptcy law; or
 - (C) an interest in property held in tenancy by the entireties to the extent it is not subject to process by a creditor holding a claim against only one tenant.
- (3) “Claim”, except as used in “claim for relief” means a right to payment, whether or not the right is reduced to judgement, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.
- (4) “Creditor” means a person who has a claim.
- (5) “Debt” means liability on a claim.
- (6) “Debtor” means a person who is liable on a claim.
- (7) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (8) “Insider” includes:
- (A) if the debtor is an individual,
 - (i) a relative of the debtor or of a general partner of the debtor;
 - (ii) a partnership in which the debtor is a general partner;
 - (iii) a general partner in a partnership described in subdivision (A)(ii) of this subdivision ~~(6)~~(8) ;
 - (iv) a corporation of which the debtor is a director, officer, or person in control; or
 - (v) a member-managed limited liability company in which the debtor is a member, a manager-managed limited liability company in which the debtor is a manager, or any limited liability company in which the debtor is in control;
 - (vi) a member in a member-managed limited liability company or a manager in a manager-managed limited liability company as described in subdivision (A)(v) of this subdivision ~~(6)~~(8) ;
 - (B) if the debtor is a corporation,
 - (i) a director of the debtor;
 - (ii) an officer of the debtor;

- (iii) a person in control of the debtor;
 - (iv) a partnership in which the debtor is a general partner;
 - (v) a general partner in a partnership described in subdivision (B)(iv) of this subdivision ~~(6)(8)~~; or
 - (vi) a relative of a general partner, director, officer, or person in control of the debtor;
- (C) if the debtor is a partnership,
- (i) a general partner in the debtor;
 - (ii) a relative of a general partner in, a general partner of, or a person in control of the debtor;
 - (iii) another partnership in which the debtor is a general partner;
 - (iv) a general partner in a partnership described in subdivision (C)(iii) of this subdivision ~~(6)(8)~~; or
 - (v) a person in control of the debtor;
- (D) if the debtor is a limited liability company,
- (i) a member of the member-managed limited liability company;
 - (ii) a manager of the manager-managed limited liability company;
 - (iii) a partnership in which the debtor is a general partner;
 - (iv) a general partner in a partnership described in subdivision (D)(iii) of this subdivision ~~(6)(8)~~; or
 - (v) a person in control of the debtor;
- (E) an affiliate, or an insider of an affiliate as if the affiliate were the debtor; and
- (F) a managing agent of the debtor.

~~(7)(9)~~ “Lien” means a charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.

(10) “Organization” means a person other than an individual.

~~(8)(11)~~ “Person” means an individual, partnership, corporation, limited liability company, association, organization, government or governmental subdivision or agency, business trust, estate, trust, or any other legal or commercial entity.

~~(9)~~(12) “Property” means anything that may be the subject of ownership.

~~(10)~~(14) “Relative” means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

(15) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

~~(11)~~(16) “Transfer” means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance.

~~(12)~~(17) “Valid lien” means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

§ 2286. INSOLVENCY

(a) A debtor is insolvent if, at a fair valuation, the sum of the debtor’s debts is greater than ~~all of the~~ sum of the debtor’s assets ~~at a fair valuation~~.

(b) A debtor who is generally not paying his or her debts as they become due other than as a result of a bona fide dispute is presumed to be insolvent. The presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence.

~~(c) A partnership is insolvent under subsection (a) of this section if the sum of the partnership’s debts is greater than the aggregate, at a fair valuation, of all of the partnership’s assets and the sum of the excess of the value of each general partner’s nonpartnership assets over the partner’s nonpartnership debts.~~

~~(d)~~ Assets under this section do not include property that has been transferred, concealed, or removed with the intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer violable under this chapter.

~~(e)~~(d) Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

§ 2287. VALUE

(a) Value is given for a transfer or an obligation if, in exchange for the transfer or obligation, property is transferred or an antecedent debt is secured or satisfied, but value does not include an unperformed promise made otherwise than in the ordinary course of the promisor's business to furnish support to the debtor or another person.

(b) For the purposes of subdivision 2288(a)(2) and section 2289 of this title, a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, nonconclusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

(c) A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

§ 2288. TRANSFERS FRAUDULENT AS TO PRESENT AND FUTURE CREDITORS TRANSFER OR OBLIGATION VOIDABLE AS TO PRESENT OR FUTURE CREDITOR

(a) A transfer made or obligation incurred by a debtor is ~~fraudulent~~ voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

(1) with actual intent to hinder, delay, or defraud any creditor of the debtor; or

(2) without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor:

(A) was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or

(B) intended to incur, or believed or reasonably should have believed that he or she would incur, debts beyond his or her ability to pay as they became due.

(b) In determining actual intent under subdivision (a)(1) of this section, consideration may be given, among other factors, to whether:

(1) the transfer or obligation was to an insider;

(2) the debtor retained possession or control of the property transferred after the transfer;

(3) the transfer or obligation was disclosed or concealed;

-
- (4) before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;
 - (5) the transfer was of substantially all the debtor's assets;
 - (6) the debtor absconded;
 - (7) the debtor removed or concealed assets;
 - (8) the value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;
 - (9) the debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;
 - (10) the transfer occurred shortly before or shortly after a substantial debt was incurred; and
 - (11) the debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

(c) A creditor making a claim for relief under subsection (a) of this section has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

§ 2289. ~~TRANSFERS FRAUDULENT AS TO PRESENT CREDITORS~~
TRANSFER OR OBLIGATION VOIDABLE AS TO PRESENT
CREDITOR

(a) A transfer made or obligation incurred by a debtor is ~~fraudulent~~ voidable as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

(b) A transfer made by a debtor is ~~fraudulent~~ voidable as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

(c) Subject to subsection 2286(b) of this title, a creditor making a claim for relief under subsection (a) or (b) of this section has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

§ 2290. WHEN TRANSFER IS MADE OR OBLIGATION IS INCURRED

For the purposes of this chapter:

- (1) a transfer is made:

(A) with respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and

(B) with respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this chapter that is superior to the interest of the transferee;

(2) if applicable law permits the transfer to be perfected as provided in subdivision (1) of this section and the transfer is not so perfected before the commencement of an action for relief under this chapter, the transfer is deemed made immediately before the commencement of the action;

(3) if applicable law does not permit the transfer to be perfected as provided in subdivision (1) of this section, the transfer is made when it becomes effective between the debtor and the transferee;

(4) a transfer is not made until the debtor has acquired rights in the asset transferred;

(5) an obligation is incurred:

(A) if oral, when it becomes effective between parties; or

(B) if evidenced by a ~~writing~~ record, when the ~~writing~~ record ~~executed~~ signed by the obligor is delivered to or for the benefit of the obligee.

§ 2291. REMEDIES OF ~~CREDITORS~~ CREDITOR

(a) In an action for relief against a transfer or obligation under this chapter, a creditor, subject to the limitations in section 2292 of this title, may obtain:

(1) avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(2) an attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed by the Vermont Rules of Civil Procedure;

(3) subject to applicable principles of equity and in accordance with applicable Rules of Civil Procedure:

(A) an injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(B) appointment of a receiver to take charge of the asset transferred

or of other property of the transferee; or

(C) any other relief the circumstances may require.

(b) If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

§ 2292. DEFENSES; LIABILITY, AND PROTECTION OF TRANSFEREE
OR OBLIGEE

(a) A transfer or obligation is not voidable under subdivision 2288(a)(1) of this title against a person who took in good faith and for a reasonably equivalent value or against any subsequent transferee or obligee.

(b) To the extent a transfer is avoidable in an action by a creditor under subdivision 2291(a)(1) of this title, the following rules apply:

~~(1)~~ Except as otherwise provided in this section, ~~to the extent a transfer is voidable in an action by a creditor under subdivision 2291(a)(1) of this title,~~ the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection (c) of this section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against:

~~(1)(A)~~ the first transferee of the asset or the person for whose benefit the transfer was made; or

~~(2)(B)~~ any subsequent transferee other than a good faith transferee who took for value or from any subsequent transferee an immediate or mediate transferee of the first transferee, other than:

(i) a good-faith transferee who took for value; or

(ii) an immediate or mediate good-faith transferee of a person described in subdivision (1)(B)(i) of this subsection (b).

(2) Recovery pursuant to subdivision 2291(a)(1) or subsection 2291(b) of this title of or from the asset transferred or its proceeds, by levy or otherwise, is available only against a person described in subdivision (1)(A) or (1)(B) of this subsection (b).

(c) If the judgment under subsection (b) of this section is based upon the value of the asset transferred, the judgment must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

(d) Notwithstanding voidability of a transfer or an obligation under this chapter, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to:

- (1) a lien on or a right to retain any interest in the asset transferred;
- (2) enforcement of any obligation incurred; or
- (3) a reduction in the amount of the liability on the judgment.

(e) A transfer is not voidable under subdivision 2288(a)(2) or section 2289 of this title if the transfer results from:

(1) termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law;

(2) enforcement of a security interest in compliance with 9A V.S.A. Article 9, other than acceptance of collateral in full or partial satisfaction of the obligation it secures; or

(3) foreclosure of a mortgage in compliance with 12 V.S.A. ~~chapter 163, subchapter 6 or chapter 172, subchapter 1.~~

(f) A transfer is not voidable under subsection 2289(b) of this title:

(1) to the extent the insider gave new value to or for the benefit of the debtor after the transfer was made ~~unless, except to the extent~~ the new value was secured by a valid lien;

(2) if made in the ordinary course of business or financial affairs of the debtors and the insider; or

(3) if made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor.

(g) The following rules determine the burden of proving matters referred to in this section:

(1) A party that seeks to invoke subsection (a), (d), (e), or (f) of this section has the burden of proving the applicability of that subsection.

(2) Except as otherwise provided in subdivisions (3) and (4) of this subsection, the creditor has the burden of proving each applicable element of subsection (b) or (c) of this section.

(3) The transferee has the burden of proving the applicability to the transferee of subdivision (b)(1)(B)(i) or (ii) of this section.

(4) A party that seeks adjustment under subsection (c) of this section has the burden of proving the adjustment.

(h) The standard of proof required to establish matters referred to in this section is preponderance of the evidence.

§ 2293. ~~EXTINGUISHMENT OF CAUSE OF ACTION~~ CLAIM FOR

RELIEF

A ~~cause of action~~ claim for relief with respect to a ~~fraudulent~~ transfer or obligation under this chapter is extinguished unless action is brought:

(1) under subdivision 2288(a)(1) of this title ~~within~~ not later than four years after the transfer was made or the obligation was incurred or, if later, ~~within~~ not later than one year after the transfer or obligation was or could reasonably have been discovered by the claimant;

(2) under subdivision 2288(a)(2) or subsection 2289(a) of this title ~~within~~ not later than four years after the transfer was made or the obligation was incurred; or

(3) under subsection 2289(b) of this title, ~~within~~ not later than one year after the transfer was made or the obligation was incurred.

§ 2294. GOVERNING LAW

(a) In this section, the following rules determine a debtor's location:

(1) A debtor who is an individual is located at the individual's principal residence.

(2) A debtor that is an organization and has only one place of business is located at its place of business.

(3) A debtor that is an organization and has more than one place of business is located at its chief executive office.

(b) A claim for relief in the nature of a claim for relief under this chapter is governed by the local law of the jurisdiction in which the debtor is located when the transfer is made or the obligation is incurred.

§ 2295. APPLICATION TO SERIES ORGANIZATION

(a) In this section:

(1) "Protected series" means an arrangement, however denominated, created by a series organization that, pursuant to the law under which the series organization is organized, has the characteristics set forth in subdivision (2) of this subsection.

(2) "Series organization" means an organization that, pursuant to the law under which it is organized, has the following characteristics:

(A) The organic record of the organization provides for creation by the organization of one or more protected series, however denominated, with respect to specified property of the organization, and for records to be maintained for each protected series that identify the property of or associated with the protected series.

(B) Debt incurred or existing with respect to the activities of, or property of or associated with, a particular protected series is enforceable against the property of or associated with the protected series only, and not against the property of or associated with the organization or other protected series of the organization.

(C) Debt incurred or existing with respect to the activities or property of the organization is enforceable against the property of the organization only, and not against the property of or associated with a protected series of the organization.

(b) A series organization and each protected series of the organization is a separate person for purposes of this chapter, even if for other purposes a protected series is not a person separate from the organization or other protected series of the organization.

§ 2296. SUPPLEMENTARY PROVISIONS

Unless displaced by the provisions of this chapter, the principles of law and equity, including the law merchant and the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement the provisions of this chapter.

§ ~~2295~~ § 2297. UNIFORMITY OF APPLICATION AND CONSTRUCTION

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

§ 2298. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. § 7003(b).

§ 2299. SHORT TITLE

This chapter, which was formerly cited as the Uniform Fraudulent Transfer Act, may be cited as the Uniform Voidable Transactions Act.

* * *

Sec. 2. EFFECTIVE DATE; IMPLEMENTATION

(a) This act shall take effect on July 1, 2017.

(b) The provisions of this act apply to a transfer made or obligation incurred on or after July 1, 2017.

(c) The provisions of this act do not apply:

(1) to a transfer made or obligation incurred before July 1, 2017; or

(2) to a right of action that has accrued before July 1, 2017.

(d) For purposes of this act, a transfer is made and an obligation is incurred at the time provided in 9 V.S.A. § 2290.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce and Economic Development agreed to and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 125

The Senate proposed to the House to amend House bill, entitled

An act relating to fiscal year 2017 budget adjustments

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2016 Acts and Resolves No. 172, Sec. B.100 is amended to read:

Sec. B.100 Secretary of administration - secretary's office

Personal services	3,022,679	2,969,540
Operating expenses	<u>131,182</u>	<u>131,182</u>
Total		3,153,861
3,100,722		
Source of funds		
General fund	1,290,708	1,237,569
Interdepartmental transfers	<u>1,863,153</u>	<u>1,863,153</u>
Total		3,153,861
3,100,722		

Sec. 2. 2016 Acts and Resolves No. 172, Sec. B.108 is amended to read:

Sec. B.108 Human resources - operations

Personal services	7,186,765	6,973,135
Operating expenses	<u>937,445</u>	<u>937,445</u>
Total		8,124,210
7,910,580		
Source of funds		
General fund	1,823,395	1,772,307
Special funds	244,912	244,912
Internal service funds	5,518,595	5,440,511
Interdepartmental transfers	<u>537,308</u>	<u>452,850</u>

Total		8,124,210
7,910,580		

Sec. 3. 2016 Acts and Resolves No. 172, Sec. B.124 is amended to read:

Sec. B.124 Executive office - governor's office

Personal services	1,444,960	1,627,847
Operating expenses	<u>436,716</u>	<u>253,829</u>
Total		1,881,676
1,881,676		
Source of funds		
General fund	1,695,176	1,695,176
Interdepartmental transfers	<u>186,500</u>	<u>186,500</u>
Total		1,881,676
1,881,676		

Sec. 4. 2016 Acts and Resolves No. 172, Sec. B.136 is amended to read:

Sec. B.136 VOSHA review board

Personal services	54,576	77,995
Operating expenses	<u>18,646</u>	<u>15,811</u>
Total		<u>73,222</u>
93,806		
Source of funds		
General fund	36,611	46,903
Interdepartmental transfers	<u>36,611</u>	<u>46,903</u>
Total		<u>73,222</u>
93,806		

Sec. 5. 2016 Acts and Resolves No. 172, Sec. B.137 is amended to read:

Sec. B.137 Homeowner rebate

Grants	<u>16,200,000</u>	<u>15,560,000</u>
Total		<u>16,200,000</u>
15,560,000		
Source of funds		
General fund	<u>16,200,000</u>	<u>15,560,000</u>
Total		<u>16,200,000</u>
15,560,000		

Sec. 6. 2016 Acts and Resolves No. 172, Sec. B.138 is amended to read:

Sec. B.138 Renter rebate

Grants	<u>10,400,000</u>	<u>11,390,500</u>
Total	<u>10,400,000</u>	<u>11,390,500</u>

Source of funds		
General fund	3,120,000	3,417,150
Education fund	<u>7,280,000</u>	<u>7,973,350</u>
Total		10,400,000
11,390,500		

Sec. 7. 2016 Acts and Resolves No. 172, Sec. B.140 is amended to read:

Sec. B.140 Municipal current use

Grants	<u>15,321,776</u>	<u>15,023,110</u>
Total		15,321,776
15,023,110		
Source of funds		
General fund	<u>15,321,776</u>	<u>15,023,110</u>
Total		15,321,776
15,023,110		

Sec. 8. 2016 Acts and Resolves No. 172, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	<u>76,841,737</u>	76,106,286
Transportation fund	4,014,502	4,014,502
Special funds	11,749,144	11,749,144
Education fund	<u>10,705,000</u>	11,398,350
Federal funds	861,098	861,098
Internal service funds	<u>90,972,965</u>	90,894,881
Interdepartmental transfers	<u>8,958,648</u>	8,884,482
Enterprise funds	3,423,486	3,423,486
Pension trust funds	12,536,707	12,536,707
Private purpose trust funds	<u>1,125,701</u>	<u>1,125,701</u>
Total		<u>221,188,988</u>
220,994,637		

Sec. 9. 2016 Acts and Resolves No. 172, Sec. B.200 is amended to read:

Sec. B.200 Attorney general

Personal services	8,900,530	9,160,530
Operating expenses	1,386,540	1,386,540
Grants	<u>26,894</u>	<u>26,894</u>
Total		10,313,964
10,573,964		
Source of funds		
General fund	4,338,420	4,598,420

Special funds	1,967,408	2,150,198
Tobacco fund	530,790	348,000
Federal funds	1,067,909	1,067,909
Interdepartmental transfers	<u>2,409,437</u>	<u>2,409,437</u>
Total		<u>10,313,964</u>
10,573,964		

Sec. 10. 2016 Acts and Resolves No. 172, Sec. B.201 is amended to read:

Sec. B.201 Vermont court diversion

Personal services	63,550	722,397
Operating expenses	500	500
Grants	<u>1,996,483</u>	<u>1,996,483</u>
Total		<u>2,060,533</u>
2,719,380		
Source of funds		
General fund	1,396,486	2,055,333
Special funds	<u>664,047</u>	<u>664,047</u>
Total		<u>2,060,533</u>
2,719,380		

Sec. 11. 2016 Acts and Resolves No. 172, Sec. B.205 is amended to read:

Sec. B.205 State's attorneys

Personal services	11,690,469	11,760,139
Operating expenses	<u>1,945,843</u>	<u>1,945,843</u>
Total		<u>13,636,312</u>
13,705,982		
Source of funds		
General fund	10,990,771	11,060,441
Special funds	105,855	105,855
Federal funds	31,000	31,000
Interdepartmental transfers	<u>2,508,686</u>	<u>2,508,686</u>
Total		<u>13,636,312</u>
13,705,982		

Sec. 12. 2016 Acts and Resolves No. 172, Sec. B.235 is amended to read:

Sec. B.235 Enhanced 9-1-1 Board

Personal services	3,289,987	3,685,241
Operating expenses	294,843	356,367
Grants	<u>720,000</u>	<u>720,000</u>
Total		<u>4,304,830</u>
4,761,608		

Source of funds		
Special funds	<u>4,304,830</u>	<u>4,761,608</u>
Total		<u>4,304,830</u>
4,761,608		

Sec. 13. 2016 Acts and Resolves No. 172, Sec. B.237 is amended to read:

Sec. B.237 Liquor control - administration

Personal services	<u>3,732,527</u>	3,752,342
Operating expenses	<u>478,007</u>	<u>478,007</u>
Total		<u>4,210,534</u>
4,230,349		

Source of funds		
Enterprise funds	<u>4,210,534</u>	<u>4,230,349</u>
Total		<u>4,210,534</u>
4,230,349		

Sec. 14. 2016 Acts and Resolves No. 172, Sec. B.238 is amended to read:

Sec. B.238 Liquor control - enforcement and licensing

Personal services	<u>2,519,794</u>	2,588,597
Operating expenses	<u>491,938</u>	<u>495,225</u>
Total		<u>3,011,732</u>
3,083,822		

Source of funds		
Special funds	<u>151,119</u>	223,209
Tobacco fund	213,843	213,843
Federal funds	312,503	312,503
Enterprise funds	<u>2,334,267</u>	<u>2,334,267</u>
Total		<u>3,011,732</u>
3,083,822		

Sec. 15. 2016 Acts and Resolves No. 172, Sec. B.239 is amended to read:

Sec. B.239 Liquor control - warehousing and distribution

Personal services	<u>1,006,762</u>	1,036,188
Operating expenses	<u>414,188</u>	<u>468,940</u>
Total		<u>1,420,950</u>
1,505,128		

Source of funds		
Special funds	0	59,752
Enterprise funds	<u>1,420,950</u>	<u>1,445,376</u>
Total		<u>1,420,950</u>
1,505,128		

Sec. 16. 2016 Acts and Resolves No. 172, Sec. B.240 is amended to read:

Sec. B.240 Total protection to persons and property

Source of funds

General fund	139,882,179	140,870,696
Transportation fund	21,150,000	21,150,000
Special funds	82,335,142	83,106,552
Tobacco fund	783,664	600,874
Federal funds	64,642,371	64,642,371
ARRA funds	650,000	650,000
Global Commitment fund	90,278	90,278
Interdepartmental transfers	12,737,631	12,737,631
Enterprise funds	<u>7,988,319</u>	<u>8,032,560</u>
Total		<u>330,259,584</u>
331,880,962		

Sec. 17. 2016 Acts and Resolves No. 172, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	16,945,382	16,920,823
Operating expenses	5,927,510	5,927,510
Grants	<u>4,574,386</u>	<u>3,205,754</u>
Total		<u>27,447,278</u>
26,054,087		

Source of funds

General fund	6,969,314	7,782,007
Special funds	91,017	91,017
Tobacco fund	67,500	67,500
Federal funds	12,084,592	13,014,191
Global Commitment fund	6,436,024	3,300,541
Interdepartmental transfers	<u>1,798,831</u>	<u>1,798,831</u>
Total		<u>27,447,278</u>
26,054,087		

Sec. 18. 2016 Acts and Resolves No. 172, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Operating expenses	5,529,495	5,529,495
Grants	<u>1,668,035,577</u>	<u>1,596,194,550</u>
Total		<u>1,673,565,072</u>

1,601,724,045

Source of funds

General fund	324,036,681	284,257,664
Special funds	28,263,866	28,263,866

Tobacco fund	<u>27,530,657</u>	29,716,875
State health care resources fund	<u>286,005,627</u>	297,599,293
Federal funds	<u>1,007,688,241</u>	961,846,347
Interdepartmental transfers	<u>40,000</u>	<u>40,000</u>
Total		<u>1,673,565,072</u>
1,601,724,045		

Sec. 19. 2016 Acts and Resolves No. 172, Sec. B.302 is amended to read:

Sec. B.302 Rate setting

Personal services	831,219	831,219
Operating expenses	<u>98,596</u>	<u>98,596</u>
Total		929,815
929,815		

Source of funds

General fund	0	232,454
Federal funds	0	232,454
Global Commitment fund	<u>929,815</u>	<u>464,907</u>
Total		929,815
929,815		

Sec. 20. 2016 Acts and Resolves No. 172, Sec. B.304 is amended to read:

Sec. B.304 Human services board

Personal services	659,457	659,457
Operating expenses	<u>89,986</u>	<u>89,986</u>
Total		749,443
749,443		

Source of funds

General fund	<u>208,383</u>	300,788
Federal funds	<u>112,844</u>	205,248
Global Commitment fund	<u>355,736</u>	170,927
Interdepartmental transfers	<u>72,480</u>	<u>72,480</u>
Total		749,443
749,443		

Sec. 21. 2016 Acts and Resolves No. 172, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	<u>166,815,638</u>	171,369,125
Operating expenses	5,252,813	5,252,813
Grants	<u>17,445,598</u>	<u>24,007,173</u>
Total		189,514,049
200,629,111		

Source of funds		
General fund	6,551,086	22,614,386
Special funds	799,894	799,894
Federal funds	99,758,443	125,025,277
Global Commitment fund	71,800,549	42,567,819
Interdepartmental transfers	<u>10,604,077</u>	<u>9,621,735</u>
Total		189,514,049
200,629,111		

Sec. 22. 2016 Acts and Resolves No. 172, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Grants	<u>755,959,456</u>	<u>723,022,818</u>
Total		<u>755,959,456</u>
723,022,818		

Source of funds		
Global Commitment fund	<u>755,959,456</u>	<u>723,022,818</u>
Total		<u>755,959,456</u>
723,022,818		

Sec. 23. 2016 Acts and Resolves No. 172, Sec. B.308 is amended to read:

Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver

Grants	<u>187,699,781</u>	<u>191,664,880</u>
Total		<u>187,699,781</u>
191,664,880		

Source of funds		
General fund	753,720	753,720
Federal funds	896,280	896,280
Global Commitment fund	<u>186,049,781</u>	<u>190,014,880</u>
Total		<u>187,699,781</u>
191,664,880		

Sec. 24. 2016 Acts and Resolves No. 172, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>45,177,465</u>	<u>50,406,034</u>
Total		<u>45,177,465</u>
50,406,034		

Source of funds		
General fund	<u>37,254,939</u>	41,476,744

Global Commitment fund	<u>7,922,526</u>	8,929,290
Total		45,177,465
50,406,034		

Sec. 25. 2016 Acts and Resolves No. 172, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>46,362,233</u>	47,288,951
Total		46,362,233
47,288,951		
Source of funds		
General fund	<u>17,804,538</u>	17,895,238
Federal funds	<u>28,557,695</u>	29,393,713
Total		46,362,233
47,288,951		

Sec. 26. 2016 Acts and Resolves No. 172, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	<u>7,605,625</u>	7,629,625
Operating expenses	2,974,444	2,974,444
Grants	<u>3,185,000</u>	<u>3,185,000</u>
Total		13,765,069
13,789,069		
Source of funds		
General fund	<u>2,156,700</u>	2,690,100
Special funds	1,286,732	1,286,732
Federal funds	<u>5,584,598</u>	6,122,798
Global Commitment fund	<u>4,737,039</u>	<u>3,689,439</u>
Total		13,765,069
13,789,069		

Sec. 27. 2016 Acts and Resolves No. 172, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	<u>40,636,991</u>	41,729,070
Operating expenses	9,221,544	9,221,544
Grants	<u>38,431,111</u>	<u>38,431,111</u>
Total		88,289,646
89,381,725		
Source of funds		
General fund	<u>5,496,552</u>	6,883,962
Special funds	17,054,895	17,054,895

Tobacco fund	2,409,514	2,409,514
Federal funds	38,055,582	42,653,289
Global Commitment fund	24,126,242	19,233,204
Interdepartmental transfers	1,121,861	1,121,861
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total		88,289,646
89,381,725		

Sec. 28. 2016 Acts and Resolves No. 172, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	3,681,311	3,681,311
Operating expenses	295,122	295,122
Grants	<u>47,340,427</u>	<u>47,104,164</u>
Total		<u>51,316,860</u>
51,080,597		
Source of funds		
General fund	<u>2,755,862</u>	3,075,190
Special funds	459,453	459,453
Tobacco fund	1,357,025	1,357,025
Federal funds	<u>12,012,707</u>	12,357,085
Global Commitment fund	<u>34,731,813</u>	<u>33,831,844</u>
Total		<u>51,316,860</u>
51,080,597		

Sec. 29. 2016 Acts and Resolves No. 172, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	28,694,403	28,871,779
Operating expenses	3,885,385	3,547,885
Grants	<u>191,675,667</u>	<u>192,784,357</u>
Total		<u>224,255,455</u>
225,204,021		
Source of funds		
General fund	<u>1,593,826</u>	3,129,204
Special funds	434,904	434,904
Federal funds	<u>3,620,435</u>	5,155,813
Global Commitment fund	<u>218,586,290</u>	216,464,100
Interdepartmental transfers	<u>20,000</u>	<u>20,000</u>
Total		<u>224,255,455</u>
225,204,021		

Sec. 30. 2016 Acts and Resolves No. 172, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support

services

Personal services	37,891,973	40,655,644
Operating expenses	9,938,078	9,938,078
Grants	<u>3,828,592</u>	<u>3,828,592</u>
Total		51,658,643
54,422,314		
Source of funds		
General fund	23,929,434	27,852,319
Special funds	718,986	650,355
Federal funds	23,390,910	22,983,744
Global Commitment fund	<u>3,402,828</u>	2,719,432
Interdepartmental transfers	<u>216,485</u>	<u>216,464</u>
Total		51,658,643
54,422,314		

Sec. 31. 2016 Acts and Resolves No. 172, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	32,371,167	32,849,031
Operating expenses	4,701,495	4,701,495
Grants	<u>74,996,824</u>	<u>75,838,378</u>
Total		112,069,486
113,388,904		
Source of funds		
General fund	33,801,991	36,118,736
Special funds	1,691,637	1,691,637
Federal funds	25,015,922	23,639,368
Global Commitment fund	51,423,882	51,804,397
Interdepartmental transfers	<u>136,054</u>	<u>134,766</u>
Total		112,069,486
113,388,904		

Sec. 32. 2016 Acts and Resolves No. 172, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	6,196,295	5,870,884
Operating expenses	833,601	833,601
Grants	<u>76,393,172</u>	<u>75,919,898</u>
Total		83,423,068
82,624,383		
Source of funds		
General fund	31,554,569	30,048,796
Special funds	1,820,000	1,820,000

Federal funds	<u>38,233,170</u>	39,112,563
Global Commitment fund	<u>11,815,329</u>	<u>11,643,024</u>
Total		<u>83,423,068</u>
82,624,383		

Sec. 33. 2016 Acts and Resolves No. 172, Sec. B.319 is amended to read:

Sec. B.319 Department for children and families - office of child support

Personal services	<u>10,226,408</u>	9,800,234
Operating expenses	<u>3,644,264</u>	<u>3,644,264</u>
Total		<u>13,870,672</u>
13,444,498		
Source of funds		
General fund	<u>3,445,615</u>	3,356,014
Special funds	455,718	455,718
Federal funds	<u>9,581,739</u>	9,245,166
Interdepartmental transfers	<u>387,600</u>	<u>387,600</u>
Total		<u>13,870,672</u>
13,444,498		

Sec. 34. 2016 Acts and Resolves No. 172, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Grants	<u>7,087,010</u>	<u>7,077,360</u>
Total		<u>7,087,010</u>
7,077,360		
Source of funds		
General fund	5,680,025	5,680,025
Federal funds	1,111,320	1,111,320
Global Commitment fund	<u>295,665</u>	<u>286,015</u>
Total		<u>7,087,010</u>
7,077,360		

Sec. 35. 2016 Acts and Resolves No. 172, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	95,202	95,202
Grants	<u>37,253,135</u>	<u>34,587,154</u>
Total		<u>37,348,337</u>
34,682,356		
Source of funds		
General fund	<u>7,780,772</u>	7,582,808
Special funds	<u>23,401,676</u>	21,702,814
Federal funds	<u>3,819,096</u>	2,802,110

Global Commitment fund	<u>2,346,793</u>	<u>2,594,624</u>
Total		<u>37,348,337</u>
34,682,356		

Sec. 36. 2016 Acts and Resolves No. 172, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	372,844	406,869
Operating expenses	28,119	28,119
Grants	<u>9,315,255</u>	<u>9,315,255</u>
Total		<u>9,716,218</u>
9,750,243		
Source of funds		
General fund	<u>4,667,495</u>	4,704,762
Special funds	57,990	57,990
Federal funds	<u>4,350,417</u>	4,347,175
Global Commitment fund	<u>640,316</u>	<u>640,316</u>
Total		<u>9,716,218</u>
9,750,243		

Sec. 37. 2016 Acts and Resolves No. 172, Sec. B.326 is amended to read:

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	289,008	286,726
Operating expenses	53,816	53,816
Grants	<u>11,257,176</u>	<u>11,429,642</u>
Total		<u>11,600,000</u>
11,770,184		
Source of funds		
Special funds	<u>10,600,000</u>	10,542,028
Federal funds	<u>1,000,000</u>	<u>1,228,156</u>
Total		<u>11,600,000</u>
11,770,184		

Sec. 38. 2016 Acts and Resolves No. 172, Sec. B.327 is amended to read:

Sec. B.327 Department for children and families - Woodside rehabilitation center

Personal services	<u>4,795,936</u>	4,752,553
Operating expenses	<u>694,946</u>	<u>694,946</u>
Total		<u>5,490,882</u>
5,447,499		

Source of funds

General fund	1,035,771	2,540,303
Global Commitment fund	4,358,111	2,810,196
Interdepartmental transfers	<u>97,000</u>	<u>97,000</u>
Total		5,490,882
5,447,499		

Sec. 39. 2016 Acts and Resolves No. 172, Sec. B.328 is amended to read:

Sec. B.328 Department for children and families - disability determination services

Personal services	5,701,206	5,657,262
Operating expenses	<u>527,556</u>	<u>527,556</u>
Total		6,228,762
6,184,818		

Source of funds

General fund	0	41,250
Federal funds	5,963,048	5,921,480
Global Commitment fund	<u>265,714</u>	<u>222,088</u>
Total		6,228,762
6,184,818		

Sec. 40. 2016 Acts and Resolves No. 172, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	29,605,791	30,562,289
Operating expenses	<u>5,211,053</u>	<u>5,211,053</u>
Total		34,816,844
35,773,342		

Source of funds

General fund	11,637,389	13,736,730
Special funds	1,390,457	1,390,457
Federal funds	13,491,875	15,865,166
Global Commitment fund	<u>7,230,839</u>	3,714,705
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total		34,816,844
35,773,342		

Sec. 41. 2016 Acts and Resolves No. 172, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>20,787,826</u>	<u>21,009,192</u>
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Total		20,787,826
21,009,192		
Source of funds		
General fund	7,952,440	8,258,045
Federal funds	6,992,730	7,109,531
Global Commitment fund	<u>5,842,656</u>	<u>5,641,616</u>
Total		20,787,826
21,009,192		

Sec. 42. 2016 Acts and Resolves No. 172, Sec. B.333 is amended to read:

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>198,329,289</u>	197,653,038
Total		<u>198,329,289</u>
197,653,038		
Source of funds		
General fund	155,125	155,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	<u>197,798,844</u>	<u>197,122,593</u>
Total		<u>198,329,289</u>
197,653,038		

Sec. 43. 2016 Acts and Resolves No. 172, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	<u>110,418,338</u>	109,759,491
Operating expenses	20,357,559	20,357,559
Grants	<u>9,872,638</u>	<u>9,872,638</u>
Total		<u>140,648,535</u>
139,989,688		
Source of funds		
General fund	<u>133,763,426</u>	133,104,579
Special funds	629,963	629,963
Federal funds	470,962	470,962
Global Commitment fund	5,387,869	5,387,869
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total		<u>140,648,535</u>
139,989,688		

Sec. 44. 2016 Acts and Resolves No. 172, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	17,571,664	18,961,591
Operating expenses	<u>4,794,203</u>	<u>4,794,203</u>
Total		<u>22,365,867</u>
23,755,794		
Source of funds		
General fund	<u>5,923,637</u>	7,313,564
Special funds	8,655,269	8,655,269
Federal funds	7,375,975	7,375,975
Global Commitment fund	<u>410,986</u>	<u>410,986</u>
Total		<u>22,365,867</u>
23,755,794		

Sec. 45. 2016 Acts and Resolves No. 172, Sec. B.345 is amended to read:

Sec. B.345 Green Mountain Care Board

Personal services	8,736,409	8,736,409
Operating expenses	<u>835,995</u>	<u>1,230,995</u>
Total		<u>9,572,404</u>
9,967,404		
Source of funds		
General fund	<u>1,243,276</u>	1,401,276
Special funds	<u>2,105,927</u>	2,342,927
Federal funds	448,808	448,808
Global Commitment fund	4,281,832	4,281,832
Interdepartmental transfers	<u>1,492,561</u>	<u>1,492,561</u>
Total		<u>9,572,404</u>
9,967,404		

Sec. 46. 2016 Acts and Resolves No. 172, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	699,053,240	693,886,463
Special funds	101,134,220	99,545,755
Tobacco fund	31,364,696	33,550,914
State health care resources fund	286,005,627	297,599,293
Education fund	3,109,463	3,109,463
Federal funds	1,402,880,147	1,391,826,777
Global Commitment fund	1,616,937,101	1,540,769,628
Internal service funds	1,908,035	1,908,035
Interdepartmental transfers	25,648,419	24,664,768
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total		<u>4,168,065,948</u>
4,086,886,096		

Sec. 47. 2016 Acts and Resolves No. 172, Sec. B.400 is amended to read:

Sec. B.400 Labor - programs

Personal services	31,244,618	31,385,327
Operating expenses	9,723,007	9,723,007
Grants	<u>225,000</u>	<u>225,000</u>
Total		41,192,625
41,333,334		
Source of funds		
General fund	3,314,311	3,455,020
Special funds	3,363,869	3,363,869
Federal funds	32,805,942	32,805,942
Interdepartmental transfers	<u>1,708,503</u>	<u>1,708,503</u>
Total		41,192,625
41,333,334		

Sec. 48. 2016 Acts and Resolves No. 172, Sec. B.401 is amended to read:

Sec. B.401 Total labor

Source of funds		
General fund	3,314,311	3,455,020
Special funds	3,363,869	3,363,869
Federal funds	32,805,942	32,805,942
Interdepartmental transfers	<u>1,708,503</u>	<u>1,708,503</u>
Total		41,192,625
41,333,334		

Sec. 49. 2016 Acts and Resolves No. 172, Sec. B.500 is amended to read:

Sec. B.500 Education - finance and administration

Personal services	9,135,219	9,171,719
Operating expenses	2,507,191	2,530,691
Grants	<u>15,810,700</u>	<u>15,810,700</u>
Total		27,453,110
27,513,110		
Source of funds		
General fund	3,621,946	3,851,946
Special funds	16,821,588	16,821,588
Education fund	1,014,007	1,014,007
Federal funds	5,036,834	5,036,834
Global Commitment fund	958,735	618,735
Interdepartmental transfers	<u>0</u>	<u>170,000</u>
Total		27,453,110
27,513,110		

Sec. 50. 2016 Acts and Resolves No. 172, Sec. B.504.1 is amended to read:

Sec. B.504.1 Education - Flexible Pathways

Grants	<u>4,750,000</u>	6,147,950
Total		<u>4,750,000</u>
6,147,950		
Source of funds		
Education fund	<u>4,750,000</u>	6,147,950
Total		<u>4,750,000</u>
6,147,950		

Sec. 51. 2016 Acts and Resolves No. 172, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds		
General fund	416,211,446	416,441,446
Special funds	19,818,405	19,818,405
Tobacco fund	750,389	750,389
Education fund	1,561,914,715	1,563,312,665
Federal funds	136,221,887	136,221,887
Global Commitment fund	958,735	618,735
Interdepartmental transfers	1,324,368	1,494,368
Pension trust funds	<u>9,640,893</u>	<u>9,640,893</u>
Total		<u>2,146,840,838</u>
2,148,298,788		

Sec. 52. 2016 Acts and Resolves No. 172, Sec. B.602 is amended to read:

Sec. B.602 Vermont state colleges

Grants	<u>24,300,464</u>	25,070,464
Total		<u>24,300,464</u>
25,070,464		
Source of funds		
General fund	<u>24,300,464</u>	25,070,464
Total		<u>24,300,464</u>
25,070,464		

Sec. 53. 2016 Acts and Resolves No. 172, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds		
General fund	83,981,346	84,751,346
Global Commitment fund	<u>4,455,678</u>	<u>4,455,678</u>
Total		<u>88,437,024</u>
89,207,024		

Sec. 54. 2016 Acts and Resolves No. 172, Sec. B.700 is amended to read:

Sec. B.700 Natural resources - agency of natural resources - administration

Personal services	3,517,448	3,517,448
Operating expenses	2,128,893	2,203,893
Grants	<u>114,960</u>	<u>114,960</u>
Total		5,761,301
5,836,301		
Source of funds		
General fund	4,850,163	4,925,163
Special funds	472,400	472,400
Federal funds	275,000	275,000
Interdepartmental transfers	<u>163,738</u>	<u>163,738</u>
Total		5,761,301
5,836,301		

Sec. 55. 2016 Acts and Resolves No. 172, Sec. B.702 is amended to read:

Sec. B.702 Fish and wildlife - support and field services

Personal services	16,280,543	16,345,543
Operating expenses	5,286,467	5,286,467
Grants	<u>739,000</u>	<u>739,000</u>
Total		22,306,010
22,371,010		
Source of funds		
General fund	4,987,323	5,052,323
Special funds	77,955	77,955
Fish and wildlife fund	9,592,312	9,592,312
Federal funds	7,531,572	7,531,572
Interdepartmental transfers	115,848	115,848
Permanent trust funds	<u>1,000</u>	<u>1,000</u>
Total		22,306,010
22,371,010		

Sec. 56. 2016 Acts and Resolves No. 172, Sec. B.710 is amended to read:

Sec. B.710 Environmental conservation - air and waste management

Personal services	10,490,655	12,559,102
Operating expenses	8,220,578	8,220,578
Grants	<u>1,949,993</u>	<u>1,949,993</u>
Total		20,661,226
22,729,673		
Source of funds		
General fund	90,472	90,472

Special funds	16,726,784	18,795,231
Federal funds	3,629,701	3,629,701
Interdepartmental transfers	<u>214,269</u>	<u>214,269</u>
Total		20,661,226
22,729,673		

Sec. 57. 2016 Acts and Resolves No. 172, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds

General fund	27,106,133	27,246,133
Special funds	43,900,501	45,968,948
Fish and wildlife fund	9,592,312	9,592,312
Federal funds	43,637,187	43,637,187
Interdepartmental transfers	7,695,501	7,695,501
Permanent trust funds	<u>1,000</u>	<u>1,000</u>
Total		131,932,634
134,141,081		

Sec. 58. 2016 Acts and Resolves No. 172, Sec. B.1000 is amended to read:

Sec. B.1000 Debt service

Operating expenses	<u>76,991,491</u>	<u>76,991,491</u>
Total		76,991,491
76,991,491		

Source of funds

General fund	71,119,465	71,120,080
Transportation fund	1,884,089	1,884,089
Special funds	336,000	336,000
ARRA funds	1,150,524	1,149,919
TIB debt service fund	<u>2,501,413</u>	<u>2,501,413</u>
Total		76,991,491
76,991,491		

Sec. 59. 2016 Acts and Resolves No. 172, Sec. B.1001 is amended to read:

Sec. B.1001 Total debt service

Source of funds

General fund	71,119,465	71,120,080
Transportation fund	1,884,089	1,884,089
Special funds	336,000	336,000
ARRA funds	1,150,524	1,149,919
TIB debt service fund	<u>2,501,413</u>	<u>2,501,413</u>
Total		76,991,491

76,991,491

Sec. 60. FUND TRANSFERS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2017:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>21054</u>	<u>Misc. Fines & Penalties</u>	<u>442,849.77</u>
<u>21065</u>	<u>Financial Institute Supervision</u>	<u>728,499.86</u>
<u>21405</u>	<u>Bond Investment Earnings Fund</u>	<u>161,100.90</u>
<u>21550</u>	<u>Land & Facilities Trust Fund</u>	<u>450,000.00</u>
<u>21641</u>	<u>AG – Administrative Special Fund</u>	<u>30,848.02</u>
<u>21638</u>	<u>AG – Fees & Reimbursements -Court Order</u>	<u>2,400,000.00</u>
<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>28,040,542.00</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>955,000.00</u>
	<u>Caledonia Fair</u>	<u>5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>24,250.00</u>

(2) All or a portion of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), and the Securities Regulatory and Supervision Fund (Fund Number 21080) expected to be approximately \$22,452,018 shall be transferred to the General Fund, provided that on or before July 1, 2017, the Commissioner of Financial Regulation certifies to the Joint Fiscal Committee that the transfer of such balances, or any smaller portion deemed proper by the Commissioner, will not impair the ability of the Department in fiscal year 2018 to provide thorough, competent, fair, and effective regulatory services, or maintain accreditation by the National Association of Insurance Commissioners; and that the Joint Fiscal Committee does not reject such certification.

(3) The following amounts shall be transferred from the General Fund to the funds indicated:

<u>21275</u>	<u>Environmental Contingency Fund</u>	<u>500,000.00</u>
<u>21555</u>	<u>Emergency Relief and Assistance Fund</u>	<u>1,176,226.00</u>
<u>59500</u>	<u>Single Audit Revolving Fund</u>	<u>196,169.00</u>

(4) The following amount shall be transferred to the General Fund from the Agency of Human Services' earned federal receipts and reserved in the

Human Services Caseload Reserve established in 32 V.S.A. § 308b and amended by Sec. 75 of this act.

22005 AHS Central Office earned federal receipts 10,000,000.00

Sec. 61. REVERSIONS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2017:

(1) The following amounts shall revert to the General Fund from the accounts indicated:

<u>1100030000</u>	<u>Pay Plan Adjustment</u>	<u>659,116.00</u>
<u>1240001000</u>	<u>Lieutenant Governor's Office</u>	<u>4,603.00</u>
<u>1250010000</u>	<u>Auditor of Accounts</u>	<u>63,533.00</u>
<u>1260010000</u>	<u>Office of the Treasurer</u>	<u>35,868.00</u>
<u>2100001000</u>	<u>Attorney General's Office</u>	<u>25,416.00</u>
<u>3310000000</u>	<u>Commission on Women</u>	<u>10,890.00</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>296,663.00</u>
<u>5100070000</u>	<u>Education services</u>	<u>245,000.00</u>

(2) The following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100040000</u>	<u>Special Education Formula</u>	<u>9,212,026.11</u>
<u>5100050000</u>	<u>State-Placed Students</u>	<u>593,810.48</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>341,879.54</u>
<u>5100190000</u>	<u>Essential Early Education Grant</u>	<u>209,218.79</u>
<u>5100120000</u>	<u>Debt Service Aid</u>	<u>100,447.00</u>
<u>5100200000</u>	<u>Education-Technical Education</u>	<u>203,853.72</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>1,397,949.90</u>

(3) The following amount shall revert to the Transportation Infrastructure Bond Fund from the account indicated:

<u>8100001700</u>	<u>Transportation – rest areas constructions</u>	<u>173,114.00</u>
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Sec. 61a. 2016 Acts and Resolves No. 172, Sec. E.126 is amended to read:

Sec. E.126 Legislature

(a) Notwithstanding any other provision of law, from fiscal year 2016 funds appropriated to the Legislature and carried forward into fiscal year 2017,

the amount of \$113,500 shall revert to the General Fund. Of this amount \$30,000 shall revert from the appropriations in Dept. ID #1210891402 (expense reimbursement related to the child protection study) and Dept. ID#1210891401 (results-based accountability training).

* * *

Sec. 62. EXPENDITURE OF HUMAN SERVICES CASELOAD RESERVE

(a) In fiscal year 2017, \$3,738,117 from the General Fund is appropriated to the Commissioner of Finance and Management for transfer to the Agency of Human Services – Global Commitment to ensure sufficient funding for Global Commitment during fiscal year 2017. Prior to the close of fiscal year 2017, the Commissioner shall determine the amount needed for transfer, and shall provide a written report to the Joint Fiscal Committee of the determination and the amount transferred. Any funds remaining in this appropriation and not transferred shall revert to the General Fund in fiscal year 2017.

(b) The amount of funds appropriated in subsection (a) of this section shall be unreserved from the Human Services Caseload Reserve established in 32 V.S.A. § 308b. The funds reverted in subsection (a) of this section shall be reserved in the Human Services Caseload Reserve.

Sec. 63. 2014 Acts and Resolves No. 120, Sec. 4(d) is amended to read:

~~(d) On or after July 1, 2018~~ By June 30, 2017, if the Attorney General is not involved in ongoing litigation regarding the requirements of 9 V.S.A. chapter 82A and monies in the Fund exceed the costs or liabilities of the Attorney General or the State:

(1) unexpended monies in the Fund received from private or public sources shall be appropriated by the General Assembly, after review by the Senate and House Committees on Appropriations, the Senate Committee on Agriculture, and the House Committee on Agriculture and ~~Forest Products~~ Forestry, for the support of agricultural activities or agricultural purposes in the State, including promotion of value-added products, compliance with water quality requirements, and marketing assistance and development; and

(2) unexpended State monies in the Fund shall ~~revert~~ be transferred to the General Fund.

Sec. 64. TRANSPORTATION FUND APPROPRIATION REDUCTIONS

(a) The Secretary of Administration, after consulting with the Secretary of Transportation, shall reduce Transportation Fund appropriations to the Agency of Transportation to the extent necessary to ensure the Transportation Fund Stabilization Reserve is funded at its maximum statutory level at the close of fiscal year 2017.

(b) In making any appropriation reductions authorized under subsection (a) of this section, the Secretary of Administration shall avoid, to the extent possible, any reductions in appropriations to the town programs described in 19 V.S.A. § 306. Any reductions to these town programs shall not affect projects or grants, and any appropriation reductions shall be replaced in fiscal year 2018.

(c) In July 2017, the Secretary of Administration shall report any appropriation reductions made under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee.

Sec. 65. HOME HEATING FUEL ASSISTANCE FUND REPEAL AND TRANSFER

(a) 33 V.S.A. §§ 2602(d) and 2603, Home Heating Fuel Assistance Fund (#21210), are repealed.

(b) The balance remaining in the Fund shall be transferred to the General Fund.

Sec. 66. INDUSTRIAL HOMEWORK FUND REPEAL AND TRANSFER

(a) 33 V.S.A. § 1502(6) is repealed.

(b) The balance remaining in the Industrial Homework Fund shall be transferred to the General Fund.

Sec. 67. AQUATIC NUISANCE CONTROL FUND REPEAL AND TRANSFER

(a) General funds shall be transferred to the Aquatic Nuisance Control Fund in the amount needed to bring the Fund balance to zero.

Sec. 68. CARRY FORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, and Education Fund appropriations remaining unexpended on June 30, 2017 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2017 in the Legislative and Judicial branches of State government shall be carried forward and shall be designated for expenditure.

Sec. 69. 2016 Acts and Resolves No.172, Sec. B.1103(a) is amended to read:

~~(a) The Secretary of Administration shall reduce fiscal year 2017~~

~~appropriations and make transfers to the General Fund for a total of \$500,000 due to savings~~ Savings generated from improved risk management processes which are under way in the administration of the State's risk management programs shall be used to reduce projected fiscal year 2017 negative balances in the Risk Management Internal Service Fund.

Sec. 70. 2016 Acts and Resolves No.172, Sec. B.1106(b) is amended to read:

(b) The Secretary of Administration shall reduce fiscal year 2017 appropriations and make transfers to the General Fund for a total of ~~\$550,000~~ \$343,369. Savings in the amount of \$206,631 are included in this fiscal year 2017 budget adjustment for a total savings of \$550,000. The remaining appropriations and transfers for savings associated with positions abolished in subsection (a) of this section and shall include the appropriation reductions and transfers in the report be made prior to close out of fiscal year 2017 and be reported to the Joint Fiscal Committee in November 2016 at the July 2017 meeting.

Sec. 70a. 2016 Acts and Resolves No. 172, Sec. B.1107 is amended to read:

Sec. B.1107 FISCAL YEAR 2017 APPROPRIATED RESERVE

* * *

(c) Any remaining funds not approved for expenditure by December 15, 2016 ~~shall be available for the fiscal year 2017 budget adjustment process~~ revert to the General Fund in fiscal year 2017.

Sec. 71. GRAND LIST LITIGATION ASSISTANCE

(a) The funds transferred to the Attorney General and Department of Taxes from 2016 Acts and Resolves No. 172, Sec. B.139 by the Emergency Board on July 21, 2016 shall be reserved and used with any remaining funds from the amount previously transferred for payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. 72. 2016 Acts and Resolves No.172, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITION AUTHORIZATIONS

(a) The establishment of the following new permanent classified positions, intended to support the implementation of the All Payer Model, is authorized in fiscal year 2017 only if the Centers for Medicaid and Medicare Services (CMS) approves Vermont's request for a waiver.

(1) In the Green Mountain Care Board – one (1) ~~Health Care Statistical Information Administrator~~ Health Policy Analyst, one (1) ~~Health Facility~~

Senior Auditor & Rate Specialist, and two (2) Reimbursement Analyst, Financial Manager II, one (1) Financial Systems Analyst, and one (1) Health Policy Advisor.

* * *

Sec. 73. 19 V.S.A. § 11a(b) is amended to read:

(b) In fiscal year 2017 ~~and in succeeding fiscal years~~, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of ~~\$2,100,000.00~~ \$1,680,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. In fiscal year 2018 and in succeeding fiscal years, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. Any unexpended and unencumbered funds remaining in this allocation at the close of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.

Sec. 74. 2016 Acts and Resolves No. 172, Sec. D.101(a)(5) is amended to read:

(5) From the Evidence-Based Education and Advertising Fund established by 33 V.S.A. § 2004a to the General Fund. Notwithstanding any law to the contrary, the first \$500,000 of any cigarette tax receipts above the amount adopted in the forecast within the State Health Care Resources Fund in January 2016 by the Emergency Board for fiscal year 2016 shall be ~~deposited in~~ transferred to the Evidence-Based ~~Evidence-Based~~ Education and Advertising Fund: \$1,800,000.

Sec. 75. 32 V.S.A. § 308b(b) is amended to read:

(b) The Secretary of Administration may transfer to the Human Services Caseload Reserve any General Fund carry-forward directly attributable to ~~Aid to Needy Families with Children (ANFC)~~ Agency of Human Services caseload reductions and the effective management of related federal receipts, with the exclusion of the Department of Corrections.

Sec. 75a. REPEAL; HOME HEALTH PROSPECTIVE PAYMENT

(a) 33 V.S.A. § 1901h (Prospective payment; home health services) is repealed.

Sec. 76. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2017, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2017 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. 77. TREATMENT FOR SUBSTANCE USE DISORDER; WAIVER AMENDMENT

(a) The Secretary of Human Services may seek approval from the Centers for Medicare and Medicaid Services to amend Vermont's Global Commitment to Health Section 1115 waiver to include the design, development, and implementation of a substance use disorder treatment system that includes a continuum of services to improve care and outcomes for individuals with substance use disorder.

Sec. 78. 2016 Acts and Resolves No. 172, Sec. E.301(b) is amended to read:

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$29,633,326~~ \$28,082,571 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) ~~\$18,500,400~~ \$23,068,400 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with ~~\$21,999,600~~ \$27,431,600 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of ~~\$40,500,000~~ \$50,500,000. 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) \$4,091,214 certified State match available from local education agencies for direct schoolbased health services, including school nurse services, that increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.~~

~~(3) \$1,883,273~~ \$941,637 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 schoolage children.

~~(4)~~(3) ~~\$2,731,052~~ \$1,716,095 certified State match available via the University of Vermont's Child Health Improvement Program for quality improvement initiatives for the Medicaid program.

~~(5)~~(4) ~~\$2,427,387~~ \$2,356,439 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. 79. CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2017, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services-out of state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Sec. 80. 2016 Acts and Resolves No. 113, Sec. 13 is amended to read:

Sec. 13. MEDICAID ADVISORY RATE CASE FOR ACO SERVICES

(a) On or before December 31, ~~2016~~ 2017, the Green Mountain Care Board shall review any all-inclusive population-based payment arrangement between the Department of Vermont Health Access and an accountable care organization for calendar year years 2017 and 2018. The Board's review shall include the number of attributed lives, eligibility groups, covered services, elements of the per-member, per-month payment, and any other nonclaims payments. The Board's review may include deliberative sessions to the same extent as allowable under insurance rate review in 8 V.S.A. § 4062.

(b) The review shall be nonbinding on the Agency of Human Services, and nothing in this section shall be construed to abrogate the designation of the Agency of Human Services as the single State agency as required by 42 C.F.R. §431.10.

(c) The Board shall review the payment arrangement prior to the finalization of a contract between the Department and the accountable care organization and shall maintain the confidentiality of information necessary to preserve contract negotiations of the parties. The Board shall release its advisory opinion within 30 days of the finalization of the contract between the parties.

(d) The Department of Vermont Health Access shall provide the Board and

its contractors such data and information as requested by the Board for its review in the time frame set forth by the Board.

Sec. 81. REPEAL

(a) 2016 Acts and Resolves No.172, Sec. E.345.1 (Green Mountain Care Board; All Payer Model Agreement) is repealed.

Sec. 82. BENNINGTON PFOA RESPONSE EXPENDITURES

(a) Notwithstanding the \$100,000 minimum balance required by 10 V.S.A. § 1283(b), the Secretary may spend funds in fiscal year 2017 necessary to investigate and remediate the release of perfluorooctanoic acid (PFOA) in the Town of Bennington and Village of North Bennington. To the extent that these expenditures exceed receipts to the Fund established by 10 V.S.A. § 1283, the Secretary shall include those expenditures in the fiscal year 2018 budget request.

Sec. 83. EXEMPTIONS FROM TRANSPORTATION FUND BUDGET STABILIZATION RESERVES

(a) Transportation Fund amounts totaling \$2,560,373.70, reverted under the Secretary of Administration's carry-forward authority in 2016 Acts and Resolves No. 68, Sec. 56(a), are exempt from the fiscal year 2016 Transportation Fund appropriation total used to calculate the five percent budget stabilization requirement for fiscal year 2017 in 32 V.S.A. § 308a.

Sec. 84. EFFECTIVE DATE

(a) This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

House Resolution Adopted

H.R. 10

House resolution, entitled

House resolution relating to policies and procedures for the Orange-1 legislative recount

Was taken up and adopted on the part of the House.

Joint Rules Committee Appointed

Pursuant to Joint Rule 5, the Chair hereby appoints the following members to the Joint Rules Committee:

Rep. Johnson of South Hero

Rep. Turner of Milton

Rep. Krowinski of Burlington

Rep. Toleno of Brattleboro**State Workforce Investment Board Appointed**

Pursuant to 10 V.S.A. § 541a, the Chair hereby appoints the following member to the State Workforce Investment Board:

Rep. Keenan of St. Albans City**Rep. Toleno of Brattleboro****Special Recount Panel Announced**

Pursuant to House Resolutions 8 and 10, the Speaker hereby announces the Special Recount Panel as follows:

Rep. Townsend of South Burlington, Chair ex officio**Rep. Haas of Rochester****Rep. Colburn of Burlington****Rep. Weed of Enosburgh****Rep. Gonzalez of Winooski****Rep. Burke of Brattleboro****Rep. Cina of Burlington****Rep. Kitzmiller of Montpelier****Rep. Gannon of Wilmington****Rep. Gardner of Richmond****Rep. Brumsted of Shelburne****Rep. Toleno of Brattleboro****Rep. McCoy of Poultney****Rep. Savage of Swanton****Rep. Quimby of Concord****Rep. Willhoit of St. Johnsbury****Rep. Myers of Essex****Rep. Higley of Lowell****Rep. Hubert of Milton****Rep. LaClair of Barre Town****Rep. Lewis of Berlin****Rep. Devereux of Mount Holly****Rep. Dickinson of St. Albans Town****Adjournment**

At two o'clock and fifty-three 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.

Friday, February 17, 2017

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

Devotional Exercises

Devotional exercises were conducted by Reverend Jason McConnell, Franklin United Church, Franklin, VT.

Memorial Service

The Speaker placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Herb L. Armstrong of Pownal Member of the House,
Session of 1983

Thereupon, the members of the House rose for a moment of silence in memory of the deceased member. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved family.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 301

By Reps. Lucke of Hartford, Cupoli of Rutland City and Fagan of Rutland City,

House bill, entitled

An act relating to the assessment of high school student performance;

To the committee on Education.

H. 302

By Rep. McFaun of Barre Town,

House bill, entitled

An act relating to increasing the minimum wage;

To the committee on General, Housing and Military Affairs.

H. 303

By Rep. Botzow of Pownal,

House bill, entitled

An act relating to responsibility for providing transportation service;

To the committee on Education.

H. 304

By Reps. Beck of St. Johnsbury, Willhoit of St. Johnsbury, Bancroft of Westford, Baser of Bristol, Batchelor of Derby, Beyor of Highgate, Bissonnette of Winooski, Brumsted of Shelburne, Canfield of Fair Haven, Christie of Hartford, Condon of Colchester, Conquest of Newbury, Cupoli of Rutland City, Donovan of Burlington, Feltus of Lyndon, Frenier of Chelsea, Gamache of Swanton, Greshin of Warren, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hooper of Brookfield, Hubert of Milton, Jickling of Brookfield, Juskiewicz of Cambridge, LaClair of Barre Town, Lawrence of Lyndon, Lucke of Hartford, McCoy of Poultney, Morris of Bennington, Murphy of Fairfax, Pearce of Richford, Poirier of Barre City, Rosenquist of Georgia, Scheuermann of Stowe, Shaw of Pittsford, Terenzini of Rutland Town, Till of Jericho, Trieber of Rockingham, Van Wyck of Ferrisburgh, Walz of Barre City, Webb of Shelburne, Wright of Burlington and Young of Glover,

House bill, entitled

An act relating to making changes to the calculation of the statewide education property tax;

To the committee on Education.

H. 305

By Reps. Rachelson of Burlington, Donovan of Burlington and Howard of Rutland City,

House bill, entitled

An act relating to live organ donation;

To the committee on Human Services.

H. 306

By Rep. Savage of Swanton,

House bill, entitled

An act relating to increasing the number of nursing homes able to accommodate patients on ventilators;

To the committee on Human Services.

H. 307

By Reps. Lucke of Hartford and Buckholz of Hartford,

House bill, entitled

An act relating to guardianship proceedings;

To the committee on Judiciary.

H. 308

By Reps. Lalonde of South Burlington, Burditt of West Rutland, Conquest of Newbury, Emmons of Springfield, Grad of Moretown, Morris of Bennington and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to a committee to reorganize and reclassify Vermont's criminal statutes;

To the committee on Judiciary.

H. 309

By Reps. Lippert of Hinesburg and Donahue of Northfield,

House bill, entitled

An act relating to substitution of epinephrine autoinjector devices;

To the committee on Health Care.

H. 310

By Rep. Ainsworth of Royalton,

House bill, entitled

An act relating to adequate shelter for livestock;

To the committee on Agriculture & Forestry.

H. 311

By Reps. Botzow of Pownal, Marcotte of Coventry and O'Sullivan of Burlington,

House bill, entitled

An act relating to unclaimed property;

To the committee on Commerce and Economic Development.

H. 312

By Reps. Townsend of South Burlington, Brumsted of Shelburne, Devereux of Mount Holly, Gannon of Wilmington, Gardner of Richmond, Hubert of Milton, Kitzmiller of Montpelier, LaClair of Barre Town, Lewis of Berlin, Toleno of Brattleboro and Weed of Enosburgh,

House bill, entitled

An act relating to retirement and pensions;

To the committee on Government Operations.

H. 313

By Reps. Sullivan of Burlington, McCormack of Burlington and Townsend of South Burlington,

House bill, entitled

An act relating to increasing the minimum wage and tipped minimum wage;

To the committee on General, Housing and Military Affairs.

H. 314

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to symptom relief for Alzheimer's disease;

To the committee on Human Services.

H. 315

By Rep. Condon of Colchester,

House bill, entitled

An act relating to prohibiting the use of robotic telephone calls for electioneering communications unless the operator has obtained consent from the recipient;

To the committee on Government Operations.

H. 316

By Reps. Sullivan of Burlington, Bartholomew of Hartland, Burke of Brattleboro, Cina of Burlington, Deen of Westminster, Forguites of Springfield, Head of South Burlington, Kitzmiller of Montpelier, Lalonde of South Burlington, McCormack of Burlington, McCullough of Williston, Mrowicki of Putney, O'Sullivan of Burlington, Squirrell of Underhill, Townsend of South Burlington and Walz of Barre City,

House bill, entitled

An act relating to renewable energy goals for Vermont's total energy consumption;

To the committee on Energy and Technology.

H. 317

By Rep. Condon of Colchester,

House bill, entitled

An act relating to valuing property subject to a use value appraisal at 25 percent of its fair market value;

To the committee on Ways and Means.

H. 318

By Reps. Haas of Rochester, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Gonzalez of Winooski, Troiano of Stannard and Wood of Waterbury,

House bill, entitled

An act relating to creating an education property tax that is adjusted by income for all taxpayers;

To the committee on Education.

H. 319

By Reps. Condon of Colchester, Beck of St. Johnsbury, Greshin of Warren and Wright of Burlington,

House bill, entitled

An act relating to incentives for lower education spending;

To the committee on Education.

H. 320

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to physicians' duties under the patient's bill of rights for palliative care and pain management;

To the committee on Human Services.

H. 321

By Reps. Conquest of Newbury and Toll of Danville,

House bill, entitled

An act relating to Act 250 jurisdiction in towns that do and do not have both permanent zoning and subdivision bylaws;

To the committee on Natural Resources, Fish & Wildlife.

H. 322

By Reps. Masland of Thetford, Browning of Arlington, Lucke of Hartford, Poirier of Barre City, Squirrel of Underhill and Sullivan of Burlington,

House bill, entitled

An act relating to changing the name of the Public Service Board;

To the committee on Energy and Technology.

H. 323

By Rep. Hooper of Montpelier,

House bill, entitled

An act relating to the classification of employees and independent contractors;

To the committee on Commerce and Economic Development.

H. 324

By Rep. Willhoit of St. Johnsbury,

House bill, entitled

An act relating to automobile minimum liability coverage;

To the committee on Transportation.

H. 325

By Reps. McCormack of Burlington and Bissonnette of Winooski,

House bill, entitled

An act relating to prohibiting bestiality;

To the committee on Judiciary.

S. 13

Senate bill, entitled

An act relating to fees and costs allowed at a tax sale;

To the committee on Government Operations.

S. 38

Senate bill, entitled

An act relating to the Government Accountability Committee and the State Outcomes Report;

To the committee on Government Operations.

Bill Referred to Committee on Ways and Means

H. 130

House bill, entitled

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

Hartford

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Amended, Read Third Time and Passed

H. 25

House bill, entitled

An act relating to sexual assault survivors' rights

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

In Sec.1, 13 V.S.A. § 3281(c), by striking "medical provider," and inserting in lieu thereof "emergency department, or sexual assault nurse examiner"

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 27

House bill, entitled

An act relating to eliminating the statute of limitations on prosecutions for sexual assault

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 74

House bill, entitled

An act relating to nonconsensual sexual conduct

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 35

House bill, entitled

An act relating to adopting the Uniform Voidable Transactions Act

Was taken up, read the third time and passed.

Senate Proposal of Amendment Concurred in

H.C.R. 35

The Senate proposed to the House to amend House bill, entitled

House concurrent resolution commemorating the 240th anniversary of the

Battle of Hubbardton

The Senate proposes to the House to amend the resolution by striking out the last Whereas clause (the 8th) in its entirety and at the end of the 7th Whereas clause by striking out the word "and" and inserting in lieu thereof the words now therefore be it

Which proposal of amendment was considered and concurred in.

Adjournment

At ten o'clock and fourteen minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 21, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 16.

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. 39

House concurrent resolution in memory of Londonderry Selectboard Chair Steve Prouty;

H.C.R. 40

House concurrent resolution congratulating the Vermont League of Cities and Towns on its 50th anniversary;

H.C.R. 41

House concurrent resolution congratulating Alicia Dana of Putney on winning a silver medal in the women's handcycling time trial at the Rio 2016 Paralympic Games;

H.C.R. 42

House concurrent resolution honoring the creators of "Our Time" song and music video;

H.C.R. 43

House concurrent resolution designating February 16, 2017 as Suicide Prevention Awareness Day in Vermont;

H.C.R. 44

House concurrent resolution congratulating the 2016 Windsor High School Yellow Jackets Division III championship football team;

H.C.R. 45

House concurrent resolution in memory of Barbara A. MacIntyre;

H.C.R. 46

House concurrent resolution congratulating the 2016 Proctor High School Division IV girls' soccer championship team;

[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 2017, seventy-fourth Biennial session.]

Tuesday, February 21, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Jeff Fuller, Living Hope Wesleyan Church, Waterbury Center, VT.

Pledge of Allegiance

Page Nina Belliveau of Brattleboro, VT, led the House in the Pledge of Allegiance.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 326

By Reps. Keefe of Manchester, Brumsted of Shelburne, Canfield of Fair Haven, Colburn of Burlington, Copeland-Hanzas of Bradford, Fagan of Rutland City, Gamache of Swanton, Hooper of Brookfield, McFaun of Barre Town, Nolan of Morristown, Noyes of Wolcott, Olsen of Londonderry, Pugh of South Burlington, Rosenquist of Georgia, Scheuermann of Stowe, Smith of Derby, Sullivan of Dorset, Troiano of Stannard, Willhoit of St. Johnsbury, Wood of Waterbury and Wright of Burlington,

House bill, entitled

An act relating to eligibility and calculation of grant or subsidy amount for Reach Up, Reach Ahead, and the Child Care Services Program;

To the committee on Human Services.

H. 327

By Reps. Feltus of Lyndon, Lawrence of Lyndon, Lefebvre of Newark and Strong of Albany,

House bill, entitled

An act relating to the charter of the Northeast Kingdom Solid Waste Management District;

To the committee on Government Operations.

H. 328

By Reps. Christensen of Weathersfield and Cina of Burlington,

House bill, entitled

An act relating to the use of the herbicide glyphosate;

To the committee on Agriculture & Forestry.

H. 329

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to high school curriculum;

To the committee on Education.

H. 330

By Reps. Jickling of Brookfield and Hooper of Brookfield,

House bill, entitled

An act relating to an excess spending penalty for fiscal year 2018;

To the committee on Education.

H. 331

By Reps. Lefebvre of Newark, Bancroft of Westford, Higley of Lowell, Lawrence of Lyndon, McCullough of Williston and Sheldon of Middlebury,

House bill, entitled

An act relating to how to classify maple sugar lands for the purpose of use value appraisals;

To the committee on Ways and Means.

H. 332

By Reps. McCullough of Williston and Macaig of Williston,

House bill, entitled

An act relating to exempting paper hygienic products from the sales and use tax and establishing an occupancy surcharge;

To the committee on Ways and Means.

H. 333

By Reps. Colburn of Burlington, Lippert of Hinesburg, Botzow of Pownal, Buckholz of Hartford, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Copeland-Hanzas of Bradford, Dakin of Colchester, Donovan of Burlington, Dunn of Essex, Fields of Bennington, Gonzalez of Winooski, Haas of Rochester, Hooper of Brookfield, Houghton of Essex, Joseph of North Hero, Lalonde of South Burlington, Lucke of Hartford, Masland of Thetford, McCormack of Burlington, Mrowicki of Putney, O'Sullivan of Burlington, Partridge of Windham, Pugh of South Burlington, Rachelson of Burlington, Scheu of Middlebury, Stevens of Waterbury, Sullivan of Dorset, Sullivan of Burlington, Till of Jericho, Townsend of South Burlington, Trieber of Rockingham, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh and Young of Glover,

House bill, entitled

An act relating to identification of gender-free restrooms in public buildings and places of public accommodation;

To the committee on General, Housing and Military Affairs.

H. 334

By Reps. Willhoit of St. Johnsbury, Burke of Brattleboro, O'Sullivan of Burlington, Rachelson of Burlington and Walz of Barre City,

House bill, entitled

An act relating to the Woodside Juvenile Rehabilitation Center;

To the committee on Human Services.

H. 335

By Reps. McCullough of Williston and Squirrell of Underhill,

House bill, entitled

An act relating to reducing the risk of head injury during athletic events;

To the committee on Education.

H. 336

By Reps. McCullough of Williston and Deen of Westminster,

House bill, entitled

An act relating to membership of the Fish and Wildlife Board;

To the committee on Natural Resources, Fish & Wildlife.

H. 337

By Reps. Smith of New Haven, Graham of Williamstown, Higley of Lowell, Lawrence of Lyndon and Parent of St. Albans Town,

House bill, entitled

An act relating to exempting methane digesters from air emissions fees;

To the committee on Agriculture & Forestry.

H. 338

By Reps. Lefebvre of Newark, Ainsworth of Royalton, Batchelor of Derby, Beyor of Highgate, Cupoli of Rutland City, Frenier of Chelsea, Gamache of Swanton, Graham of Williamstown, Hubert of Milton, LaClair of Barre Town and Lawrence of Lyndon,

House bill, entitled

An act relating to siting jurisdiction for temporary meteorological stations;

To the committee on Natural Resources, Fish & Wildlife.

H. 339

By Reps. Dickinson of St. Albans Town, Beyor of Highgate, Colburn of Burlington, Gamache of Swanton, Joseph of North Hero, Keenan of St. Albans City, Lalonde of South Burlington, Murphy of Fairfax, Parent of St. Albans Town, Pearce of Richford, Rachelson of Burlington, Rosenquist of Georgia, Savage of Swanton, Viens of Newport City, Weed of Enosburgh and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to authorizing assistant judges to serve as mediators in certain family proceedings;

To the committee on Judiciary.

H. 340

By Reps. Savage of Swanton, Bissonnette of Winooski, Brennan of Colchester, Dickinson of St. Albans Town, Frenier of Chelsea, Gamache of Swanton, Hebert of Vernon, Helm of Fair Haven, Hubert of Milton, Parent of St. Albans Town, Rosenquist of Georgia, Shaw of Pittsford, Strong of Albany and Turner of Milton,

House bill, entitled

An act relating to aggravated murder for killing a firefighter or an emergency medical provider;

To the committee on Judiciary.

H. 341

By Reps. Emmons of Springfield, Bartholomew of Hartland and Belaski of Windsor,

House bill, entitled

An act relating to possession of heroin with the intent to sell;

To the committee on Judiciary.

H. 342

By Rep. Conquest of Newbury,

House bill, entitled

An act relating to eliminating certain prior authorization requirements;

To the committee on Health Care.

H. 343

By Reps. Emmons of Springfield, Batchelor of Derby, Connor of Fairfield, Macaig of Williston, Scheu of Middlebury and Shaw of Pittsford,

House bill, entitled

An act relating to home confinement, treatment furlough, and preapproved furlough;

To the committee on Corrections and Institutions.

H. 344

By Reps. Savage of Swanton and Gamache of Swanton,

House bill, entitled

An act relating to airport hazard areas and construction or alteration of structures;

To the committee on Transportation.

H. 345

By Hebert of Vernon, Ainsworth of Royalton, Batchelor of Derby, Beck of St. Johnsbury, Beyor of Highgate, Bock of Chester, Botzow of Pownal, Brennan of Colchester, Burke of Brattleboro, Cupoli of Rutland City, Deen of Westminster, Forguites of Springfield, Greshin of Warren, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Jickling of Brookfield, LaClair of Barre Town, Lewis of Berlin, Long of Newfane, McCoy of Poultney, McFaun of Barre Town, Morrissey of Bennington, Mrowicki of Putney, Murphy of Fairfax, Olsen of Londonderry, Parent of St. Albans Town, Partridge of Windham, Pugh of South Burlington, Savage of Swanton, Sabilia of Dover, Smith of New Haven, Strong of Albany, Stuart of Brattleboro, Toleno of

Brattleboro, Trieber of Rockingham, Viens of Newport City, Willhoit of St. Johnsbury and Young of Glover,

House bill, entitled

An act relating to services provided by an advanced practice registered nurse in a nursing home;

To the committee on Government Operations.

H. 346

By Rep. Conquest of Newbury,

House bill, entitled

An act relating to increasing the number of University of Vermont medical students pursuing primary care residencies;

To the committee on Health Care.

H. 347

By Reps. Sibia of Dover, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Forguites of Springfield, Lalonde of South Burlington, McCormack of Burlington, Parent of St. Albans Town and Yantachka of Charlotte,

House bill, entitled

An act relating to the State Telecommunications Plan;

To the committee on Energy and Technology.

H. 348

By Reps. Olsen of Londonderry, Haas of Rochester, Noyes of Wolcott, Parent of St. Albans Town, Scheuermann of Stowe, Sibia of Dover, Sullivan of Dorset and Wright of Burlington,

House bill, entitled

An act relating to extending the deadline for qualifying contributions to Vermont's 529 plan and creating an income tax return checkoff to permit contributions to Vermont's 529 plan;

To the committee on Ways and Means.

H. 349

By Rep. Olsen of Londonderry,

House bill, entitled

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;

To the committee on Education.

H. 350

By Rep. Greshin of Warren,

House bill, entitled

An act relating to creating a landlord-tenant court decision database;

To the committee on General, Housing and Military Affairs.

H. 351

By Hubert of Milton, Ainsworth of Royalton, Batchelor of Derby, Beyor of Highgate, Condon of Colchester, Cupoli of Rutland City, Devereux of Mount Holly, Graham of Williamstown, Helm of Fair Haven, LaClair of Barre Town, Lawrence of Lyndon, Morrissey of Bennington, Pearce of Richford, Rosenquist of Georgia, Smith of Derby, Terenzini of Rutland Town and Wright of Burlington,

House bill, entitled

An act relating to casino gaming;

To the committee on General, Housing and Military Affairs.

H. 352

By Reps. Weed of Enosburgh, Cina of Burlington, Connor of Fairfield, LaClair of Barre Town and Potter of Clarendon,

House bill, entitled

An act relating to residential rental agreements;

To the committee on General, Housing and Military Affairs.

H. 353

By Rep. Wright of Burlington,

House bill, entitled

An act relating to interstate drug trafficking;

To the committee on Judiciary.

H. 354

By Reps. Weed of Enosburgh, Chesnut-Tangerman of Middletown Springs, Cina of Burlington and Potter of Clarendon,

House bill, entitled

An act relating to veterans' property tax exemptions;

To the committee on Ways and Means.

H. 355

By Reps. Burke of Brattleboro and Bartholomew of Hartland,
House bill, entitled

An act relating to exempting motor-assisted bicycles from the sales and use tax;

To the committee on Ways and Means.

H. 356

By Reps. Lewis of Berlin and Donahue of Northfield,
House bill, entitled

An act relating to approval of amendments to the charter of the Town of Berlin;

To the committee on Government Operations.

H. 357

By Reps. Helm of Fair Haven and McCormack of Burlington,
House bill, entitled

An act relating to exempting indoor commercial and residential advanced wood boilers from the sales and use tax;

To the committee on Ways and Means.

H. 358

By Rep. Wright of Burlington,
House bill, entitled

An act relating to the phased-in exemption from State income taxation of military retirement pay;

To the committee on Ways and Means.

H. 359

By Rep. Olsen of Londonderry,
House bill, entitled

An act relating to allowing a town to regulate solar and wind generation if the town contributes to a fund to support renewable energy;

To the committee on Energy and Technology.

H. 360

By Reps. Gamache of Swanton, Van Wyck of Ferrisburgh, Parent of St. Albans Town, Hebert of Vernon and Savage of Swanton,

House bill, entitled

An act relating to municipal regulation of electric generation facilities;

To the committee on Energy and Technology.

H. 361

By Reps. Burke of Brattleboro, Bancroft of Westford, Bissonnette of Winooski, Brennan of Colchester, Christie of Hartford, Deen of Westminster, Lefebvre of Newark, McCullough of Williston, Nolan of Morristown and Potter of Clarendon,

House bill, entitled

An act relating to threatening a law enforcement or corrections officer;

To the committee on Judiciary.

H. 362

By Reps. Van Wyck of Ferrisburgh, Canfield of Fair Haven, Christie of Hartford, Gamache of Swanton, Hebert of Vernon, Higley of Lowell, Morrissey of Bennington, Savage of Swanton, Smith of New Haven and Strong of Albany,

House bill, entitled

An act relating to utility poles and Act 250;

To the committee on Natural Resources, Fish & Wildlife.

H. 363

By Reps. Lalonde of South Burlington, Conquest of Newbury and Grad of Moretown,

House bill, entitled

An act relating to spousal support guidelines;

To the committee on Judiciary.

Message from the Senate No. 21

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 39. House concurrent resolution in memory of Londonderry Selectboard Chair Steve Prouty.

H.C.R. 40. House concurrent resolution congratulating the Vermont League of Cities and Towns on its 50th anniversary.

H.C.R. 41. House concurrent resolution congratulating Alicia Dana of Putney on winning a silver medal in the women's handcycling time trial at the Rio 2016 Paralympic Games.

H.C.R. 42. House concurrent resolution honoring the creators of "Our Time" song and music video.

H.C.R. 43. House concurrent resolution designating February 16, 2017 as Suicide Prevention Awareness Day in Vermont.

H.C.R. 44. House concurrent resolution congratulating the 2016 Windsor High School Yellow Jackets Division III championship football team.

H.C.R. 45. House concurrent resolution in memory of Barbara A. MacIntyre.

H.C.R. 46. House concurrent resolution congratulating the 2016 Proctor High School Division IV girls' soccer championship team.

Message from the Senate No. 22

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 12. An act relating to increasing the maximum prison sentence for first, second, and subsequent offenses of aggravated animal cruelty.

S. 14. An act relating to expanding the Vermont Practitioner Recovery Network.

S. 16. An act relating to expanding patient access to the Medical Marijuana Registry.

S. 23. An act relating to juvenile jurisdiction.

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. 20. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Joint Resolution Referred to Committee

J.R.H. 6

Joint resolution requesting the Governor to advocate for a regional carbon tax and to convene the Regional Greenhouse Gas Initiative states to discuss the development and implementation of this tax

Offered by: Representatives Masland of Thetford, Bartholomew of Hartland, Chesnut-Tangerman of Middletown Springs, Colburn of Burlington, Hooper of Brookfield, McCormack of Burlington, Sheldon of Middlebury, Squirrell of Underhill, Sullivan of Burlington, and Yantachka of Charlotte

Whereas, greenhouse gases are “any of the atmospheric gases that contribute to the greenhouse effect by absorbing infrared radiation produced by solar warming of the Earth’s surface,” such as carbon dioxide, and

Whereas, the General Assembly, in 2013 Acts and Resolves No. 89, Sec. 1(8), stated “Vermont must act to reduce its greenhouse gas emissions and consumption of fossil fuels,” and

Whereas, emitting greenhouse gases contributes to global warming that in turn leads to, among other problems, dangerously rising sea levels and an increase in extreme weather events and heavy precipitation that causes risk to public safety and the environment, and

Whereas, fossil fuels are a prime source of greenhouse gases, and users of fossil fuels do not necessarily compensate for the environmental damage these fuels cause, and

Whereas, many economists agree that a tax on fossil fuel energy sources, also termed a carbon tax, would reduce these harmful emissions significantly, and

Whereas, the Canadian province of British Columbia introduced a revenueneutral carbon tax that started at \$10.00 per ton of carbon dioxide in 2008 and by 2012 rose to \$30.00 per ton, and

Whereas, from 2008 to 2012, British Columbia experienced a 17.4 percent reduction in fossil fuel consumption, and the per capita emissions from sources subject to the tax dropped 10 percent, and

Whereas, early in 2016, more than 150 companies wrote British Columbia Premier Christy Clark a letter supporting an increase of the province’s carbon tax by the amount of \$10.00 Canadian per metric ton starting in July 2018, and

Whereas, Vermont is part of a nine-state Regional Greenhouse Gas Initiative (RGGI) that places a cap on carbon emissions from utilities, and allows the utilities to trade carbon credits within the cap, and

Whereas, RGGI provides an example of interstate cooperation that addresses climate change, and

Whereas, a regional carbon tax would result in a greater reduction in greenhouse gas emissions than a Vermont-only carbon tax and would address cross-border issues that might otherwise arise, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests the Governor to advocate for a regional carbon tax and convene a meeting of officials from RGGI states to discuss the development and implementation of this tax, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Governor, the Commissioner of Public Service, and the Commissioner of Taxes.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Natural Resources, Fish & Wildlife.

House Resolution Placed on Calendar

H.R. 11

House resolution, entitled

House resolution commending the friendly bilateral relations between Taiwan and both the United States and the State of Vermont and supporting Taiwan's full participation in the international community

Offered by: Representatives Webb of Shelburne, Ancel of Calais, Botzow of Pownal, Marcotte of Coventry, Partridge of Windham, and Young of Glover

Whereas, both the United States and the State of Vermont share warm relationships with the Republic of China (Taiwan) and its 23.52 million residents that are based on commonly held political and economic values, and

Whereas, on May 20, 2016, democratic Taiwan inaugurated Tsai Ing-wen as the island's first woman president in a peaceful transition of power, and she has promoted improved relations with the United States and peace in the AsiaPacific region, and

Whereas, according to the U.S. Census Bureau, as of November 2015, Taiwan ranked as the United States' 10th largest trading partner with yeartodate bilateral trade standing at \$65.4 billion, and as of the close of 2015, Vermont exported products worth \$109.54 million to Taiwan, making Taiwan the State's ninth largest export market, and

Whereas, Taiwan and Vermont established a sister state relationship in 1999, and this strong bilateral relationship includes trade, educational and cultural exchanges, scientific and technological interests, and tourism, and

Whereas, Taiwan has jurisdiction over the geographically large Taipei Flight Information Region and deserves membership in the International Civil Aviation Organization, and

Whereas, the United Nations Framework Convention on Climate Change, adopted in Paris in 2015, is a major global environmental protection effort, and Taiwan desires to participate fully in this undertaking, and

Whereas, Taiwan's inclusion in the International Criminal Police Organization and the World Health Organization would bring its innovative economic and proudly democratic voice to these important organizations, now therefore be it

Resolved by the House of Representatives:

That this legislative body commends the friendly bilateral relations between Taiwan and both the United States and the State of Vermont and supports Taiwan's full participation in the international community, and be it further

Resolved: That the Clerk of the House be directed to send copies of this resolution to Governor Philip B. Scott, the Vermont Congressional Delegation, Taiwanese President Tsai Ing-wen, and Scott Lai, Director General of the Taipei Economic and Cultural Office in Boston.

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

House Resolution Placed on Calendar

H.R. 12

House resolution, entitled

House resolution supporting refugee resettlement in the United States including Vermont

Offered by: Representatives Colburn of Burlington and Sullivan of Burlington

Whereas, the United Nations High Commissioner for Refugees (UNHCR), also referred to as the UN Refugee Agency, reports that as of the end of 2015, there were 65 million forcibly displaced persons worldwide, the highest number on record, and

Whereas, an estimated one-half of the world's refugees are children, and one in every 113 persons is a refugee, and

Whereas, refugees are fleeing armed conflicts and human rights abuses in Africa, Central America, the Middle East, and Southeast Asia, and

Whereas, among these 65 million are persons who can neither return to their home countries nor remain in their current host nations due to extreme vulnerabilities, and

Whereas, only ten nations host one-half of the world's refugees, including countries that do not have adequate resources to feed, house, or keep these refugees safe, and

Whereas, UNHCR has determined that 1.19 million refugees are in need of immediate resettlement, but being realistic, it has submitted fewer than 200,000 resettlement requests, and

Whereas, refugees in need of resettlement represent only a tiny fraction of the world's population, and

Whereas, every single refugee admitted into the United States must undergo a strict and lengthy security check, involving multiple law enforcement and intelligence agencies, and

Whereas, the U.S. Committee for Refugees and Immigrants–Vermont Refugee Resettlement Program (USCRI-VRRP) and numerous other Vermont community and religious organizations have declared their support for resettling refugees in Vermont, and since 1980, USCRI-VRRP has resettled more than 7,000 refugees from more than 30 countries in the State, now therefore be it

Resolved by the House of Representatives:

That this legislative body applauds the historic bipartisan tradition of the United States welcoming refugees in keeping with our national values and respect for human rights, and be it further

Resolved: That this legislative body declares its support for the resettlement of refugees in the United States, including Vermont, regardless of religion, race, nationality, or country of origin, and calls upon other states to support a stronger national effort to resettle the most vulnerable refugees, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Vermont Refugee Resettlement Program, to President Donald J. Trump, to Governor Philip B. Scott, 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.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 188

Rep. Partridge of Windham moved that the committee on Agriculture & Forestry be relieved of House bill, entitled

An act relating to increasing the penalties for animal cruelty

And that the bill be committed to the committee on Judiciary, which was agreed to.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 212

Rep. Partridge of Windham moved that the committee on Agriculture & Forestry be relieved of House bill, entitled

An act relating to increasing the penalties for killing a law enforcement dog

And that the bill be committed to the committee on Judiciary, which was agreed to.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 47

Rep. Carr of Brandon moved that the committee on Energy and Technology be relieved of House bill, entitled

An act relating to requiring telemarketers to provide accurate caller identification information

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Favorable Report; Read Second Time;
Third Reading Ordered**

H. 3

Rep. Gonzalez of Winooski, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to burial depth in cemeteries

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.

Adjournment

At ten o'clock and twenty-three minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, February 22, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Pastor George Sweet, The Baptist Fellowship, Randolph, VT.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 364

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to State collection of electronic data and metadata;

To the committee on Judiciary.

H. 365

By Rep. Browning of Arlington,

House bill, entitled

An act relating to limiting Education Fund expenditures to expenses controlled by school district spending decisions;

To the committee on Education.

H. 366

By Reps. Cina of Burlington, Burke of Brattleboro, Colburn of Burlington, Dunn of Essex, Gonzalez of Winooski, Haas of Rochester, O'Sullivan of Burlington, Rachelson of Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to ending the suspension of State aid for school construction projects;

To the committee on Corrections and Institutions.

H. 367

By Rep. Wright of Burlington,

House bill, entitled

An act relating to requiring the removal of snow and ice from vehicles operated on public highways;

To the committee on Transportation.

H. 368

By Reps. Lewis of Berlin, Brumsted of Shelburne, Devereux of Mount Holly, Gannon of Wilmington, Gardner of Richmond, Hubert of Milton, Kitzmiller of Montpelier, LaClair of Barre Town and Townsend of South Burlington,

House bill, entitled

An act relating to creating a Cold Case Unit within the Vermont State Police;

To the committee on Government Operations.

H. 369

By Reps. Savage of Swanton, Dickinson of St. Albans Town, Gamache of Swanton, Hebert of Vernon, Hubert of Milton and Parent of St. Albans Town,

House bill, entitled

An act relating to requiring the use of vote tabulators in certain towns;

To the committee on Government Operations.

H. 370

By Reps. Burke of Brattleboro, Cina of Burlington, Fields of Bennington, Head of South Burlington, Morris of Bennington, O'Sullivan of Burlington, Stuart of Brattleboro and Weed of Enosburgh,

House bill, entitled

An act relating to segregation of inmates;

To the committee on Corrections and Institutions.

H. 371

By Reps. Scheuermann of Stowe, Olsen of Londonderry, Ainsworth of Royalton, Baser of Bristol, Beck of St. Johnsbury, Brennan of Colchester, Brumsted of Shelburne, Burditt of West Rutland, Christie of Hartford, Condon of Colchester, Conquest of Newbury, Corcoran of Bennington, Cupoli of Rutland City, Greshin of Warren, Jickling of Brookfield, Juskiewicz of

Cambridge, Keefe of Manchester, Kimbell of Woodstock, Marcotte of Coventry, Morris of Bennington, Nolan of Morrystown, Noyes of Wolcott, Parent of St. Albans Town, Sabilia of Dover, Smith of Derby, Strong of Albany, Sullivan of Dorset, Trieber of Rockingham, Troiano of Stannard, Walz of Barre City, Willhoit of St. Johnsbury, Wright of Burlington and Young of Glover,

House bill, entitled

An act relating to alcoholic beverages;

To the committee on General, Housing and Military Affairs.

H. 372

By Reps. Sabilia of Dover, Forguites of Springfield and Olsen of Londonderry,

House bill, entitled

An act relating to allowing towns to eliminate the offices of grand juror and town agent;

To the committee on Government Operations.

H. 373

By Reps. Gannon of Wilmington and Sabilia of Dover,

House bill, entitled

An act relating to town banners over highway rights-of-way;

To the committee on Transportation.

H. 374

By Reps. Botzow of Pownal, Partridge of Windham, Lawrence of Lyndon, Marcotte of Coventry, Bartholomew of Hartland, Bock of Chester, Buckholz of Hartford, Graham of Williamstown, Higley of Lowell, Hill of Wolcott, Kimbell of Woodstock, Myers of Essex, Norris of Shoreham, O'Sullivan of Burlington and Smith of New Haven,

House bill, entitled

An act relating to reducing the cost of workers' compensation in high-risk occupations and industries;

To the committee on Commerce and Economic Development.

H. 375

By Reps. Burke of Brattleboro and O'Sullivan of Burlington,

House bill, entitled

An act relating to creating a family-friendly workplace tax credit;

To the committee on General, Housing and Military Affairs.

H. 376

By Reps. Botzow of Pownal, Marcotte of Coventry and O'Sullivan of Burlington,

House bill, entitled

An act relating to occupational safety and workers' compensation;

To the committee on Commerce and Economic Development.

H. 377

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to providing farm businesses with relief from the delinquent property tax penalty in certain circumstances;

To the committee on Agriculture & Forestry.

H. 378

By Rep. Cina of Burlington,

House bill, entitled

An act relating to the creation of the Artificial Intelligence Commission;

To the committee on Energy and Technology.

H. 379

By Reps. Gannon of Wilmington, Devereux of Mount Holly, Hubert of Milton and Lewis of Berlin,

House bill, entitled

An act relating to providing an extension for the repeal of the Search and Rescue Council;

To the committee on Government Operations.

H. 380

By Rep. Haas of Rochester,

House bill, entitled

An act relating to Reach Up participants' college savings accounts;

To the committee on Human Services.

H. 381

By Reps. Rachelson of Burlington, Morris of Bennington, Mrowicki of Putney and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to the use of physical restraints on a juvenile in custody;

To the committee on Human Services.

H. 382

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to limiting the circumstances in which an asset is subject to judicial forfeiture;

To the committee on Judiciary.

H. 383

By Rep. Haas of Rochester,

House bill, entitled

An act relating to establishing a statewide arrest procedure for custodial parents of minor children;

To the committee on Human Services.

H. 384

By Reps. Burke of Brattleboro, Cina of Burlington, Fields of Bennington, Morris of Bennington, O'Sullivan of Burlington, Stuart of Brattleboro and Weed of Enosburgh,

House bill, entitled

An act relating to a study committee on justice-involved women who are custodial parents of minor children;

To the committee on Corrections and Institutions.

H. 385

By Rep. Keenan of St. Albans City,

House bill, entitled

An act relating to the jurisdiction of the Human Rights Commission;

To the committee on Government Operations.

H. 386

By Reps. Keenan of St. Albans City, Dakin of Colchester, Fagan of Rutland City, Hooper of Montpelier, Juskiewicz of Cambridge, Lanpher of Vergennes, Rosenquist of Georgia and Yacovone of Morristown,

House bill, entitled

An act relating to home health agency provider taxes;

To the committee on Health Care.

H. 387

By Reps. Pugh of South Burlington, Gannon of Wilmington, Baser of Bristol, Beck of St. Johnsbury, Christie of Hartford, Dakin of Colchester, Head of South Burlington, Keefe of Manchester, Noyes of Wolcott and Trieber of Rockingham,

House bill, entitled

An act relating to the Public Retirement Study Committee;

To the committee on Government Operations.

H. 388

By Reps. Keenan of St. Albans City and Fagan of Rutland City,

House bill, entitled

An act relating to nonpayment of rent;

To the committee on General, Housing and Military Affairs.

H. 389

By Reps. Stuart of Brattleboro, Burke of Brattleboro and Toleno of Brattleboro,

House bill, entitled

An act relating to notice for development review;

To the committee on Natural Resources, Fish & Wildlife.

H. 390

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to consumer protections for susceptible persons;

To the committee on Commerce and Economic Development.

H. 391

By Reps. Marcotte of Coventry, Botzow of Pownal, Hill of Wolcott, Kimbell of Woodstock, McCoy of Poultney, Myers of Essex and O'Sullivan of Burlington,

House bill, entitled

An act relating to expanding dual enrollment opportunities for career and technical education;

To the committee on Education.

H. 392

By Reps. Sibia of Dover, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Forguites of Springfield, McCormack of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to telecommunications service providers and State policy and planning;

To the committee on Energy and Technology.

H. 393

By Reps. Pugh of South Burlington, Christie of Hartford and Mrowicki of Putney,

House bill, entitled

An act relating to obtaining a certificate of need prior to operating a pain management clinic;

To the committee on Human Services.

H. 394

By Reps. Burke of Brattleboro, Colburn of Burlington, Masland of Thetford, McCormack of Burlington, O'Sullivan of Burlington, Sheldon of Middlebury, Sullivan of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to a carbon tax and cap and trade study by the Joint Fiscal Office;

To the committee on Natural Resources, Fish & Wildlife.

H. 395

By Reps. Buckholz of Hartford, Burke of Brattleboro and Weed of Enosburgh,

House bill, entitled

An act relating to the investments of preexisting net metering customers;

To the committee on Energy and Technology.

H. 396

By Reps. Chesnut-Tangerman of Middletown Springs, Masland of Thetford, McCormack of Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to the net metering program and environmental attributes;

To the committee on Energy and Technology.

H. 397

By Rep. Quimby of Concord,

House bill, entitled

An act relating to allowing a tied candidate to withdraw after a general election;

To the committee on Government Operations.

H. 398

By Reps. Burke of Brattleboro and O'Sullivan of Burlington,

House bill, entitled

An act relating to implementing the Climate Economy Business Accelerator Program;

To the committee on Commerce and Economic Development.

H. 399

By Reps. Savage of Swanton and Gamache of Swanton,

House bill, entitled

An act relating to creating the Vermont Native American Scholarship Program;

To the committee on Education.

S. 12

Senate bill, entitled

An act relating to increasing the maximum prison sentence for first, second, and subsequent offenses of aggravated animal cruelty;

To the committee on Judiciary.

S. 14

Senate bill, entitled

An act relating to expanding the Vermont Practitioner Recovery Network;
To the committee on Health Care.

S. 16

Senate bill, entitled

An act relating to expanding patient access to the Medical Marijuana Registry;

To the committee on Human Services.

S. 23

Senate bill, entitled

An act relating to juvenile jurisdiction;
To the committee on Judiciary.

Joint Resolution Adopted in Concurrence**J.R.S. 20**

By Senator Ashe,

J.R.S. 20. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 24, 2017, it be to meet again no later than Tuesday, February 28, 2017.

Was taken up read and adopted in concurrence.

Message from the Senate No. 23

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

Madam Speaker:

I am directed to inform the House that:

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

H. 53. An act relating to permitting planting projects in flood hazard areas.
And has passed the same in concurrence.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 246

Rep. Grad of Moretown moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to marriage by proxy, teleconference, or other technology

And that the bill be committed to the committee on Government Operations, which was agreed to.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 324

Rep. Brennan of Colchester moved that the committee on Transportation be relieved of House bill, entitled

An act relating to automobile minimum liability coverage

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 180

Rep. Brennan of Colchester moved that the committee on Transportation be relieved of House bill, entitled

An act relating to warranty obligations for motorboat and personal watercraft dealers

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 112

Rep. Brennan of Colchester moved that the committee on Transportation be relieved of House bill, entitled

An act relating to automobile advertising

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Rules Suspended, Special Report of the Committee on
Government Operations Agreed To**

Pending entrance of the Special Committee Report on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and the Special Committee Report, entitled

Appeal of the Election of District Orange-1

Was taken up for immediate consideration.

Rep. Townsend of South Burlington, for the Committee on Government Operations, reported in favor of adoption of the Special Committee Report.

Special Report of the Committee on Government Operations on the request of Susan Hatch Davis for the House to judge the election and qualifications of its member in House District Orange-1

Representative Townsend of South Burlington, for the Committee on Government Operations, to which has been referred the request of Susan Hatch Davis for the House to judge the election and qualification of its member in House District Orange-1 submits the following report:

The Committee on Government Operations considered the request of Susan Hatch Davis for the House to judge the election and qualification of its member in House District Orange-1 and finds that Representative Robert Frenier of Chelsea was duly elected and is qualified to represent House District Orange-1 as a member of the House of Representatives.

Thereupon, **Rep. Townsend of South Burlington**, moved to accept the report, which was agreed to.

Remarks Journalized

On motion of **Rep. Hubert of Milton**, the following remarks by **Rep. Townsend of South Burlington** were ordered printed in the Journal:

“Madam Speaker:

This morning the recount panel for the contested election in Orange-1 found an issue with a ballot bag that triggered a provision in our rules and procedures to cancel the recount. The issue was that the tag seal number listed by the county clerk following the recount of November 28, 2016 did not match the tag seal number now on that same ballot bag. This resulted from the bag having been opened on January 3, 2017 for retrieval of the Entrance Checklist. The bag was opened with permission from and following guidance provided by the Office of the Secretary of State. It was resealed with a different tag seal number. The House Government Operations Committee learned of this occurrence the morning before the scheduled recount. Had we known of it

prior to the policies and procedures being developed, the policies and procedures to be followed would have included language to cover that occurrence. That was not the case, and since the tag seal numbers did not match, the recount could not go forward.”

Remarks Journalized

On motion of **Rep. Gonzalez of Winooski**, the following remarks by **Rep. Chesnut-Tangerman of Middletown Springs** were ordered printed in the Journal:

“Madam Speaker:

Having already extended congratulations of Rep. Frenier, I do not challenge the outcome of this process, though I must note the irony that an investigation of possible procedural errors was derailed by a procedural error. In the absence of that recount occurring, I take issue with the wording of this resolution which implies that such a recount was conducted. In actuality, the Committee has merely certified rather than verified the previous outcome. I am not proposing a change, merely stating disagreement with the existing wording.”

Vermont Student Assistance Corporation (VSAC) Board Of Directors Appointed

Pursuant to 16 V.S.A. § 2831(a), the Chair hereby appoints the following member to the Board of Directors of Vermont Student Assistant Corporation:

Rep. Trieber of Rockingham

Third Reading; Bill Passed

H. 3

House bill, entitled

An act relating to burial depth in cemeteries

Was taken up, read the third time and passed.

Action on Bill Postponed

H. 50

House bill, entitled

An act relating to extending the current expiration date of the telecommunications siting law

Was taken up and pending the reading of the report of the committee on Energy and Technology, on motion of **Rep. Carr of Brandon**, action on the bill was postponed until February 23, 2017.

Second Reading; Bill Amended; Third Reading Ordered**H. 201**

Rep. Rosenquist of Georgia, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to length of stay at designated shelters

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 5303 is amended to read:

§ 5303. PROCEDURE FOR RUNAWAY CHILDREN

(a) If an officer takes a child into custody pursuant to subdivision 5301(3) of this title, the officer shall deliver the child to:

(1) the child's custodial parent, foster parent, guardian, custodian, or noncustodial parent lawfully exercising parent-child contact; or

(2) a shelter designated by the Department pursuant to section 5304 of this title as qualified to assist children who have run away for the purpose of reuniting them with their parents, guardian, or legal custodian.

(b) Upon delivery of a child to a shelter, the shelter program director or his or her designee, shall notify the child's parents, guardian, or custodian that the child has been taken into custody and make reasonable efforts to mediate the differences between the parties.

(c) A child may remain at a designated shelter for a period not to exceed ~~seven~~ 21 days.

(d) Upon expiration of the ~~seven-day~~ 21-day period or sooner at the request of the child or the custodial parent:

(1) the child shall be released to his or her custodial parent, foster parent, guardian, custodian, or noncustodial parent lawfully exercising parentchild contact; or

(2) an officer shall seek an emergency care order pursuant to section 5302 of this title.

(e) Unless otherwise ordered by the ~~Court~~ court, the custody status of the child shall remain the same during the period of time the child is at the shelter.

Sec. 2. 33 V.S.A. § 5304 is amended to read:

§ 5304. DESIGNATED SHELTERS FOR RUNAWAY CHILDREN

The Commissioner shall designate shelters throughout the State where a child may be housed for a period not to exceed 21 days if he or she is:

(1) taken into custody pursuant to subdivision 5301(3) of this title ~~may be housed for a period not to exceed seven days; or~~

(2) referred by other means described in the policies of the Department for Children and Families.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Human Services agreed to and third reading ordered.

Action on House Resolution Postponed

H.R. 11

House Resolution, entitled

House resolution commending the friendly bilateral relations between Taiwan and both the United States and the State of Vermont and supporting Taiwan's full participation in the international community

Was taken up and pending the reading of the resolution, on motion of **Rep. Turner of Milton**, action on the resolution was postponed until February 23, 2017, the next legislative day.

House Resolution Committed

H.R. 12

House resolution, entitled

House resolution supporting refugee resettlement in the United States, including Vermont

Appearing on the Calendar for action, was taken up and pending the reading of the resolution, on motion of **Rep. Turner of Milton**, the resolution was committed to the committee on General, Housing and Military Affairs.

Adjournment

At one o'clock and forty-eight minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, February 23, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Representative Douglas Gage of Rutland City.

Rep. Krowinski of Burlington in chair.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 400

By Reps. Mrowicki of Putney and Keefe of Manchester,
House bill, entitled

An act relating to evaluating access to and use of long-acting reversible contraceptives;

To the committee on Health Care.

H. 401

By Reps. Poirier of Barre City and Conlon of Cornwall,
House bill, entitled

An act relating to card tournaments hosted by nonprofit organizations;

To the committee on General, Housing and Military Affairs.

H. 402

By Reps. Greshin of Warren, Wright of Burlington and Condon of Colchester,

House bill, entitled

An act relating to creating a statewide per pupil spending amount;

To the committee on Education.

H. 403

By Reps. Wood of Waterbury and Browning of Arlington,
House bill, entitled

An act relating to preserving health care professionals' independent medical judgment;

To the committee on Health Care.

H. 404

By Reps. Till of Jericho, Burke of Brattleboro, Cina of Burlington, Dunn of Essex, Fields of Bennington, Howard of Rutland City, Morris of Bennington, O'Sullivan of Burlington, Rachelson of Burlington, Stuart of Brattleboro and Weed of Enosburgh,

House bill, entitled

An act relating to Medicaid reimbursement for long-acting reversible contraceptives;

To the committee on Health Care.

H. 405

By Reps. Marcotte of Coventry and Botzow of Pownal,

House bill, entitled

An act relating to fantasy sports contests;

To the committee on Commerce and Economic Development.

H. 406

By Reps. Carr of Brandon, Keenan of St. Albans City and Marcotte of Coventry,

House bill, entitled

An act relating to creation of the Telecommunications Technology Council;

To the committee on Energy and Technology.

H. 407

By Reps. Troiano of Stannard, Brumsted of Shelburne, Buckholz of Hartford, Burke of Brattleboro, Christensen of Weathersfield, Cina of Burlington, Colburn of Burlington, Connor of Fairfield, Fields of Bennington, Haas of Rochester, Kitzmiller of Montpelier, Lanpher of Vergennes, McFaun of Barre Town, Miller of Shaftsbury, Mrowicki of Putney, Noyes of Wolcott, O'Sullivan of Burlington, Squirrell of Underhill, Stevens of Waterbury, Sullivan of Dorset, Till of Jericho, Townsend of South Burlington, Wood of Waterbury and Yantachka of Charlotte,

House bill, entitled

An act relating to excluding from household income the first \$30,000.00 in income of a person who takes care of a relative who is 70 years of age or older;

To the committee on Ways and Means.

H. 408

By Reps. Wright of Burlington, Bancroft of Westford, Baser of Bristol, Batchelor of Derby, Browning of Arlington, Canfield of Fair Haven, Condon of Colchester, Devereux of Mount Holly, Frenier of Chelsea, Gamache of Swanton, Higley of Lowell, Jickling of Brookfield, Keefe of Manchester, Lawrence of Lyndon, McCoy of Poultney, Morrissey of Bennington, Ode of Burlington, Pearce of Richford, Rosenquist of Georgia, Smith of Derby and Strong of Albany,

House bill, entitled

An act relating to establishing a process for accounting for unfunded education mandates;

To the committee on Education.

H. 409

By Reps. Greshin of Warren and Wright of Burlington,

House bill, entitled

An act relating to teacher's health care premium cost share;

To the committee on Education.

H. 410

By Reps. Gardner of Richmond, McCormack of Burlington, Buckholz of Hartford, Christie of Hartford, Donovan of Burlington, Dunn of Essex, Gannon of Wilmington, Hill of Wolcott, O'Sullivan of Burlington, Squirrell of Underhill, Sullivan of Burlington, Townsend of South Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to adding products to Vermont's energy efficiency standards for appliances and equipment;

To the committee on Energy and Technology.

H. 411

By Reps. Gardner of Richmond, McCormack of Burlington, Brumsted of Shelburne, Buckholz of Hartford, Christie of Hartford, Dunn of Essex, Gannon of Wilmington, Hill of Wolcott, Keefe of Manchester, O'Sullivan of Burlington, Squirrell of Underhill, Sullivan of Burlington, Townsend of South Burlington, Weed of Enosburgh and Wood of Waterbury,

House bill, entitled

An act relating to Vermont's energy efficiency standards for appliances and equipment;

To the committee on Energy and Technology.

H. 412

By Reps. Stevens of Waterbury, Carr of Brandon, Christie of Hartford, Fields of Bennington, Lalonde of South Burlington, Morris of Bennington, Rachelson of Burlington and Troiano of Stannard,

House bill, entitled

An act relating to establishing a homeless bill of rights and prohibiting discrimination against people without homes;

To the committee on General, Housing and Military Affairs.

H. 413

By Reps. Ode of Burlington, Bock of Chester, Christie of Hartford, Dunn of Essex, Gannon of Wilmington, Lefebvre of Newark, McFaun of Barre Town, O'Sullivan of Burlington, Poirier of Barre City, Potter of Clarendon, Stuart of Brattleboro, Sullivan of Burlington, Walz of Barre City, Weed of Enosburgh and Wright of Burlington,

House bill, entitled

An act relating to a weatherization of subsidized housing tax credit;

To the committee on General, Housing and Military Affairs.

H. 414

By Reps. Donahue of Northfield and Lewis of Berlin,

House bill, entitled

An act relating to spousal maintenance;

To the committee on Judiciary.

H. 415

By Reps. Belaski of Windsor, Emmons of Springfield and Bartholomew of Hartland,

House bill, entitled

An act relating to computer voice stress analyzers;

To the committee on Judiciary.

H. 416

By Reps. O'Sullivan of Burlington, Cina of Burlington, Hill of Wolcott, Sullivan of Burlington and Webb of Shelburne,

House bill, entitled

An act relating to prohibiting the banning of specific breeds of dog;

To the committee on Government Operations.

H. 417

By Reps. Hooper of Montpelier, Beck of St. Johnsbury, Bock of Chester, Kitzmiller of Montpelier, Macaig of Williston, McCullough of Williston and Walz of Barre City,

House bill, entitled

An act relating to authorizing municipalities to regulate the surface water use of public waters used as drinking water supplies;

To the committee on Government Operations.

H. 418

By Reps. Gonzalez of Winooski, Cina of Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to the Judicial Rotation System Study Committee;

To the committee on Judiciary.

H. 419

By Reps. Troiano of Stannard, Cina of Burlington, Fields of Bennington, Gannon of Wilmington, Hooper of Brookfield, Lalonde of South Burlington, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, O'Sullivan of Burlington, Potter of Clarendon, Viens of Newport City, Walz of Barre City, Willhoit of St. Johnsbury and Yantachka of Charlotte,

House bill, entitled

An act relating to recording of criminal and civil offenses by law enforcement officers;

To the committee on Judiciary.

H. 420

By Reps. Sheldon of Middlebury, Brumsted of Shelburne, Conlon of Cornwall, Gonzalez of Winooski, Lalonde of South Burlington, Masland of Thetford, McCullough of Williston and Scheu of Middlebury,

House bill, entitled

An act relating to site management practices for solar siting;

To the committee on Energy and Technology.

H. 421

By Reps. Ode of Burlington, Belaski of Windsor, Christie of Hartford, Gannon of Wilmington, Joseph of North Hero, O'Sullivan of Burlington, Stuart of Brattleboro and Wright of Burlington,

House bill, entitled

An act relating to the jurisdiction of the Environmental Division;

To the committee on Judiciary.

H. 422

By Reps. Grad of Moretown, Christie of Hartford, Cina of Burlington, Copeland-Hanzas of Bradford, Deen of Westminster, Donovan of Burlington, Head of South Burlington, O'Sullivan of Burlington, Till of Jericho and Townsend of South Burlington,

House bill, entitled

An act relating to confiscation of dangerous or deadly weapons from a person arrested or cited for domestic assault;

To the committee on Judiciary.

H. 423

By Reps. Lalonde of South Burlington, Colburn of Burlington, Viens of Newport City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to monetary thresholds for criminal penalties;

To the committee on Judiciary.

H. 424

By Reps. Sheldon of Middlebury, Conquest of Newbury, Brumsted of Shelburne, Conlon of Cornwall, Gonzalez of Winooski, Jickling of Brookfield, Lalonde of South Burlington, Lefebvre of Newark, Masland of Thetford, McCullough of Williston, Quimby of Concord, Scheu of Middlebury and Wood of Waterbury,

House bill, entitled

An act relating to the Commission on Act 250: the Next 50 Years;

To the committee on Natural Resources, Fish & Wildlife.

H. 425

By Reps. Rachelson of Burlington, Brumsted of Shelburne, Condon of Colchester, Cupoli of Rutland City, Devereux of Mount Holly, Gamache of Swanton, Hooper of Brookfield, Juskiewicz of Cambridge, Kimbell of Woodstock, Lewis of Berlin, O'Sullivan of Burlington, Savage of Swanton,

Sibilia of Dover, Sullivan of Dorset, Troiano of Stannard, Willhoit of St. Johnsbury and Wright of Burlington,

House bill, entitled

An act relating to creating a statewide school district;

To the committee on Education.

H. 426

By Reps. Wright of Burlington, Bissonnette of Winooski, Cina of Burlington, Colburn of Burlington, Cupoli of Rutland City, Donovan of Burlington, Gonzalez of Winooski, McCormack of Burlington, O'Sullivan of Burlington, Ode of Burlington and Rachelson of Burlington,

House bill, entitled

An act relating to increasing the weighting factor for students for whom English is not the primary language;

To the committee on Education.

H. 427

By Rep. Conquest of Newbury,

House bill, entitled

An act relating to expanding career technical education programming;

To the committee on Education.

H. 428

By Reps. Gonzalez of Winooski, Cina of Burlington, Colburn of Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to tipped minimum wage;

To the committee on General, Housing and Military Affairs.

H. 429

By Reps. Wood of Waterbury, Kitzmiller of Montpelier, Lanpher of Vergennes, McFaun of Barre Town, Sheldon of Middlebury, Squirrell of Underhill, Townsend of South Burlington, Troiano of Stannard and Walz of Barre City,

House bill, entitled

An act relating to establishment of a communication facilitator program;

To the committee on Energy and Technology.

H. 430

By Reps. Sheldon of Middlebury, Bartholomew of Hartland, Brumsted of Shelburne, Buckholz of Hartford, Chesnut-Tangerman of Middletown Springs, Colburn of Burlington, Conlon of Cornwall, Gonzalez of Winooski, Hooper of Brookfield, Jickling of Brookfield, Lalonde of South Burlington, Masland of Thetford, McCullough of Williston, Scheu of Middlebury and Wood of Waterbury,

House bill, entitled

An act relating to establishing a regenerative agriculture program;

To the committee on Agriculture & Forestry.

H. 431

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to securing the safety of the electrical power grid from an electromagnetic pulse attack or severe solar storm;

To the committee on Energy and Technology.

H. 432

By Reps. Botzow of Pownal, Marcotte of Coventry and Poirier of Barre City,

House bill, entitled

An act relating to the use of credit information for personal insurance;

To the committee on Commerce and Economic Development.

H. 433

By Reps. Stevens of Waterbury and Carr of Brandon,

House bill, entitled

An act relating to health and safety warnings on sugar-sweetened beverages;

To the committee on Human Services.

H. 434

By Reps. Noyes of Wolcott, Wood of Waterbury, Ainsworth of Royalton, Briglin of Thetford, Buckholz of Hartford, Haas of Rochester, Hill of Wolcott, Keefe of Manchester, Kitzmiller of Montpelier, Lucke of Hartford, Martel of Waterford, McFaun of Barre Town, Mrowicki of Putney, Olsen of Londonderry, Pugh of South Burlington, Rosenquist of Georgia, Scheuermann

of Stowe, Sullivan of Dorset, Troiano of Stannard, Willhoit of St. Johnsbury and Yacovone of Morristown,

House bill, entitled

An act relating to home-delivered meals as a reimbursable covered service;
To the committee on Human Services.

H. 435

By Reps. O'Sullivan of Burlington, Connor of Fairfield, Christie of Hartford, Burke of Brattleboro, Carr of Brandon, Cina of Burlington, Donovan of Burlington, Fields of Bennington, Hill of Wolcott, Howard of Rutland City, Lalonde of South Burlington, Masland of Thetford, McCullough of Williston, Miller of Shaftsbury, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Troiano of Stannard, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to regulation of substance abuse recovery homes under local land use bylaws;

To the committee on General, Housing and Military Affairs.

H. 436

By Reps. O'Sullivan of Burlington, Connor of Fairfield, Christie of Hartford, Burke of Brattleboro, Carr of Brandon, Cina of Burlington, Donovan of Burlington, Emmons of Springfield, Fields of Bennington, Hill of Wolcott, Howard of Rutland City, Kitzmiller of Montpelier, Lanpher of Vergennes, McCormack of Burlington, McCullough of Williston, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to residential rental agreements for substance abuse recovery homes;

To the committee on General, Housing and Military Affairs.

H. 437

By Reps. Lefebvre of Newark and Ode of Burlington,

House bill, entitled

An act relating to education taxes for certain school districts;
To the committee on Education.

H. 438

By Reps. Cina of Burlington, Burke of Brattleboro, Connor of Fairfield, Dunn of Essex, McCullough of Williston, O'Sullivan of Burlington and Weed of Enosburgh,

House bill, entitled
An act relating to health promotion;
To the committee on Health Care.

H. 439

By Reps. Ode of Burlington, Christie of Hartford, Cina of Burlington, Donovan of Burlington, Lefebvre of Newark, McFaun of Barre Town, O'Sullivan of Burlington, Poirier of Barre City, Potter of Clarendon, Rachelson of Burlington, Stuart of Brattleboro, Sullivan of Burlington and Wright of Burlington,

House bill, entitled
An act relating to the determination of weighted long-term membership of school districts;
To the committee on Education.

H. 440

By Reps. Rachelson of Burlington, Burke of Brattleboro, O'Sullivan of Burlington, Weed of Enosburgh and Young of Glover,

House bill, entitled
An act relating to certifying livestock and poultry as humanely raised, handled, and slaughtered;
To the committee on Agriculture & Forestry.

H. 441

By Reps. Weed of Enosburgh, Buckholz of Hartford, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Christensen of Weathersfield, Cina of Burlington, Colburn of Burlington, Connor of Fairfield, Donovan of Burlington, Gannon of Wilmington, Gardner of Richmond, Gonzalez of Winooski, Macaig of Williston, Masland of Thetford, McCormack of Burlington, McCullough of Williston, McFaun of Barre Town, Potter of Clarendon, Stevens of Waterbury, Troiano of Stannard and Yantachka of Charlotte,

House bill, entitled
An act relating to lead testing in schools;
To the committee on Education.

H. 442

By Reps. Ode of Burlington, Christensen of Weathersfield, Gannon of Wilmington, Houghton of Essex and Stuart of Brattleboro,

House bill, entitled

An act relating to the salaries of designated agency employees;

To the committee on Human Services.

H. 443

By Reps. Rachelson of Burlington, Burke of Brattleboro, Cina of Burlington, Donovan of Burlington, Lalonde of South Burlington, Miller of Shaftsbury, O'Sullivan of Burlington, Weed of Enosburgh and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to statewide professional regulation standards for the licensure of applicants with criminal conviction histories;

To the committee on Government Operations.

H. 444

By Reps. Noyes of Wolcott, Hill of Wolcott and Kitzmiller of Montpelier,

House bill, entitled

An act relating to providing law enforcement authority to environmental enforcement officers;

To the committee on Judiciary.

H. 445

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to work conditions in the practice of pharmacy;

To the committee on Health Care.

H. 446

By Reps. Lanpher of Vergennes and Cina of Burlington,

House bill, entitled

An act relating to requiring a town to conduct an additional audit when its town clerk and treasurer are the same individual;

To the committee on Government Operations.

H. 447

By Reps. Copeland-Hanzas of Bradford, Hebert of Vernon and Stuart of Brattleboro,

House bill, entitled

An act relating to interchangeable biological products;

To the committee on Health Care.

H. 448

By Reps. Masland of Thetford, Briglin of Thetford, Hooper of Montpelier and Wright of Burlington,

House bill, entitled

An act relating to the elimination of tax and other incentives under Act 46;

To the committee on Education.

Rep. Johnson of South Hero presiding.

House Resolution Adopted**H.R. 11**

House resolution, entitled

House resolution commending the friendly bilateral relations between Taiwan and both the United States and the State of Vermont and supporting Taiwan's full participation in the international community

Was taken up and adopted on the part of the House.

Bill Recommitted**H. 50**

House bill, entitled

An act relating to extending the current expiration date of the telecommunications siting law

Pending the report of the committee on Energy and Technology, **Rep. Carr of Brandon** moved to recommit the bill to the committee on Energy and Technology, which was agreed to.

Third Reading; Bill Passed**H. 201**

House bill, entitled

An act relating to length of stay at designated shelters

Was taken up, read the third time and passed.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 386

Rep. Lippert of Hinesburg moved that the committee on Health Care be relieved of House bill, entitled

An act relating to home health agency provider taxes

And that the bill be committed to the committee on Ways and Means, which was agreed to.

Adjournment

At one o'clock and twenty-two 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.

Friday, February 24, 2017

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 State House Singers.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 449

By Reps. O'Sullivan of Burlington, Stuart of Brattleboro, Botzow of Pownal, Briglin of Thetford, Burke of Brattleboro, Christie of Hartford, Copeland-Hanzas of Bradford, Donovan of Burlington, Hill of Wolcott, Kitzmiller of Montpelier, Ode of Burlington, Sheldon of Middlebury, Walz of Barre City, Wood of Waterbury and Wright of Burlington,

House bill, entitled

An act relating to expanding career pathways for high-skill, high-demand occupations;

To the committee on Education.

H. 450

By Reps. Strong of Albany, Ainsworth of Royalton, Bancroft of Westford, Bartholomew of Hartland, Batchelor of Derby, Beyor of Highgate, Brennan of

Colchester, Canfield of Fair Haven, Cupoli of Rutland City, Frenier of Chelsea, Gage of Rutland City, Gamache of Swanton, Graham of Williamstown, Hebert of Vernon, Higley of Lowell, Hubert of Milton, Lawrence of Lyndon, Lewis of Berlin, Martel of Waterford, McFaun of Barre Town, Morrissey of Bennington, Nolan of Morristown, Pearce of Richford, Quimby of Concord, Rosenquist of Georgia, Savage of Swanton, Smith of Derby, Smith of New Haven, Terenzini of Rutland Town, Troiano of Stannard, Turner of Milton, Van Wyck of Ferrisburgh and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to creating equal access to public school resources and services;

To the committee on Education.

H. 451

By Reps. Gonzalez of Winooski, Cina of Burlington, Colburn of Burlington, McCullough of Williston, Sheldon of Middlebury, Sullivan of Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to a study of fragrances in State buildings;

To the committee on Corrections and Institutions.

H. 452

By Reps. Masland of Thetford, Christie of Hartford, Scheu of Middlebury and Yantachka of Charlotte,

House bill, entitled

An act relating to establishing the Pathways to Prosperity;

To the committee on Commerce and Economic Development.

H. 453

By Reps. McFaun of Barre Town, Gamache of Swanton and Parent of St. Albans Town,

House bill, entitled

An act relating to creating Start Up Vermont;

To the committee on Commerce and Economic Development.

H. 454

By Reps. Cina of Burlington, Buckholz of Hartford, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Colburn of Burlington, Connor of

Fairfield, Gonzalez of Winooski, McCullough of Williston, O'Sullivan of Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to the Zero Waste Economy Study Committee;

To the committee on Commerce and Economic Development.

H. 455

By Reps. Stuart of Brattleboro, O'Sullivan of Burlington, Christie of Hartford, Copeland-Hanzas of Bradford, Donovan of Burlington, Hill of Wolcott, Kitzmiller of Montpelier, Ode of Burlington, Sheldon of Middlebury, Walz of Barre City and Wood of Waterbury,

House bill, entitled

An act relating to career technical education;

To the committee on Education.

H. 456

By Reps. Noyes of Wolcott, Hill of Wolcott, Keefe of Manchester, Kitzmiller of Montpelier and Yacovone of Morristown,

House bill, entitled

An act relating to waiver of criminal history record fees for certain DAIL volunteers;

To the committee on Human Services.

H. 457

By Reps. Brumsted of Shelburne and Webb of Shelburne,

House bill, entitled

An act relating to the creation of a tax increment financing district in Shelburne;

To the committee on Ways and Means.

H. 458

By Reps. Keenan of St. Albans City, Fagan of Rutland City and Hooper of Montpelier,

House bill, entitled

An act relating to appointment of a ratepayer advocate within the Office of the Attorney General;

To the committee on Energy and Technology.

H. 459

By Reps. Conquest of Newbury and Sibilina of Dover,
House bill, entitled
An act relating to rural economic development infrastructure districts;
To the committee on Commerce and Economic Development.

H. 460

By Reps. Partridge of Windham, Bartholomew of Hartland and Buckholz of Hartford,
House bill, entitled
An act relating to small school grants;
To the committee on Education.

H. 461

By Reps. Hill of Wolcott and O'Sullivan of Burlington,
House bill, entitled
An act relating to workers' compensation;
To the committee on Commerce and Economic Development.

H. 462

By Rep. Hill of Wolcott,
House bill, entitled
An act relating to social media privacy for employees;
To the committee on Commerce and Economic Development.

H. 463

By Reps. Hooper of Brookfield, Ainsworth of Royalton, Bancroft of Westford, Baser of Bristol, Beck of St. Johnsbury, Belaski of Windsor, Brumsted of Shelburne, Buckholz of Hartford, Burditt of West Rutland, Cina of Burlington, Colburn of Burlington, Conquest of Newbury, Gannon of Wilmington, Graham of Williamstown, Hebert of Vernon, Higley of Lowell, Howard of Rutland City, Jickling of Brookfield, Keefe of Manchester, Kimbell of Woodstock, Lawrence of Lyndon, Masland of Thetford, McCullough of Williston, McFaun of Barre Town, Morris of Bennington, Murphy of Fairfax, Nolan of Morristown, Norris of Shoreham, Partridge of Windham, Rachelson of Burlington, Savage of Swanton, Shaw of Pittsford, Smith of New Haven, Terenzini of Rutland Town, Trieber of Rockingham and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to liability for animals running at large;

To the committee on Agriculture & Forestry.

H. 464

By Reps. Hooper of Brookfield, Ainsworth of Royalton, Graham of Williamstown, Jickling of Brookfield, Keefe of Manchester and Ode of Burlington,

House bill, entitled

An act relating to the regulation of farm stands;

To the committee on Agriculture & Forestry.

H. 465

By Reps. Hooper of Brookfield, Bancroft of Westford, Buckholz of Hartford, Cina of Burlington, Colburn of Burlington, Cupoli of Rutland City, Fagan of Rutland City and Ode of Burlington,

House bill, entitled

An act relating to invasive species management;

To the committee on Agriculture & Forestry.

H. 466

By Rep. Donovan of Burlington,

House bill, entitled

An act relating to good cause employment;

To the committee on General, Housing and Military Affairs.

H. 467

By Reps. Botzow of Pownal, Marcotte of Coventry and O'Sullivan of Burlington,

House bill, entitled

An act relating to the regulation of data brokers;

To the committee on Commerce and Economic Development.

H. 468

By Reps. Colburn of Burlington, Burke of Brattleboro, Cina of Burlington, Conquest of Newbury, Gonzalez of Winooski, Haas of Rochester, Lalonde of South Burlington, McCullough of Williston, Morris of Bennington, Troiano of

Stannard, Weed of Enosburgh and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to medication-assisted treatment at State correctional facilities;

To the committee on Corrections and Institutions.

H. 469

By Reps. Colburn of Burlington, Buckholz of Hartford, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Gonzalez of Winooski, McCullough of Williston and Weed of Enosburgh,

House bill, entitled

An act relating to housing for inmates released from a correctional facility;

To the committee on Corrections and Institutions.

H. 470

By Reps. Ode of Burlington, Christie of Hartford, Dunn of Essex, Gannon of Wilmington, Lefebvre of Newark, O'Sullivan of Burlington, Poirier of Barre City, Potter of Clarendon, Rachelson of Burlington, Stuart of Brattleboro, Sullivan of Burlington, Walz of Barre City, Wood of Waterbury and Wright of Burlington,

House bill, entitled

An act relating to ending the suspension of State aid for school construction projects;

To the committee on Corrections and Institutions.

H. 471

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to privatization contracts;

To the committee on Government Operations.

H. 472

By Rep. Lawrence of Lyndon,

House bill, entitled

An act relating to flags in recognition of servicemembers;

To the committee on General, Housing and Military Affairs.

H. 473

By Reps. Pugh of South Burlington, Christie of Hartford, Copeland-Hanzas of Bradford, Head of South Burlington, Rachelson of Burlington, Sullivan of Burlington and Townsend of South Burlington,

House bill, entitled

An act relating to socially responsible business considerations in the State procurement process;

To the committee on Government Operations.

H. 474

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to cybercrime;

To the committee on Energy and Technology.

H. 475

By Reps. Terenzini of Rutland Town, Ainsworth of Royalton, Bancroft of Westford, Batchelor of Derby, Beyor of Highgate, Briglin of Thetford, Canfield of Fair Haven, Condon of Colchester, Cupoli of Rutland City, Devereux of Mount Holly, Gage of Rutland City, Graham of Williamstown, Higley of Lowell, Hooper of Brookfield, Hubert of Milton, LaClair of Barre Town, Lawrence of Lyndon, Lefebvre of Newark, Lewis of Berlin, Marcotte of Coventry, Martel of Waterford, McFaun of Barre Town, Morrissey of Bennington, Myers of Essex, Parent of St. Albans Town, Pearce of Richford, Quimby of Concord, Savage of Swanton, Shaw of Pittsford, Smith of New Haven, Strong of Albany, Turner of Milton, Van Wyck of Ferrisburgh, Viens of Newport City, Willhoit of St. Johnsbury and Yantachka of Charlotte,

House bill, entitled

An act relating to law enforcement certification of correctional officers;

To the committee on Corrections and Institutions.

H. 476

By Reps. Connor of Fairfield, Burke of Brattleboro, Carr of Brandon, Cina of Burlington, Conquest of Newbury, Donovan of Burlington, Head of South Burlington, Hill of Wolcott, Lalonde of South Burlington, Masland of Thetford, McCullough of Williston, O'Sullivan of Burlington, Stevens of Waterbury, Till of Jericho, Troiano of Stannard, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to treatment programming at correctional facilities;

To the committee on Corrections and Institutions.

H. 477

By Rep. Masland of Thetford,

House bill, entitled

An act relating to imposing an excise tax on food products containing sugar;

To the committee on Ways and Means.

H. 478

By Reps. Cina of Burlington, Buckholz of Hartford, Burke of Brattleboro, Colburn of Burlington, Connor of Fairfield, Gonzalez of Winooski, McCullough of Williston, O'Sullivan of Burlington, Rachelson of Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to exempting lands associated with a State-recognized Indian tribe from property taxation;

To the committee on Ways and Means.

H. 479

By Rep. Kimbell of Woodstock,

House bill, entitled

An act relating to professional accreditation;

To the committee on Government Operations.

H. 480

By Reps. O'Sullivan of Burlington, Weed of Enosburgh, Botzow of Pownal, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Donovan of Burlington, Hill of Wolcott, McCormack of Burlington, Ode of Burlington, Poirier of Barre City, Rachelson of Burlington, Squirrell of Underhill, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Terenzini of Rutland Town, Townsend of South Burlington and Young of Glover,

House bill, entitled

An act relating to creating an opportunity economy for all Vermonters;

To the committee on Commerce and Economic Development.

H. 481

By Reps. Lewis of Berlin, Beck of St. Johnsbury, Devereux of Mount Holly and LaClair of Barre Town,

House bill, entitled

An act relating to homestead declarations, household income, and the calculation of income sensitivity adjustments;

To the committee on Ways and Means.

H. 482

By Reps. Botzow of Pownal and Marcotte of Coventry,

House bill, entitled

An act relating to consumer protection;

To the committee on Commerce and Economic Development.

H. 483

By Rep. Hooper of Montpelier,

House bill, entitled

An act relating to the publication of State, county, and municipal notices on electronic news media;

To the committee on Government Operations.

H. 484

By Reps. Rachelson of Burlington, Brumsted of Shelburne, Burke of Brattleboro, Cina of Burlington, Colburn of Burlington, Copeland-Hanzas of Bradford, Donovan of Burlington, Lippert of Hinesburg, Miller of Shaftsbury, Morris of Bennington, O'Sullivan of Burlington, Weed of Enosburgh and Wright of Burlington,

House bill, entitled

An act relating to consumer protections related to involuntary towing and storage of motor vehicles and abandoned motor vehicles;

To the committee on Transportation.

H. 485

By Reps. Gamache of Swanton, Batchelor of Derby, Hebert of Vernon, Savage of Swanton and Viens of Newport City,

House bill, entitled

An act relating to the eligibility of a new resident for a Vermont driver's

license or permit;

To the committee on Judiciary.

H. 486

By Reps. Lanpher of Vergennes, Conlon of Cornwall, Connor of Fairfield and O'Sullivan of Burlington,

House bill, entitled

An act relating to motor truck traffic in downtown Vergennes;

To the committee on Transportation.

H. 487

By Reps. Burke of Brattleboro and Chesnut-Tangerman of Middletown Springs,

House bill, entitled

An act relating to the Volkswagen diesel litigation settlement and Mitigation Trust monies;

To the committee on Transportation.

H. 488

By Reps. Cina of Burlington, Buckholz of Hartford, Chesnut-Tangerman of Middletown Springs, Colburn of Burlington, Gonzalez of Winooski, McCormack of Burlington, Murphy of Fairfax, O'Sullivan of Burlington, Rachelson of Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to Indigenous Peoples' Day;

To the committee on General, Housing and Military Affairs.

H. 489

By Reps. Emmons of Springfield, Grad of Moretown and Shaw of Pittsford,

House bill, entitled

An act relating to expanding patient access to the Medical Marijuana Registry;

To the committee on Human Services.

H. 490

By Reps. Young of Glover, Buckholz of Hartford, Burke of Brattleboro, Carr of Brandon, Colburn of Burlington, Copeland-Hanzas of Bradford, Gonzalez of Winooski, Kitzmiller of Montpelier, Mrowicki of Putney,

O'Sullivan of Burlington, Rachelson of Burlington, Sharpe of Bristol and Troiano of Stannard,

House bill, entitled

An act relating to the regulation of commercial cultivation and sale of marijuana;

To the committee on General, Housing and Military Affairs.

H. 491

By Rep. Morris of Bennington,

House bill, entitled

An act relating to hate crimes;

To the committee on Judiciary.

H. 492

By Reps. Morris of Bennington, Christie of Hartford and Gonzalez of Winooski,

House bill, entitled

An act relating to the Racial Justice Oversight Board;

To the committee on Judiciary.

Bill Referred to Committee on Ways and Means

H. 182

House bill, entitled

An act relating to certain businesses regulated by the Department of Financial Regulation

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 256

Rep. Conquest of Newbury moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to sexual assault nurse examiners

And that the bill be committed to the committee on Government Operations, which was agreed to.

Adjournment

At nine o'clock and forty-five minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 28, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 20.

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. 47

House concurrent resolution designating February 16, 2017 as Afterschool Day at the State House;

H.C.R. 48

House concurrent resolution honoring former Brattleboro Town Clerk Annette Cappy;

H.C.R. 49

House concurrent resolution congratulating Doris Streeter of Dorset on being named a WCAX Television Super Senior;

H.C.R. 50

House concurrent resolution honoring Mary Ann Wilson for her outstanding public service in Morristown;

H.C.R. 51

House concurrent resolution congratulating the 2016 Proctor High School Phantoms Division IV boys' soccer championship team;

H.C.R. 52

House concurrent resolution designating March 4, 2017 as Carleton Upham Carpenter Jr. Day in Vermont;

H.C.R. 53

House concurrent resolution honoring former Shelburne Town Clerk and Treasurer Colleen Haag for her exemplary municipal service;

[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 2017, seventy-fourth Biennial session.]

Tuesday, February 28, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Jon Gailmor, singer, songwriter, Elmore, VT.

Pledge of Allegiance

Page Theresa Hoar of Northfield, VT led the House in the Pledge of Allegiance.

Message from the Senate No. 24

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 79. An act relating to freedom from compulsory collection of personal information.

In the passage of which the concurrence of the House is requested.

The Governor has informed the Senate that on the February 23, 2017, he approved and signed a bill originating in the Senate of the following title:

S. 2. An act relating to information sharing by the Commissioner of Financial Regulation.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 47. House concurrent resolution designating February 16, 2017 as Afterschool Day at the State House.

H.C.R. 48. House concurrent resolution honoring former Brattleboro Town Clerk Annette Cappy.

H.C.R. 49. House concurrent resolution congratulating Doris Streeter of Dorset on being named a WCAX Television Super Senior.

H.C.R. 50. House concurrent resolution honoring Mary Ann Wilson for her outstanding public service in Morristown.

H.C.R. 51. House concurrent resolution congratulating the 2016 Proctor High School Phantoms Division IV boys' soccer championship team.

H.C.R. 52. House concurrent resolution designating March 4, 2017 as Carleton Upham Carpenter Jr. Day in Vermont.

H.C.R. 53. House concurrent resolution honoring former Shelburne Town Clerk and Treasurer Colleen Haag for her exemplary municipal service.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 493

By the committee on Judiciary,

An act relating to relief from abuse orders;

Under the rule, placed on the Calendar for notice.

H. 494

By the committee on Transportation,

An act relating to the Transportation Program and miscellaneous changes to transportation-related law;

Under the rule, placed on the Calendar for notice.

H. 495

By the committee on Agriculture & Forestry,

An act relating to miscellaneous agriculture subjects;

Under the rule, placed on the Calendar for notice.

S. 79

Senate bill, entitled

An act relating to freedom from compulsory collection of personal information;

To the committee on Judiciary.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****H. 479**

Rep. Townsend of South Burlington moved that the committee on Government Operations be relieved of House bill, entitled

An act relating to professional accreditation

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

Adjournment

At ten o'clock and twenty minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, March 1, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Kim Kie, Hedding United Methodist Church, Barre, VT.

Message from the Senate No. 25

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 7. An act relating to deferred sentences and the sex offender registry.

S. 50. An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility.

In the passage of which the concurrence of the House is requested.

Rep. Krowinski of Burlington in chair.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 496

By Reps. Dunn of Essex, Belaski of Windsor, Christensen of Weathersfield, Christie of Hartford, Cina of Burlington, Deen of Westminster, Devereux of Mount Holly, Donovan of Burlington, Fields of Bennington, Forguites of Springfield, Gannon of Wilmington, Gardner of Richmond, Head of South Burlington, Hooper of Brookfield, Keenan of St. Albans City, Lanpher of Vergennes, Lewis of Berlin, Miller of Shaftsbury, Morris of Bennington, Noyes of Wolcott, Ode of Burlington, Rachelson of Burlington, Stuart of Brattleboro, Sullivan of Dorset, Sullivan of Burlington, Till of Jericho, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to the professional regulation of medical assistants;

To the committee on Government Operations.

H. 497

By the committee on Agriculture & Forestry,

An act relating to health requirements for animals used in agriculture;

Under the rule, placed on the Calendar for notice.

S. 7

Senate bill, entitled

An act relating to deferred sentences and the sex offender registry;

To the committee on Judiciary.

S. 50

Senate bill, entitled

An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility;

To the committee on Health Care.

Bill Referred to Committee on Appropriations**H. 494**

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to transportation-related law

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Second Reading; Bill Amended; Third Reading Ordered**H. 144**

Rep. Squirrel of Underhill, for the committee on Natural Resources, Fish & Wildlife, to which had been referred House bill, entitled

An act relating to the membership of the Nuclear Decommissioning Citizens Advisory Panel

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1700 is amended to read:

§ 1700. CREATION; MEMBERSHIP; OFFICERS; QUORUM

(a) There is created a Nuclear Decommissioning Citizens Advisory Panel which shall consist of the following:

(1) The Secretary of Human Services, ex officio, or designee.

- (2) The Secretary of Natural Resources, ex officio, or designee.
- (3) The Commissioner of Public Service, ex officio, or designee.
- (4) The Secretary of Commerce and Community Development, ex officio, or designee.
- (5) The member of the House of Representatives representing the Town of Vernon.
- ~~(6)~~ (6) One member of the House ~~Committee on Natural Resources and Energy~~ of Representatives from Windham County, other than the House member representing the Town of Vernon, chosen by the Speaker of the House.
- ~~(6)~~(7) One member of the Senate ~~Committee on Natural Resources and Energy~~ from Windham County, chosen by the Committee on Committees.
- ~~(7)~~(8) One representative of the Windham Regional Commission or designee, selected by the Regional Commission.
- ~~(8)~~(9) One representative of the Town of Vernon or designee, selected by the legislative body of that town.
- ~~(9)~~(10) Six members of the public, two each selected by the Governor, the Speaker of the House, and the President Pro Tempore of the Senate. Under this subdivision, each appointing authority initially shall appoint a member for a three-year term and a member for a four-year term. Subsequent appointments under this subdivision shall be for terms of four years.
- ~~(10)~~(11) Two representatives of the owners of the Vermont Yankee Nuclear Power Station (VYNPS or Station) selected by the owner of the Station.
- ~~(11)~~(12) A representative of the International Brotherhood of Electric Workers (IBEW) selected by the IBEW who shall be a present or former employee at the VYNPS.
- ~~(12)~~(13) One member who will represent collectively the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire, when selected by the Governor of New Hampshire at the invitation of the Commissioner of Public Service.
- ~~(13)~~(14) One member who will represent collectively the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, when selected by the Governor of Massachusetts at the invitation of the Commissioner of Public Service.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Natural Resources, Fish & Wildlife agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 171

Rep. Lalonde of South Burlington, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to expungement

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 8005 is amended to read:

§ 8005. NOTICE OF COLLATERAL CONSEQUENCES AND
ELIGIBILITY FOR EXPUNGEMENT IN PRETRIAL
PROCEEDING

* * *

(b) Before the ~~Court~~ court accepts a plea of guilty or nolo contendere from an individual, the ~~Court~~ court shall:

(1) confirm that the individual received the notice required by subsection (a) of this section and had an opportunity to discuss the notice with counsel, if represented, and understands that there may be collateral consequences to a conviction; and

(2) provide written notice, as part of a written plea agreement or through another form, of the following:

(A) that collateral consequences may apply because of the conviction;

(B) the Internet address of the collection of laws published under this chapter;

(C) that there may be ways to obtain relief from collateral consequences;

(D) that the conviction may be eligible for expungement or sealing pursuant to section 7602 of this title;

(E) contact information for government or nonprofit agencies, groups, or organizations, if any, offering assistance to individuals seeking relief from collateral consequences; and

~~(E)~~(F) that conviction of a crime in this State does not prohibit an individual from voting in this State.

Sec. 2. 13 V.S.A. § 8006 is amended to read:

§ 8006. NOTICE OF COLLATERAL CONSEQUENCES AND
ELIGIBILITY FOR EXPUNGEMENT UPON RELEASE

(a) Prior to the completion of a sentence, an individual in the custody of the Commissioner of Corrections shall be given written notice of the following:

- (1) that collateral consequences may apply because of the conviction;
- (2) the Internet address of the collection of laws published under this chapter;
- (3) that there may be ways to obtain relief from collateral consequences;
- (4) that the conviction may be eligible for expungement or sealing pursuant to section 7602 of this title;

(5) contact information for government or nonprofit agencies, groups, or organizations, if any, offering assistance to individuals seeking relief from collateral consequences; and

~~(5)~~(6) that conviction of a crime in this State does not prohibit an individual from voting in this State.

(b) For persons sentenced to incarceration, the notice shall be provided not more than 30 days and at least 10 days before completion of the sentence. If the sentence is for a term of less than 30 days then notice shall be provided when the sentence is completed.

(c) For persons receiving a sentence involving community supervision, such as probation, furlough, home confinement, conditional reentry, or parole, the notice shall be provided by the Department of Corrections in keeping with its mission of ensuring rehabilitation and public safety.

(d) For persons receiving a penalty involving a fine only, the court shall, at the time of the judgment, provide either oral or written notice that the conviction may be eligible for expungement or sealing pursuant to section 7602 of this title.

Sec. 3. 13 V.S.A. § 7601(4) is amended to read:

(4) “Qualifying crime” means:

(A) a misdemeanor offense which is not a listed crime as defined in subdivision 5301(7) of this title, an offense involving sexual exploitation of children in violation of chapter 64 of this title, an offense involving violation

of a protection order in violation of section 1030 of this title, a prohibited act as defined in section 2632 of this title, or a predicate offense;

(B) a violation of subsection 3701(a) of this title related to criminal mischief;

(C) a violation of section 2501 of this title related to grand larceny; ~~or~~

(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title; or

(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit.

Sec. 4. 13 V.S.A. § 7602 is amended to read:

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,
POSTCONVICTION; PROCEDURE

* * *

(b)(1) ~~The Court~~ Unless the court finds that expungement would not be in the interest of justice, the court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least ~~10~~ three years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least ~~10~~ three years previously.

(B) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying crime.

(C) Any restitution ordered by the ~~Court~~ court has been paid in full.

~~(D) The Court finds that expungement of the criminal history record serves the interest of justice.~~

(2) The ~~Court~~ court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), and (C) of this subsection are met and the ~~Court~~ court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

(c)(1) ~~The Court~~ Unless the court finds that expungement would not be in the interest of justice, the court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least ~~20~~ five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.

(B) The person has not been convicted of a felony arising out of a new incident or occurrence since the person was convicted of the qualifying crime.

(C) The person has not been convicted of a misdemeanor during the past ~~15~~ three years.

(D) Any restitution ordered by the ~~Court~~ court for any crime of which the person has been convicted has been paid in full.

~~(E) After considering the particular nature of any subsequent offense, the Court finds that expungement of the criminal history record for the qualifying crime serves the interest of justice.~~

(2) The ~~Court~~ court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), and (D) of this subsection are met and the ~~Court~~ court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

~~(d) The Court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) The petitioner committed the qualifying crime or crimes prior to reaching 25 years of age.~~

~~(2) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.~~

~~(3) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of the qualifying crime.~~

~~(4) The person successfully completed a term of regular employment or public service, independent of any service ordered as a part of the petitioner's sentence for the conviction, and as approved by the Community Justice Network of Vermont, which may include:~~

~~(A) community service hours completed without compensation, reparation of harm to the victim, or education regarding ways not to reoffend, or a combination of the three;~~

~~(B) at least one year of service in the U.S. Armed Forces, followed by an honorable discharge or continued service in good standing;~~

~~(C) at least one year of service in AmeriCorps or another local, state, national, or international service program, followed by successful completion of the program or continued service in good standing; or~~

~~(D) at least one year of regular employment.~~

~~(5) Any restitution ordered by the Court for any crime of which the person has been convicted has been paid in full.~~

~~(6) The Court finds that expungement of the criminal history record serves the interest of justice.~~

~~(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section, unless the court finds that expungement would not be in the interest of justice, the ~~Court~~ court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) At least one year has elapsed since the completion of The petitioner has completed any sentence or supervision for the offense, ~~whichever is later.~~~~

~~(2) Any restitution ordered by the ~~Court~~ court has been paid in full.~~

~~(3) The Court finds that expungement of the criminal history record serves the interest of justice.~~

* * *

Sec. 5. 13 V.S.A. § 7605 is amended to read:

§ 7605. DENIAL OF PETITION

If a petition for expungement is denied by the ~~Court~~ court pursuant to this chapter, no further petition shall be brought for at least ~~five years~~ one year, unless a shorter duration is authorized by the court.

Sec. 6. JUDICIARY; NEXT GENERATION CASE MANAGEMENT SYSTEM; AUTOMATION OF EXPUNGEMENT PROCESS

On or before January 15, 2018, the Court Administrator shall report to the House and Senate Committees on Judiciary on the feasibility of automating the expungement and sealing petition process through the Next Generation Case Management System or any other available method.

Sec. 7. OFFICE OF THE ATTORNEY GENERAL; PUBLIC NOTICE OF EXPUNGEMENT OPPORTUNITY

The Office of the Attorney General shall provide public education and awareness regarding the availability of the expungement petition process to inform Vermonters of the opportunity to expunge or seal the record of a criminal conviction.

Sec. 8. LEGISLATIVE INTENT

Because the expungement of criminal history records serves the interests of rehabilitative justice, the General Assembly expresses its intent to continue examining the issue, and to consider whether to expand the range of offenses for which a person's criminal history records can be expunged.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

**Favorable Report; Bill Amended; Second Reading;
Third Reading Ordered**

H. 297

Rep. Jessup of Middlesex, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to judicial organization and restructuring

Reported in favor of its passage.

Pending the question, Shall the bill be read a third time? **Rep. Jessup of Middlesex** moved to amend the bill as follows:

In Sec. 6, 27 V.S.A. § 463(b), by striking out "~~and recorded~~" and inserting in lieu thereof "and recorded"

And that after passage the title of the bill be amended to read: "An act relating to miscellaneous court operations procedures"

Which was agreed to. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 233

Rep. Partridge of Windham moved that the committee on Agriculture & Forestry be relieved of House bill, entitled

An act relating to protecting working forests and habitat

And that the bill be committed to the committee on Natural Resources, Fish & Wildlife, which was agreed to.

Adjournment

At one o'clock and fifty-three minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, March 2, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Michael Arnowitz, Pianist, Montpelier, VT.

Message from the Senate No. 26

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 3. An act relating to mental health professionals' duty to warn.

S. 45. An act relating to providing meals to health care providers at conferences.

S. 87. An act relating to sexual exploitation of students.

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. 21. Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and three Justices of the Supreme Court and ten Superior Court Judges.

In the adoption of which the concurrence of the House is requested.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 498

By Reps. Beck of St. Johnsbury and Willhoit of St. Johnsbury,
House bill, entitled

An act relating to changing the way tax rates for the statewide education property tax are calculated;

To the committee on Education.

S. 3

Senate bill, entitled

An act relating to mental health professionals' duty to warn;

To the committee on Health Care.

S. 45

Senate bill, entitled

An act relating to providing meals to health care providers at conferences;

To the committee on Health Care.

S. 87

Senate bill, entitled

An act relating to sexual exploitation of students;

To the committee on Judiciary.

Joint Resolution Placed on Calendar

J.R.S. 21

By Senator Nitka,

J.R.S. 21. Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and three Justices of the Supreme Court and ten Superior Court Judges.

Whereas, declarations have been submitted by the following justices and judges that they be retained for another six-year term, the Honorable Justice Reiber, Justice Eaton, Jr., Justice Robinson, Justice Skoglund, Judge Arms, Judge Bent, Judge Carlson, Judge Corsones, Judge Devine, Judge DiMauro, Judge Kainen, Judge Morrissey, Judge Rainville and Judge Schoonover, 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 judge and the comments of members of the Vermont bar and the public, and

Whereas, the Committee anticipates that it will be unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the judges seeking to be retained in office by March 9, 2017, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 16, 2017, 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 23, 2017, at nine o'clock and thirty minutes in the forenoon to vote on the retention of a Chief Justice and three Associate Justices of the Supreme Court and ten Superior Court Judges. That the two Houses meet in Joint Assembly on Thursday, March 23, 2017, at four o'clock in the afternoon to vote on the retention of a Chief Justice and three Associate Justices of the Supreme Court and ten Superior Court Judges.~~ In case the vote to retain said Justices and Judges 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.

The Speaker placed before the House the following resolution which was read and in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Third Reading; Bill Passed

H. 144

House bill, entitled

An act relating to the membership of the Nuclear Decommissioning Citizens Advisory Panel

Was taken up, read the third time and passed.

Committee Bill; Second Reading; Third Reading Ordered

H. 495

Rep. Bock of Chester spoke for the committee on Agriculture & Forestry.

House bill entitled

An act relating to miscellaneous agriculture subjects

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Third Reading; Bill Passed

H. 171

House bill, entitled

An act relating to expungement

Was taken up and pending third reading of the bill, **Rep. Murphy of Fairfax** moved to amend the bill as follows:

In Sec. 5, 13 V.S.A. § 7605, denial of petition, by striking out “five years one year” and inserting in lieu thereof the words “five years”

Which was disagreed to.

Pending the question, Shall the bill pass? **Rep. Browning of Arlington** moved to amend the bill as follows:

By striking out Secs. 3 and 4 in their entirety and inserting in lieu thereof the following:

Sec. 3. 13 V.S.A. § 7601(4) is amended to read:

(4)(A) “Qualifying crime” means:

~~(A)(i)~~ a misdemeanor offense which is not a listed crime as defined in subdivision 5301(7) of this title, an offense involving sexual exploitation of children in violation of chapter 64 of this title, an offense involving violation of a protection order in violation of section 1030 of this title, a prohibited act as defined in section 2632 of this title, or a predicate offense; or

~~(B)(ii)~~ a violation of subsection 3701(a) of this title related to criminal mischief;

~~(C)~~ a violation of section 2501 of this title related to grand larceny; or

~~(D)~~ a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title.

(B) For purposes of sealing only, a qualifying crime may also include a violation of section 2501 of this title related to grand larceny, a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling as defined in subdivision 1201(b)(2) of this title, or a violation of 18 V.S.A. § 4223 related to fraud or deceit.

Sec. 4. 13 V.S.A. § 7602 is amended to read:

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,
POSTCONVICTION; PROCEDURE

* * *

(b)(1) The Court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least ~~10~~ five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least ~~10~~ three years previously.

(B) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying crime.

(C) Any restitution ordered by the ~~Court~~ court has been paid in full.

(D) The ~~Court~~ court finds that expungement of the criminal history record serves the interest of justice.

(2) The ~~Court~~ court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), and (C) of this subsection are met and the ~~Court~~ court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

(c)(1) The ~~Court~~ court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least ~~20~~ ten years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.

(B) The person has not been convicted of a felony arising out of a new incident or occurrence since the person was convicted of the qualifying crime.

(C) The person has not been convicted of a misdemeanor during the past ~~15~~ three years.

(D) Any restitution ordered by the ~~Court~~ court for any crime of which the person has been convicted has been paid in full.

(E) After considering the particular nature of any subsequent offense, the ~~Court~~ court finds that expungement of the criminal history record for the qualifying crime serves the interest of justice.

(2) The ~~Court~~ court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), and (D) of this subsection are met and the ~~Court~~ court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

~~(d) The Court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) The petitioner committed the qualifying crime or crimes prior to reaching 25 years of age.~~

~~(2) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.~~

~~(3) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of the qualifying crime.~~

~~(4) The person successfully completed a term of regular employment or public service, independent of any service ordered as a part of the petitioner's sentence for the conviction, and as approved by the Community Justice Network of Vermont, which may include:~~

~~(A) community service hours completed without compensation, reparation of harm to the victim, or education regarding ways not to reoffend, or a combination of the three;~~

~~(B) at least one year of service in the U.S. Armed Forces, followed by an honorable discharge or continued service in good standing;~~

~~(C) at least one year of service in AmeriCorps or another local, state, national, or international service program, followed by successful completion of the program or continued service in good standing; or~~

~~(D) at least one year of regular employment.~~

~~(5) Any restitution ordered by the Court for any crime of which the person has been convicted has been paid in full.~~

~~(6) The Court finds that expungement of the criminal history record serves the interest of justice.~~

(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section, the ~~Court~~ court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:

(1) ~~At least one year has elapsed since the completion of~~ The petitioner has completed any sentence or supervision for the offense, ~~whichever is later.~~

(2) Any restitution ordered by the ~~Court~~ court has been paid in full.

(3) The ~~Court~~ court finds that expungement of the criminal history record serves the interest of justice.

* * *

Thereupon, **Rep. Lucke of Hartford** asked that the question be divided and that Section 3 taken first and Section 4 taken second.

Pending the question, Shall the bill be amended as offered by Rep. Browning of Arlington in the first instance of amendment, Section 3, only? **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 bill be amended as offered by Rep. Browning of Arlington in the first instance of amendment, Section 3, only? was decided in the negative. Yeas, 55. Nays, 86.

Those who voted in the affirmative are:

Ainsworth of Royalton	Hebert of Vernon	Morrissey of Bennington
Bancroft of Westford	Helm of Fair Haven	Myers of Essex
Batchelor of Derby	Higley of Lowell	Nolan of Morristown
Beyor of Highgate	Hooper of Brookfield	Norris of Shoreham
Bock of Chester	Hubert of Milton	Parent of St. Albans Town
Brennan of Colchester	Joseph of North Hero	Pearce of Richford
Browning of Arlington	Juskiewicz of Cambridge	Potter of Clarendon
Canfield of Fair Haven	Keefe of Manchester	Quimby of Concord
Condon of Colchester	Keenan of St. Albans City	Rosenquist of Georgia
Cupoli of Rutland City	Kimbell of Woodstock	Savage of Swanton
Devereux of Mount Holly	LaClair of Barre Town	Scheuermann of Stowe
Donahue of Northfield	Lawrence of Lyndon	Shaw of Pittsford
Fagan of Rutland City	Lefebvre of Newark	Smith of New Haven
Feltus of Lyndon	Lewis of Berlin	Sullivan of Dorset
Frenier of Chelsea	Lucke of Hartford	Tate of Mendon
Gage of Rutland City	Marcotte of Coventry	Van Wyck of Ferrisburgh
Gamache of Swanton	Martel of Waterford	Wright of Burlington
Gannon of Wilmington	McCoy of Poultney	

Graham of Williamstown

McFaun of Barre Town

Those who voted in the negative are:

Ancel of Calais	Gardner of Richmond	Partridge of Windham
Bartholomew of Hartland	Giambatista of Essex	Poirier of Barre City
Baser of Bristol	Gonzalez of Winooski	Pugh of South Burlington
Beck of St. Johnsbury	Grad of Moretown	Rachelson of Burlington
Belaski of Windsor	Greshin of Warren	Scheu of Middlebury
Botzow of Pownal	Haas of Rochester	Sharpe of Bristol
Briglin of Thetford	Head of South Burlington	Sheldon of Middlebury
Brumsted of Shelburne	Hooper of Montpelier	Sibilia of Dover
Buckholz of Hartford	Houghton of Essex	Smith of Derby
Burke of Brattleboro	Howard of Rutland City	Squirrell of Underhill
Carr of Brandon	Jessup of Middlesex	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Jickling of Brookfield	Strong of Albany
Christensen of Weathersfield	Kitzmiller of Montpelier	Stuart of Brattleboro
Christie of Hartford	Krowinski of Burlington	Sullivan of Burlington
Cina of Burlington	Lalonde of South Burlington	Taylor of Colchester
Colburn of Burlington	Lanpher of Vergennes	Toleno of Brattleboro
Conlon of Cornwall	Lippert of Hinesburg	Toll of Danville
Connor of Fairfield	Long of Newfane	Townsend of South Burlington
Conquest of Newbury	Macaig of Williston	Trieber of Rockingham
Copeland-Hanzas of	Masland of Thetford	Troiano of Stannard
Corcoran of Bennington	McCormack of Burlington	Viens of Newport City
Dakin of Colchester	McCullough of Williston	Walz of Barre City
Deen of Westminster	Miller of Shaftsbury	Webb of Shelburne
Dickinson of St. Albans	Morris of Bennington	Weed of Enosburgh
Donovan of Burlington	Mrowicki of Putney	Willhoit of St. Johnsbury
Dunn of Essex	Murphy of Fairfax	Wood of Waterbury
Forguites of Springfield	Noyes of Wolcott	Yacovone of Morristown
	Ode of Burlington	Yantachka of Charlotte
	Olsen of Londonderry	Young of Glover
	O'Sullivan of Burlington	

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

Bissonnette of Winooski	Fields of Bennington	Till of Jericho
Burditt of West Rutland	Hill of Wolcott	Turner of Milton
Emmons of Springfield	Terenzini of Rutland Town	

Pending the question, Shall the bill be amended as offered by Rep. Browning of Arlington in the second instance of amendment, Section 4, only? **Rep. Murphy of Fairfax** 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. Browning of Arlington in the second instance of amendment, Section 4, only? was decided in the negative. Yeas, 61. Nays, 81.

Those who voted in the affirmative are:

Ainsworth of Royalton	Greshin of Warren	Morrissey of Bennington
Bancroft of Westford	Hebert of Vernon	Murphy of Fairfax
Batchelor of Derby	Helm of Fair Haven	Myers of Essex
Beyor of Highgate	Higley of Lowell	Nolan of Morristown
Bock of Chester	Howard of Rutland City	Norris of Shoreham
Brennan of Colchester	Hubert of Milton	Parent of St. Albans Town
Browning of Arlington	Joseph of North Hero	Pearce of Richford
Brumsted of Shelburne	Juskiewicz of Cambridge	Potter of Clarendon
Canfield of Fair Haven	Keefe of Manchester	Quimby of Concord
Condon of Colchester	Keenan of St. Albans City	Rosenquist of Georgia
Cupoli of Rutland City	Kimbell of Woodstock	Savage of Swanton
Devereux of Mount Holly	LaClair of Barre Town	Scheuermann of Stowe
Donahue of Northfield	Lawrence of Lyndon	Shaw of Pittsford
Dunn of Essex	Lefebvre of Newark	Smith of New Haven
Fagan of Rutland City	Lewis of Berlin	Sullivan of Dorset
Feltus of Lyndon	Lucke of Hartford	Tate of Mendon
Frenier of Chelsea	Marcotte of Coventry	Taylor of Colchester
Gage of Rutland City	Martel of Waterford	Van Wyck of Ferrisburgh
Gamache of Swanton	McCormack of Burlington	Wright of Burlington
Gannon of Wilmington	McCoy of Poultney	
Graham of Williamstown	McFaun of Barre Town	

Those who voted in the negative are:

Ancel of Calais	Gonzalez of Winooski	Rachelson of Burlington
Bartholomew of Hartland	Grad of Moretown	Scheu of Middlebury
Baser of Bristol	Haas of Rochester	Sharpe of Bristol
Beck of St. Johnsbury	Head of South Burlington	Sheldon of Middlebury
Belaski of Windsor	Hooper of Montpelier	Sibilia of Dover
Botzow of Pownal	Hooper of Brookfield	Smith of Derby
Briglin of Thetford	Houghton of Essex	Squirrell of Underhill
Buckholz of Hartford	Jessup of Middlesex	Stevens of Waterbury
Burke of Brattleboro	Jickling of Brookfield	Strong of Albany
Carr of Brandon	Kitzmiller of Montpelier	Stuart of Brattleboro
Chesnut-Tangerman of Middletown Springs	Krowinski of Burlington	Sullivan of Burlington
Christensen of Weathersfield	Lalonde of South Burlington	Till of Jericho
Christie of Hartford	Lanpher of Vergennes	Toleno of Brattleboro
Cina of Burlington	Lippert of Hinesburg	Toll of Danville
Colburn of Burlington	Long of Newfane	Townsend of South Burlington
Conlon of Cornwall	Macaig of Williston	Trieber of Rockingham
Connor of Fairfield	Masland of Thetford	Troiano of Stannard
Conquest of Newbury	McCullough of Williston	Viens of Newport City
Copeland-Hanzas of	Miller of Shaftsbury	Walz of Barre City
Corcoran of Bennington	Morris of Bennington	Webb of Shelburne
Dakin of Colchester	Mrowicki of Putney	Weed of Enosburgh
Deen of Westminster	Noyes of Wolcott	Willhoit of St. Johnsbury
Dickinson of St. Albans	Ode of Burlington	Wood of Waterbury
Donovan of Burlington	Olsen of Londonderry	Yacovone of Morristown
Forguites of Springfield	O'Sullivan of Burlington	Yantachka of Charlotte
Gardner of Richmond	Partridge of Windham	Young of Glover
	Poirier of Barre City	

Giambatista of Essex

Pugh of South Burlington

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

Bissonnette of Winooski

Fields of Bennington

Turner of Milton

Burditt of West Rutland

Hill of Wolcott

Emmons of Springfield

Terenzini of Rutland Town

Thereupon the bill was read a third time.

Pending the question, Shall the bill pass? **Rep. Wright 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 pass? was decided in the affirmative. Yeas, 89. Nays, 51.

Those who voted in the affirmative are:

Ancel of Calais

Forguites of Springfield

O'Sullivan of Burlington

Bancroft of Westford

Gardner of Richmond

Partridge of Windham

Bartholomew of Hartland

Giambatista of Essex

Poirier of Barre City

Baser of Bristol

Gonzalez of Winooski

Pugh of South Burlington

Beck of St. Johnsbury

Grad of Moretown

Rachelson of Burlington

Belaski of Windsor

Haas of Rochester

Scheu of Middlebury

Botzow of Pownal

Head of South Burlington

Sharpe of Bristol

Briglin of Thetford

Hooper of Montpelier

Sheldon of Middlebury

Brimsted of Shelburne

Hooper of Brookfield

Sibilia of Dover

Buckholz of Hartford

Houghton of Essex

Smith of Derby

Burke of Brattleboro

Jessup of Middlesex

Squirrell of Underhill

Carr of Brandon

Jickling of Brookfield

Stevens of Waterbury

Chesnut-Tangerman of

Kimbell of Woodstock

Strong of Albany

Middletown Springs

Kitzmiller of Montpelier

Stuart of Brattleboro

Christensen of Weathersfield

Krowinski of Burlington

Sullivan of Burlington

Christie of Hartford

LaClair of Barre Town

Taylor of Colchester

Cina of Burlington

Lalonde of South Burlington

Till of Jericho

Colburn of Burlington

Lanpher of Vergennes

Toleno of Brattleboro

Conlon of Cornwall

Lefebvre of Newark

Toll of Danville

Connor of Fairfield

Lippert of Hinesburg

Townsend of South

Conquest of Newbury

Long of Newfane

Burlington

Copeland-Hanzas of

Macaig of Williston

Trieber of Rockingham

Corcoran of Bennington

Masland of Thetford

Troiano of Stannard

Dakin of Colchester

McCullough of Williston

Viens of Newport City

Deen of Westminster

Miller of Shaftsbury

Walz of Barre City

Dickinson of St. Albans

Morris of Bennington

Webb of Shelburne

Donovan of Burlington

Mrowicki of Putney

Weed of Enosburgh

Dunn of Essex

Noyes of Wolcott

Willhoit of St. Johnsbury *

Fagan of Rutland City

Ode of Burlington

Yacovone of Morristown

Feltus of Lyndon

Olsen of Londonderry

Yantachka of Charlotte

Young of Glover

Those who voted in the negative are:

Batchelor of Derby

Helm of Fair Haven

Myers of Essex

Beyor of Highgate	Higley of Lowell	Nolan of Morristown
Bock of Chester	Howard of Rutland City	Norris of Shoreham
Brennan of Colchester	Hubert of Milton	Parent of St. Albans Town
Browning of Arlington	Joseph of North Hero	Pearce of Richford
Canfield of Fair Haven	Juskiewicz of Cambridge	Potter of Clarendon
Condon of Colchester	Keefe of Manchester	Quimby of Concord
Cupoli of Rutland City	Keenan of St. Albans City	Rosenquist of Georgia
Devereux of Mount Holly	Lawrence of Lyndon	Savage of Swanton
Donahue of Northfield	Lewis of Berlin	Scheuermann of Stowe
Frenier of Chelsea	Lucke of Hartford	Shaw of Pittsford
Gage of Rutland City	Marcotte of Coventry	Smith of New Haven
Gamache of Swanton	Martel of Waterford	Sullivan of Dorset
Gannon of Wilmington	McCormack of Burlington	Tate of Mendon
Graham of Williamstown	McFaun of Barre Town	Van Wyck of Ferrisburgh
Greshin of Warren	Morrissey of Bennington	Wood of Waterbury
Hebert of Vernon	Murphy of Fairfax	Wright of Burlington

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

Ainsworth of Royalton	Emmons of Springfield	McCoy of Poultney
Bissonnette of Winooski	Fields of Bennington	Terenzini of Rutland Town
Burditt of West Rutland	Hill of Wolcott	Turner of Milton

Rep. Willhoit of St. Johnsbury explained his vote as follows:

“Madam Speaker:

I am proud to vote YES here before my beloved daughter, Liz. Thanks to second chances, I stand here today as her father and represent our beloved community of St. Johnsbury. I vote yes so more Vermonters may have such second chances.”

Third Reading; Bill Passed

H. 297

House bill, entitled

An act relating to miscellaneous court operations procedures

Was taken up, read the third time and passed.

Committee Bill; Second Reading; Third Reading Ordered

H. 493

Rep. Morris of Bennington spoke for the committee on Judiciary.

House bill entitled

An act relating to relief from abuse orders

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 4**

Rep. Lalonde of South Burlington, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to calculating time periods in court proceedings

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 4 V.S.A. § 961(a) is amended to read:

(a) Any person who fails to return a completed questionnaire within ~~ten~~ 14 days of its receipt may be summoned by the ~~superior court~~ Superior Court clerk to appear forthwith before the clerk to fill out a jury questionnaire. Any person so summoned who fails to appear as directed shall be ordered forthwith by the presiding judge to appear and show cause for his or her failure to comply with the summons. Any person who fails to appear pursuant to such order or who fails to show good cause for noncompliance may be found in contempt of court and shall be subject to the penalties for contempt.

Sec. 2. 6 V.S.A. § 4996(b) is amended to read:

(b) If the Secretary issues an emergency order under this chapter, the person subject to the order may request a hearing before the Civil Division of Superior Court. Notice of the request for hearing under this subdivision shall be filed with the Civil Division of Superior Court and the Secretary within five business days of receipt of the order. A hearing on the emergency order shall be held at the earliest possible time and shall take precedence over all other hearings. The hearing shall be held within five business days of receipt of the notice of the request for hearing. A request for hearing on an emergency order shall not stay the order. The Civil Division of the Superior Court shall issue a decision within five business days from the conclusion of the hearing, and no later than 30 days from the date the notice of request for hearing was received by the person subject to the order.

Sec. 3. 8 V.S.A. § 3370(b) is amended to read:

(b) Service of such process shall be made by delivering and leaving with the Secretary of State two copies thereof and the payment to the Secretary of State of the fee prescribed by law. The Secretary of State shall forthwith mail by registered mail one of the copies of such process to such insurer at its last known principal place of business, and shall keep a record of all process so served upon him or her. Such process shall be sufficient service upon such insurer provided notice of such service and a copy of the process are, within ~~40~~ 14 days thereafter, sent by registered mail or on behalf of the director to such

insurer at its last known principal place of business, and such insurer's receipt and the affidavit of compliance herewith by or on behalf of the director are filed with the clerk of the court in which such action or proceeding is pending on or before the return date of such process or within such further time as the ~~Court~~ court may allow.

Sec. 4. 8 V.S.A. § 3383 is amended to read:

§ 3383. SERVICE UPON THE SECRETARY OF STATE; NOTICE TO
DEFENDANT

Such service of process shall be made by delivering to and leaving with the Secretary of State or some person in apparent charge of his or her office two copies thereof and the payment to him or her of such fee as is required by 12 V.S.A. § 852. The Secretary of State shall forthwith mail by registered mail one of the copies of such process to the defendant at its last known principal place of business and shall keep a record of all processes so served upon him or her. Such service of process is sufficient, provided notice of such service and a copy of the process are sent within ~~40~~ 14 days thereafter by registered mail by plaintiff or plaintiff's attorney to the defendant at its last known principal place of business, and the defendant's receipt, or receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

Sec. 5. 8 V.S.A. § 3384 is amended to read:

§ 3384. SERVICE UPON OTHER AGENTS; NOTICE TO DEFENDANT

Service of process in any such action, suit, or proceeding shall in addition to the manner provided in section 3383 of this title be valid if served upon any person within this State who, in this State on behalf of such insurer, is:

- (1) soliciting insurance; or
- (2) making, issuing, or delivering any contract of insurance; or

(3) collecting or receiving any premium, membership fee, assessment, or other consideration for insurance; and a copy of such process is sent within ~~40~~ 14 days thereafter by registered mail by the plaintiff or plaintiff's attorney to the defendant at the last known principal place of business of the defendant, and the defendant's receipt, or the receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the

affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

Sec. 6. 8 V.S.A. § 10204 is amended to read:

§ 10204. EXCEPTIONS

This subchapter does not prohibit any of the activities listed in this section. This section shall not be construed to require any financial institution to make any disclosure not otherwise required by law. This section shall not be construed to require or encourage any financial institution to alter any procedures or practices not inconsistent with this subchapter. This section shall not be construed to expand or create any authority in any person or entity other than a financial institution.

* * *

(19) Disclosure requested pursuant to subpoena, provided that no disclosure shall be made until ~~ten~~ 14 days after the financial institution has notified the customer that financial information has been requested by subpoena. Such notice shall be served by first class mail to the customer at the most recent address known to the financial institution. The provisions of this subdivision shall not apply where the subpoena is issued by or on behalf of a regulatory, criminal, or civil law enforcement agency.

* * *

Sec. 7. 8 V.S.A. § 19108 is amended to read:

§ 19108. APPEAL; RECEIVER

The propriety and necessity of the orders issued by the Commissioner under sections 19103 through 19107 of this title shall be open to review upon action brought in the usual form by an aggrieved party within ~~ten~~ 14 days to the Superior Court of Washington County. No injunction may be issued without prior notice to the Commissioner, and the court, on motion of the Commissioner, may appoint a temporary receiver of a financial institution involved in those proceedings.

Sec. 8. 8 V.S.A. § 36103(b) is amended to read:

(b) Not later than ~~ten~~ 14 days after the date on which the Commissioner takes possession and control of the business and assets of a credit union pursuant to subsection (a) of this section, such credit union may apply to the Superior Court of Washington County for an order requiring the Commissioner to show cause why the Commissioner should not be enjoined from continuing such possession and control. Except as provided in this subsection, no court may take any action, except at the request of the Commissioner by regulation

or order, to restrain or affect the exercise of powers or functions of the Commissioner as conservator.

Sec. 9. 9 V.S.A. § 4025(b) is amended to read:

(b) If the company defaults in the performance of its obligation to redeem trading stamps, any rightful holder may file, within three months after the default, a complaint in the Washington Superior Court. Upon the filing of a complaint, the presiding judge shall, upon ~~10~~ 14 days' notice in writing sent by certified mail to the company, summarily hear and forthwith make a determination whether there has been a default. If the presiding judge determines that there has been a default, he or she shall give notice of the determination to the company and if the default is not corrected within ~~10~~ 14 days, he or she shall order the clerk of the ~~Court~~ court to publish notice of the default in three consecutive publications of one or more newspapers having general circulation throughout this State and therein require that proof of all claims for redemption of the trading stamps of the company shall be filed with the ~~Court~~ court, together with the trading stamps upon which the claim is based, within three months after the date of the first publication. Promptly after the expiration of that period, the ~~Court~~ court shall determine the validity of all claims so filed. Thereupon, the ~~Court~~ court shall be paid by the surety such amount as shall be necessary to satisfy all valid claims so filed, not exceeding, however, the principal sum of the bond. Upon the failure to pay the amount demanded, the ~~Court~~ court shall notify the Attorney General who shall bring an action in a ~~Court~~ court of record, to recover the amount demanded. Upon payment or recovery of the amount demanded, the clerk of the ~~Court~~ court shall promptly thereafter make an equitable distribution of the proceeds of the bond to the claimants and shall promptly destroy the trading stamps so surrendered.

Sec. 10. 9 V.S.A. § 4469a(e) is amended to read:

(e) If the ~~Court~~ court finds that the farm employer has suffered actual hardship because of the unavailability of the farm housing for a replacement employee, the ~~Court~~ court shall enter an order approving a writ of possession, which shall be executed ~~no sooner~~ not earlier than five business days nor later than 30 days after the writ is served, to put the plaintiff into possession.

Sec. 11. 9 V.S.A. § 5602(f) is amended to read:

(f) Unless presented by an emergency or exigent circumstances, the Commissioner shall give notice to the Attorney General and U.S. Attorney not less than five business days before applying to the Washington County Superior Court to compel the testimony, the filing of the statement, the production of the record, or the giving of other evidence under subsection (e) of this section. In the case of an emergency or exigent circumstances, the

Commissioner shall notify the Attorney General and U.S. Attorney as soon as possible before applying to the Washington County Superior Court.

Sec. 12. 10 V.S.A. § 8009 is amended to read:

§ 8009. EMERGENCY ADMINISTRATIVE ORDERS; REQUEST FOR HEARING

* * *

(d) Request for hearing. If an emergency order is issued, the respondent may request a hearing before the Environmental Division. Notice of the request for hearing shall be filed with the Environmental Division and the agency issuing the order within five business days of receipt of the order. A hearing on the emergency order shall be held at the earliest possible time and shall take precedence over all other hearings. The hearing shall be held within five business days of receipt of the notice of the request for hearing. A request for hearing on an emergency order shall not stay the order. The Environmental Division shall issue a decision within five business days from the conclusion of the hearing, and no later than 30 days from the date the notice of request for hearing was received.

* * *

Sec. 13. 11 V.S.A. § 1534 is amended to read:

§ 1534. APPOINTMENT OF COMMISSIONERS, HEARING

If sufficient cause is shown, the court shall appoint three disinterested persons as commissioners, who shall fix a time and place for hearing, and give reasonable notice thereof to those who defend. If, at the time of giving such notice, a person has not entered to defend, the commissioners shall give notice of such hearing by posting a notice thereof, at least ~~ten~~ 14 days before such hearing, in three or more public places in the town in which such corporation or society is located.

Sec. 14. 11C V.S.A. § 1210(b) is amended to read:

(b) Not later than ~~10~~ 14 days after filing an application under subsection (a) of this section, a dissolved mutual benefit enterprise shall give notice of the proceeding to each known claimant holding a contingent claim.

Sec. 15. 12 V.S.A. § 2432 is amended to read:

§ 2432. PASSING CAUSES TO SUPREME COURT; RECOGNIZANCE IN EJECTION CASES

In actions brought under the provisions of sections 4851-4853 of this title, within three business days after judgment, the appealing party shall give security to the other party by way of recognizance or bond approved by the court to pay the costs as the other party shall finally recover against him or her.

If the appealing party is the defendant, he or she shall also give the security ~~as above provided~~ for rents then due and intervening rent. If final judgment is for the plaintiff, the costs, damages, and rents may be recovered by an action upon the recognizance or an action on contract founded on the judgment.

Sec. 16. 12 V.S.A. § 2791 is amended to read:

§ 2791. RETURN OF EXECUTION

The officer commencing proceedings for sale on execution of real estate or the right to collect and receive rents, issues, and profits thereof, may make such sale, although the return day of the execution has passed, and shall return the execution within five business days after the sale. A failure to make such return shall not affect the purchaser's title to the property.

Sec. 17. 12 V.S.A. § 2796 is amended to read:

§ 2796. REDEMPTION-BOND; WRIT OF POSSESSION; ACCOUNTING
BY PURCHASER FOR RENTS AND PROFITS

When real estate is sold on execution, the debtor or person claiming under him or her may redeem the same at any time within six months from the date of such sale. He or she shall file a bond within ~~ten~~ 14 days after such sale with the clerk of the court or magistrate who issued such execution, to the purchaser, in a penal sum that the clerk or magistrate shall order, conditioned in case he or she does not redeem the property to pay the purchaser the fair rents and profits of such premises and commit no waste on the same, which bond shall be approved by the clerk or magistrate. When the debtor fails to file the bond as ~~aforsaid provided for in this section~~, the purchaser may have his or her writ of possession from the clerk or magistrate, and may enter and take possession and manage such real estate in a good husbandlike manner. If the defendant in such action shall redeem the same, the purchaser shall account for the fair value of the rents and profits thereof, until the same shall be redeemed.

Sec. 18. 12 V.S.A. § 4853a is amended to read:

§ 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

* * *

(b) A hearing on the motion shall be held any time after ~~10~~ 14 days' notice to the parties. If the tenant appears at the hearing and has not been previously defaulted, the court shall not enter judgment by default unless the tenant fails to file a written answer within ~~10~~ 14 days after the hearing. Any rent escrow order shall remain in effect notwithstanding the issuance of a default judgment but shall cease upon execution of a writ of possession.

* * *

(h) If the tenant fails to pay rent into court in the amount and on the dates ordered by the court, the landlord shall be entitled to judgment for immediate possession of the premises. The court shall forthwith issue a writ of possession directing the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, ~~no sooner~~ not earlier than five business days after the writ is served, or, in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 30 days after the writ is served, to put the plaintiff into possession.

Sec. 19. 12 V.S.A. § 4854 is amended to read:

§ 4854. JUDGMENT FOR PLAINTIFF; WRIT OF POSSESSION

If the court finds that the plaintiff is entitled to possession of the premises, the plaintiff shall have judgment for possession and rents due, damages, and costs, and when a written rental agreement so provides, the court may award reasonable attorney's fees. A writ of possession shall issue on the date judgment is entered, unless the court for good cause orders a stay. The writ shall direct the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, ~~no sooner~~ not earlier than ~~ten~~ 14 days after the writ is served, to put the plaintiff into possession.

Sec. 20. 12 V.S.A. § 4914 is amended to read:

§ 4914. COMPLAINT AND WARRANT

When a complaint is formally made in writing, to a district judge of such unlawful or forcible entry or detainer, he or she shall issue a warrant returnable within such county not less than six business days thereafter, which shall be directed to the sheriff, commanding such officer to apprehend the person against whom such complaint is made and bring him or her before the district judge having jurisdiction.

Sec. 21. 12 V.S.A. § 4919 is amended to read:

§ 4919. PROCEEDINGS WHEN RESPONDENT CANNOT BE FOUND

When the sheriff or his or her deputy cannot find the party against whom the warrant is issued, six business days before the time appointed for returning the same, he or she may leave a true and attested copy thereof at the usual place of abode of such person. If, at the return of the warrant, he or she cannot find or apprehend the person against whom it issued, he or she shall make a return of such fact of the time he or she so left a copy. If the party complained against does not appear at the time appointed for trial, a district judge, in his or her discretion, may adjourn or proceed with the case, but shall not impose a fine at such hearing.

Sec. 22. 12 V.S.A. § 4933(c) is amended to read:

(c) Acceptance of a foreclosure complaint by the court clerk that, due to a good faith error or omission by the plaintiff or the clerk, does not contain the certification required in subsection (a) of this section shall not invalidate the foreclosure proceeding, provided that the plaintiff files the required notice with the Commissioner within ~~10~~ 14 days of obtaining knowledge of the error or omission.

Sec. 23. 12 V.S.A. § 5134(b) is amended to read:

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall state upon its face a date, time, and place that the defendant may appear to petition the court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than ~~10~~ 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving by a preponderance of the evidence that the defendant stalked or sexually assaulted the plaintiff. If the court finds that the plaintiff has met his or her burden, it shall continue the order in effect and make such other orders as it deems necessary to protect the plaintiff or the plaintiff's children, or both.

Sec. 24. 13 V.S.A. § 354 is amended to read:

§ 354. ENFORCEMENT; POSSESSION OF ABUSED ANIMAL;
SEARCHES AND SEIZURES; FORFEITURE

* * *

(f)(1) At the hearing on the motion for forfeiture, the State shall have the burden of establishing by clear and convincing evidence that the animal was subjected to cruelty, neglect, or abandonment in violation of section 352 or 352a of this title. The ~~Court~~ court shall make findings of fact and conclusions of law and shall issue a final order. If the State meets its burden of proof, the ~~Court~~ court shall order the immediate forfeiture of the animal in accordance with the provisions of subsection 353(c) of this title.

(2) Affidavits of law enforcement officers, humane officers, animal control officers, veterinarians, or expert witnesses of either party shall be admissible evidence which may be rebutted by witnesses called by either party. The affidavits shall be delivered to the other party at least five business days prior to the hearing. Upon request of the other party or the ~~Court~~ court, the party offering an affidavit shall make the affiant available by telephone at the hearing. The ~~Court~~ court may allow any witness to testify by telephone in lieu of a personal appearance and shall adopt rules with respect to such testimony.

(3) No testimony or other information presented by the defendant in connection with a forfeiture proceeding under this section or any information directly or indirectly derived from such testimony or other information may be used for any purpose, including impeachment and cross-examination, against the defendant in any criminal case, except a prosecution for perjury or giving a false statement.

(g)(1) If the defendant is convicted of criminal charges under this chapter or if an order of forfeiture is entered against an owner under this section, the defendant or owner shall be required to repay all reasonable costs incurred by the custodial caregiver for caring for the animal, including veterinary expenses. The Restitution Unit within the Center for Crime Victim Services is authorized to collect the funds owed by the defendant or owner on behalf of the custodial caregiver or a governmental agency that has contracted or paid for custodial care in the same manner as restitution is collected pursuant to section 7043 of this title. The restitution order shall include the information required under subdivision 7043(e)(2)(A) of this title. The ~~Court~~ court shall make findings with respect to the total amount of all costs incurred by the custodial caregiver.

(2)(A) If the defendant is acquitted of criminal charges under this chapter and a civil forfeiture proceeding under this section is not pending, an animal that has been taken into custodial care shall be returned to the defendant unless the State institutes a civil forfeiture proceeding under this section within seven business days of the acquittal.

(B) If the ~~Court~~ court rules in favor of the owner in a civil forfeiture proceeding under this section and criminal charges against the owner under this chapter are not pending, an animal that has been taken into custodial care shall be returned to the owner unless the State files criminal charges under this section within seven business days after the entry of final judgment.

* * *

Sec. 25. 13 V.S.A. § 2451(c) is amended to read:

(c) It shall be a defense to a charge of keeping a child from the child's lawful custodian that the person charged with the offense was acting in good faith to protect the child from real and imminent physical danger. Evidence of good faith shall include, ~~but is not limited to,~~ the filing of a ~~non-frivolous~~ nonfrivolous petition documenting that danger and seeking to modify the custodial decree in a Vermont court of competent jurisdiction. This petition must be filed within ~~72 hours~~ three business days of the termination of visitation rights. This defense shall not be available if the person charged with the offense has left the ~~state~~ State with the child.

Sec. 26. 13 V.S.A. § 5403(b) is amended to read:

(b) Within ~~40~~ 14 days after sentencing, the ~~Court~~ court shall forward to the Department:

(1) the sex offender's conviction record, including offense, date of conviction, sentence, and any conditions of release or probation; and

(2) an order issued pursuant to section 5405a of this title, on a form developed by the Court Administrator, that the defendant comply with Sex Offender Registry requirements.

Sec. 27. 13 V.S.A. § 5405(h) is amended to read:

(h) After making its determinations, the court shall issue a written decision explaining the reasons for its determinations and provide a copy of the decision to the ~~department~~ Department within ~~40~~ 14 days.

Sec. 28. 13 V.S.A. § 5405a is amended to read:

§ 5405a. COURT DETERMINATION OF SEX OFFENDER REGISTRY
REQUIREMENTS

(a)(1) The ~~Court~~ court shall determine at sentencing whether Sex Offender Registry requirements apply to the defendant.

(2) If the State and the defendant do not agree as to the applicability of Sex Offender Registry requirements to the defendant, the State shall file a motion setting forth the Sex Offender Registry requirements applicable to the defendant within ~~40~~ 14 days of the entry of a guilty plea. To the extent the defendant opposes the motion, the State and the defendant shall present evidence at the sentencing as to the applicability of Sex Offender Registry requirements to the defendant.

* * *

(d) Within ~~40~~ 14 days after the sentencing or the presentation of evidence pursuant to subdivision (a)(2) of this section, the ~~Court~~ court shall issue an order determining whether Sex Offender Registry requirements apply to the defendant. The order shall include:

* * *

Sec. 29. 13 V.S.A. § 7042(b) is amended to read:

(b) A ~~state's attorney or the attorney general~~ State's Attorney or the Attorney General, within seven business days of the imposition of a sentence, may file with the sentencing judge a motion to increase, reduce, or otherwise modify the sentence. This motion shall set forth reasons why the sentence should be altered. After hearing, the court may confirm, increase, reduce, or otherwise modify the sentence.

Sec. 30. 13 V.S.A. § 7403 is amended to read:

§ 7403. APPEAL BY THE STATE

* * *

(e) The appeal in all cases shall be taken within seven business days after the decision, judgment, or order has been rendered. In cases where the defendant is detained for lack of bail, he or she shall be released pending the appeal upon such conditions as the ~~Court~~ court shall order unless bail is denied as provided in the Vermont Constitution or in other pending cases. Such appeals shall take precedence on the docket over all cases and shall be assigned for hearing or argument at the earliest practicable date and expedited in every way.

Sec. 31. 13 V.S.A. § 7556 is amended to read:

§ 7556. APPEAL FROM CONDITIONS OF RELEASE

* * *

(e) A person held without bail prior to trial shall be entitled to review of that determination by a panel of three ~~supreme court justices~~ Supreme Court Justices within seven business days after bail is denied.

Sec. 32. 13 V.S.A. § 7560a(b) is amended to read:

(b) The surety may respond to a motion to forfeit a bond. Responses must be served within ~~40~~ 14 days of service of the motion.

Sec. 33. 14 V.S.A. § 2625(f) is amended to read:

(f)(1) The court may grant an emergency guardianship petition filed ex parte by the proposed guardian if the court finds that:

(A) both parents are deceased or medically incapacitated; and

(B) the best interests of the child require that a guardian be appointed without delay and before a hearing is held.

(2) If the court grants an emergency guardianship petition pursuant to subdivision (1) of this subsection (e), it shall schedule a hearing on the petition as soon as practicable and in no event more than ~~72 hours~~ three business days after the petition is filed.

Sec. 34. 14 V.S.A. § 2671(h) is amended to read:

(h) The person under guardianship may, at any time, file a motion to revoke the guardianship. Upon receipt of the motion, the court shall give notice as provided by the rules of probate procedure. Unless the guardian files a motion pursuant to section 3063 of this title within ~~ten~~ 14 days from the date of the notice, the court shall enter judgment revoking the guardianship and shall provide the ward and the guardian with a copy of the judgment.

Sec. 35. 14 V.S.A. § 3067(d) is amended to read:

(d) The proposed guardian shall provide the court with the information and consents necessary for a complete background check. Not more than ~~10~~ 14 days after receipt of an evaluation supporting guardianship of the respondent, the court shall order from the respective registries background checks of the proposed guardian from any available ~~state~~ State registries, including ~~but not limited to~~ the adult abuse registry, child abuse registry, Vermont ~~crime information center~~ Crime Information Center, and the Vermont ~~state sex offender registry~~ State Sex Offender Registry, and the court shall consider information received from the registries in determining whether the proposed guardian is suitable. However, if appropriate under the circumstances, the court may waive the background reports or may proceed with appointment of a guardian prior to receiving the background reports, provided that the court may remove a guardian if warranted by background reports which the court receives after the guardian's appointment. If the proposed guardian has lived in Vermont for fewer than five years or is a resident of another state, the court may order background checks from the respective state registries of the states in which the proposed guardian lives or has lived in the past five years or from any other source. The court shall provide copies of background check reports to the petitioner, the respondent, and the respondent's attorney.

Sec. 36. 14 V.S.A. § 3081(c) is amended to read:

(c) An emergency temporary guardian may be appointed without notice to the respondent or respondent's counsel only if it clearly appears from specific facts shown by affidavit or sworn testimony that immediate, serious, and irreparable harm will result to the respondent before the hearing on the appointment of an emergency temporary guardian can be held. A request for ex parte emergency temporary guardianship under this section shall be made by written motion, accompanied by a petition for guardianship, unless waived by the court for good cause shown. If the court appoints an ex parte emergency temporary guardian, the court shall immediately schedule a temporary hearing in accordance with subsection (b) of this section. The ex parte order shall state why the order was granted without notice and include findings on the immediate, serious, and irreparable harm. The ex parte order shall be for a fixed period of time, not to exceed ~~10~~ 14 days, and shall expire on its terms unless extended after the temporary hearing. If the temporary hearing cannot be held before the ex parte order expires, the ex parte order can be extended for good cause shown for an additional ~~10~~ 14 days until the temporary hearing is held.

Sec. 37. 15 V.S.A. § 304(e) is amended to read:

(e) Any motion objecting to genetic test results must be made in writing to the court and to the party intending to introduce the evidence not less than five business days prior to any hearing at which the results may be introduced into evidence. If no timely objection is made, the written results shall be admissible as evidence without the need for foundation testimony or other proof of authenticity or accuracy.

Sec. 38. 15 V.S.A. § 594a is amended to read:

§ 594a. TEMPORARY RELIEF

Either party or both parties to a civil marriage may apply for temporary relief at any time following the separation of the parties to the marriage coincidental with, or subsequent to the filing of complaint for absolute divorce or legal separation. The court to which the cause is returnable, or a ~~superior~~ Superior judge, on such notice to the adverse party as the court or judge directs, may make such orders pending final hearing and further order of the court as the court would be authorized to make upon final hearing. A prompt hearing will be held, and the evidence shall be recorded by a court reporter. The court or judge shall issue an order within ~~10~~ 14 days from the date of the hearing. Failure of the court or judge to issue an order within ~~10~~ 14 days shall not affect the validity of any order issued after the ~~10-day~~ 14-day period.

Sec. 39. 15 V.S.A. § 663 is amended to read:

§ 663. SUPPORT ORDERS; REQUIRED CONTENTS

* * *

(c) Every order for child support made or modified under this chapter on or after July 1, 1990, shall:

* * *

(3) require that every party to the order must notify the ~~registry~~ Registry in writing of their current mailing address and current residence address and of any change in either address within seven business days of the change, until all obligations to pay support or support arrearages or to provide for visitation are satisfied;

* * *

Sec. 40. 15 V.S.A. § 668a(e) is amended to read:

(e)(1) If a custodial parent refuses to honor a noncustodial parent's visitation rights without good cause, the court may modify the parent-child contact order if found to be in the best interests of the child. Good cause shall include:

(A) a pattern or incidence of domestic or sexual violence;

(B) a reasonable fear for the child's or the custodial parent's safety; or

(C) a history of failure to honor the visitation schedule agreed to in the parent-child contact order.

(2) A custodial parent, upon a showing of good cause as defined in subdivision (1)(A) or (B) of this subsection, may receive an ex parte order suspending a noncustodial parent's visitation rights until a court hearing is held. A hearing shall be held within ~~40~~ 14 days from the issuance of the order.

Sec. 41. 15 V.S.A. § 684(a) is amended to read:

(a) Upon the return of the deploying parent, either parent may file a motion to modify the temporary order on the grounds that compliance with the order will result in immediate danger of irreparable harm to the child, and may request that the court issue an ex parte order. The deploying parent may file such a motion prior to his or her return. The motion shall be accompanied by an affidavit in support of the requested order. Upon a finding of irreparable harm based on the facts set forth in the affidavit, the court may issue an ex parte order modifying parental rights and responsibilities and parent-child contact. If the court issues an ex parte order, the court shall set the matter for hearing within ~~ten~~ 14 days from the issuance of the order.

Sec. 42. 15 V.S.A. § 782 is amended to read:

§ 782. EXPEDITED PROCEDURE FOR WAGE WITHHOLDING

(a) In the case of an order for child support made or modified after July 1, 1990 which does not include an order for immediate wage withholding, an obligee may request a wage withholding order when any amount due under the order has not been paid within seven business days after the amount is due. The obligor may request wage withholding at any time. The petition for wage withholding shall set forth:

(1) ~~The~~ the amount of support arrearages, if any;

(2) ~~The~~ the terms of the support order;

(3) ~~The~~ the periodic amount to be withheld for support and arrearages; and

(4) ~~A~~ a statement that the obligor may object to wage withholding on the basis of an error in the amount of current support or arrearages or an error in identity, at a hearing to be held within ~~ten~~ 14 days of the date the petition is filed.

(b) The petition shall be served upon the other party or parties as provided in section 783 of this title.

(c) The court shall set the date for the hearing and notify the parties of the place, date, and time. The hearing shall be held within ~~ten~~ 14 days of the date the petition is filed.

(d) The court shall enter a judgment for wage withholding under any one of the following circumstances:

(1) The obligor does not appear at the hearing without good cause.

(2) The obligor has requested the wage withholding order.

(3) The court finds after hearing that any amount due under a support order has not been paid within seven business days after the amount is due.

* * *

Sec. 43. 15 V.S.A. § 783 is amended to read:

§ 783. WAGE WITHHOLDING; NOTICE AND HEARING

(a) In the case of a child support order issued prior to July 1, 1990 or a spousal support order, an obligee may request a wage withholding order when any amount due under a support order has not been paid within seven business days after the amount is due. The obligor may request wage withholding at any time. The petition for wage withholding shall set forth:

* * *

(e) The court shall order wage withholding if the obligor has requested wage withholding or if any amount due under a support order has not been paid within seven business days after the amount is due. In all cases the court shall issue a wage withholding order, if any, within 45 days of notice sent to the responding party.

* * *

Sec. 44. 15 V.S.A. § 785(c) is amended to read:

(c) The court shall file a wage withholding order with the ~~registry~~ Registry. Within seven business days of receipt of the order, the ~~registry~~ Registry shall provide the obligor's employer with notice of withholding by first class mail and send a copy of the notice and the order to the obligor and the obligee.

Sec. 45. 15 V.S.A. § 788(a) is amended to read:

(a) Any parent subject to a child support or parental rights and responsibilities order shall notify in writing the court which issued the most recent order and the ~~office of child support~~ Office of Child Support of his or her current mailing address and current residence address and of any change in either address within seven business days of the change, until all obligations to pay support or support arrearages, or to provide for parental rights and responsibilities are satisfied. For good cause the court may keep information provided under this subsection confidential.

Sec. 46. 15 V.S.A. § 791(d) is amended to read:

(d) If the ~~office of child support~~ Office of Child Support does not issue a release of lien within 10 days or if there is a disagreement over the amount of arrearages, the obligor may request the court to determine the amount of arrearages or to issue a release of lien, or both. The court shall schedule a hearing to be held within ~~10~~ 14 days of the request. The court may issue a release of lien without requiring the obligor to satisfy his or her liability for the total amount due if it finds that justice so requires.

Sec. 47. 15 V.S.A. § 798(d) is amended to read:

(d) Upon receipt of a license suspension order issued under this section, the license issuing authority shall suspend the license according to the terms of the order. Prior to suspending the license, the license issuing authority shall notify the license holder of the pending suspension and provide the license holder with an opportunity to contest the suspension based solely on the grounds of mistaken identity or compliance with the underlying child support order. The license shall be reinstated within five business days of a reinstatement order from the court or notification from the ~~office of child support~~ Office of Child Support or the custodial parent, where the rights of that parent have not been assigned to the ~~office of child support~~ Office of Child Support, that the parent is in compliance with the underlying child support order. The license issuing authority shall charge a reinstatement fee as provided for in 23 V.S.A. § 675, or as otherwise provided by law or rule.

Sec. 48. 15 V.S.A. § 1104(b) is amended to read:

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall state upon its face a date, time, and place when the defendant may appear to petition the ~~Court~~ court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than ~~10~~ 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving abuse by a preponderance of the evidence. If the ~~Court~~ court finds that the plaintiff has met his or her burden, it shall continue the order in effect and make such other order as it deems necessary to protect the plaintiff.

Sec. 49. 15A V.S.A. § 3-601(a) is amended to read:

(a) Not later than five business days after a complete petition for adoption of a minor is filed, the court shall order that an evaluation be made by:

(1) a qualified employee of the agency that placed the minor for adoption; or

(2) in a direct placement adoption, the person who made the placement evaluation or another person qualified under section 2-202 of this title.

Sec. 50. 21 V.S.A. § 208(a) is amended to read:

(a) Whenever the ~~commissioner~~ Commissioner finds that any workplace is in violation of any portion of the VOSHA Code or this chapter and that the violation creates a dangerous condition which can be reasonably expected to cause imminent death or serious physical harm, the ~~commissioner~~ Commissioner may order the workplace or any portion of the workplace to be immediately closed or order that steps be taken to avoid, correct, or remove the imminently dangerous conditions. The ~~commissioner~~ Commissioner may permit the presence of individuals necessary to avoid, correct, or remove the imminent danger, or to maintain the capacity of a continuous process operation to resume normal operations without complete cessation of operations, or where a cessation of operations is necessary, to permit it to be accomplished in a safe and orderly manner. On two business days' notice to the ~~commissioner~~ Commissioner, an order issued under this section may be contested by filing a petition in ~~superior court~~ Superior Court requesting dissolution or modification of the order. In that event, the court shall proceed to hear and to make an expeditious determination.

Sec. 51. 21 V.S.A. § 392 is amended to read:

§ 392. COURT PROCEEDINGS

If any employer covered by a wage order has failed to comply with the wage order within ~~40~~ 14 days after receiving notification of the violation, the ~~commissioner~~ Commissioner shall take court action to enforce the order.

Sec. 52. 21 V.S.A. § 1733(b) is amended to read:

(b) Where an impasse continues for 20 days after a fact finder has made a report public under subsection 1732(e) of this title, a three-member arbitration panel shall be formed as follows:

Each party to the impasse shall select one member of the panel and state its final offer on all disputed issues on the 20th day following publication of the fact finder's report. The two members so selected shall within five days, select the third member of the panel to serve as chair. If the two members fail to select a third member of the panel within five business days, the third member shall be appointed by the Superior Court for the county in which the municipality is situated, upon petition of either party, and notice to the other party. Within 30 days of the appointment of the chair, the panel shall decide by majority vote all disputed issues involving wages, hours, and conditions of employment as defined by this chapter, and this award shall become an agreement of the parties.

Sec. 53. 23 V.S.A. § 1746 is amended to read:

§ 1746. VIOLATIONS; ADMISSION; WAIVER

Any person who has violated any ordinance of the town which regulates, districts, or defines the time, place, or manner of parking vehicles in the town and who has not been convicted of any violation of the parking ordinances more than twice before in the same calendar year may, within three business days from the date of such violation, by a statement signed by him or her admit the violation and waive the issuance of any process and a trial by jury or hearing, and may voluntarily pay to the police court of the town the penalty herein prescribed; provided, however, that whenever in the opinion of the court the gravity of the offense requires a fine in excess of the prescribed penalty, as provided in section 1749 of this title, the court may refuse to accept the signed statement and penalty and refer the matter to the grand juror or State's Attorney who may proceed against the offender in the manner prescribed by law. In that event, the signed statement and penalty shall be returned to the offender and shall not be considered as an admission or used as evidence in any court in this State.

Sec. 54. 27 V.S.A. § 143(a) is amended to read:

(a) When the spouse of an owner of a homestead lacks capacity to protect his or her interests due to a mental condition or psychiatric disability and the owner desires to convey it or an interest therein, he or she may petition the Probate Division of the Superior Court in the district in which the homestead is situated for a license to convey the same. Upon not less than ~~ten~~ 14 days' notice of the petition to the kindred of the spouse who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability residing in the State, and to the selectboard members of the town in which the homestead is situated, which notice may be personal or by publication, the ~~Court~~ court may hear and determine the petition and may license the owner or convey the homestead, or an interest therein, by his or her sole deed. The license shall be recorded in the office where a deed of the homestead is required to be recorded and the sole deed shall have the same effect as if the spouse has the capacity to protect his or her interests and had joined therein.

Sec. 55. 27 V.S.A. § 372 is amended to read:

§ 372. PROCEEDINGS WHEN GRANTOR REFUSES TO
ACKNOWLEDGE-SUMMONS

When a grantor or lessor refuses to acknowledge his or her deed, the grantee or lessee, or a person claiming under him or her, may apply to a district judge who shall thereupon issue a summons to the grantor or lessor to appear at a certain time and place before him or her to hear the testimony of the

subscribing witnesses to the deed. Such summons, with a copy of the deed annexed, shall be served like a writ of summons, seven business days at least before the time therein assigned for proving the deed.

Sec. 56. 27 V.S.A. § 378 is amended to read:

§ 378. EFFECT OF RECORDING UNACKNOWLEDGED DEED

A person interested in a deed or lease not acknowledged may cause the deed or lease to be recorded without acknowledgment before or during the application to the court, or the proceedings before any of the authorities named in sections 371-376 of this title; and, when so recorded in the proper office, it shall be as effectual as though the same had been duly acknowledged and recorded for 60 days thereafter. If such proceedings for proving the execution of the deed are pending at the expiration of such 60 days, the effect of such record shall continue until the expiration of six business days after the termination of the proceedings.

Sec. 57. 32 V.S.A. § 642(a)(3)(F) is amended to read:

(F) The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under this section shall be a date which is not less than seven business days after the date on which demand is received, unless the Attorney General or an Assistant Attorney General designated by the Attorney General determines that exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.

Sec. 58. 32 V.S.A. § 4461(b) is amended to read:

(b) On or before the last day on which appeals may be taken from the decision of the board of civil authority, the agent of the town to prosecute and defend suits in which the town is interested, in the name of the town, on written application of one or more taxpayers of the town whose combined grand list represents at least three percent of the grand list of the town for the preceding year, shall appeal to the Superior Court from any action of the board of civil authority not involving appeals of the applying taxpayers. However, the town agent shall, in any event, have at least six business days after receipt of such taxpayers' application for appeal in which to take the appeal, and the date for the taking of such appeal shall accordingly be extended, if necessary, until the six business days shall have elapsed. The \$70.00 entry fee shall be paid by the applicants with respect to each individual property thus being appealed which is separately listed in the grand list.

Sec. 59. 32 V.S.A. § 4463 is amended to read:

§ 4463. OBJECTIONS TO APPEAL

When a taxpayer, town agent, or selectboard claims that an appeal to the Director is in any manner defective or was not lawfully taken, on or before ~~40~~ 14 days after mailing of the notice of appeal by the clerk under Rule 74(b) of the Vermont Rules of Civil Procedure, the taxpayer, town agent, or selectboard shall file objections in writing with the Director, and furnish the appellant or appellant's attorney with a copy of the objections. When the taxpayer, town agent, or selectboard so requests, the Director shall thereupon fix a time and place for hearing the objections, and shall notify all parties thereof, by mail or otherwise. Upon hearing or otherwise, the Director shall pass upon the objections and make such order in relation thereto as is required by law. The order shall be recorded or attached in the town clerk's office in the book wherein the appeal is recorded.

Sec. 60. 32 V.S.A. § 5412(a) is amended to read:

(a)(1) If a listed value is reduced as the result of an appeal or court action, and if the municipality files a written request with the Commissioner within 30 days after the date of the determination, entry of the final order, or settlement agreement if the Commissioner determines that the settlement value is the fair market value of the parcel, the Commissioner shall recalculate the municipality's education property tax liability for the year at issue, in accord with the reduced valuation, provided that:

(A) the reduction in valuation is the result of an appeal under chapter 131 of this title to the Director of Property Valuation and Review or to a court, with no further appeal available with regard to that valuation, or any judicial decision with no further right of appeal, or a settlement of either an appeal or court action if the Commissioner determines that the settlement value is the fair market value of the parcel;

(B) the municipality notified the Commissioner of the appeal or court action, in writing, within ~~40~~ 14 days after notice of the appeal was filed under section 4461 of this title or after the complaint was served; and

(C) as a result of the valuation reduction of the parcel, the value of the municipality's grand list is reduced at least one percent.

Sec. 61. 32 V.S.A. § 5843 is amended to read:

§ 5843. FAILURE TO ACCOUNT; MAINTENANCE OF TRUST
ACCOUNT

If a person fails at any time to comply with the Commissioner's requirement under ~~subdivision~~ subsection 5842(b) of this title to remit amounts deducted and withheld at such intervals and based upon such classifications as the Commissioner designates, the Commissioner may petition the Superior Court wherein the person has a place of business, and, upon the petition and

hearing, a judge of that ~~Court~~ court shall issue a citation declaring any amounts thereafter deducted and withheld by the person under section 5841 of this title to be a trust for the State of Vermont. That order shall further require the person, (and, if the person is a corporation, any principal officer of the corporation), to remit those amounts as the Commissioner has required to, and to file a return with respect to each of those payments under the terms of this subchapter with, the ~~Court~~ court upon pain of contempt of court. The order of notice upon the petition shall be returnable not later than seven business days after the filing of the petition. The petition shall be heard and determined on the return day, or on such day as soon thereafter as the ~~Court~~ court considers practicable and shall fix, having regard to the circumstances of the case. The costs of the proceeding shall be payable as the ~~Court~~ court determines. The remittance of those amounts shall be made to the court or, if the court so directs, to the Commissioner, as the Commissioner has required for such period of time as the Commissioner determines with the approval of the ~~Court~~ court, whether or not all tax liabilities theretofore due have been satisfied, having regard to the maintenance of regular future payments by the person. All amounts and all returns received by the ~~Court~~ court under this section shall be remitted as soon as is practicable by the ~~Court~~ court to the Commissioner.

Sec. 62. 32 V.S.A. § 9280(d) is amended to read:

(d) As an additional or alternate remedy, the Commissioner may issue a warrant, directed to the sheriff of any county commanding him or her to levy upon and sell the real and personal property of any person liable for the tax, which may be found within his or her county, for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return the warrant to the Commissioner and to pay to him or her the money collected by virtue thereof within 60 days after the receipt of the warrant. The sheriff shall within five business days after the receipt of the warrant file with the county clerk a copy thereof, and thereupon the clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties, and interest for which the warrant is issued and the date when the copy is filed. Thereupon, the amount of the warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he or she shall be entitled to the same fees, which he or she may collect in the same manner. If a warrant is returned not satisfied in full, the Commissioner may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the State had recovered judgment therefor and execution thereon had been returned unsatisfied.

Sec. 63. 32 V.S.A. § 9811(b) is amended to read:

(b) As an additional or alternate remedy, the Commissioner may issue a warrant, directed to the sheriff of any county commanding him or her to levy upon and sell the real and personal property of any person liable for the tax, which may be found within his or her county, for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return the warrant to the Commissioner and to pay to him or her the money collected by virtue thereof within 60 days after the receipt of the warrant. The sheriff shall within five business days after the receipt of the warrant file with the county clerk a copy thereof, and thereupon the clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties, and interest for which the warrant is issued and the date when the copy is filed. Thereupon the amount of the warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant, he or she shall be entitled to the same fees, which he or she may collect in the same manner. If a warrant is returned not satisfied in full, the Commissioner may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the State had recovered judgment therefor and execution thereon had been returned unsatisfied.

Sec. 64. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 50

Rep. Carr of Brandon, for the committee on Energy and Technology, to which had been referred House bill, entitled

An act relating to extending the current expiration date of the telecommunications siting law

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS FACILITIES

* * *

(e) Notice. No less than 60 days prior to filing an application for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the Board pursuant to this section to the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities; the Secretary of Natural Resources; the Secretary of Transportation; the Division for Historic Preservation; the Commissioner of Public Service and its Director for Public Advocacy; the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151; and the landowners of record of property adjoining the project sites. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions. The notices to the legislative body and planning commission of the municipality shall attach a statement that itemizes the rights and opportunities available to those bodies under subdivisions (c)(2) and (e)(2) of this section and under subsections (m), (n), and (o) of this section and informs them of the guide published under subsection (p) of this section and how to obtain a copy of that guide.

* * *

(2) On the request of the municipal legislative body or the planning commission, the applicant shall attend a public meeting with the municipal legislative body or planning commission, or both, within the 60-day notice period before filing an application for a certificate of public good. The Department of Public Service shall attend the public meeting on the request of the municipality. The Department shall consider the comments made and information obtained at the meeting in making recommendations to the Board on the application and in determining whether to retain additional personnel under subsection (o) of this section.

(3) With the notice required under this subsection, the applicant shall include a written assessment of the collocation requirements of subdivision (c)(3) of this section, as they pertain to the applicant's proposed telecommunications facility. On the request of the municipal legislative body or the planning commission, the Department of Public Service, pursuant to its authority under subsection (o) of this section, shall retain an expert to review the applicant's collocation assessment and to conduct further independent analysis, as necessary. Within 45 days of receiving the applicant's notice and collocation assessment, the Department shall report its own preliminary findings and recommendations regarding collocation to the applicant and to all

persons required to receive notice of an application for a certificate of public good under this subsection (e).

* * *

(i) Sunset of Board authority. Effective on July 1, ~~2017~~ 2020, no new applications for certificates of public good under this section may be considered by the Board.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that after passage the title of the bill be amended to read: “An act relating to the telecommunications siting law”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Energy and Technology agreed to and third reading ordered.

Message from the Senate No. 27

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 56. An act relating to life insurance policies and the Vermont Uniform Securities Act.

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. 19. Joint resolution relating to prescription drug pricing.

In the adoption of which the concurrence of the House is requested.

The Governor has informed the Senate that on the First day of March, 2017, he approved and signed a bill originating in the Senate of the following title:

S. 1. An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018.

Message from Governor

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

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on March 2, 2017, he approved and signed a bill originating in the House of the following title:

H. 125 An act relating to fiscal year 2017 budget adjustments

Adjournment

At four o'clock and fourteen 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, March 3, 2017

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

Devotional Exercises

Devotional exercises were conducted by Representative Job Tate of Mendon.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 499

By Reps. Sibilila of Dover and Gannon of Wilmington,

House bill, entitled

An act relating to achieving better educational outcomes for students at a cost that parents, voters, and taxpayers value;

To the committee on Education.

S. 56

Senate bill, entitled

An act relating to life insurance policies and the Vermont Uniform Securities Act;

To the committee on Commerce and Economic Development.

Joint Resolution Referred to Committee

J.R.S. 19

By Senators Mullin, Lyons, Pearson, and Sears,

J.R.S. 19. Joint resolution relating to prescription drug pricing.

Whereas, in the United States, drug manufacturers are allowed to discriminate in drug pricing, and

Whereas, drug prices in the aggregate in the United States are among the highest in the world, and

Whereas, prescription drug spending is rising faster than any other health expenditure, and

Whereas, providing for affordable access to medically necessary prescription drugs will lower health care costs, and

Whereas, pharmaceutical companies benefit from public tax dollars appropriated to the National Institutes of Health and other government agencies to pay for a substantial portion of all new prescription drug research, and

Whereas, the cost of prescription drugs remains unaffordable for a large number of Vermonters, and

Whereas, among the persons who are most reliant on prescription drugs are Vermont's senior citizens, individuals with disabilities, and individuals with chronic diseases, and

Whereas, many citizens are reluctantly adopting unhealthy and potentially dangerous practices of reducing their physicians' prescribed prescription drug dosages; others are traveling to Canada to obtain their prescription drugs for a lower cost, and

Whereas, pharmaceutical companies spend, on average, twice as much on advertising and marketing as they do on research and development, and

Whereas, one of the significant factors contributing to the increasing costs of prescription drugs is the growth of direct consumer promotional campaigns sponsored by the nation's pharmaceutical companies through print, broadcast, and Internet media, and

Whereas, pursuant to 21 U.S.C. § 321(n), the Food and Drug Administration is responsible for regulating the promotional activities associated with prescription drugs, and

Whereas, the brief summaries of information relating to possible side-effects, contraindications, and effectiveness in advertisements is often overshadowed by the attractive and promotional character of the advertisement that has the potential to lure a lay person into accepting the positive claims and ignoring the less prominently promoted and possibly dangerous side-effects, and

Whereas, the Food and Drug Administration has established criteria at 21 C.F.R § 202.1 for direct consumer advertising, including broadcasting of prescription drugs, and

Whereas, even if adhering to the regulatory requirements, prescription drug advertising may be misleading by not adequately communicating risk information, and may damage physician-patient relationships, increase prescription drug prices, increase liability actions, and lead to overmedication and drug abuse, and

Whereas, the Food and Drug Administration has repeatedly reprimanded drug companies for false or misleading advertising of prescription drugs, and

Whereas, in more recent years, the presence of online drug advertising has only intensified the problems, and

Whereas, with the change of leadership at the Food and Drug Administration, and many years of nearly limitless and viewer attractive television and now online advertisements inducing unknowing consumers to purchase potentially harmful prescription drugs, the time to rein in direct advertising of prescription drugs to consumers has clearly arrived, and

Whereas, an important price reduction option for both private consumers and state governments has been an increasing reliance on generic drugs which cost considerably less than their brand-name counterparts, but provide equivalent medicinal benefit, and

Whereas, a major impediment to the introduction of new generic drugs is a controversial patent infringement federal statutory provision, 21 U.S.C. § 355(j)(5)(B)(iii), that Congress adopted in 1984 as part of the HatchWaxman Act, providing that a pharmaceutical company holding the patent on a brand-name drug can file a complaint with the FDA triggering an automatic 30month Food and Drug Administration-imposed delay in a generic drug's introduction, unless a court rules the brand-name patent is invalid or not infringed, and

Whereas, anticompetitive "pay-for-delay" agreements between branded and generic drug companies delay consumer access to generic drugs, and

Whereas, Medicare Part D prescription drug plans would be unaffordable for many Vermonters without Vermont's State wrap-around program called "VPharm," and

Whereas, the federal government does not negotiate for rebates and discounts in the Medicare Part D program, and

Whereas, state Medicaid programs have greatly reduced drug prices in the Medicaid program by negotiating with pharmaceutical companies for reduced prices through rebates and discounts, and

Whereas, Medicare Part D is funded, in part, through payments from the states to the federal government, commonly known as the “clawback,” and

Whereas, many senior citizens and individuals with disabilities on Medicare Part D, as well as states, would benefit from negotiated, reduced prices in the Medicare Part D program, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly calls upon our Congressional Delegation immediately to propose and seek passage of legislation that will:

1) Require any pharmaceutical company that receives or benefits from any federal funding for pharmaceutical research and development to amortize all of the company’s research and development costs over the entire world market for prescription drugs;

2) Amend 21 U.S.C. § 381 and other related federal statutes so as to allow for the free trade of prescription drugs between Canada and the United States;

3) Restrain the huge expenditures by pharmaceutical companies on advertising and marketing;

4) Repeal 21 U.S.C. § 355(j)(5)(B)(iii) that delays the introduction of generic drugs to the public marketplace and enact prohibitions on pay-for-delay settlements between branded and generic drug manufacturers, and

5) Allow the Centers for Medicare and Medicaid to negotiate with pharmaceutical companies for rebates and discounts in the Medicare Part D program, *and be it further*

Resolved: That the General Assembly urges the federal Food and Drug Administration to institute a moratorium on the promotion of prescription drugs directly to consumers, and that during the moratorium, the Food and Drug Administration promulgate more effective regulations to address prescription drug advertisements directed at consumers, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Donald Trump, to the Acting Food and Drug Administration Commissioner, Dr. Stephen Ostroff, and to the Vermont Congressional Delegation.

Which was read and, in the Speaker’s discretion, treated as a bill and referred to the Committee on Health Care.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 487

Rep. Brennan of Colchester moved that the committee on Transportation be relieved of House bill, entitled

An act relating to the Volkswagen diesel litigation settlement and Mitigation Trust monies

And that the bill be committed to the committee on Energy and Technology, which was agreed to.

Third Reading; Bill Passed

H. 4

House bill, entitled

An act relating to calculating time periods in court proceedings

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 50

House bill, entitled

An act relating to extending the current expiration date of the telecommunications siting law

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 493

House bill, entitled

An act relating to relief from abuse orders

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 495

House bill, entitled

An act relating to miscellaneous agriculture subjects

Was taken up, read the third time and passed.

Committee Bill; Second Reading; Third Reading Ordered

H. 497

Rep. Higley of Lowell spoke for the committee on Agriculture & Forestry.

House bill entitled

An act relating to health requirements for animals used in agriculture

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 5

Rep. Gannon of Wilmington, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to investment of town cemetery funds

Reported in favor of its passage when amended as follows:

First: In Sec. 1, 18 V.S.A. § 5384 (payment to treasurer; record; investment), in subdivision (b)(1), by striking out subdivision (E) and inserting in lieu thereof the following:

(E) ~~or in~~ the shares of an investment company, or an investment trust, which such as a mutual fund, closed-end fund or unit investment trust, that is registered under the federal Investment Company Act of 1940, as amended, if such ~~mutual investment~~ fund has been in operation for at least ~~10~~ five years and has net assets of at least ~~\$10,000,000.00~~ \$100,000,000.00; or

Second: In Sec. 1, 18 V.S.A. § 5384 (payment to treasurer; record; investment), in subdivision (b)(2), by striking out subdivisions (A)–(B) and inserting in lieu thereof the following:

(2)(A) However, in ~~towns~~ a town that ~~elect~~ elects trustees of public funds, ~~such cemetery~~ funds shall be invested by ~~such the~~ trustees in any of the securities ~~hereinbefore~~ enumerated in this section, and the income thereof paid to the proper officers as the same falls due.

(B) The trustees may delegate management and investment of cemetery funds to the extent that is prudent under the terms of the trust or endowment, and in accordance with Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. § 3415 (delegation of investment functions). An agent exercising a delegated management or investment function shall invest cemetery funds in any of the securities enumerated in this section.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 9

Rep. Willhoit of St. Johnsbury, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to deferred sentences

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 7041 is amended to read:

§ 7041. DEFERRED SENTENCE

(a) Upon an adjudication of guilt and after the filing of a presentence investigation report, the court may defer sentencing and place the respondent on probation upon such terms and conditions as it may require if a written agreement concerning the deferring of sentence is entered into between the ~~state's attorney~~ State's Attorney and the respondent and filed with the clerk of the court.

(b) Notwithstanding subsection (a) of this section, the court may defer sentencing and place the respondent on probation without a written agreement between the ~~state's attorney~~ State's Attorney and the respondent if the following conditions are met:

(1)(A) the respondent is 28 years ~~old~~ of age or younger; or

(B) the respondent is 29 years of age or older and has not previously been convicted of a crime;

(2) the crime for which the respondent is being sentenced is not a listed crime as defined in subdivision 5301(7) of this title;

(3) the court orders, unless waived by the State's Attorney:

(A) a presentence investigation in accordance with the procedures set forth in Rule 32 of the Vermont Rules of Criminal Procedure, unless the state's attorney agrees to waive the presentence investigation; or

(B) an abbreviated presentence investigation in a form approved by the Commissioner of Corrections;

(4) the court permits the victim to submit a written or oral statement concerning the consideration of deferment of sentence;

(5) the court reviews the presentence investigation and the victim's impact statement with the parties; and

(6) the court determines that deferring sentence is in the interest of justice.

(c) Notwithstanding subsections (a) and (b) of this section, the court may not defer a sentence for a violation of section 3253a (aggravated sexual assault of a child), section 2602 (lewd and lascivious conduct with a child unless the victim and the defendant were within five years of age and the act was

consensual), 3252(c) (sexual assault of a child under 16 years of age unless the victim and the defendant were within five years of age and the act was consensual), 3252(d) or (e) (sexual assault of a child), 3253(a)(8) (aggravated sexual assault), or 3253a (aggravated sexual assault of a child) of this title.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 182

Rep. O'Sullivan of Burlington, for the committee on Commerce and Economic Development, to which had been referred House bill entitled,

An act relating to certain businesses regulated by the Department of Financial Regulation

Reported in favor of its passage then amended by striking all after the enacting clause and inserting in lieu thereof the following::

* * * Consumer Litigation Funding * * *

Sec. 1. 8 V.S.A. § 2252 is amended to read:

§ 2252. REGISTRATION; FEE, FINANCIAL STABILITY

(a) A company shall not engage in the business of consumer litigation funding without first filing a registration with the Commissioner on a form prescribed by the Commissioner and submitting a registration fee and proof of financial stability, as required by this section.

(b) A company shall submit a ~~\$600.00~~ \$200.00 fee at the time of registration and at the time of each renewal. Registrations shall be renewed every ~~three years~~ year on or before December 1.

(c) A company shall file with the Commissioner evidence of its financial stability which shall include proof of a surety bond or irrevocable letter of credit issued and confirmed by a financial institution authorized by law to transact business in Vermont that is equal to double the amount of the company's largest funded amount in Vermont in the prior three calendar years or \$50,000.00, whichever is greater.

(d) The registration of a company that fails to complete a renewal, meet minimum registration requirements, or pay the renewal fee on or before December 30 shall automatically expire on December 31.

Sec. 2. CONSUMER LITIGATION FUNDING COMPANIES; ANNUAL REGISTRATION RENEWAL; APPLICATION

Notwithstanding 8 V.S.A. § 2252(b), a company that registered on or before the effective date of this act may renew its registration on or before December 1 of the third calendar year following its initial registration date and then annually thereafter.

* * * Licensed Lenders; Substituted Information; Prelicensure Training * * *

Sec. 3. 8 V.S.A. § 2204 is amended to read:

§ 2204. APPROVAL OF APPLICATION AND ISSUANCE OF LICENSE

* * *

(d) For good cause shown and consistent with the purposes of this section, the Commissioner may waive or modify the requirements of subdivisions (a)(3) and (a)(4) of this section.

(e) This section does not apply to a lender making only commercial loans.

Sec. 4. 8 V.S.A. § 2204a is amended read:

§ 2204a. MORTGAGE LOAN ORIGINATOR PRELICENSING AND RELICENSING EDUCATION REQUIREMENT

* * *

(f) A person previously licensed as a mortgage loan originator under this chapter applying to be licensed again must prove that he or she has completed all of the continuing education requirements for the year in which the license was last held. This subsection does not apply to an individual who is required to retake 20 hours of prelicensing education pursuant to subsection (g) of this section.

(g) A person who has completed 20 hours of prelicensing education under 12 U.S.C. § 5104(c) must retake such prelicensing education to be eligible to apply for a Vermont loan originator license if he or she:

(1) within three years of completing the prelicensing education, does not acquire a valid mortgage loan originator license in any state or does not become a federally registered mortgage loan originator; or

(2) within three years of completing the prelicensing education, obtains a valid mortgage loan originator license in any state or becomes a federally registered mortgage loan originator and subsequently does not maintain an approved mortgage loan originator license in any state or an approved federal registration for a period of three years or more.

(h) A person who has completed two hours of Vermont prelicense education as required by subdivision (a)(4) of this section must retake such prelicensing education to be eligible to apply for a Vermont mortgage loan originator license if he or she:

(1) does not acquire a valid Vermont mortgage loan originator license within three years of completing the prelicense education; or

(2) obtains a valid Vermont mortgage loan originator license and then subsequently does not maintain an approved Vermont mortgage loan originator license for a period of three years or more.

Sec. 5. 8 V.S.A. § 2204c is amended to read:

§ 2204c. APPROVAL OF APPLICATION; ISSUANCE OF COMMERCIAL LENDER LICENSE

* * *

(d) For good cause shown and consistent with the purposes of this section, the Commissioner may waive or modify the requirements of subdivisions (a)(3) and (a)(4) of this section.

Sec. 6. 8 V.S.A. § 2209a(h) is amended to read:

(h) A licensed mortgage loan originator who subsequently becomes unlicensed must complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license. This subsection does not apply to an individual who is required to retake 20 hours of prelicensing education pursuant to subsection 2204a(g) of this title.

* * * Financial Responsibility; Money Servicers;

Debt Adjusters; Loan Servicers * * *

Sec. 7. 8 V.S.A. § 2508(a) is amended to read:

(a) Upon the filing of an application under this subchapter, the Commissioner shall investigate the financial condition and responsibility, financial and business experience, character, and general fitness of the applicant; and any person named in the application. The Commissioner may conduct an on-site investigation of the applicant, the cost of which the applicant shall bear in accordance with section 18 of this title. The Commissioner shall issue a license to an applicant under this subchapter if the Commissioner finds that all of the following conditions have been fulfilled:

(1) ~~the~~ The applicant has complied with sections 2506, 2507, and 2510 of this title;

(2)(A) ~~the~~ The financial condition and responsibility, financial and business experience, competence, character, and general fitness of the

applicant, and competence, experience, character, and general fitness of the executive officers, managers, and directors of, and persons in control of the applicant indicate that it is in the interest of the public to permit the applicant to engage in money transmission; ~~and.~~

(B) For purposes of assessing whether a person is financially responsible under this subdivision, the Commissioner may consider how the person has managed his or her own financial condition. A determination that a person has not shown financial responsibility may include the following:

(i) current outstanding judgments, except judgments solely as a result of medical expenses;

(ii) current outstanding tax liens or other government liens and filings;

(iii) foreclosures within the past three years; or

(iv) a pattern of seriously delinquent accounts within the past three years.

(3) ~~the~~ The applicant has paid the requisite application and license fees.

Sec. 8. 8 V.S.A. § 2517(a) is amended to read:

(a) Upon the filing of an application under this subchapter, the Commissioner shall investigate the applicant's financial condition and responsibility, financial and business experience, character, and general fitness. The Commissioner may conduct an on-site investigation of the applicant, the cost of which the applicant shall bear in accordance with section 18 of this title. The Commissioner shall issue a license to an applicant under this subchapter if the Commissioner finds that all of the following conditions have been fulfilled:

(1) ~~the~~ The applicant has complied with section 2516 of this title;

(2)(A) ~~the~~ The financial condition and responsibility, financial and business experience, competence, character, and general fitness of the applicant, and competence, experience, character, and general fitness of the executive officers, managers, directors of, and persons in control of the applicant indicate that it is in the interest of the public to permit the applicant to engage in check cashing and currency exchange; ~~and.~~

(B) For purposes of assessing whether a person is financially responsible under this subdivision, the Commissioner may consider how the person has managed his or her own financial condition. A determination that a person has not shown financial responsibility may include the following:

-
- (i) current outstanding judgments, except judgments solely as a result of medical expenses;
 - (ii) current outstanding tax liens or other government liens and filings;
 - (iii) foreclosures within the past three years; or
 - (iv) a pattern of seriously delinquent accounts within the past three years.

(3) ~~the~~ The applicant has paid the requisite application and license fees.

Sec. 9. 8 V.S.A. § 2756(a) is amended to read:

(a) The Commissioner shall issue a license to the applicant upon the filing of the application and the payment of the fees, if the Commissioner finds upon investigation that all of the following conditions have been fulfilled:

(1) ~~the~~ The financial responsibility, experience, character, and general fitness of the applicant, and of the members, officers, directors, and persons in control of the applicant, command the confidence of the community and warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter;

(2)(A) ~~neither~~ Neither the applicant nor any of such members, officers, directors, or persons in control of the applicant have been convicted of a felony or ~~has~~ have had a record of having defaulted in the payment of money collected for others, including the discharge of such debts through bankruptcy proceedings; ~~and~~.

(B) For purposes of assessing whether a person is financially responsible under this subdivision, the Commissioner may consider how the person has managed his or her own financial condition. A determination that a person has not shown financial responsibility may include the following:

- (i) current outstanding judgments, except judgments solely as a result of medical expenses;
- (ii) current outstanding tax liens or other government liens and filings;
- (iii) foreclosures within the past three years; or
- (iv) a pattern of seriously delinquent accounts within the past three years.

(3) ~~the~~ The applicant has paid the requisite application and license fees.

Sec. 10. 8 V.S.A. § 2904 is amended to read:

§ 2904. APPROVAL OF APPLICATION AND ISSUANCE OF LICENSE

(a) Upon the filing of the application, payment of the required fees, and approval of the bond, the Commissioner shall issue and deliver a license to the applicant upon findings by the Commissioner as follows:

(1)(A) That the financial responsibility, experience, character, and general fitness of the applicant are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter. If the applicant is a partnership or association, such findings are required with respect to each partner, member, and control person. If the applicant is a corporation, such findings are required with respect to each officer, director, and control person.

(B) For purposes of assessing whether a person is financially responsible under this subdivision, the Commissioner may consider how the person has managed his or her own financial condition. A determination that a person has not shown financial responsibility may include the following:

(i) current outstanding judgments, except judgments solely as a result of medical expenses;

(ii) current outstanding tax liens or other government liens and filings;

(iii) foreclosures within the past three years; or

(iv) a pattern of seriously delinquent accounts within the past three years;

(2) That allowing the applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted.

(3) That the applicant is licensed to engage in such business in its state of domicile, and is in good standing in its state of domicile with its state regulator or equivalent financial industry regulator, if such state licenses third party loan servicers.

(4) That the applicant, and each officer, director, and control person of the applicant, has never had a third party loan servicer license, lender license, mortgage broker license, mortgage loan originator license, or similar license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation.

(5) ~~The~~ That the applicant, and each officer, director, and control person of the applicant, has not been convicted of or pled guilty or nolo contendere to a felony in a domestic, foreign, or military court:

(A) during the seven-year period preceding the date of the application for licensing and registration, other than a conviction for driving under the influence or a similarly titled offense in this State or in any other jurisdiction;

(B) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, ~~or~~ a breach of trust, or money laundering; and

(C) provided that any pardon of a conviction shall not be a conviction for purposes of this subsection.

(6) That the applicant has satisfied the surety bond requirement of section 2903 of this title.

* * *

(d) For good cause shown and consistent with the purposes of this section, the Commissioner may waive or modify the requirements of subdivisions (a)(3) and (a)(4) of this section.

* * * Money Servicers; Virtual Currency; Exclusions; Receipts and Refunds; Segregated Accounts; Permissible Investments; Enforcement * * *

Sec. 11. 8 V.S.A. § 2500(22) is added to read:

(22) “Virtual currency” means stored value that:

(A) can be a medium of exchange, a unit of account, or a store of value;

(B) has an equivalent value in money or acts as a substitute for money;

(C) may be centralized or decentralized; and

(D) can be exchanged for money or other convertible virtual currency.

Sec. 12. 8 V.S.A. § 2501 is amended to read:

§ 2501. EXCLUSIONS

(a) This chapter does not apply to:

(1) the United States or a department, agency, or instrumentality thereof;

(2) the sale or issuance of payment instruments or stored value, or money transmission, by the U.S. Postal Service; or by a contractor on behalf of the U.S. Postal Service;

(3) a state, county, city, or any other governmental agency or governmental subdivision within a state;

(4) a financial institution as defined in subdivision 11101(32) of this title, a financial institution holding company as defined in subdivision 11101(33) of this title, a credit union, an office of an international banking corporation, a branch of a foreign bank, a corporation organized pursuant to the Bank Services Company Act, or a corporation organized under the Edge Act under the laws of a state or the United States if the person does not issue, sell, or provide payment instruments or stored value through an authorized delegate that is not such a person;

(5) electronic funds transfer of governmental benefits for a federal, state, or governmental agency by a contractor on behalf of the United States or a department, agency, or instrumentality thereof, or a state or governmental subdivision, agency, or instrumentality thereof;

(6) a board of trade designated as a contract market under the Commodity Exchange Act or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for such a board of trade;

(7) a registered futures commission merchant under the federal commodities laws to the extent of its operation as such a merchant;

(8) a person that provides clearance or settlement services pursuant to a registration as a clearing agency or an exemption from such registration granted under the federal securities laws to the extent of its operation as such a provider;

(9) an operator of a payment system that provides processing, clearing, or settlement services, between or among persons excluded by this section or licensees, in connection with wire transfers, credit card transactions, debit card transactions, stored-value transactions, automated clearing house transfers, or similar funds transfers to the extent of its operation as such;

(10) a person registered as a securities broker-dealer under federal or state securities laws to the extent of its operation as such a broker-dealer;

(11) the sale or issuance of stored value by a school to its students and employees;

(12) a seller of goods or services that cashes payment instruments incidental to or independent of a sale and does not charge for cashing the payment instrument in excess of \$1.00 per instrument; or

(13) a debt adjuster licensed pursuant to chapter 133 of this title when engaged in the business of debt adjustment.

(b) The Commissioner may issue an order exempting any person from this chapter when such person is performing services for the benefit of the United

States or a department, agency, or instrumentality thereof, or for the benefit of any state, county, city, or any other governmental agency or governmental subdivision within a state.

Sec. 13. 8 V.S.A. § 2511 is added to read:

§ 2511. ACTIVITIES OF MONEY TRANSMITTERS; RECEIPTS AND REFUNDS

(a) Every money transmitter licensee and its authorized delegates shall provide a receipt to the customer that clearly states the name, address, and telephone number of the licensee; the amount of money presented for transmission; and the total of any fees charged by the licensee.

(1) If the rate of exchange for a money transmission to be paid in the currency of another country is fixed by the licensee for that transaction at the time the money transmission is initiated, then the receipt provided to the customer shall disclose the rate of exchange for that transaction, and the duration, if any, for the payment to be made at the fixed rate of exchange so specified.

(2) If the rate of exchange for a money transmission to be paid in the currency of another country is not fixed at the time the money transmission is sent, the receipt provided to the customer shall disclose that the rate of exchange for the transaction will be set at the time the recipient of the money transmission picks up the funds in the foreign country.

(3) As used in this section, “fees” does not include revenue that a licensee or its authorized delegate generates, in connection with a money transmission, in the conversion of the money of one government into the money of another government.

(b) Every money transmitter licensee and its authorized delegates shall refund to the customer within 10 days of receipt of a written request for a refund all moneys received for transmittal unless any of the following occurs:

(1) Prior to receipt of the written request for a refund, the moneys have been transmitted and delivered to the person designated by the customer.

(2) Prior to receipt of a written request for a refund, instructions have been given committing an equivalent amount of money to the person designated by the customer.

(3) The licensee or its authorized delegate has reason to believe that a crime has occurred, is occurring, or may potentially occur as a result of transmitting the money as requested by the customer or refunding the money as requested by the customer.

(4) The licensee is otherwise barred by law from making a refund.

Sec. 14. 8 V.S.A. § 2536 is added to read:

§ 2536. SEGREGATED ACCOUNTS

(a) All monetary value remitted by customers to a licensee and its authorized delegates subject to this chapter shall be maintained in a permissible investment pursuant to section 2541 of this chapter. Such account or accounts shall be segregated from all other accounts of the licensee and shall not be used in the conduct of the licensee's personal affairs or the licensee's business affairs.

(b) The licensee may withdraw funds from the segregated account for:

- (1) disbursement as directed by the customer;
- (2) fees to which it is entitled for services actually performed; and
- (3) customer refunds.

(c) The licensee shall maintain complete and accurate account records, including the source of all deposits, the nature and recipient of all disbursements, the date and amount of each transaction, and the name of the customer. All documents pertaining to account activity shall be produced upon request of the Commissioner. These records shall be subject to the retention requirements of section 2534 of this title.

Sec. 15. 8 V.S.A. § 2540(c) is amended to read:

~~(c) Permissible investments, even if commingled with other assets of the licensee, are~~ shall be held in trust for the benefit of the purchasers and holders of the licensee's outstanding payment instruments and stored-value obligations in the event of bankruptcy or receivership of the licensee.

Sec. 16. 8 V.S.A. § 2541(a) is amended to read:

(a) Except to the extent otherwise limited by the Commissioner pursuant to section 2540 of this title, the following investments are permissible under section 2540 of this title:

- (1) cash, a certificate of deposit, or a senior debt obligation of a depository institution within the meaning of subdivision 11101(24) of this title;
- (2) a banker's acceptance or bill of exchange that is eligible for purchase upon endorsement by a member bank of the Federal Reserve System and is eligible for purchase by a Federal Reserve Bank;
- (3) an investment bearing a rating of one of the three highest grades, as defined by a nationally-recognized organization that rates securities;
- (4) an investment security that is an obligation of the United States or a department, agency, or instrumentality thereof; an investment in an obligation

that is guaranteed fully as to principal and interest by the United States; or an investment in an obligation of a state or a governmental subdivision, agency, or instrumentality thereof;

(5) receivables that are payable to a licensee from its authorized delegates, in the ordinary course of business, pursuant to contracts ~~which~~ that are not past due or doubtful of collection, if the aggregate amount of investments in receivables under this subdivision does not exceed 20 percent of the total permissible investments of a licensee and the licensee does not have at one time investments in receivables under this subdivision in any one person aggregating more than 10 percent of the licensee's total permissible investments; ~~and~~

(6) a share or a certificate issued by an open-end management investment company that is registered with the U.S. Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. § 80a-1 et seq.), and whose portfolio is restricted by the management company's investment policy to investments specified in subdivisions (1) through (4) of this subsection; and

(7) virtual currency owned by the licensee, but only to the extent of outstanding transmission obligations received by the licensee in identical denomination of virtual currency.

Sec. 17. 8 V.S.A. § 2545 is amended to read:

§ 2545. SUSPENSION, REVOCATION, AND NONRENEWAL
RECEIVERSHIP

* * *

(c) If the Commissioner believes, from evidence satisfactory to him or her, that any person has violated a provision of subsection (a) of this section, the Commissioner may, in addition to any other powers, issue orders or directives to any person:

(1) enjoining or prohibiting such person from engaging in the financial services industry in this State;

(2) to remove any officer, director, employee, or control person; or

(3) regarding any other action or remedy as the Commissioner deems necessary to carry out the purposes of this chapter.

(d) The licensee shall receive 15 days' notice and an opportunity to be heard before such order shall be issued. Mailing notice by certified mail to the licensee's current address as stated on the license shall be presumptive evidence of its receipt by the licensee. However, if the Commissioner finds that the public safety or welfare imperatively requires emergency action, action

with no prior notice or prior opportunity to be heard may be taken, pending proceedings for revocation or other action.

* * * Licensed Lenders; Employee Definition; Loan Solicitations; Lead Generation * * *

Sec. 18. 8 V.S.A. § 2200 is amended to read:

§ 2200. DEFINITIONS

As used in this chapter:

* * *

(5)(A) “Employee” means, subject to subdivision (B) of this subdivision (5), an individual whose manner and means of work are subject to the right of control of, or are controlled by, a person; and whose compensation for federal income tax purposes is reported, or required to be reported, on a W-2 form issued by:

(i) the controlling person;

(ii) an entity that directly or indirectly owns 100 percent of the controlling person; or

(iii) an entity that is directly or indirectly 100 percent owned by the same parent company as the controlling person.

(B) For purposes of a registered mortgage loan originator as defined in ~~subdivision (22)~~ subdivision (25) of this section, the term employee has such binding definition as may be issued by the federal banking agencies in connection with their responsibilities under the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

* * *

(13) “Lead” means any information identifying a potential consumer of a loan.

(14) “Lead generation” means to:

(A) initiate consumer interest or inquiry in a loan by online marketing, direct response advertising, telemarketing, or other similar consumer contact;

(B) engage in the business of selling leads for loans;

(C) generate or augment leads for other persons for, or with the expectation of, compensation or gain; or

(D) refer Vermont borrowers to other persons for loans for, or with the expectation of, compensation or gain.

(15) “Licensee” means any person subject to the provisions of section 2201 of this title.

~~(14)~~(16) “Loan processor or underwriter” means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed, or exempt from licensing, under this chapter.

(A) For purposes of this ~~subdivision (14)~~ subdivision (16), the term “clerical or support duties” may include, subsequent to the receipt of a residential mortgage loan application:

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(B) An individual engaging solely in loan processor or underwriter activities shall not represent to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that such individual can or will perform any of the activities of a mortgage loan originator.

~~(15)~~(17) “Loan solicitation” means to:

(A) offer, solicit, broker, directly or indirectly arrange, place, or find a loan for a prospective Vermont borrower;

(B) engage in any activity intended to assist a prospective Vermont borrower in obtaining a loan, including lead generation;

(C) arrange, in whole or in part, a loan through a third party, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party, through any method, including mail, telephone, Internet, or any electronic means; or

(D) advertise or cause to be advertised in this State a loan or any of the services described in subdivisions (A) to (D) of this subdivision (17). The term does not apply to residential mortgage loans.

(18) “Mortgage broker” means any person who for compensation or gain, or in the expectation of compensation or gain, directly or indirectly negotiates, places, assists in placement, or finds, or offers to negotiate, place, assist in placement, or find mortgage loans, other than commercial loans, on real property for others. The term shall not include real estate brokers or

salespersons, as defined in 26 V.S.A. § 2211, who in connection with services performed in a prospective real estate transaction, provide mortgage information or assistance to a buyer, if such real estate broker or real estate salesperson is not compensated for providing such mortgage information or assistance in addition to the compensation received from the seller or buyer for such real estate brokerage activity. The term shall not include attorneys licensed to practice law in this State acting in their professional capacity. The term shall not include persons engaged in the foregoing activities solely in connection with the sale, assignment, or other transfer of one or more previously originated loans.

~~(16)~~(19) “Mortgage loan” means a loan secured primarily by a lien against real estate.

~~(17)~~(20) “Mortgage loan originator”:

(A) Means an individual who for compensation or gain or in the expectation of compensation or gain:

(i) takes a residential mortgage loan application;

(ii) offers or negotiates terms of a residential mortgage loan;

(iii) represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform the services described in subdivision (A)(i) or (A)(ii) of this ~~subdivision (17)~~ subdivision (20).

(B) An individual “takes a residential mortgage loan application” if the individual receives a residential mortgage loan application for the purpose of facilitating a decision whether to extend an offer of residential mortgage loan terms to a borrower or prospective borrower (or to accept the terms offered by a borrower or prospective borrower in response to a solicitation), whether the application is received directly or indirectly from the borrower or prospective borrower.

(C) An individual “offers or negotiates terms of a residential mortgage loan for compensation or gain” if the individual:

(i)(I) presents for consideration by a borrower or prospective borrower particular residential mortgage loan terms;

(II) communicates directly or indirectly with a borrower or prospective borrower for the purpose of reaching a mutual understanding about prospective residential mortgage loan terms; or

(III) recommends, refers, or steers a borrower or prospective borrower to a particular lender or set of residential mortgage loan terms, in

accordance with a duty to or incentive from any person other than the borrower or prospective borrower; and

(ii) receives or expects to receive payment of money or anything of value in connection with the activities described in subdivision (C)(i) of this ~~subdivision (17)~~ subdivision (20) or as a result of any residential mortgage loan terms entered into as a result of such activities.

(D) Does not include:

(i) an individual engaged solely as a loan processor or underwriter, except as otherwise provided in subsection 2201(g) of this chapter;

(ii) a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with Vermont law, unless the person or entity is compensated by a buyer or a seller in addition to the compensation received for such real estate brokerage activity or is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator; and

(iii) a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in ~~Section 11 U.S.C. § 101(53D) of Title 11, United States Code.~~

~~(18)~~(21) “Nationwide Mortgage Licensing System and Registry” means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators, or any successor to the Nationwide Mortgage Licensing System and Registry.

~~(19)~~(22) “Nontraditional mortgage product” means any mortgage product other than a 30-year fixed rate mortgage.

~~(20)~~(23) “Person” ~~shall have~~ has the meaning set forth in 1 V.S.A. § 128 and includes a natural person, corporation, company, limited liability company, partnership, or association.

~~(21)~~(24) “Real estate brokerage activity” means any activity that involves offering or providing real estate brokerage services to the public, including:

(A) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(B) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(C) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(D) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(E) offering to engage in any activity or act in any capacity described in subdivision (A), (B), (C), or (D) of this ~~subdivision (21)~~ subdivision (24).

~~(22)~~(25) “Registered mortgage loan originator” means any individual who:

(A) meets the definition of mortgage loan originator and is an employee of:

(i) a depository institution;

(ii) a subsidiary that is:

(I) owned and controlled by a depository institution, as determined by a federal banking agency; and

(II) regulated by a federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

~~(23)~~(26) “Residential mortgage loan” means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

~~(24)~~(27) “Residential mortgage loan application” means a request, in any form, for an offer (or a response to a solicitation of an offer) of residential mortgage loan terms, and information about the borrower or prospective borrower that is customary or necessary in a decision on whether to make such an offer.

~~(25)~~(28) “Residential real estate” means any real property located in Vermont, upon which is constructed or intended to be constructed a dwelling.

~~(26)~~(29) “Sales finance company” means any person who has purchased one or more retail installment contracts, as defined in 9 V.S.A. §§ 2351(5) and

2401(7), from one or more retail sellers located in this State. Taking one or more retail installment contracts as security for a loan or loans shall not be construed as purchasing for purposes of this definition.

~~(27)~~(30) “Unique identifier” means a number or other identifier assigned by protocols established by the Nationwide Mortgage Licensing System and Registry.

Sec. 19. 8 V.S.A. § 2201 is amended to read:

§ 2201. LICENSES REQUIRED

(a) ~~No person shall without~~ Without first obtaining a license under this chapter from the Commissioner, ~~a person shall not~~:

(1) ~~engage~~ Engage in the business of making loans of money, credit, goods, or things in action and charge, contract for, or receive on any such loan interest, a finance charge, discount, or consideration therefor; ~~;~~

(2) ~~act~~ Act as a mortgage broker; ~~;~~

(3) ~~engage~~ Engage in the business of a mortgage loan originator; ~~or~~ ~~;~~

(4) ~~act~~ Act as a sales finance company.

(5) Engage in the business of loan solicitation. A person licensed as a lender or mortgage broker is not required to obtain a separate loan solicitation license when acting on the person’s own behalf.

* * *

(d) ~~No~~ A lender license, mortgage broker license, ~~or~~ sales finance company license, or loan solicitation license shall not be required of:

* * *

(e) ~~No~~ A mortgage loan originator license shall not be required of:

(1) Registered mortgage loan originators, when employed by and acting for an entity described in subdivision ~~2200(22)~~ 2200(25) of this chapter.

(2) Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual.

(3) Any individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that served as the individual’s residence, including a vacation home, or inherited property that served as the deceased’s dwelling, provided that the individual does not act as a mortgage loan originator or provide financing for such sales so frequently and under such circumstances that it constitutes a habitual activity and acting in a commercial context.

(4) An individual who is an employee of a federal, State, or local government agency, or an employee of a housing finance agency, who acts as a mortgage loan originator only pursuant to his or her official duties as an employee of the federal, State, or local government agency or housing finance agency.

(5) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator. To the extent an attorney licensed in this State undertakes activities that are covered by the definition of a mortgage loan originator, such activities do not constitute engaging in the business of a mortgage loan originator, provided that:

(A) such activities are considered by the State governing body responsible for regulating the practice of law to be part of the authorized practice of law within this State;

(B) such activities are carried out within an attorney-client relationship; and

(C) the attorney carries them out in compliance with all applicable laws, rules, ethics, and standards.

(6) A person who makes no more than three mortgage loans in any consecutive three-year period beginning on or after July 1, 2011.

* * *

Sec. 20. 8 V.S.A. § 2202(b)(6) is added to read:

(6) For an applicant for a loan solicitation license, \$500.00 as a license fee, and \$500.00 as an application and investigation fee.

Sec. 21. 8 V.S.A. § 2203 is amended to read:

§ 2203. BOND; LIQUID ASSETS REQUIRED

* * *

(c) A loan solicitation licensee shall maintain a surety bond in an amount not less than \$25,000.00 or in such other amount as the Commissioner may require.

(d) When an action is commenced on a licensee's bond, the Commissioner may require the filing of a new bond. Immediately upon recovery upon any action on the bond, the licensee shall file a new bond.

~~(e)~~(e) Every applicant for a lender's license shall also prove, in form satisfactory to the Commissioner, that the applicant has liquid assets of \$25,000.00, or such greater amount as the Commissioner may require,

available for the operation of such business at the location specified in the application. Every applicant wishing to make commercial loans shall prove liquid assets in an amount of \$50,000.00 or such greater amount as the Commissioner may require.

~~(e)~~(f) Notwithstanding subsections (a) and ~~(d)~~(e) of this section, the Commissioner may waive or modify the requirement for or amount of a bond or liquid asset set forth in this section, or accept other appropriate means of assuring the financial responsibility of a licensee.

~~(f)~~(g) This section does not apply to a lender making only commercial loans.

Sec. 22. 8 V.S.A. § 2208(a) is amended to read:

(a) Not more than one place of business shall be maintained under the same license, but the Commissioner may issue more than one license to the same lender, mortgage broker, ~~or~~ sales finance company licensee, or loan solicitation licensee upon compliance with all the provisions of this chapter governing an original issuance of a license.

Sec. 23. 8 V.S.A. § 2209(a)(7) is added to read:

(7) For the renewal of a loan solicitation license, \$500.00.

Sec. 24. 8 V.S.A. § 2219 is amended to read:

§ 2219. CONTRACT REQUIRED OF MORTGAGE BROKER

* * *

(b) A mortgage broker who acts as an independent contractor loan processor or an underwriter who performs loan processing or underwriting activities for a licensed or exempt mortgage broker or lender is not required to provide a mortgage broker agreement to the prospective borrower, provided:

(1) the mortgage broker is acting as an independent contractor loan processor or underwriter as described in subsection 2201(g) of this chapter;

(2) the mortgage broker's activities are limited to loan processor or underwriting activities as described in subdivision ~~2200(14)~~ 2200(16) of this chapter;

(3) the mortgage broker is paid a fee solely by the licensed or exempt mortgage broker or lender, is not paid by the prospective borrower, and is not paid a commission based upon the dollar amount of the loan; and

(4) if the mortgage broker is acting as an independent contractor loan processor or underwriter on behalf of a mortgage broker, such mortgage broker has already entered into a written mortgage broker agreement with the prospective borrower.

(c) A mortgage broker that engages solely in lead generation and does not employ or sponsor any mortgage loan originators is not required to provide a mortgage broker agreement but must include clearly and conspicuously in all advertisements of loans and solicitation of leads, the following disclosure:
THIS IS A LOAN SOLICITATION ONLY. [INSERT LICENSEE NAME] IS NOT THE LENDER. INFORMATION RECEIVED WILL BE SHARED WITH ONE OR MORE THIRD PARTIES IN CONNECTION WITH YOUR LOAN INQUIRY. THE LENDER MAY NOT BE SUBJECT TO ALL VERMONT LENDING LAWS. THE LENDER MAY BE SUBJECT TO FEDERAL LENDING LAWS.

Sec. 25. 8 V.S.A. § 2220a is added to read:

§ 2220a. DISCLOSURE REQUIRED BY LOAN SOLICITATION LICENSEE

Each loan solicitation licensee shall include clearly and conspicuously in all advertisements of loans and solicitations of leads, the following statement:
THIS IS A LOAN SOLICITATION ONLY. [INSERT LICENSEE NAME] IS NOT THE LENDER. INFORMATION RECEIVED WILL BE SHARED WITH ONE OR MORE THIRD PARTIES IN CONNECTION WITH YOUR LOAN INQUIRY. THE LENDER MAY NOT BE SUBJECT TO ALL VERMONT LENDING LAWS. THE LENDER MAY BE SUBJECT TO FEDERAL LENDING LAWS.

Sec. 26. 8 V.S.A. § 2223 is amended to read:

§ 2223. RECORDS REQUIRED OF LICENSEE

(a) The licensee shall keep, use in the licensee's business, and make available to the Commissioner upon request, such books, accounts, records, and data compilations as will enable the Commissioner to determine whether such licensee is complying with the provisions of this chapter and with the rules and regulations lawfully made by the Commissioner hereunder. Every licensee shall preserve such books, accounts, records, and data compilations in a secure manner for ~~at least~~ not less than seven years after making the final entry on any loan recorded therein. Thereafter, the licensee shall dispose of such books, accounts, records, and data compilations in accordance with 9 V.S.A. § 2445.

(b)(1) A licensee that engages in loan solicitation activity shall maintain the following records for not less than seven years:

(A) copies of all solicitation materials used in its business, regardless of medium, including business cards, telephone scripts, mailers, electronic mail, and radio, television, and Internet advertisements;

(B) records of any contact or attempted contact with a consumer, including the name, date, method, and nature of contact, and any information provided to or received from the consumer; and

(C) the name, address, and, if applicable, unique identifier of any person who received, requested, or contracted for leads or referrals and any fees or consideration charged or received for such services.

(2) Thereafter, the licensee shall dispose of such records in accordance with 9 V.S.A. § 2445.

Sec. 27. 8 V.S.A. § 2224 is amended to read:

§ 2224. ANNUAL REPORT, MORTGAGE CALL REPORTS

(a) Annually, on or before April 1, each licensed lender, mortgage broker, ~~and sales finance company,~~ and loan solicitation licensee shall file a report with the Commissioner giving such relevant information as the Commissioner reasonably may require concerning the business and operations during the preceding calendar year of each licensed place of business conducted by ~~such~~ the licensee within the State. Such report shall be made under oath and shall be in the form prescribed by the Commissioner, who shall make and publish annually an analysis and recapitulation of such reports. For good cause, the Commissioner may extend the due date for the annual report required by this subsection. If a licensee does not file its annual report on or before April 1, or within any extension of time granted by the Commissioner, the licensee shall pay to the Department \$100.00 for each month or part of a month that the report is past due.

(b) Annually, within 90 days of the end of its fiscal year, each licensed lender, mortgage broker, ~~and sales finance company,~~ and loan solicitation licensee shall file financial statements with the Commissioner in a form and substance satisfactory to the Commissioner, which financial statements must include a balance sheet and income statement. This subsection does not apply to a lender making only commercial loans.

(c) Each licensed lender, mortgage broker, ~~and mortgage loan originator~~ and loan solicitation licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

Sec. 28. 8 V.S.A. § 2241 is amended to read:

§ 2241. PROHIBITED ACTS AND PRACTICES

(a) It is a violation of this chapter for a person or individual to:

- (1) directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person;
- (2) engage in any unfair or deceptive practice toward any person;
- (3) obtain property by fraud or misrepresentation;
- (4) solicit or enter into a contract with a borrower that provides in substance that the person or individual may earn a fee or commission through “best efforts” to obtain a loan even though no loan is actually obtained for the borrower;
- (5) solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting;
- (6) conduct any business covered by this chapter without holding a valid license as required under this chapter, ~~or to~~ assist or aid and abet any person in the conduct of business under this chapter without a valid license as required under this chapter, or to refer a person to, or receive a fee from, any person who must be licensed but was not licensed as of the time the licensee’s services were provided;
- (7) fail to make disclosures as required by this chapter and any other applicable State or federal law, including regulations thereunder;
- (8) fail to comply with this chapter or rules adopted under this chapter, or fail to comply with any orders or directives from the Commissioner, or fail to comply with any other State or federal law, including the rules thereunder, applicable to any business authorized or conducted under this chapter;
- (9) make, in any manner, any false or deceptive statement or representation, including with regard to the rates, points, or other financing terms or conditions for a mortgage loan, ~~or to~~ engage in bait and switch advertising, or to represent to the public that the licensee is able to perform an activity requiring licensure unless such licensee is duly licensed or is exempt from licensure;
- (10) negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the Nationwide Mortgage Licensing System and Registry or in connection with any investigation conducted by the Commissioner or another governmental agency;
- (11) make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a residential mortgage loan, or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property, for the purposes

of influencing the independent judgment of the appraiser with respect to the value of the property;

(12) collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this chapter;

(13) cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer; ~~or~~

(14) fail to account truthfully for monies belonging to a party to a mortgage loan transaction;

(15) fail to clearly and conspicuously identify the licensee and the purpose of the contact in its written and oral communications with a consumer; or

(16) fail to provide the ability to opt out of any unsolicited advertisement communicated to a consumer via an e-mail address; to initiate an unsolicited advertisement via e-mail to a consumer more than 10 business days after the receipt of a request from such consumer to opt out of such unsolicited advertisements; or to sell, lease, exchange or otherwise transfer or release the e-mail address or telephone number of a consumer who has requested to opt out of future solicitations.

Sec. 29. 8 V.S.A. § 2244(b) is amended to read:

(b) The unique identifier issued by the Nationwide Mortgage Licensing System and Registry of any person engaging in the business of lending or acting as a mortgage broker, sales finance company, or loan solicitation licensee shall be clearly shown on all loan application forms, solicitations, or advertisements, including business cards and websites, and any other documents as established by rule or order of the Commissioner.

* * * Banking Housekeeping; Vermont Student Assistance Corporation * * *

Sec. 30. 16 V.S.A. § 2821(c) is amended to read:

(c) Notwithstanding any general or special law to the contrary, the provisions of 8 V.S.A. chapter ~~83~~ 73 shall not apply to the Corporation or to any loan heretofore or hereafter made or serviced by the Corporation in accordance with this title.

Sec. 31. VERMONT STUDENT ASSISTANCE CORPORATION; LOANS;
LICENSE EXEMPTION; RETROACTIVE APPLICATION

Notwithstanding 1 V.S.A. §§ 213 and 214(b), Sec. 30 of this act applies retroactively to January 1, 2011.

* * * Effective Dates * * *

Sec. 32. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 13 (money transmitter receipts and refunds), 14 (money transmitter segregated accounts), 24 (lead generator disclosure requirement), and 25 (loan solicitor disclosure requirement) shall take effect July 1, 2017.

Rep. Baser of Bristol, for the committee on Ways and Means, recommended the bill ought to pass when amended by the committee on Commerce and Economic Development.

Thereupon, the bill, having appeared on the Calendar one day for notice, was taken up, read second time.

Pending the question, Shall the bill be amended as recommended by the committee on Commerce and Economic Development? **Rep. O'Sullivan of Burlington** moved to amend the report of the committee on Commerce and Economic Development as follows:

In Sec. 5, 8 V.S.A. § 2204c, in subsection (d), by striking out “subdivisions (a)(3) and (a)(4)” and inserting in lieu thereof subdivision (a)(2)

Which was agreed to.

Thereupon, the recommendation of the Committee on Commerce and Economic Development as amended was agreed to and third reading was ordered.

Action on Bill Postponed**H. 494**

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to transportation-related law

Was taken up and pending the reading of the report of the committee on Transportation, on motion of **Rep. Brennan of Colchester**, action on the bill was postponed until March 13, 2017.

Recess

At ten o'clock and twenty-six minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and thirty-one minutes in the forenoon, the Speaker called the House to order.

Rules Suspended; Bill Read Third Time; Passed**H-5**

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed

Rules Suspended; Bill Read Third Time; Passed**H. 9**

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed

Rules Suspended; Bill Read Third Time; Passed**H. 182**

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed

Joint Resolution Adopted in Concurrence**J.R.S. 21**

Joint resolution, entitled

Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and three Justices of the Supreme Court and ten Superior Court Judges

Was taken up and adopted in concurrence.

Rules Suspended; Bill Read Third Time; Passed**H. 497**

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed

Adjournment

At ten o'clock and thirty-nine minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Tuesday, March 13, 2017, at one o'clock in the afternoon, pursuant to the provisions of J.R.S. 5.

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. 54

House concurrent resolution in memory of Marilyn Carlson Childs of Chelsea;

H.C.R. 55

House concurrent resolution honoring Wardsboro Town Moderator Robert Backus M.D. for his nearly four decades of exemplary practice of medicine in southern Vermont;

H.C.R. 56

House concurrent resolution remembering the late Grace Weber for her enthusiastic dedication to serving the Town of Weybridge;

H.C.R. 57

House concurrent resolution congratulating the winners of the 2017 Entrepreneurship Education student competition;

H.C.R. 58

House concurrent resolution honoring Michael Arnowitz for his musical contributions to the Vermont artistic scene;

H.C.R. 59

House concurrent resolution in memory of former St. Albans Fire Chief Gary Glendon Palmer of Georgia;

H.C.R. 60

House concurrent resolution in memory of John William Reagan of Wilmington and West Wardsboro;

H.C.R. 61

House concurrent resolution congratulating Madison Cota of Bellows Falls on being named Miss Vermont USA 2017;

H.C.R. 62

House concurrent resolution in memory of former Pownal Town Clerk Rachel Mason;

H.C.R. 63

House concurrent resolution congratulating Nancy Coleman of Woodford on being selected as the 2016 Vermont State School Nurse of the Year;

H.C.R. 64

House concurrent resolution honoring Tunbridge Fire Chief John W. Durkee for 20 years of exemplary leadership;

H.C.R. 65

House concurrent resolution honoring Judy Stratton for her 35 years of exemplary public service as the Shaftsbury Town Clerk;

S.C.R. 9

Senate concurrent resolution honoring former Representative Jennifer R. Nelson of Ryegate for her exemplary career in public service and agriculture;

[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 2017, seventy-fourth Biennial session.]

Monday, March 13, 2017

At one o'clock in the afternoon the Speaker called the House to order. Noting a lack of quorum, the House adjourned pursuant to Rule 9.

Tuesday, March 14, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Doctor Steven Berry, Former Representative from Manchester, Federated Church of Castleton.

Pledge of Allegiance

Page Cassandra Summarsell of Woodstock led the House in the Pledge of Allegiance.

Message from the Senate No. 28

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 9. An act relating to the preparation of poultry products.

S. 69. An act relating to an employer's compliance with an income withholding order from another state.

In the passage of which the concurrence of the House is requested.

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 4. Joint resolution reaffirming the General Assembly's commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in *Brigham v. State*.

And has adopted the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 9. Senate concurrent resolution honoring former Representative Jennifer R. Nelson of Ryegate for her exemplary career in public service and agriculture.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 54. House concurrent resolution in memory of Marilyn Carlson Childs of Chelsea.

H.C.R. 55. House concurrent resolution honoring Wardsboro Town Moderator Robert Backus M.D. for his nearly four decades of exemplary practice of medicine in southern Vermont.

H.C.R. 56. House concurrent resolution remembering the late Grace Weber for her enthusiastic dedication to serving the Town of Weybridge.

H.C.R. 57. House concurrent resolution congratulating the winners of the 2017 Entrepreneurship Education student competition.

H.C.R. 58. House concurrent resolution honoring Michael Arnowitz for his musical contributions to the Vermont artistic scene.

H.C.R. 59. House concurrent resolution in memory of former St. Albans Fire Chief Gary Glendon Palmer of Georgia.

H.C.R. 60. House concurrent resolution in memory of John William Reagan of Wilmington and West Wardsboro.

H.C.R. 61. House concurrent resolution congratulating Madison Cota of Bellows Falls on being named Miss Vermont USA 2017.

H.C.R. 62. House concurrent resolution in memory of former Pownal Town Clerk Rachel Mason.

H.C.R. 63. House concurrent resolution congratulating Nancy Coleman of Woodford on being selected as the 2016 Vermont State School Nurse of the Year.

H.C.R. 64. House concurrent resolution honoring Tunbridge Fire Chief John W. Durkee for 20 years of exemplary leadership.

H.C.R. 65. House concurrent resolution honoring Judy Stratton for her 35 years of exemplary public service as the Shaftsbury Town Clerk.

House Bill Introduced

H. 500

Reps. Gage of Rutland City, Canfield of Fair Haven, Cupoli of Rutland City and Terenzini of Rutland Town introduced a bill, entitled

An act relating to suspicion-based substance use disorder testing and treatment for recipients of TANF;

Which was read the first time and referred to the committee on Human Services.

Senate Bill Referred

S. 9

Senate bill, entitled

An act relating to the preparation of poultry products

Was read and referred to the committee on Agriculture & Forestry.

Senate Bill Referred

S. 69

Senate bill, entitled

An act relating to an employer's compliance with an income withholding order from another state

Was read and referred to the committee on Judiciary.

Bill Referred to Committee on Ways and Means

S. 13

House bill, entitled

An act relating to fees and costs allowed at a tax sale

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Second Reading; Bill Amended; Third Reading Ordered

H. 42

Rep. Gardner of Richmond, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to appointing municipal clerks and treasurers and to incompatible municipal offices

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Appointing Municipal Clerks and Treasurers * * *

Sec. 1. 17 V.S.A. § 2646 is amended to read:

§ 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

* * *

(2) A town clerk ~~for a~~, unless the town has voted to authorize the selectboard to appoint the town clerk as provided in section 2651e of this chapter. The term of office for a town clerk shall be for one year, unless a town votes that a town the clerk shall be elected for a term of three years. When a town votes for a three-year term for the office of town clerk, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose.

(3) A town treasurer ~~for a~~, unless the town has voted to authorize the selectboard to appoint the treasurer as provided in section 2651f of this chapter. The term of office of a town treasurer shall be for one year, unless a town votes that a town treasurer shall be elected for a term of three years. When a town votes for a three-year term for the office of town treasurer, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose.

* * *

Sec. 2. 17 V.S.A. § 2651e is added to read:

§ 2651e. MUNICIPAL CLERK; APPOINTMENT; REMOVAL

(a) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal clerk. A municipal clerk so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the municipal clerk shall remain in effect until rescinded by the majority vote of the legal voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a municipal clerk in office on the date a municipality votes to allow the legislative body to appoint a municipal clerk

shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a municipal clerk under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the municipal clerk as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal clerk.

Sec. 3. 17 V.S.A. § 2651f is added to read:

§ 2651f. MUNICIPAL TREASURER; APPOINTMENT; REMOVAL

(a) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal treasurer. A treasurer so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the treasurer shall remain in effect until rescinded by the majority vote of the legal voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a treasurer in office on the date a municipality votes to allow the legislative body to appoint a treasurer shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a treasurer under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the treasurer as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal treasurer.

* * * Municipal Audit Penalties * * *

Sec. 4. 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 or disburse 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 willfully 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:

(1) be personally liable for a civil penalty in the amount of \$100.00 per day until he or she submits or furnishes the requested materials or information;

(2) be ineligible to reelection for the year ensuing; and

(3) 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.

* * * Effective Date * * *

Sec. 5. 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 appointing municipal clerks and treasurers and to municipal audit penalties"

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

Bill Committed

H. 197

House bill, entitled

An act relating to mental health parity for workers' compensation

Appearing on the Calendar for action, was taken up and pending the reading of the report of the committee on Health Care, on motion of **Rep. Lippert of Hinesburg**, the bill was committed to the committee on Commerce and Economic Development.

Favorable Report; Second Reading; Third Reading Ordered

H. 59

Rep. Hubert of Milton, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to technical corrections

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.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 379

Rep. Gannon of Wilmington, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to providing an extension for the repeal of the Search and Rescue Council

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.

**Committee Bill; Favorable Report; Second Reading;
Third Reading Ordered**

H. 494

Rep. Brennan of Colchester spoke for the committee on Transportation.

House bill entitled

An act relating to the Transportation Program and miscellaneous changes to transportation-related law

Rep. Helm of Fair Haven, for the committee on Appropriations, recommended the bill ought to pass

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

S. 38

Rep. Brumsted of Shelburne, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to the Government Accountability Committee and the State Outcomes Report

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.

Second Reading; Bill Amended; Third Reading Ordered

H. 218

Rep. Bartholomew of Hartland, for the committee on Agriculture &

Forestry, to which had been referred House bill, entitled

An act relating to the adequate shelter of dogs and cats

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 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.

* * *

(11) “Livestock” means cattle, bison, horses, sheep, goats, swine, cervidae, ratites, and camelids.

* * *

(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.

* * *

(15) “Living space” means any cage, crate, or other structure used to confine an animal that serves as its principal, primary housing and that provides protection from the elements. Living space does not include a structure, such as a doghouse, in which an animal is not confined, or a cage, crate, or other structure in which the animal is temporarily confined.

(16) “Adequate food” means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding food is in accordance with accepted ~~agricultural or veterinarian~~ veterinary practices or livestock and poultry husbandry practices.

(17) “Adequate water” means ~~fresh, potable water provided at suitable intervals for the species, and which, in no event, shall exceed 24 hours at any interval. The animal must have access to the water~~ potable water that is either accessible to the animal at all times or is provided at suitable intervals for the species and in sufficient quantity for the health of the animal. In no event shall

the interval when water is not provided exceed 24 hours. Snow or ice is not an adequate water source unless provided in accordance with livestock and poultry husbandry practices.

(18) “Adequate shelter” means shelter which protects the animal from injury and environmental hazards.

(19) “Enclosure” means any structure, fence, device, or other barrier used to restrict an animal or animals to a limited amount of space.

(20) “Livestock guardian dog” means a purpose-bred dog that is:

(A) specifically trained to live with livestock without causing them harm while repelling predators;

(B) being used to live with and guard livestock; and

(C) acclimated to local weather conditions.

Sec. 2. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals ~~which~~ that are to be predominantly maintained ~~out of doors must~~ in an outdoor area shall be provided with adequate shelter to prevent direct exposure to the elements.

(b) Shelter for livestock.

(1) Adequate natural shelter, or a three-sided, roofed building with exposure out of the prevailing wind and of sufficient size to adequately accommodate all livestock maintained ~~out of doors in an outdoor area~~ shall be provided. The building opening size and height ~~must~~ shall, at a minimum, extend one foot above the withers of the largest animal housed and ~~must~~ shall be maintained at that level even with manure and litter build-up. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort stall, or stanchion ties, or other housing under control of the ~~department of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. This section shall not apply to any accepted housing or grazing practices for any livestock industry.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, livestock may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with livestock and poultry husbandry practices, and are provided sufficient food, water, shelter, and proper ventilation.

(c) Minimum size of living space; dogs and cats.

(1) A dog, ~~whether chained or penned,~~ shall be provided an adequate

living space no less than three feet by four feet for 25 pound and smaller dogs, four feet by four feet for 26-35 pound dogs, four feet by five feet for 36-50 pound dogs, five feet by five feet for 51-99 pound dogs, and six feet by five feet for 100 pound and larger dogs that is large enough to allow the dog, in a normal manner, to turn about freely, stand, sit, and lie down. A dog shall be presumed to have adequate living space if provided with floor space in the greater amount of the following:

(A) If the dog is:

(i) less than 33 pounds (15 kilograms), floor space of at least eight square feet;

(ii) 33 or more pounds (15 or more kilograms) up to and including 66 pounds (30 kilograms), floor space of at least 12 square feet; and

(iii) more than 66 pounds (30 kilograms), floor space of at least 24 square feet.

(B) Floor space in square footage calculated according to the following formula: floor space in square feet = (length of dog in inches + 6) × (length of dog in inches + 6) ÷ 144. The length of the dog in inches shall be measured from the tip of the nose of the dog to the base of its tail.

(2) The specifications required by subdivision (c)(1) of this section shall apply to be required for each dog, regardless of whether the dog is housed individually or with other animals.

(3)(A) A cat over the age of two months shall be provided adequate living space that is large enough to allow the cat, in a normal manner, to turn about freely, stand, sit, and lie down. A cat shall be presumed to have adequate living space if provided with:

(i) floor space, including raised resting platforms, of at least eight square feet; and

(ii) a primary structure of at least 24 inches in height.

(B) The requirements of this subdivision (c)(3) shall apply to each cat regardless of whether the cat is housed individually or with other animals.

(4)(A) Each female dog with nursing puppies shall be provided the living space required under subdivision (1) of this subsection (c) plus sufficient additional floor space to allow for a whelping box and the litter, based on the size or the age of the puppies. When the puppies discontinue nursing, the living space requirements of subdivisions (1) and (2) of this subsection shall apply for all dogs housed in the same living space.

(B) Each female cat with nursing kittens shall be provided the living

space required under subdivision (3) of this subsection (c) plus sufficient additional floor space to allow for a queening box and the litter, based on the size or the age of the kittens. When the kittens discontinue nursing, the living space requirements of subdivision (3) of this subsection shall apply for all cats housed in the same living space.

(5) Dogs or cats that are housed in the same primary living space or enclosure shall be compatible, as determined by observation, provided that:

(A) Females in heat (estrus) shall not be housed in the same primary living space or enclosure with males, except for breeding purposes.

(B) A dog or cat exhibiting a vicious or overly aggressive disposition shall be housed separately from other dogs or cats.

(6) All dogs or cats shall have access to adequate water and adequate food.

(d) Daily exercise; dogs or cats. A dog or cat confined in a living space shall be permitted outside the ~~eage, crate, or structure~~ living space for an opportunity of at least one hour of daily exercise, unless otherwise modified or restricted by a licensed veterinarian. Separate space for exercise is not required if an animal's living space is at least three times larger than the minimum requirements set forth in subdivision (c)(1) of this section.

(e) Shelter for dogs maintained outdoors in enclosures.

(1) ~~A Except as provided in subdivision (2) of this subsection, a dog or dogs maintained out of doors must~~ outdoors in an enclosure shall be provided with ~~suitable housing that assures that the dog is protected from wind and draft, and from excessive sun, rain and other environmental hazards throughout the year~~ one or more shelter structures. A shelter structure shall:

(A) Provide each dog housed in the structure sufficient space to, in a normal manner, turn about freely, stand, sit, and lie down.

(B) Be structurally sound and constructed of suitable, durable material.

(C) Have four sides, a roof, and a ground or floor surface that enables the dog to stay clean and dry.

(D) Have an entrance or portal large enough to allow each dog housed in the shelter unimpeded access to the structure, and the entrance or portal shall be constructed with a windbreak or rainbreak.

(E) Provide adequate protection from cold and heat, including protection from the direct rays of the sun and the direct effect of wind, rain, or snow. Shivering due to cold is evidence of inadequate shelter for any dog.

(2) A shelter structure is not required for a healthy livestock guardian dog that is maintained outdoors in an enclosure.

(3) If multiple dogs are maintained outdoors in an enclosure at one time:

(A) Each dog will be provided with an individual structure, or the structure or structures provided shall be cumulatively large enough to contain all of the dogs at one time.

(B) A shelter structure shall be accessible to each dog in the enclosure.

(4) The following categories of dogs shall not be maintained outdoors in an enclosure when the ambient temperature is below 50 degrees Fahrenheit:

(A) dogs that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(B) dogs that cannot tolerate the prevalent temperatures of the area without stress or discomfort; and

(C) sick or infirm dogs or dogs that cannot regulate their own body temperature.

(5) Metal barrels, cars, refrigerators, freezers, and similar objects shall not be used as a shelter structure for a dog maintained in an outdoor enclosure.

(6) In addition to the shelter structure, one or more separate outdoor areas of shade shall be provided, large enough to contain all the animals and protect them from the direct rays of the sun.

(f) Tethering of dog.

(1) ~~A~~ Except as provided under subdivision (2) of this subsection, a dog ~~chained to a shelter must~~ predominantly maintained outdoors on a tether shall be on a tether ~~chain~~ that allows the dog to walk a distance in any one direction that is at least four times the length of the dog as measured from the tip of its nose to the base of its tail, and shall allow the dog access to the shelter.

(2)(A) A dog regularly used in training or participation in competitive or recreational sled dog activities and housed outdoors in close proximity with other dogs may, if necessary for the safety of the dog, be maintained on a tether that allows the dog to walk a distance in any one direction that is at least two times the length of the dog, as measured from the tip of its nose to the base of its tail. The tether shall be attached to the anchor at a central point, allowing the dog access to a 360 degree area.

(B) If a tethering method involves the use of a trolley and cable and allows the dog to move freely along the length of the cable, the tether shall be long enough to allow the dog to lie down within its shelter without discomfort.

(3) A tether used for any dog shall be attached to both the dog and the anchor using swivels or similar devices that prevent the tether from becoming entangled or twisted. The tether shall be attached to a wellfitted collar or harness on the dog. The tether shall be of a size and weight that will not cause discomfort to a tethered dog. A choke collar shall not be used as part of a tethering method.

~~(g) A cat, over the age of two months, shall be provided minimum living space of nine square feet, provided the primary structure shall be constructed and maintained so as to provide sufficient space to allow the cat to turn about freely, stand, sit, and lie down. Each primary enclosure housing cats must be at least 24 inches high. These specifications shall apply to each cat regardless of whether the cat is housed individually or with other animals. [Repealed.]~~

~~(h) Notwithstanding the provisions of this section, animals may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with accepted agricultural or veterinarian practices, and are provided sufficient food, water, shelter, and proper ventilation. [Repealed.]~~

(i) Violations. Failure to comply with this section shall be a violation of subdivision 352(3) or (4) of this title.

~~(j) Notwithstanding the provisions of this section, an animal may be sheltered, chained, confined, or maintained out of doors if doing so is directed by a licensed veterinarian or is in accordance with accepted agricultural or veterinarian practices. [Repealed.]~~

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Agriculture and Forestry? **Rep. Partridge of Windham** 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 the Committee on Agriculture and Forestry? was decided in the affirmative. Yeas, 134. Nays, 4.

Those who voted in the affirmative are:

Ainsworth of Royalton	Greshin of Warren	Ode of Burlington
Ancel of Calais	Haas of Rochester	Olsen of Londonderry
Bancroft of Westford	Head of South Burlington	O'Sullivan of Burlington
Bartholomew of Hartland	Hebert of Vernon	Parent of St. Albans Town
Baser of Bristol	Helm of Fair Haven	Partridge of Windham

Beck of St. Johnsbury	Higley of Lowell	Pearce of Richford
Belaski of Windsor	Hill of Wolcott	Poirier of Barre City
Bissonnette of Winooski	Hooper of Montpelier	Potter of Clarendon
Bock of Chester	Hooper of Brookfield	Pugh of South Burlington
Botzow of Pownal	Houghton of Essex	Quimby of Concord
Brennan of Colchester	Howard of Rutland City	Rachelson of Burlington
Briglin of Thetford	Jessup of Middlesex	Rosenquist of Georgia
Brumsted of Shelburne	Jickling of Brookfield	Savage of Swanton
Buckholz of Hartford	Joseph of North Hero	Scheu of Middlebury
Burke of Brattleboro	Juskiewicz of Cambridge	Scheuermann of Stowe
Canfield of Fair Haven	Keefe of Manchester	Sharpe of Bristol
Carr of Brandon	Keenan of St. Albans City	Shaw of Pittsford
Chesnut-Tangerman of Middletown Springs	Kimbell of Woodstock	Sheldon of Middlebury
Christie of Hartford	Kitzmiller of Montpelier	Sibilia of Dover
Colburn of Burlington	Krowinski of Burlington	Smith of New Haven
Conlon of Cornwall	LaClair of Barre Town	Stevens of Waterbury
Connor of Fairfield	Lalonde of South Burlington	Strong of Albany
Conquest of Newbury	Lanpher of Vergennes	Stuart of Brattleboro
Corcoran of Bennington	Lawrence of Lyndon	Sullivan of Dorset
Cupoli of Rutland City	Lefebvre of Newark	Sullivan of Burlington
Dakin of Colchester	Lewis of Berlin	Tate of Mendon
Deen of Westminster	Lippert of Hinesburg	Taylor of Colchester
Dickinson of St. Albans	Long of Newfane	Till of Jericho
Donahue of Northfield	Lucke of Hartford	Toleno of Brattleboro
Donovan of Burlington	Macaig of Williston	Toll of Danville
Dunn of Essex	Martel of Waterford	Townsend of South Burlington
Fagan of Rutland City	Masland of Thetford	Trieber of Rockingham
Feltus of Lyndon	McCormack of Burlington	Troiano of Stannard
Fields of Bennington	McCoy of Poultney	Turner of Milton
Forguites of Springfield	McCullough of Williston	Van Wyck of Ferrisburgh
Frenier of Chelsea	McFaun of Barre Town	Viens of Newport City
Gage of Rutland City	Miller of Shaftsbury	Walz of Barre City
Gamache of Swanton	Morris of Bennington	Webb of Shelburne
Gannon of Wilmington	Morrissey of Bennington	Weed of Enosburgh
Gardner of Richmond	Mrowicki of Putney	Willhoit of St. Johnsbury
Giambatista of Essex	Murphy of Fairfax	Wood of Waterbury
Gonzalez of Winooski	Myers of Essex	Wright of Burlington *
Grad of Moretown	Nolan of Morristown	Yacovone of Morristown
Graham of Williamstown	Norris of Shoreham	Yantachka of Charlotte
	Noyes of Wolcott	Young of Glover

Those who voted in the negative are:

Beyor of Highgate	Hubert of Milton
Devereux of Mount Holly	Smith of Derby

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

Batchelor of Derby	Cina of Burlington	Marcotte of Coventry
Browning of Arlington	Condon of Colchester	Squirrell of Underhill
Burditt of West Rutland	Copeland-Hanzas of	Terenzini of Rutland Town

Christensen of Weathersfield Bradford
Emmons of Springfield

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

Despite my concerns, I will support this bill and hope that the other body can find ways to make the language clearer.”

Thereupon, third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 265

Rep. Noyes of Wolcott, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to the State Long-Term Care Ombudsman

Reported in favor of its passage when amended as follows:

First: In Sec. 1, in 33 V.S.A. § 7501, in subdivision (1), by striking out “care or” preceding “services”, by inserting “and supports” following “services”, and by striking out “Medicaid” preceding “demonstration”

Second: In Sec. 1, in 33 V.S.A. § 7501, in subdivision (6), by striking out “services” preceding “through the Choices for Care program” and by striking out “Medicaid” preceding “demonstration”

Third: In Sec. 1, in 33 V.S.A. § 7501(7)(B), by inserting “or advance directive” following “power of attorney” and preceding the comma

Fourth: In Sec. 1, in 33 V.S.A. § 7503(7), by striking out “by rule” preceding “procedures”

Fifth: In Sec. 1, in 33 V.S.A. § 7504(a)(2)(A), by striking out “services” and inserting in lieu thereof “long-term care”

Sixth: In Sec. 1, in 33 V.S.A. § 7504(a), by redesignating the second subdivision (3) to be subdivision (4)

Seventh: In Sec. 1, in 33 V.S.A. § 7504(b)(2), in the second sentence, by striking out “Toward that end, long-term” at the beginning of the sentence and inserting in lieu thereof “Long-term”

Eighth: In Sec. 1, in 33 V.S.A. § 7504(b)(3), by striking out “services” following “long-term care”

Ninth: In Sec. 1, in 33 V.S.A. § 7508(b), by striking out “services” following “long-term care” both times it appears and by striking out

“Medicaid” preceding “demonstration” both times it appears

Tenth: In Sec. 1, in 33 V.S.A. § 7509(a)(2), by striking out “services” and inserting in lieu thereof “long-term care” and by striking out “Medicaid” preceding “demonstration”

Eleventh: In Sec. 1, in 33 V.S.A. § 7509(a)(4), by striking out “services” and inserting in lieu thereof “long-term care” and by striking out “Medicaid” preceding “demonstration”

Twelfth: In Sec. 1, in 33 V.S.A. § 7509(b)(2), by striking out “services” and inserting in lieu thereof “long-term care” and by striking out “Medicaid” preceding “demonstration”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Human Services agreed to and third reading ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 219

Rep. Bartholomew of Hartland, for the committee on Agriculture & Forestry, to which had been referred House bill, entitled

An act relating to the Vermont spaying and neutering program

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.

**Favorable Report; Second Reading;
Third Reading Ordered**

S. 79

Rep. Conquest of Newbury, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to freedom from compulsory collection of personal information

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.

Pending the question, Shall the bill be read a third time? **Rep. Lippert of Hinesburg** 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 read a third time? was decided in the affirmative. Yeas, 110. Nays, 24.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gonzalez of Winooski	Nolan of Morristown
Ancel of Calais	Grad of Moretown	Norris of Shoreham
Bancroft of Westford	Greshin of Warren	Noyes of Wolcott
Bartholomew of Hartland	Haas of Rochester	Ode of Burlington
Baser of Bristol	Head of South Burlington	Olsen of Londonderry
Beck of St. Johnsbury	Hill of Wolcott	O'Sullivan of Burlington
Belaski of Windsor	Hooper of Brookfield	Parent of St. Albans Town
Bissonnette of Winooski	Houghton of Essex	Partridge of Windham
Bock of Chester	Howard of Rutland City	Potter of Clarendon
Botzow of Pownal	Jessup of Middlesex	Pugh of South Burlington
Briglin of Thetford	Jickling of Brookfield	Rachelson of Burlington
Brumsted of Shelburne	Joseph of North Hero	Scheu of Middlebury
Buckholz of Hartford	Juskiewicz of Cambridge	Scheuermann of Stowe
Burke of Brattleboro	Keefe of Manchester	Sharpe of Bristol
Carr of Brandon	Keenan of St. Albans City	Shaw of Pittsford
Chesnut-Tangerman of Middletown Springs	Kimbell of Woodstock	Sheldon of Middlebury
Christie of Hartford	Kitzmiller of Montpelier	Sibilia of Dover
Colburn of Burlington	Krowinski of Burlington	Smith of New Haven
Conlon of Cornwall	Lalonde of South Burlington	Stevens of Waterbury
Connor of Fairfield	Lanpher of Vergennes	Stuart of Brattleboro *
Conquest of Newbury	Lawrence of Lyndon	Sullivan of Dorset
Corcoran of Bennington	Lefebvre of Newark	Sullivan of Burlington
Cupoli of Rutland City	Lippert of Hinesburg	Taylor of Colchester
Dakin of Colchester	Long of Newfane	Toleno of Brattleboro
Deen of Westminster	Lucke of Hartford	Toll of Danville
Devereux of Mount Holly	Macaig of Williston	Townsend of South Burlington
Dickinson of St. Albans	Masland of Thetford	Trieber of Rockingham
Donahue of Northfield	McCormack of Burlington	Troiano of Stannard
Donovan of Burlington	McCoy of Poultney	Walz of Barre City
Dunn of Essex	McCullough of Williston	Webb of Shelburne
Fagan of Rutland City	McFaun of Barre Town	Weed of Enosburgh
Feltus of Lyndon	Miller of Shaftsbury	Willhoit of St. Johnsbury
Fields of Bennington	Morris of Bennington	Wood of Waterbury
Forguites of Springfield	Morrissey of Bennington	Wright of Burlington
Gannon of Wilmington	Mrowicki of Putney	Yacovone of Morristown
Giambatista of Essex	Murphy of Fairfax	Yantachka of Charlotte
	Myers of Essex	Young of Glover

Those who voted in the negative are:

Beyor of Highgate	Higley of Lowell	Savage of Swanton
Canfield of Fair Haven	Hubert of Milton	Smith of Derby
Frenier of Chelsea	LaClair of Barre Town	Strong of Albany
Gage of Rutland City	Lewis of Berlin	Tate of Mendon
Gamache of Swanton	Martel of Waterford	Terenzini of Rutland Town
Graham of Williamstown	Pearce of Richford	Turner of Milton

Hebert of Vernon
Helm of Fair Haven

Quimby of Concord
Rosenquist of Georgia

Van Wyck of Ferrisburgh
Viens of Newport City

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

Batchelor of Derby
Brennan of Colchester
Browning of Arlington
Burditt of West Rutland
Christensen of Weathersfield

Cina of Burlington
Condon of Colchester
Copeland-Hanzas of
Bradford
Emmons of Springfield
Gardner of Richmond

Hooper of Montpelier
Marcotte of Coventry
Poirier of Barre City
Squirrell of Underhill
Till of Jericho

Rep. Hubert of Milton explained his vote as follows:

“Madam Speaker:

I vote no. I can not support this bill as I believe it is in direct conflict with my own oath of office.”

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

I am proud to vote in support of S.79 in collaboration with my colleagues on all sides of the aisle here in the people’s house of the great state of Vermont. Madame Speaker, I hope this is just one of the measures my republican, democratic progressive and independent colleagues and I will take during this biennium to push back against the trump administration’s draconian measures which appeal to the darker sides of human nature and fan the fires of fear and hate in order to win votes and keep a morally flawed and dishonest president in power.”

Rep. Van Wyck of Ferrisburg explained his vote as follows:

“Madam Speaker:

I voted No. The short-term satisfaction of primarily minor restatements of some settled policies and procedures is outweighed by the long-term prospects of major negative unintended consequences. What could go wrong? I think of the face of Kathryn Steinle.”

Senate Proposal of Amendment Concurred in

J.R.H. 4

Joint resolution reaffirming the General Assembly’s commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court’s decision in *Brigham v. State*

Offered by: Representative Deen of Westminster

Whereas, the Common Benefits Clause of the Vermont Constitution, Chapter I,

Article 7, provides “that government is, or ought to be, instituted for the common benefit, protection, and security of the people,” and

Whereas, the Education Clause of the Vermont Constitution, Chapter II, § 68, states that a “competent number of schools ought to be maintained in each town,” and

Whereas, in the mid1990s, three sets of plaintiffs filed suit in Lamoille Superior Court alleging that the State’s existing Foundation public school funding formula denied students in the towns of Hardwick and Whiting an equal educational opportunity, and

Whereas, the trial court granted summary judgment to the State, holding in part that Section 68 does not provide “any rights...to Vermont citizens,” and

Whereas, undaunted, the plaintiffs appealed to the Vermont Supreme Court, and

Whereas, in the Vermont Supreme Court’s historic decision, *Brigham v. State*, 166 Vt. 246, on February 5, 1997, the Court explained that “from its earliest days, Vermont has recognized the obligation to provide for the education of its youth,” and

Whereas, the Court analyzed the Education Clause’s historic development, prior pertinent judicial opinions, and the 1828 inaugural address of Governor Samuel Crafts, who, in speaking before the General Assembly, stated, it is “our paramount duty to place the means for obtaining instruction and information, equally within the reach of all,” and

Whereas, the Court concluded that “the current [Foundation] educational financing system in Vermont violates the right to equal educational opportunities under Chapter II, § 68 and Chapter I, Article 7 of the Vermont Constitution,” and directed the General Assembly to devise a new education funding formula implementing the principle of equal educational opportunity for all of Vermont’s children, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly reaffirms its commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court’s decision in *Brigham v. State*, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott.

Was taken up and concurred in on the part of the House.

Message from the Senate No. 29

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 31. An act relating to circulating nurses in hospital operating rooms.

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. 23. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Adjournment

At two o'clock and two minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, March 15, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Speaker.

Senate Bill Referred

S. 31

Senate bill, entitled

An act relating to circulating nurses in hospital operating rooms

Was read and referred to the committee on Health Care.

Joint Resolution Adopted in Concurrence

J.R.S. 23

By Senator Ashe,

J.R.S. 23. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 17, 2017, it be to meet again no later than Tuesday, March 21, 2017.

Was taken up read and adopted in concurrence.

Third Reading; Bill Passed

H. 42

House bill, entitled

An act relating to appointing municipal clerks and treasurers and to incompatible municipal offices

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 59**

House bill, entitled

An act relating to technical corrections

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 219**

House bill, entitled

An act relating to the Vermont spaying and neutering program

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 265**

House bill, entitled

An act relating to the State Long-Term Care Ombudsman

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 379**

House bill, entitled

An act relating to providing an extension for the repeal of the Search and Rescue Council

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 494**

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to transportation-related law

Was taken up, read the third time and passed.

Bill Amended, Third Reading; Bill Passed**H. 218**

House bill, entitled

An act relating to the adequate shelter of dogs and cats

Was taken up and pending third reading of the bill, **Rep. Bartholomew of**

Hartland moved to amend the bill as follows:

First: In Sec. 2, 13 V.S.A. § 365(c)(5)(A), before the word “males”, by inserting the word “intact”.

Second: In Sec. 2, 13 V.S.A. § 365(e)(1)(C), by striking out “Have four” and inserting in lieu thereof “Be enclosed with”.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed in Concurrence

S. 38

Senate bill, entitled

An act relating to the Government Accountability Committee and the State Outcomes Report

Was taken up, read the third time and passed in concurrence.

Third Reading; Bill Passed in Concurrence

S. 79

Senate bill, entitled

An act relating to freedom from compulsory collection of personal information

Was taken up, read the third time and passed in concurrence.

Adjournment

At one o'clock and twenty-four minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, March 16, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Peter Plagge, Waterbury Congregational Church, Waterbury, VT.

Second Reading; Bill Amended; Third Reading Ordered

H. 184

Rep. Dunn of Essex, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to evaluation of suicide profiles

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7260 is added to read:

§ 7260. EVALUATION OF SUICIDE PROFILES

(a) To the extent permitted under federal law, the Secretary of Human Services shall annually identify and collect information related to each death by suicide occurring in the State, including data from the Vermont Vital Statistics Program. The Agency shall use data collected by the Secretary to assess individual deaths by suicide for the purposes of:

(1) determining trends and patterns of suicide deaths;

(2) identifying and evaluating the prevalence of risk factors for preventable deaths;

(3) evaluating high-risk factors, current practices, gaps in systematic responses, and barriers to safety and well-being for individuals at risk for suicide;

(4) informing the implementation of suicide prevention activities and supporting the prioritization of suicide prevention resources and activities; and

(5) recommending improvement to the sources of data relative to investigating reported suicide deaths and preventing suicide.

(b) On or before February 15 of each year, the Secretary shall submit a report to the Senate Committee on Health and Welfare and to the House Committee on Health Care regarding its findings and recommendations pursuant to subsection (a) of this section. Reports produced by the Secretary shall not contain any personally identifying information.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Health Care agreed to and third reading ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 376

Rep. Frenier of Chelsea, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to occupational safety and workers' compensation

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.

Adjournment

At one o'clock and twenty-six 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.

Friday, March 17, 2017

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

Devotional Exercises

Devotional exercises were conducted by Representative Johannah Leddy Donovan of Burlington and Representative Kevin Christie of Hartford.

Message from the Senate No. 30

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 39. An act relating to the repeal of the crime of obtaining maps and plans while at war.

In the passage of which the concurrence of the House is requested.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 501

By Reps. Sibia of Dover, Carr of Brandon, McCormack of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to electricity storage on the Vermont grid;

To the committee on Energy and Technology.

H. 502

By the committee on Judiciary,

An act relating to modernizing Vermont's parentage laws;
Under the rule, placed on the Calendar for notice.

H. 503

By the committee on Judiciary,
An act relating to bail;
Under the rule, placed on the Calendar for notice.

H. 504

By the committee on Education,
An act relating to career technical education, special education, and
education weightings;
Under the rule, placed on the Calendar for notice.

Senate Bill Referred

S. 39

Senate bill, entitled
An act relating to the repeal of the crime of obtaining maps and plans while
at war
Was read and referred to the committee on General, Housing and Military
Affairs.

Bill Referred to Committee on Ways and Means

H. 213

House bill, entitled
An act relating to establishing statewide access to drug and DUI treatment
courts
Appearing on the Calendar, affecting the revenue of the state, under rule
35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Ways and Means

H. 312

House bill, entitled
An act relating to retirement and pensions
Appearing on the Calendar, affecting the revenue of the state, under rule
35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations

H. 216

House bill, entitled

An act relating to establishment of the Vermont Lifeline program

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Third Reading; Bill Passed

H. 184

House bill, entitled

An act relating to evaluation of suicide profiles

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 376

House bill, entitled

An act relating to occupational safety and workers' compensation

Was taken up, read the third time and passed.

**Favorable Reports; Second Reading;
Third Reading Ordered**

S. 13

Rep. Kitzmiller of Montpelier, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to fees and costs allowed at a tax sale

Reported in favor of its passage in concurrence.

Rep. Lucke of Hartford, for the committee on Ways and Means reported in favor of its passage in concurrence.

Thereupon the bill was read the second time and third reading was ordered.

Adjournment

At ten o'clock and twelve minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Tuesday, March 21, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 23.

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. 66

House concurrent resolution honoring the green industry in Vermont and celebrating the 2017 Vermont Flower Show;

H.C.R. 67

House concurrent resolution honoring Joe DeGray of Bridport;

H.C.R. 68

House concurrent resolution honoring those who care for, educate, and advocate for the youngest Vermonters, and designating March 15, 2017 as Early Childhood Day at the State House;

H.C.R. 69

House concurrent resolution in memory of former Craftsbury Assistant Fire Chief Randi Calderwood;

H.C.R. 70

House concurrent resolution congratulating the 2017 Essex High School Hornets' 12th consecutive State championship gymnastics team;

H.C.R. 71

House concurrent resolution in memory of Thomas C. Davis of Barre Town;

H.C.R. 72

House concurrent resolution congratulating the Vermont Choral Union on its 50th anniversary;

H.C.R. 73

House concurrent resolution designating July 2017 as Parks and Recreation Month in Vermont;

H.C.R. 74

House concurrent resolution congratulating the 2017 St. Johnsbury Academy Hilltoppers Division I championship boys' indoor track and field team;

H.C.R. 75

House concurrent resolution congratulating Florilla Ames on her 106th birthday;

[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 2017, seventy-fourth Biennial session.]

Tuesday, March 21, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rabbi Tobie Weisman, Yearning for Learning Center, Montpelier, VT.

Pledge of Allegiance

Page Ayla Fidel of Waitsfield led the House in the Pledge of Allegiance.

Message from the Senate No. 31

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 20. An act relating to permanent licenses for persons 66 years of age or older.

S. 44. An act relating to equally shared candidate campaign expenditures.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 66. House concurrent resolution honoring the green industry in Vermont and celebrating the 2017 Vermont Flower Show.

H.C.R. 67. House concurrent resolution honoring Joe DeGray of Bridport.

H.C.R. 68. House concurrent resolution honoring those who care for, educate, and advocate for the youngest Vermonters, and designating March 15, 2017 as Early Childhood Day at the State House.

H.C.R. 69. House concurrent resolution in memory of former Craftsbury Assistant Fire Chief Randi Calderwood.

H.C.R. 70. House concurrent resolution congratulating the 2017 Essex High School Hornets' 12th consecutive State championship gymnastics team.

H.C.R. 71. House concurrent resolution in memory of Thomas C. Davis of Barre Town.

H.C.R. 72. House concurrent resolution congratulating the Vermont Choral Union on its 50th anniversary.

H.C.R. 73. House concurrent resolution designating July 2017 as Parks and Recreation Month in Vermont.

H.C.R. 74. House concurrent resolution congratulating the 2017 St. Johnsbury Academy Hilltoppers Division I championship boys' indoor track and field team.

H.C.R. 75. House concurrent resolution congratulating Florilla Ames on her 106th birthday.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 505

By Reps. Ode of Burlington, Lefebvre of Newark, O'Sullivan of Burlington, Sullivan of Burlington and Wright of Burlington,

House bill, entitled

An act relating to the addition of a special education factor to the weighting factors used to determine equalized pupil counts;

To the committee on Education.

H. 506

By the committee on Government Operations,

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

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 507

By the committee on Health Care,

An act relating to Next Generation Medicaid ACO pilot project reporting requirements;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 508

By the committee on Human Services,

An act relating to building resilience for individuals experiencing adverse childhood experiences;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 509

By the committee on Education,

An act relating to calculating statewide education tax rates;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 510

By the committee on Natural Resources, Fish & Wildlife,

An act relating to the cost share for State agricultural water quality financial assistance grants;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 511

By the committee on Transportation,

An act relating to highway safety;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 512

By the committee on Government Operations,

An act relating to the procedure for conducting recounts;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 513

By the committee on Education,

An act relating to making miscellaneous changes to education law;

Pursuant to House rule 48, bill placed on the Calendar for notice.

Senate Bill Referred**S. 20**

Senate bill, entitled

An act relating to permanent licenses for persons 66 years of age or older

Was read and referred to the committee on Natural Resources, Fish & Wildlife.

Senate Bill Referred**S. 44**

Senate bill, entitled

An act relating to equally shared candidate campaign expenditures

Was read and referred to the committee on Government Operations.

Bill Referred to Committee on Ways and Means**H. 39**

House bill, entitled

An act relating to the threshold for operational stormwater permits

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Ways and Means**H. 92**

House bill, entitled

An act relating to the registration of dams

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Ways and Means**H. 111**

House bill, entitled

An act relating to vital records

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Ways and Means**H. 196**

House bill, entitled

An act relating to paid family leave

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations**H. 308**

House bill, entitled

An act relating to a committee to reorganize and reclassify Vermont's criminal statutes

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations**H. 326**

House bill, entitled

An act relating to eligibility and calculation of grant or subsidy amount for Reach Up, Reach Ahead, and the Child Care Services Program

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations**H. 424**

House bill, entitled

An act relating to the Commission on Act 250: The Next 50 Years

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations**H. 504**

House bill, entitled

An act relating to career technical education, special education, and education weightings

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Third Reading; Passed in Concurrence**S. 13**

Senate bill, entitled

An act relating to fees and costs allowed at a tax sale

Was taken up, read the third time and passed in concurrence.

Second Reading; Bill Amended; Third Reading Ordered**H. 22**

Rep. Hubert of Milton, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council

Reported in favor of its passage when amended as follows:

First: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice

Training Council), in § 2362a (potential hiring agency; duty to contact former agency), in subdivision (a)(1), following “Prior to hiring a law enforcement officer who” by striking out the words “has been employed at another” and inserting in lieu thereof the words “is no longer employed at his or her last”

Second: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2401 (definitions), in subdivision (1) (“Category A conduct”), in subdivision (C) (misdemeanors committed off duty), in subdivision (ix), following “prostitution” by inserting the words “or soliciting prostitution”

Third: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2401 (definitions), in subdivision (4) (“effective internal affairs program”), in subdivision (E) (civilian review), following “which may be a selectboard or other elected” by inserting the words “or appointed”

Fourth: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2403 (law enforcement agencies; duty to report), by striking out subdivision (a)(1) in its entirety and inserting in lieu thereof a new subdivision (a)(1) to read as follows:

(a)(1) The executive officer of a law enforcement agency or the chair of the agency’s civilian review board shall report to the Council within 10 business days if any of the following occur in regard to a law enforcement officer of the agency:

(A) Category A.

(i) There is a finding of probable cause by a court that the officer committed Category A conduct.

(ii) There is any decision or findings of fact or verdict regarding allegations that the officer committed Category A conduct, including a judicial decision and any appeal therefrom.

(B) Category B.

(i) The agency receives a complaint against the officer that, if deemed credible by the executive officer of the agency as a result of a valid investigation, alleges that the officer committed Category B conduct.

(ii) The agency receives or issues any of the following:

(I) a report or findings of a valid investigation finding that the officer committed Category B conduct; or

(II) any decision or findings, including findings of fact or verdict, regarding allegations that the officer committed Category B conduct,

including a hearing officer decision, arbitration, administrative decision, or judicial decision, and any appeal therefrom.

(C) Termination. The agency terminates the officer for Category A or Category B conduct.

(D) Resignation. The officer resigns from the agency while under investigation for unprofessional conduct.

Fifth: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2407 (limitation on Council sanctions; first offense of Category B conduct), by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Category B conduct; first offense. If a law enforcement agency conducts a valid investigation of a complaint alleging that a law enforcement officer committed a first offense of Category B conduct, the Council shall take no action.

Sixth: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2409 (accessibility and confidentiality), in subdivision (c)(2)(A), following “the name and business address of the law enforcement officer” by striking out the words “and the complainant”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 29

Rep. Jickling of Brookfield, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to permitting Medicare supplemental plans to offer expense discounts

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4080e is amended to read:

§ 4080e. MEDICARE SUPPLEMENTAL HEALTH INSURANCE

POLICIES; COMMUNITY RATING; DISABILITY

(a) A health insurance company, hospital or medical service corporation, or health maintenance organization shall use a community rating method acceptable to the Commissioner for determining premiums for Medicare supplemental insurance policies.

(b)(1) The Commissioner shall adopt rules for standards and procedure for permitting health insurance companies, hospital or medical service organizations, or health maintenance organizations that issue Medicare supplemental insurance policies to use one or more risk classifications in their community rating method. The premium charged shall not deviate from the community rate and the rules shall not permit medical underwriting and screening, except that a health insurance company, hospital or medical service corporation, or health maintenance organization may set different community rates for persons eligible for Medicare by reason of age and persons eligible for Medicare by reason of disability.

(2)(A) A health insurance company, hospital or medical service corporation, or health maintenance organization that issues Medicare supplemental insurance policies may offer expense discounts to encourage timely, full payment of premiums. Expense discounts may include premium reductions for advance payment of a full year's premiums, for paperless billing, for electronic funds transfer, and for other activities directly related to premium payment. The availability of one or more expense discounts shall not be considered a deviation from community rating.

(B) A health insurance company, hospital or medical service corporation, or health maintenance organization that issues Medicare supplemental insurance policies shall not offer reduced premiums or other discounts related to a person's age, gender, marital status, or other demographic criteria.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Health Care agreed to and third reading ordered.

Rep. Krowinski of Burlington in chair.

Second Reading; Bill Amended; Third Reading Ordered

H. 145

Rep. Donahue of Northfield, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to establishing the Mental Health Crisis Response Commission

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7257a is added to read:

§ 7257a. MENTAL HEALTH CRISIS RESPONSE COMMISSION

(a) There is created the Mental Health Crisis Response Commission within the Office of the Attorney General for the following purposes:

(1) to conduct reviews of law enforcement interactions with persons acting in a manner that created reason to believe a mental health crisis was occurring and resulted in a fatality or serious bodily injury to any party to the interaction;

(2) to identify where increased or alternative supports or strategic investments within law enforcement, designated agencies, or other community service systems could improve outcomes;

(3) to educate the public, service providers, and policymakers about strategies for intervention in and prevention of mental health crises;

(4) to recommend policies, practices, and services that will encourage collaboration and increase successful interventions between law enforcement and persons acting in a manner that created reason to believe a mental health crisis was occurring;

(5) to recommend training strategies for public safety, emergency, or other crisis response personnel that will increase successful interventions; and

(6) to make recommendations based on the review of cases before the Commission.

(b)(1) Each incident involving an interaction between law enforcement and a person acting in a manner that created reason to believe a mental health crisis was occurring that results in a death or serious bodily injury to any party shall be referred to the Office of the Attorney General by the relevant law enforcement agency for review, analysis, and recommendations within 60 days of the incident. Interactions not resulting in death or serious bodily injury may be referred for optional review to the Commission, including review of interactions with positive outcomes that could serve to provide guidance on effective strategies.

(2) The review process shall not commence until a final determination has been rendered regarding the appropriateness of the involved law enforcement officer's use of force by Attorney General, State's Attorney, or the internal review process of the law enforcement agency.

(c)(1) The Commission shall comprise the following members:

(A) the Attorney General or designee from a division other than that investigating the interaction;

(B) the Commissioner of Mental Health or designee;

(C) a member of the Vermont State Police, appointed by the Commissioner of Public Safety;

(D) a representative of frontline local law enforcement, appointed by the Vermont Association of Chiefs of Police;

(E) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(F) a representative of the designated agencies, appointed by Vermont Care Partners;

(G) the director of Disability Rights Vermont or designee;

(H) an individual who has a personal experience of living with a mental illness or psychiatric disability, appointed by Vermont Psychiatric Survivors;

(I) a family member of an individual who experienced or is experiencing a mental condition or psychiatric disability, appointed by the Vermont chapter of the National Alliance on Mental Illness; and

(J) two regionally diverse at-large members, appointed by the Governor, who are not representative of subdivisions (A)–(G) of this subdivision (c)(1), such as an emergency dispatcher, specialist in interactions between law enforcement and individuals with a perceived mental condition, or a representative of the Vermont Human Rights Commission or Vermont Legal Aid.

(2) The members of the Commission specified in subdivision (1) of this subsection shall serve two-year terms. Any vacancy on the Commission shall be filled in the same manner as the original appointment. The replacement member shall serve for the remainder of the unexpired term.

(3) Members who are part of an organization involved in an interaction under review shall recuse themselves from that review and shall not access any information related to it. The Commission may appoint an interim replacement member to fill the category represented by the recused member for review of that interaction.

(d)(1) The Attorney General or designee shall call the first meeting of the Commission to occur on or before September 30, 2017.

(2) The Commission shall select a chair and vice chair from among its members at the first meeting, and annually thereafter.

(3) The Commission shall meet at such times as may reasonably be necessary to carry out its duties, but at least once in each calendar quarter.

(e) In any case under review by the Commission, upon written request of the Commission, a person who possesses information or records that are necessary and relevant to review an interaction shall, as soon as practicable, provide the Commission with the information and records. The Commission may subpoena information or records necessary and relevant to the review of an interaction from any person who does not provide information or records in his or her possession to the Commission upon receiving an initial written request. A person who provides information or records upon request of the Commission is not criminally or civilly liable for providing information or records in compliance with this section.

(f) The proceedings and records of the Commission are confidential and are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. The Commission shall not use the information, records, or data for purposes other than those designated by subsections (a) and (i) of this section.

(g) To the extent permitted under federal law, the Commission may enter into agreements with nonprofit organizations and private agencies to obtain otherwise confidential information.

(h) Commission meetings are confidential and shall be exempt from 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law). Commission records are exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(i) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its conclusions and recommendations to the Governor, General Assembly, and Chief Justice of the Vermont Supreme Court on or before January 15 of the first year of the biennium. The report shall disclose individually identifiable health information only to the extent necessary to convey the Commission's conclusions and recommendations, and any such disclosures shall be limited to information already known to the public. The report shall be available to the public through the Office of the Attorney General.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Health Care agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 167

Rep. Burditt of West Rutland, for the committee on Judiciary, to which

had been referred House bill, entitled

An act relating to establishing drug possession thresholds to distinguish misdemeanor and felony crimes

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS

The General Assembly finds:

(1) According to Michael Botticelli, former Director of the Office of National Drug Control Policy, the National Drug Control Strategy recommends treating “addiction as a public health issue, not a crime.” Further, the strategy “rejects the notion that we can arrest and incarcerate our way out of the nation’s drug problem.”

(2) Vermont Chief Justice Paul Reiber has declared that “the classic approach of ‘tough on crime’ is not working in [the] area of drug policy” and that treatment-based models are proving to be a more effective approach for dealing with crime associated with substance abuse.

(3) A felony conviction record is a significant impediment to gaining and maintaining employment and housing, yet we know that stable employment and housing are an essential element to recovery from substance abuse and desistance of criminal activity that often accompanies addiction.

(4) In a 2014 study by the PEW Research Center, 67 percent of people polled said government should focus more on providing treatment to people who use illicit drugs and less on punishment. The Center later reported that states are leading the way in reforming drug laws to reflect this opinion: State-level actions have included lowering penalties for possession and use of illegal drugs, shortening mandatory minimums or curbing their applicability, removing automatic sentence enhancements, and establishing or extending the jurisdiction of drug courts and other alternatives to the regular criminal justice system.

(5) Vermont must look at alternative approaches to the traditional criminal justice model for addressing low-level illicit drug use if it is going to reduce the effects of addiction and addiction-related crime in this State.

Sec. 2. STUDY

(a) The Office of Legislative Council shall examine the issue of a public health approach to low-level possession and use of illicit drugs in Vermont as an alternative to the traditional criminal justice model, looking to trends both nationally and internationally, with a goal of providing policymakers a range of approaches to consider during the 2018 legislative session.

(b) The Office of Legislative Council shall report its findings to the General Assembly on or before November 15, 2017.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that after passage the title of the bill be amended to read: “An act relating to alternative approaches to addressing low-level illicit drug use”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 152

Rep. Lalonde of South Burlington, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to the Vermont Revised Uniform Fiduciary Access to Digital Assets Act

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.

Recess

At eleven o'clock and forty-two minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At one o'clock and thirty-nine minutes in the afternoon, the Speaker called the House to order.

Message from the Senate No. 32

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 4. An act relating to publicly accessible meetings of an accountable care organization's governing body.

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. 24. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 347

Rep. Sibiliala of Dover, for the committee on Energy and Technology, to which had been referred House bill, entitled

An act relating to the State Telecommunications Plan

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.

Second Reading; Bill Amended; Third Reading Ordered

H. 422

Rep. Conquest of Newbury, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to confiscation of dangerous or deadly weapons from a person arrested or cited for domestic assault

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) The State of Vermont has a compelling interest in preventing domestic abuse.

(2) Domestic violence is often volatile, escalates rapidly, and possibly fatal. The victim has a substantial interest in obtaining immediate relief because any delay may result in further injury or death. The State's compelling interest in protecting domestic violence victims from actual or threatened harm and safeguarding children from the effects of exposure to domestic violence justifies providing law enforcement officers with the authority to undertake immediate measures to stop the violence. For these reasons the State has a special need to remove firearms from a home where law enforcement has probable cause to believe domestic violence has occurred.

(3) The General Assembly recognizes that it is current practice for law enforcement to remove firearms from a domestic violence scene if the firearms are contraband or evidence of the offense. However, given the potential harm of delay during a domestic violence incident, this legislation authorizes law enforcement officers to temporarily remove other dangerous firearms from

persons arrested or cited for domestic violence, while protecting rights guaranteed by the Vermont and U.S. Constitutions, and insuring that those firearms are returned to the owner as soon as doing so would be safe and lawful.

Sec. 2. 13 V.S.A. § 1048 is added to read:

§ 1048. REMOVAL OF FIREARMS

(a) When a law enforcement officer arrests or cites a person for domestic assault in violation of this subchapter, the officer may remove any firearm obtained pursuant to a search warrant or a judicially recognized exception to the warrant requirement if the removal is necessary for the protection of the officer or any other person.

(b)(1) The law enforcement agency in possession of a firearm removed pursuant to his section shall return it to the person from whom it was removed or to any other person whom the agency reasonably believes is an owner of the firearm within five days after removal if the person requests that the firearm be returned, unless:

(A) the firearm is being or may be used as evidence in a pending criminal or civil proceeding;

(B) a court orders relinquishment of the firearm pursuant to 15 V.S.A. chapter 21 (abuse prevention) or any other provision of law consistent with 18 U.S.C. § 922(g)(8), in which case the weapon shall be stored pursuant to 20 V.S.A. § 2307; or

(C) the person requesting the return is prohibited by law from possessing a firearm.

(2) A law enforcement officer who removes a firearm pursuant to this section shall provide notice of the procedure to obtain return of the firearm to the person from whom it was removed.

(c) This section shall not be construed to permit conduct by a law enforcement officer that violates the U.S. or Vermont Constitution.

(d)(1) A law enforcement officer shall not be subject to civil or criminal liability for acts or omissions made in reliance on the provisions of this section. This section shall not be construed to create a legal duty to a victim or to any other person, and no action may be filed based upon a claim that a law enforcement officer removed or did not remove a firearm as authorized by this section.

(2) A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of firearms removed, stored, or transported pursuant to this section. This subdivision shall not apply if the

damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

(3) This section shall not be construed to limit the authority of a law enforcement agency to take any necessary and appropriate action, including disciplinary action, regarding an officer's performance in connection with this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on September 1, 2017.

And that after passage the title of the bill be amended to read: "An act relating to removal of firearms from a person arrested or cited for domestic assault"

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Judiciary? **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 bill be amended as recommended by the Committee on Judiciary? was decided in the affirmative. Yeas, 78. Nays, 67.

Those who voted in the affirmative are:

Ancel of Calais	Forguites of Springfield	McCormack of Burlington
Bartholomew of Hartland	Gannon of Wilmington	McCullough of Williston
Belaski of Windsor	Gardner of Richmond	Miller of Shaftsbury
Bissonnette of Winooski	Giambatista of Essex	Morris of Bennington
Bock of Chester	Gonzalez of Winooski	Mrowicki of Putney
Botzow of Pownal	Grad of Moretown	Ode of Burlington
Briglin of Thetford	Greshin of Warren	O'Sullivan of Burlington
Brumsted of Shelburne	Haas of Rochester	Pugh of South Burlington
Buckholz of Hartford	Head of South Burlington	Rachelson of Burlington *
Burke of Brattleboro	Hill of Wolcott	Scheu of Middlebury
Carr of Brandon	Hooper of Montpelier	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Hooper of Brookfield	Sheldon of Middlebury
Christensen of Weathersfield	Houghton of Essex	Squirrell of Underhill
Christie of Hartford	Howard of Rutland City	Stevens of Waterbury
Cina of Burlington	Jessup of Middlesex	Stuart of Brattleboro *
Colburn of Burlington	Joseph of North Hero	Sullivan of Burlington
Conlon of Cornwall	Keenan of St. Albans City	Till of Jericho
Connor of Fairfield	Kimbell of Woodstock	Toleno of Brattleboro
Conquest of Newbury	Kitzmiller of Montpelier	Toll of Danville
Copeland-Hanzas of Bradford	Krowinski of Burlington *	Townsend of South Burlington
Dakin of Colchester	Lalonde of South Burlington	Walz of Barre City
Deen of Westminster	Lanpher of Vergennes	Webb of Shelburne
	Lippert of Hinesburg	Wood of Waterbury
	Long of Newfane	

Donovan of Burlington
Dunn of Essex
Emmons of Springfield
Fields of Bennington

Lucke of Hartford
Macaig of Williston
Masland of Thetford

Yacovone of Morristown
Yantachka of Charlotte

Those who voted in the negative are:

Ainsworth of Royalton
Bancroft of Westford
Baser of Bristol
Beck of St. Johnsbury
Beyor of Highgate
Brennan of Colchester
Browning of Arlington
Burditt of West Rutland
Canfield of Fair Haven
Condon of Colchester
Corcoran of Bennington
Cupoli of Rutland City
Devereux of Mount Holly
Dickinson of St. Albans
Donahue of Northfield
Fagan of Rutland City
Feltus of Lyndon
Frenier of Chelsea
Gage of Rutland City
Gamache of Swanton
Graham of Williamstown
Hebert of Vernon
Helm of Fair Haven

Higley of Lowell
Hubert of Milton
Jickling of Brookfield
Juskiewicz of Cambridge
Keefe of Manchester
LaClair of Barre Town
Lawrence of Lyndon
Lefebvre of Newark
Lewis of Berlin
Marcotte of Coventry
Martel of Waterford
McCoy of Poultney
McFaun of Barre Town
Morrissey of Bennington
Murphy of Fairfax
Myers of Essex
Nolan of Morristown
Norris of Shoreham
Noyes of Wolcott
Olsen of Londonderry
Parent of St. Albans Town
Pearce of Richford
Poirier of Barre City

Potter of Clarendon
Quimby of Concord
Rosenquist of Georgia
Savage of Swanton
Scheuermann of Stowe
Shaw of Pittsford
Sibilia of Dover
Smith of Derby
Smith of New Haven
Strong of Albany
Sullivan of Dorset
Tate of Mendon
Taylor of Colchester
Terenzini of Rutland Town
Trieber of Rockingham
Troiano of Stannard
Turner of Milton
Van Wyck of Ferrisburgh
Viens of Newport City
Willhoit of St. Johnsbury
Wright of Burlington *

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

Batchelor of Derby
Partridge of Windham

Weed of Enosburgh
Young of Glover

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

We have a domestic violence problem in our state. By creating a cooling off period we give families and law enforcement one more tool to prevent escalation. 18 states have similar laws on the books. I vote yes to support and protect victims.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

I voted yes. In many states these laws have already made a difference. This bill could truly save lives by giving people a chance to make safety plans without fearing for their lives. It is my hope that Stella, the brave mother who

testified on this bill, will feel some comfort knowing she's helped to save some others from the tragic loss she experienced from her daughter's murder in 2013."

Rep. Stuart of Brattleboro explained her vote as follows:

"Madam Speaker:

I proudly vote yes on behalf of H.422. It would be a sad day for Vermont to be surpassed by New Hampshire, which passed a bill that actually goes further than this bill does, in terms of protecting those who suffer at the hands of domestic abusers. Madam speaker, this bill is not about the second amendment. And this bill does not take away anyone's rights. Madam speaker, new hampshire's motto is: "live free or die". Madam speaker my question is: how many more women need to die at the hands of domestic abusers? And how many children must suffer the trauma of seeing their mothers murdered or be left without one of the most important person in their lives? Madam speaker, Vermont can and must do better. God bless the green mountain state for passing this bill.

Rep. Wright of Burlington explained his vote as follows:

"Madam Speaker:

We do have a problem with domestic violence in Vermont, but this bill is constitutionally challenged and much of what the bill proposes to accomplish can be done through existing law. Let's be serious about domestic violence and pass legislation that helps to convict abusers and put them away for much longer than 5 days."

Thereupon, third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 136

Rep. Walz of Barre City, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to accommodations for pregnant employees

Reported in favor of its passage when amended as follows:

First: In Sec. 1, 21 V.S.A. § 495k (accommodations for pregnancy related conditions), in subdivision (a)(4), following "an employee who the employer knows" by striking out ", or should know,"

Second: In Sec. 1, 21 V.S.A. § 495k (accommodations for pregnancy related conditions), following subsection (c), by inserting a new subsection to read as follows:

(d) An employer shall post notice of the provisions of this section in a form provided by the Commissioner in a place conspicuous to employees at the employer's place of business.

Third: In Sec. 2, Effective Date, by striking out the section in its entirety and inserting in lieu thereof the following:

Sec. 2. EFFECTIVE DATES

(a) This section and in Sec. 1, 21 V.S.A. § 495k subsections (a)–(c) shall take effect on July 1, 2017.

(b) In Sec. 1, 21 V.S.A. § 495k subsection (d) shall take effect on January 1, 2018.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing and Military Affairs agreed to and third reading ordered.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 108

Rep. Colburn of Burlington moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to limiting drug-related criminal liability and civil forfeiture actions against persons associated with an approved safer drug consumption program

And that the bill be committed to the committee on Human Services, which was agreed to.

Adjournment

At four o'clock and fifty-six minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, March 22, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Nathan Strong, Albany Methodist Church, Albany, VT.

Rep. Krowinski of Burlington presiding.

Senate Bill Referred**S. 4**

Senate bill, entitled

An act relating to publicly accessible meetings of an accountable care organization's governing body

Was read and referred to the committee on Human Services.

Bill Referred to Committee on Ways and Means**H. 509**

House bill, entitled

An act relating to calculating statewide education tax rates

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations**H. 508**

House bill, entitled

An act relating to building resilience for individuals experiencing adverse childhood experiences

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations**H. 510**

House bill, entitled

An act relating to the cost share for State agricultural water quality financial assistance grants

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations**H. 511**

House bill, entitled

An act relating to highway safety

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations**H. 512**

House bill, entitled

An act relating to the procedure for conducting recounts

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations**H. 513**

House bill, entitled

An act relating to making miscellaneous changes to education law

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Adopted in Concurrence**J.R.S. 24**

By Senator Ashe,

J.R.S. 24. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 24, 2017, it be to meet again no later than Tuesday, March 28, 2017.

Was taken up, read and adopted in concurrence.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****H. 364**

Rep. Rachelson of Burlington moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to State collection of electronic data and metadata

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

Remarks Journalized

On motion of **Rep. Carr of Brandon**, the following remarks by **Rep. Poirier of Barre City** were ordered printed in the Journal:

“Madam Speaker:

Tom Davis was a 17th generation Vermonter. He was the son of former

Governor Deane Davis. Tom was a political activist on issues regarding the poor. He was the founder of the Office of Economic Opportunity during the administration of Governor Phil Hoff. He later became the Secretary of Human Services for Governor Thomas Salmon. He was the state director for Senator Patrick Leahy. Tom was an accomplished author and wrote 2 novels (mysteries) in which Vermont was the background for the books. He also authored 3 memoirs about Barre and Vermont.

Tom was very active in associations all over the state. He was a board member for the Council of Elders and The Heart Association. He was a founding member of the board of directors of the Barre Labor Hall and was active in getting the hall named an historical Labor site.

Tom was an active golfer and he had more golf clubs in his basement than most sporting stores.

Tom is survived by his wife Dolly, 9 children and 10 grandchildren. Tom was a mentor to many people from all over Vermont and his dedication to public service will be forever remembered.”

Remarks Journalized

On motion of **Rep. Carr of Brandon**, the following remarks by **Rep. McFaun of Barre Town** were ordered printed in the Journal:

“Madam Speaker:

I first met Tom Davis in 1966, during the early stages of the war on poverty. I was working at the Central Vermont community action Council, a regional anti-poverty program. Running a youth employment program. He was the state director of the office of economic opportunity. In those days the state office of economic opportunity was a fast growing office in state government. As soon as you came up with a way to fight poverty you could go to Washington and get federal money to support your idea.

In 1967 Tom asked me to go to dinner with him. During the course of the evening he asked me to come to work with him in the state OEO office. It was during the early discussions I had with him when I first came on board, that I realized what a visionary he was.

Working with him was like being on a roller coaster always going at breakneck speed and somehow experiencing ups and downs while you were doing that. Staff would sit around the table with Tom reading research papers, on poverty, the causes of poverty and how to overcome poverty. We would get into a deep discussion about ways that we thought ,based on what we read, would be good ways to eliminate poverty. All of a sudden Tom would announce, I've got an idea, He would tell us what the idea was and say see

what you can do with that. I'll be back in a couple of hours to see were at.

Tom would return and we'd give him a completed skeleton of the program that we thought might work. We would get into our another deep discussion about what we had in front of us. When he thought we had talked enough he would say great I think we got it. Let me work on it for a while and I'll get back to you. It was amazing how he could envision and put it in words. He would come back with a fully designed program that might have a positive effect on low income people's lives.

Soon after that his secretary would be booking flights to Washington for several office staff. We had some good people in Washington then Sen. Aiken, Sen. Prouty, Congressman Stafford. They would open up the doors for us with the national OEO staff and we would bring the money back to implement the program. Sometimes we would give this money to community action agencies to run the anti-poverty program. Other times we kept it in house and ran the program ourselves. I want to quickly talk about two very significant programs that came out of Tom's head and went through the sitting around the table process I just described.

One day there was a massive demonstration on the Statehouse lawn. It was young people that were home from Vietnam and couldn't find a job. Phil Hoff was governor at the time. He called Tom over to the ceremonial office here in the state house. Tom had me come with him. As we sat in the office the governor said something like this, there a lot of people out there that served our country and we need to find a way to put them to work. I'm going out on the Statehouse steps in a little while and I want to tell them we're going to do something to help them. Tom sat there and looked at me. We talked for a while about what we might do to put them to work. Tom said I think I got it. He started to write, about a half an hour he had a skeleton of a work program for vets. The Governor called the state veterans rep over to the Statehouse and they both went out to the Statehouse steps and told the vets he had an idea that might be able to put them to work. He invited the leaders of the demonstration into the ceremonial office. Tom told them what we were thinking about and asked them to come to the state office of economic opportunity and put the finishing touches on what later was known as operation mainstream, a public service employment program for vets.

We went to Washington and got the money to support the program. The project to advance veterans employment PAVE was established. Hundreds of vets were put to work, in public service jobs, all over the state. The program was a huge success. this came out of Tom's brain in a half an hour sitting in the governor's office.

Tom always thought that the way out of poverty was education if we could

educate the kids and young adults we had a chance to solve the poverty problem.

One day we were sitting around the table having one of our brainstorming sessions in the office and Tom asked why can't low income people go to college. When Tom had an idea we all knew it was switch into overdrive time. We all brainstormed and came up with all the reasons we could think off, why low income kids and adults didn't go to college. With some ideas, on how some of the barriers, may be eliminated. Tom took this information and over several weeks brought in educators, low income people, and anyone else he thought could contribute to the idea.

Next thing I knew we were off to Washington and came back with the money to support the planning grant for the community college of Vermont

I tell you these two stories because this guy Tom Davis and the work that he did ,had a tremendous impact ,on the lives of low income people here in Vermont .Tom was a wonderful man and a true visionary. I relinquish the floor to representative Walz from Barre city.

Remarks Journalized

On motion of **Rep. Carr of Brandon**, the following remarks by **Rep. Walz of Barre City** were ordered printed in the Journal:

“Madam Speaker:

I did not know Tom Davis as long as my colleagues from Barre City and Barre Town and have no personal anecdotes to share. I got to know him only later in life. I could only marvel at and envy his long list of accomplishments.

The Tom Davis I knew was a compassionate man who cared deeply for those less fortunate than we are. Not only was he compassionate, he was also passionate in advocating for those folks and doing what is right and just.

It is fitting and proper that we remember him and honor him here today.”

Rep. Johnson of South Hero presiding.

Bill Amended;Third Reading; Bill Passed

H. 22

House bill, entitled

An act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council

Was taken up and pending third reading of the bill, **Rep. Hubert of Milton** moved to amend the bill as follows:

First: In Sec. 1, 20 V.S.A. chapter 151, in § 2401 (definitions), in subdivision (3) (“Category C conduct”), in subdivision (G), following “intentional failure to” by inserting “conduct a valid investigation or”

Second: In Sec. 2 (transitional provisions to implement this act), by adding a subsection (f) to read:

(f) Annual report of Executive Director. Annually, on or before January 15, beginning in the year 2018 and ending in the year 2021, the Executive Director of the Vermont Criminal Justice Training Council shall report to the General Assembly regarding the Executive Director’s analysis of the implementation of this act and any recommendations he or she may have for further legislative action.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 29

House bill, entitled

An act relating to permitting Medicare supplemental plans to offer expense discounts

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 136

House bill, entitled

An act relating to accommodations for pregnant employees

Was taken up and read the third time.

Pending the question, Shall the bill pass? **Rep. Dickinson of St. Albans Town** moved that the bill be committed to the committee on Appropriations.

Thereupon, **Rep. Dickinson of St. Albans Town** asked and was granted leave of the House to withdraw her motion.

Pending the question, Shall the bill pass? **Rep. Donahue of Northfield** moved that the bill be committed to the committee on Appropriations.

Pending the question, Shall the bill be committed to the Committee on Appropriations? **Rep. Donahue of Northfield** 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 committed to the Committee on Appropriations? was decided in the negative. Yeas, 54. Nays, 91.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gamache of Swanton	Norris of Shoreham
Bancroft of Westford	Graham of Williamstown	Parent of St. Albans Town
Baser of Bristol	Greshin of Warren	Pearce of Richford
Beck of St. Johnsbury	Helm of Fair Haven	Quimby of Concord
Beyor of Highgate	Higley of Lowell	Rosenquist of Georgia
Brennan of Colchester	Hubert of Milton	Savage of Swanton
Browning of Arlington	Juskiewicz of Cambridge	Scheuermann of Stowe
Burditt of West Rutland	Keefe of Manchester	Shaw of Pittsford
Canfield of Fair Haven	LaClair of Barre Town	Smith of Derby
Condon of Colchester	Lawrence of Lyndon	Smith of New Haven
Cupoli of Rutland City	Lefebvre of Newark	Strong of Albany
Devereux of Mount Holly	Lewis of Berlin	Tate of Mendon
Dickinson of St. Albans	Marcotte of Coventry	Terenzini of Rutland Town
Donahue of Northfield	Martel of Waterford	Turner of Milton
Fagan of Rutland City	Morrissey of Bennington	Van Wyck of Ferrisburgh
Feltus of Lyndon	Murphy of Fairfax	Viens of Newport City
Frenier of Chelsea	Myers of Essex	Willhoit of St. Johnsbury
Gage of Rutland City	Nolan of Morristown	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Gonzalez of Winooski	Olsen of Londonderry
Bartholomew of Hartland	Grad of Moretown	O'Sullivan of Burlington
Belaski of Windsor	Haas of Rochester	Partridge of Windham
Bissonnette of Winooski	Head of South Burlington	Poirier of Barre City
Bock of Chester	Hill of Wolcott	Potter of Clarendon
Botzow of Pownal	Hooper of Montpelier	Pugh of South Burlington
Briglin of Thetford	Hooper of Brookfield	Rachelson of Burlington
Brumsted of Shelburne	Houghton of Essex	Scheu of Middlebury
Buckholz of Hartford	Howard of Rutland City	Sharpe of Bristol
Burke of Brattleboro	Jessup of Middlesex	Sheldon of Middlebury
Carr of Brandon	Jickling of Brookfield	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Squirrell of Underhill
Christensen of Weathersfield	Keenan of St. Albans City	Stevens of Waterbury
Christie of Hartford	Kimbell of Woodstock	Stuart of Brattleboro
Cina of Burlington	Kitzmiller of Montpelier	Sullivan of Dorset
Colburn of Burlington	Krowinski of Burlington	Sullivan of Burlington
Conlon of Cornwall	Lalonde of South Burlington	Taylor of Colchester
Connor of Fairfield	Lanpher of Vergennes	Till of Jericho
Conquest of Newbury	Lippert of Hinesburg	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Long of Newfane	Toll of Danville
Corcoran of Bennington	Lucke of Hartford	Townsend of South Burlington
Dakin of Colchester	Macaig of Williston	Trieber of Rockingham
Deen of Westminster	Masland of Thetford	Troiano of Stannard
Donovan of Burlington	McCormack of Burlington	Walz of Barre City
Dunn of Essex	McCullough of Williston	Webb of Shelburne
Emmons of Springfield	McFaun of Barre Town	Weed of Enosburgh
Fields of Bennington	Miller of Shaftsbury	Wood of Waterbury
	Morris of Bennington	Yacovone of Morristown
	Mrowicki of Putney	

Forguites of Springfield
Gannon of Wilmington
Giambatista of Essex

Noyes of Wolcott
Ode of Burlington

Yantachka of Charlotte
Young of Glover

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

Batchelor of Derby
Gardner of Richmond

Hebert of Vernon
McCoy of Poultney

Pending the question, Shall the bill pass? **Rep. Head of South 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 pass? was decided in the affirmative. Yeas, 97. Nays, 44.

Those who voted in the affirmative are:

Ancel of Calais
Bartholomew of Hartland
Baser of Bristol
Beck of St. Johnsbury
Belaski of Windsor
Bissonnette of Winooski
Bock of Chester
Botzow of Pownal
Briglin of Thetford
Brumsted of Shelburne
Buckholz of Hartford
Burke of Brattleboro
Carr of Brandon
Chesnut-Tangerman of
Middletown Springs
Christensen of Weathersfield
Christie of Hartford
Cina of Burlington
Colburn of Burlington
Conlon of Cornwall
Connor of Fairfield
Conquest of Newbury
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Dakin of Colchester
Deen of Westminster
Donovan of Burlington
Dunn of Essex
Emmons of Springfield
Fields of Bennington
Forguites of Springfield
Gannon of Wilmington
Giambatista of Essex

Gonzalez of Winooski
Grad of Moretown
Greshin of Warren
Haas of Rochester
Head of South Burlington
Hill of Wolcott
Hooper of Montpelier
Hooper of Brookfield
Houghton of Essex
Howard of Rutland City
Jessup of Middlesex
Jickling of Brookfield
Joseph of North Hero
Juskiewicz of Cambridge
Kimbell of Woodstock
Kitzmiller of Montpelier
Krowinski of Burlington
Lalonde of South Burlington
Lanpher of Vergennes
Lefebvre of Newark
Lippert of Hinesburg
Long of Newfane
Lucke of Hartford
Macaig of Williston
Masland of Thetford
McCormack of Burlington
McCullough of Williston
McFaun of Barre Town
Miller of Shaftsbury
Morris of Bennington
Mrowicki of Putney
Noyes of Wolcott
Ode of Burlington

Olsen of Londonderry
O'Sullivan of Burlington
Parent of St. Albans Town
Partridge of Windham
Poirier of Barre City
Potter of Clarendon
Pugh of South Burlington
Scheu of Middlebury
Sharpe of Bristol
Sheldon of Middlebury
Sibilia of Dover
Squirrell of Underhill
Stevens of Waterbury
Stuart of Brattleboro *
Sullivan of Dorset
Sullivan of Burlington
Taylor of Colchester
Till of Jericho
Toleno of Brattleboro
Toll of Danville
Townsend of South
Burlington
Trieber of Rockingham
Troiano of Stannard
Walz of Barre City
Webb of Shelburne
Weed of Enosburgh
Willhoit of St. Johnsbury
Wood of Waterbury
Wright of Burlington
Yacovone of Morristown
Yantachka of Charlotte
Young of Glover

Those who voted in the negative are:

Ainsworth of Royalton	Graham of Williamstown	Pearce of Richford
Bancroft of Westford	Helm of Fair Haven	Quimby of Concord
Beyor of Highgate	Higley of Lowell	Rosenquist of Georgia
Brennan of Colchester	Hubert of Milton	Savage of Swanton
Browning of Arlington	Keefe of Manchester	Scheuermann of Stowe
Burditt of West Rutland	LaClair of Barre Town	Shaw of Pittsford
Canfield of Fair Haven	Lawrence of Lyndon	Smith of Derby
Cupoli of Rutland City	Lewis of Berlin	Smith of New Haven
Dickinson of St. Albans	Marcotte of Coventry	Strong of Albany
Donahue of Northfield	Martel of Waterford	Tate of Mendon
Fagan of Rutland City	Morrissey of Bennington	Terenzini of Rutland Town
Feltus of Lyndon	Murphy of Fairfax *	Turner of Milton
Frenier of Chelsea	Myers of Essex	Van Wyck of Ferrisburgh
Gage of Rutland City	Nolan of Morristown	Viens of Newport City
Gamache of Swanton	Norris of Shoreham	

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

Batchelor of Derby	Gardner of Richmond	McCoy of Poultney
Condon of Colchester	Hebert of Vernon	Rachelson of Burlington
Devereux of Mount Holly	Keenan of St. Albans City	

Rep. Murphy of Fairfax explained her vote as follows:

“Madam Speaker:

I vote no despite my support for the “intent” of this bill to mandate accommodations that should be simple common courtesy within any employee/employer relationship. The inclusion of “time off to recover from childbirth” is a greater consideration and should not be included unless a fiscal note or appropriation review has been given.”

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

I wholeheartedly vote in favor of H.136. And I wholeheartedly commend the General, Housing and Military Affairs Committee for their due diligence on this bill.

Madam Speaker, the debate on this bill called to mind a refrain from one of my favorite contemporary singer/songwriter’s songs. That refrain Madam Speaker by Jewel is “only kindness matters”.

Madam Speaker, I am proud that today this bill passed in the People’s House in the great state of Vermont.

Madam Speaker, this bill demonstrates that the Green Mountain State is a kind state, and the kind of state where young people and their families can work,

live and play. It also makes Vermont the kind of state the young people we so urgently need in our graying state will want to remain in or move to.”

Third Reading; Bill Passed

H. 145

House bill, entitled

An act relating to establishing the Mental Health Crisis Response Commission

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 152

House bill, entitled

An act relating to the Vermont Revised Uniform Fiduciary Access to Digital Assets Act

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 167

House bill, entitled

An act relating to establishing drug possession thresholds to distinguish misdemeanor and felony crimes

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 347

House bill, entitled

An act relating to the State Telecommunications Plan

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 422

House bill, entitled

An act relating to confiscation of dangerous or deadly weapons from a person arrested or cited for domestic assault

Was taken up and read the third time. **Rep. Savage of Swanton** demanded the yeas and nays, which demand was sustained by the constitutional number.

Pending the call of the roll, **Rep. Wright of Burlington** asked and was

granted leave of the House to offer an amendment after third reading.

Rep. Wright of Burlington moved to amend the bill as follows:

First: In Sec. 2, 13 V.S.A. § 1048(a), after the words “or any other person” by inserting “from an immediate risk of serious bodily harm”

Second: In Sec. 2, 13 V.S.A. § 1048(b) (1), by striking out “five days” and inserting in lieu thereof “48 hours”

Which was disagreed to.

Thereupon, the Clerk proceeded to call the roll and the question, Shall the bill pass? was decided in the affirmative. Yeas, 78. Nays, 60.

Those who voted in the affirmative are:

Ancel of Calais	Forguites of Springfield	Miller of Shaftsbury
Bartholomew of Hartland	Giambatista of Essex	Morris of Bennington
Belaski of Windsor	Gonzalez of Winooski	Mrowicki of Putney
Bissonnette of Winooski	Grad of Moretown *	Ode of Burlington
Bock of Chester	Greshin of Warren	O'Sullivan of Burlington
Botzow of Pownal	Haas of Rochester	Partridge of Windham
Briglin of Thetford	Head of South Burlington	Pugh of South Burlington
Brumsted of Shelburne	Hill of Wolcott	Rachelson of Burlington
Buckholz of Hartford	Hooper of Montpelier	Scheu of Middlebury
Burke of Brattleboro	Hooper of Brookfield	Sharpe of Bristol
Carr of Brandon	Houghton of Essex	Sheldon of Middlebury
Chesnut-Tangerman of	Howard of Rutland City	Squirrell of Underhill
Middletown Springs	Jessup of Middlesex	Stevens of Waterbury
Christensen of Weathersfield	Joseph of North Hero	Stuart of Brattleboro
Christie of Hartford	Keenan of St. Albans City	Sullivan of Burlington
Cina of Burlington	Kimbell of Woodstock	Till of Jericho
Colburn of Burlington	Kitzmiller of Montpelier	Toleno of Brattleboro
Conlon of Cornwall	Krowinski of Burlington	Toll of Danville
Connor of Fairfield	Lalonde of South Burlington	Townsend of South
Conquest of Newbury	Lanpher of Vergennes	Burlington
Copeland-Hanzas of	Lippert of Hinesburg	Walz of Barre City
Bradford	Long of Newfane	Webb of Shelburne
Dakin of Colchester	Lucke of Hartford	Weed of Enosburgh
Deen of Westminster	Macaig of Williston	Wood of Waterbury
Donovan of Burlington	Masland of Thetford	Yacovone of Morristown
Dunn of Essex	McCormack of Burlington	Yantachka of Charlotte
Emmons of Springfield	McCullough of Williston	
Fields of Bennington		

Those who voted in the negative are:

Ainsworth of Royalton	Higley of Lowell	Poirier of Barre City
Bancroft of Westford	Hubert of Milton	Potter of Clarendon
Baser of Bristol	Jickling of Brookfield	Quimby of Concord
Beyor of Highgate	Juskiewicz of Cambridge	Rosenquist of Georgia
Brennan of Colchester	Keefe of Manchester	Savage of Swanton

Browning of Arlington	LaClair of Barre Town	Scheuermann of Stowe
Canfield of Fair Haven	Lawrence of Lyndon	Shaw of Pittsford
Condon of Colchester	Lefebvre of Newark	Sibilia of Dover
Corcoran of Bennington	Lewis of Berlin	Smith of New Haven
Cupoli of Rutland City	Martel of Waterford	Strong of Albany
Devereux of Mount Holly	McFaun of Barre Town	Sullivan of Dorset
Dickinson of St. Albans	Morrissey of Bennington	Tate of Mendon
Donahue of Northfield	Murphy of Fairfax	Taylor of Colchester
Fagan of Rutland City	Myers of Essex	Terenzini of Rutland Town
Feltus of Lyndon	Nolan of Morristown	Turner of Milton
Frenier of Chelsea	Norris of Shoreham	Van Wyck of Ferrisburgh
Gage of Rutland City	Noyes of Wolcott	Viens of Newport City
Gamache of Swanton	Olsen of Londonderry	Willhoit of St. Johnsbury
Graham of Williamstown	Parent of St. Albans Town	Wright of Burlington *
Helm of Fair Haven	Pearce of Richford	Young of Glover

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

Batchelor of Derby	Gardner of Richmond	Smith of Derby
Beck of St. Johnsbury	Hebert of Vernon	Trieber of Rockingham
Burditt of West Rutland	Marcotte of Coventry	Troiano of Stannard
Gannon of Wilmington	McCoy of Poultney	

Rep. Grad of Moretown explained her vote as follows:

“Madam Speaker:

I vote yes on H.422. This bill is the most effective way to address the problem of domestic violence related homicides in Vermont.

While there are many ways to address domestic violence in our state, law enforcement lacks the effective tool that this bill provides to address domestic violence related homicides.

Data show that there is a strong connection between domestic violence homicides and the presence of firearms. This bill is an effective way to prevent those deaths.”

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

My amendment would have significantly reduced one of the constitutional issues with this bill, while still providing the same protection. Forty-eight hours would have left ample time for a relief of abuse order to have been granted, and guns could have then been kept for a longer period of time. Without that amendment I cannot support this bill.”

Message from the Senate No. 33

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 22. An act relating to increased penalties for possession, sale, and dispensation of fentanyl.

S. 112. An act relating to creating the Spousal Support and Maintenance Task Force.

In the passage of which the concurrence of the House is requested.

Committee Bill; Second Reading; Third Reading Ordered

H. 502

Rep. Colburn of Burlington spoke for the committee on Judiciary.

House bill entitled

An act relating to modernizing Vermont's parentage laws

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 503

Rep. Lalonde of South Burlington spoke for the committee on Judiciary.

House bill entitled

An act relating to bail

Having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question Shall the bill be read a third time? **Rep. Shaw of Pittsford and Rep. Emmons of Springfield** moved to amend the bill as follows:

Sec. 4. 13 V.S.A. § 7554b is amended to read:

§ 7554b. HOME DETENTION PROGRAM

(a) Definition. As used in this section, "home detention" means a program of confinement and supervision that restricts a defendant to a preapproved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections. The court may authorize scheduled absences such as work, school, or treatment. Any changes in the schedule shall be solely at the

discretion of the Department of Corrections. A defendant who is on home detention shall remain in the custody of the Commissioner of Corrections with conditions set by the ~~Court~~ court.

(b) Procedure. ~~The~~ At the request of the court, the Department of Corrections, or the defendant, the status of a defendant who is detained pretrial ~~for more than seven days~~ in a correctional facility for lack of bail may be reviewed by the ~~Court~~ court to determine whether the defendant is appropriate for home detention. ~~The request for review may be made by either the Department of Corrections or the defendant.~~ After At arraignment or after a hearing, the court may order that the defendant be released to the Home Detention Program, providing that the ~~Court~~ court finds placing the defendant on home detention will reasonably assure his or her appearance in ~~Court~~ court when required and the proposed residence is appropriate for home detention. In making such a determination, the court shall consider:

* * *

(d) A defendant shall receive credit for a sentence of imprisonment for time served in the Home Detention Program.

And by renumbering the remaining section to be numerically correct

Which was agreed to and third reading ordered.

Rep. Krowinski of Burlington in chair.

Second Reading; Bill Amended; Third Reading Ordered

H. 230

Rep. Donahue of Northfield, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 196 is amended to read:

CHAPTER 196. ~~CONVERSION THERAPY~~ OUTPATIENT MENTAL HEALTH TREATMENT FOR MINORS

Subchapter 1. Consent by Minors for Mental Health Care

§ 8350. CONSENT BY MINORS FOR MENTAL HEALTH TREATMENT RELATED TO SEXUAL ORIENTATION OR GENDER IDENTITY

A minor may give consent to receive outpatient treatment from a mental

health professional, as defined in section 7101 of this title, for any underlying condition related to the minor's sexual orientation or gender identity. Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of a parent or legal guardian shall not be necessary to authorize outpatient treatment related to a consenting minor's sexual orientation or gender identity. As used in this section, "outpatient treatment," means psychotherapy and supportive counseling, but not prescription drugs.

Subchapter 2. Prohibition of Conversion Therapy

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Health Care agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 312

Rep. Devereux of Mount Holly for the committee on Government Operations, to which had been referred House bill entitled,

An act relating to retirement and pensions

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. VERMONT MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM
RATES FOR FISCAL YEAR 2018

Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period July 1, 2017 through June 30, 2018, contributions shall be made by:

(1) Group A members at the rate of 2.5 percent of earnable compensation;

(2) Group B members at the rate of 4.875 percent of earnable compensation;

(3) Group C members at the rate of 10 percent of earnable compensation; and

(4) Group D members at the rate of 11.350 percent of earnable compensation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Rep. Browning of Arlington, for the committee on Ways and Means,

recommended that the bill ought to pass when amended as recommended by the committee on Government Operations

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Government Operations was agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 411

Rep. McCormack of Burlington, for the committee on Energy and Technology, to which had been referred House bill, entitled

An act relating to Vermont's energy efficiency standards for appliances and equipment

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

The purpose of this act is to adopt federal appliance and lighting efficiency standards in effect on January 19, 2017 so that the same standards will be in place in Vermont should the federal standards be repealed or voided. The act also adopts federal standards for general service lighting that have been adopted by the U.S. Department of Energy and are scheduled to come into effect on January 20, 2020, again so that the same standards will be in place in Vermont. The act does not adopt standards for other products or standards for a product that are different from the federal standards.

Sec. 2. 9 V.S.A. § 2793 is amended to read:

§ 2793. DEFINITIONS

As used in this chapter:

* * *

(15) "General service lamp" has the same meaning as set forth in the action published at 82 Fed. Reg. 7276, 7321-22 (January 19, 2017) and modified by the action published at 82 Fed. Reg. 7322, 7333 (January 19, 2017).

Sec. 3. 9 V.S.A. § 2794 is amended to read:

§ 2794. SCOPE

(a) The provisions of this chapter apply to the following types of new products sold, offered for sale, or installed in the State:

- (1) Medium voltage dry-type distribution transformers.

- (2) Metal halide lamp fixtures.
- (3) Residential furnaces and residential boilers.
- (4) Single-voltage external AC to DC power supplies.
- (5) State-regulated incandescent reflector lamps.
- (6) General service lamps.

(7) Each other product for which the Commissioner is required to adopt an efficiency or water conservation standard by rule pursuant to section 2795 of this title.

(8) Any other product that may be designated by the Commissioner in accordance with section 2797 of this title.

(b) The provisions of this chapter do not apply to:

(1) New products manufactured in the State and sold outside the State and the equipment used in manufacturing those products.

(2) New products manufactured outside the State and sold at wholesale inside the State for final retail sale and installation outside the State.

(3) Products installed in mobile manufactured homes at the time of construction.

(4) Products designed expressly for installation and use in recreational vehicles.

Sec. 4. 9 V.S.A. § 2795 is amended to read:

§ 2795. EFFICIENCY AND WATER CONSERVATION STANDARDS

~~Not later than June 1, 2007, the~~ The Commissioner shall adopt rules in accordance with the provisions of 3 V.S.A. chapter 25 establishing minimum efficiency standards for the types of new products set forth in section 2794 of this title. The rules shall provide for the following minimum efficiency standards for products sold or installed in this State:

* * *

(6) In the rules, the Commissioner shall adopt minimum efficiency and water conservation standards for each product that is subject to a standard under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19, 2017. The minimum standard and the testing protocol for each product shall be the same as adopted in those sections of the Code of Federal Regulations.

(7) In the rules, the Commissioner shall adopt a minimum efficacy standard for general service lamps of 45 lumens per watt, when tested in accordance with 10 C.F.R. § 430.23(gg) as that provision existed on January 19, 2017.

Sec. 5. 9 V.S.A. § 2796 is amended to read:

§ 2796. IMPLEMENTATION

* * *

(f)(1) When federal preemption under 42 U.S.C. § 6297 applies to a standard adopted pursuant to this chapter for a product, the standard shall become enforceable on the occurrence of the earliest of the following:

(A) The federal energy or water conservation standard for the product under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided. However, this subdivision (A) shall not apply to any federal energy or water conservation standard set aside by a court of competent jurisdiction upon the petition of a person who will be adversely affected, as provided in 42 U.S.C. § 6306(b).

(B) A waiver is issued pursuant to 42 U.S.C. § 6297.

(2) The federal standard for general service lamps shall be considered to be withdrawn, repealed, or otherwise voided within the meaning of this subsection if it does not come into effect on January 20, 2020 pursuant to the actions published at 82 Fed. Reg. 7276 and 7333 (January 19, 2017).

(3) When a standard adopted pursuant to this chapter becomes enforceable under this subsection, a person shall not sell or offer for sale in the State a new product subject to the standard unless the efficiency or water conservation of the new product meets or exceeds the requirements set forth in the standard.

Sec. 6. RULE ADOPTION; SCHEDULE; REPORT

(a) Rule adoption; schedule.

(1) On or before August 1, 2017, the Commissioner of Public Service shall file with the Secretary of State proposed rules to effect Sec. 2 of this act.

(2) On or before April 1, 2018, the Commissioner shall finally adopt these rules, unless the Legislative Committee on Administrative Rules extends this date pursuant to 3 V.S.A. § 843(c).

(b) Reports.

(1) On or before December 15, 2017, the Commissioner of Public Service shall file a progress report on the rulemaking required by this act. The report shall attach the proposed rules as filed with the Secretary of State.

(2) On or before December 15, 2018, the Commissioner of Public Service shall file a further progress report on the rulemaking required by this act. The report shall attach the rules as finally adopted by the Commissioner.

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the committee on Energy and Technology? **Rep. McCormack of Burlington** moved to amend the recommendation of amendment of the committee on Energy and Technology as follows:

In Sec. 6 (rule adoption; schedule; report), in subdivision (a)(1), after “effect”, by striking out “Sec. 2” and inserting in lieu thereof Sec. 4

Which was agreed to. Thereupon the report of the committee on Energy and Technology, as amended, was agreed to and third reading ordered.

**Second Reading; Bill Amended;
Third Reading Ordered**

H. 462

Rep. Hill of Wolcott, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to social media privacy for employees

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 495k is added to read:

§ 495k. SOCIAL MEDIA ACCOUNT PRIVACY; PROHIBITIONS

(a) As used in this section:

(1) “Social media account” means an account with an electronic medium or service through which users create, share, and interact with content, including videos, still photographs, blogs, video blogs, podcasts, instant or text messages, e-mail, online services or accounts, or Internet website profiles or locations. “Social media account” does not include an account provided by an employer or intended to be used primarily on behalf of an employer.

(2) “Specifically identified content” means data, information, or other content stored in a social media account that is identified with sufficient particularity to distinguish the individual piece of content being sought from any other data, information, or content stored in the account. “Specifically identified content” shall not include a username, password, or other means of authentication for the purpose of accessing an employee’s or applicant’s social media account.

(b) An employer shall not require, request, or coerce an employee or applicant to do any of the following:

(1) disclose a username, password, or other means of authentication, or turn over an unlocked personal electronic device for the purpose of accessing the employee's or applicant's social media account;

(2) access a social media account in the presence of the employer;

(3) divulge or present any content from the employee's or applicant's social media account; or

(4) change the account or privacy settings of the employee's or applicant's social media account to increase third-party access to its contents.

(c) An employer shall not require or coerce an employee or applicant to add anyone, including the employer, to their list of contacts associated with a social media account.

(d) No agreement by an employee to waive his or her rights under this section shall be valid.

(e)(1) Nothing in this section shall preclude an employer from requesting an employee to share specifically identified content for the purpose of:

(A) complying with the employer's legal and regulatory obligations;

(B) investigating an allegation of the unauthorized transfer or disclosure of an employer's proprietary or confidential information or financial data through an employee's or an applicant's social media account; or

(C) investigating an allegation of unlawful harassment, threats of violence in the workplace, or discriminatory or disparaging content concerning another employee.

(2) Nothing in this section shall prohibit or restrict a law enforcement agency, as defined in 15 V.S.A. § 1151(5), from requesting or requiring:

(A) an applicant to provide access to the applicant's social media account as part of a screening or fitness determination during the hiring process; or

(B) an employee to provide access to the employee's social media account in relation to a continued fitness determination or an allegation or investigation of employee misconduct, a violation of policy, or a violation of law.

(3) Nothing in this section shall restrict or otherwise prohibit a law enforcement agency, as defined in 15 V.S.A. § 1151(5), from retaining any social media account information acquired pursuant to this subsection,

provided that the information shall be protected in accordance with law and the law enforcement agency's policy.

(f) Nothing in this section shall preclude an employer from requesting a username or password that is necessary to access an employer-issued electronic device.

(g) An employer shall not discharge or in any other manner retaliate against an employee who exercises or attempts to exercise his or her rights under this section. The provisions against retaliation in subdivision 495(a)(8) of this title and the penalty and enforcement provisions of section 495b of this title shall apply to this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce and Economic Development agreed to and third reading ordered.

Speaker Johnson of South Hero in chair.

Favorable Report; Second Reading; Bill Amended; Third Reading Ordered H. 290

Rep. Dickinson of St. Albans Town, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to clarifying ambiguities relating to real estate titles and conveyances

Reported in favor of its passage.

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Dickinson of St. Albans Town** moved to amend the bill as follows:

First: In Sec. 5, 14 V.S.A. § 3184, in subsection (b), by striking out the words "the failure to register the foreign order" and inserting in lieu thereof either the failure to register the foreign order or the registration of the foreign order.

Second: In Sec. 7, by striking out all after the catchline and inserting in lieu thereof the following:

This act shall take effect on passage.

Which was agreed to and third reading ordered.

Adjournment

At five o'clock and forty-three 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, March 23, 2017

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

Rep. Krowinski of Burlington in chair.

Devotional Exercises

Devotional exercises were conducted by Speaker.

House Bill Introduced**H. 514**

By the committee on Government Operations,

An act relating to elections corrections;

Which was read first time and pursuant to House rule 48, bill placed on the Calendar for notice.

Senate Bill Referred**S. 22**

Senate bill, entitled

An act relating to increased penalties for possession, sale, and dispensation of fentanyl

Was read first time and referred to the committee on Judiciary.

Senate Bill Referred**S. 112**

Senate bill, entitled

An act relating to creating the Spousal Support and Maintenance Task Force

Was read first time and referred to the committee on Judiciary.

Third Reading; Bill Passed**H. 230**

House bill, entitled

An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity

Was taken up and read the third time.

Speaker Johnson of South Hero in chair.

Pending the question, Shall the bill pass? **Rep. Terenzini of Rutland Town** 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? was decided in the affirmative. Yeas, 125. Nays, 12.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gardner of Richmond	Norris of Shoreham
Ancel of Calais	Giambatista of Essex	Noyes of Wolcott
Bancroft of Westford	Gonzalez of Winooski	Ode of Burlington
Bartholomew of Hartland	Grad of Moretown	Olsen of Londonderry
Baser of Bristol	Greshin of Warren	O'Sullivan of Burlington
Beck of St. Johnsbury	Haas of Rochester	Parent of St. Albans Town
Belaski of Windsor	Head of South Burlington	Partridge of Windham
Bissonnette of Winooski	Hill of Wolcott	Pearce of Richford
Bock of Chester	Hooper of Montpelier	Poirier of Barre City
Botzow of Pownal	Hooper of Brookfield	Potter of Clarendon
Brennan of Colchester	Houghton of Essex	Pugh of South Burlington
Briglin of Thetford	Howard of Rutland City	Quimby of Concord
Browning of Arlington	Jessup of Middlesex	Rosenquist of Georgia
Brumsted of Shelburne	Jickling of Brookfield	Savage of Swanton
Buckholz of Hartford	Joseph of North Hero	Scheu of Middlebury
Burke of Brattleboro	Juskiewicz of Cambridge	Scheuermann of Stowe
Carr of Brandon	Keefe of Manchester	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Keenan of St. Albans City	Shaw of Pittsford
Christensen of Weathersfield	Kimbell of Woodstock	Sibilia of Dover
Christie of Hartford	Kitzmiller of Montpelier	Smith of Derby
Cina of Burlington	Krowinski of Burlington	Squirrell of Underhill
Colburn of Burlington	Lalonde of South Burlington	Stevens of Waterbury
Conlon of Cornwall	Lanpher of Vergennes	Stuart of Brattleboro *
Connor of Fairfield	Lawrence of Lyndon	Sullivan of Dorset
Conquest of Newbury	Lefebvre of Newark	Taylor of Colchester
Copeland-Hanzas of Bradford	Lewis of Berlin	Till of Jericho
Corcoran of Bennington	Lippert of Hinesburg	Toleno of Brattleboro
Cupoli of Rutland City	Long of Newfane	Toll of Danville
Dakin of Colchester	Lucke of Hartford *	Townsend of South Burlington
Deen of Westminster	Macaig of Williston	Trieber of Rockingham
Devereux of Mount Holly	Marcotte of Coventry	Troiano of Stannard
Dickinson of St. Albans	Martel of Waterford	Turner of Milton
Donahue of Northfield	Masland of Thetford	Viens of Newport City
Donovan of Burlington	McCormack of Burlington	Walz of Barre City
Dunn of Essex	McCoy of Poultney	Webb of Shelburne
Fagan of Rutland City	McCullough of Williston	Weed of Enosburgh
Feltus of Lyndon	McFaun of Barre Town	Willhoit of St. Johnsbury
Fields of Bennington	Miller of Shaftsbury	Wood of Waterbury
Forguites of Springfield	Mrowicki of Putney *	Wright of Burlington
Frenier of Chelsea	Murphy of Fairfax	Yacovone of Morristown
	Myers of Essex	Yantachka of Charlotte
	Nolan of Morristown	

Gannon of Wilmington

Young of Glover

Those who voted in the negative are:

Beyor of Highgate

Helm of Fair Haven

Strong of Albany

Canfield of Fair Haven

Hubert of Milton

Tate of Mendon

Gage of Rutland City

LaClair of Barre Town

Terenzini of Rutland Town

Graham of Williamstown *

Smith of New Haven

Van Wyck of Ferrisburgh *

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

Batchelor of Derby

Gamache of Swanton

Morrissey of Bennington

Burditt of West Rutland

Hebert of Vernon

Rachelson of Burlington

Condon of Colchester

Higley of Lowell

Sheldon of Middlebury

Emmons of Springfield

Morris of Bennington

Sullivan of Burlington

Representative Graham of Williamstown explained his vote as follows:

“Madam Speaker:

I believe parents have the right to know what’s going on with their minor children. There are many parents in the chambers here today. Am I to understand you won’t want to know about your children?”

Representative Lucke of Hartford explained her vote as follows:

“Madam Speaker:

While some parents can be the greatest advocates, others can be adversaries when it comes to certain issues children are wrestling with. My vote today is one of hope that minors have access to explore who they are becoming and in many cases help them and their families celebrate who they are.”

Representative Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

One again our children look to us to find safe haven under delicate and sometimes dangerous circumstances. This bill says you are safe to be who you are, in Vermont.”

Representative Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

Children with gender identity and sexual orientation differences have rights, too. Madam Speaker, many of these individuals become young adults that take their own lives at far greater rates than the rest of the population. The rate of suicide among these youth ranges from approximately 20 to 42 percent higher than their peers.

Madame Speaker, I am proud to vote in favor of H. 230. The world needs to become a kinder, gentler place. Our strength as a nation is diversity. We need to learn to fully embrace our differences.”

Representative Tate of Mendon explained his vote as follows:

“Madam Speaker:

We talk about removing “barriers to care” without fully acknowledging that by that we mean that parents are the barriers. I am not a barrier to my child’s care. It is, rather, my life’s calling.”

Representative Van Wyck of Ferrisburgh explained his vote as follows:

“Madam Speaker:

I voted No. In extreme cases the judiciary is empowered to terminate parental rights. With this bill, certain parental rights are terminated universally without due process. This is appalling and the overall effects will be negative.”

Rep. Krowinski of Burlington in chair.

Third Reading; Bill Passed

H. 290

House bill, entitled

An act relating to clarifying ambiguities relating to real estate titles and conveyances

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 312

House bill, entitled

An act relating to retirement and pensions

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 411

House bill, entitled

An act relating to Vermont’s energy efficiency standards for appliances and equipment

Was taken up, read the third time and passed.

Bill Amended, Read Third Time and Passed**H. 462**

House bill, entitled

An act relating to social media privacy for employees

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

In Sec.1, 21 V.S.A. § 495k, in subsection (f), following “Nothing in this section shall preclude an employer from requesting” by inserting the words “or requiring an employee to provide”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed**H. 502**

House bill, entitled

An act relating to modernizing Vermont’s parentage laws

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 503**

House bill, entitled

An act relating to bail

Was taken up, read the third time and passed.

Committee Bill; Second Reading; Third Reading Ordered**H. 506**

Rep. LaClair of Barre Town spoke for the committee on Government Operations.

House bill entitled

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

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Committee Bill; Second Reading; Third Reading Ordered**H. 507**

Rep. Houghton of Essex spoke for the committee on Health Care.

House bill entitled

An act relating to Next Generation Medicaid ACO pilot project reporting requirements

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 485

Rep. Grad of Moretown moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to the eligibility of a new resident for a Vermont driver's license or permit

And that the bill be committed to the committee on Transportation, which was agreed to.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

S. 87

Rep. Grad of Moretown moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to sexual exploitation of students

And that the bill be committed to the committee on Education, which was agreed to.

Adjournment

At ten o'clock and fifty minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, March 24, 2017

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

Devotional Exercises

Devotional exercises were conducted by Representative Carolyn Partridge of Windham.

Message from the Senate No. 34

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 61. An act relating to offenders with mental illness.

In the passage of which the concurrence of the House is requested.

House Bill Introduced

H. 515

By the committee on Ways and Means,

An act relating to Executive Branch and Judiciary fees;

Was read the first time and pursuant to House rule 48, bill placed on the Calendar for notice.

Senate Bill Referred

S. 61

Senate bill, entitled

An act relating to offenders with mental illness

Was read and referred to the committee on Corrections and Institutions.

Third Reading; Bill Passed

H. 506

House bill, entitled

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

Was taken up, read the third time and passed.

Bill Amended, Third Reading; Bill Passed

H. 507

House bill, entitled

An act relating to Next Generation Medicaid ACO pilot project reporting requirements

Was taken up and pending third reading of the bill, **Rep. Houghton of Essex** moved to amend the bill as follows:

First: In Sec. 1, Next Generation Medicaid ACO pilot project reports, in subsection (a), in the first sentence, following "House Committees on Appropriations", by inserting ", on Human Services,"

Second: In Sec. 2, all-payer model and accountable care organization reports, following “House Committees on Appropriations”, by inserting “, on Human Services,”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 308

Rep. Lalonde of South Burlington, for the committee on Judiciary, to which had been referred House bill entitled,

An act relating to a committee to reorganize and reclassify Vermont’s criminal statutes

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following::

Sec. 1. CRIMINAL CODE RECLASSIFICATION IMPLEMENTATION COMMITTEE

(a) Creation. There is created the Criminal Code Reclassification Committee to develop and propose a classification system for purposes of structuring Vermont’s criminal offenses.

(b) Membership. The Committee shall be composed of the following six members:

(1) three current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House; and

(2) three current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees;

(c) Powers and duties.

(1) The Committee shall develop a classification system that creates categories of criminal offenses on the basis of the maximum potential period of imprisonment and the maximum potential fine. The Committee shall propose legislation that places each of Vermont’s criminal statutes into one of the classification offense categories it identifies. If the Committee is unable to determine an appropriate classification for a particular offense, the Committee shall indicate multiple classification possibilities for that offense.

(2) For purposes of the classification system developed pursuant to this section, the Committee shall consider the recommendations of the Criminal Code Reclassification Study Committee, and may consider whether to propose:

(A) rules of statutory interpretation specifically for criminal provisions;

(B) the consistent use of mental element terminology in all criminal provisions;

(C) a comprehensive section of definitions applicable to all criminal provisions.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office, and may consult with the Vermont Crime Research Group, the Vermont Law School Center for Justice Reform, and any other person who would be of assistance to the Committee.

(e) Report. On or before December 31, 2017, the Committee shall submit a report consisting of proposed legislation to the House and Senate Committees on Judiciary.

(f) Meetings.

(1) The Committee shall select a chair and a vice chair from among its members at the first meeting.

(2) A majority of the membership shall constitute a quorum.

(3) The Committee shall cease to exist on January 15, 2018.

(g) Reimbursement. For attendance at meetings during adjournment of the General Assembly, members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Hooper of Montpelier, for the committee on Appropriations, recommended the bill ought to pass when amended by the committee on Judiciary.

The bill, having appeared on the Calendar one day for notice, was taken up, read second time, the report of the committees on Judiciary and Appropriations agreed to and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 326

Rep. Keefe of Manchester, for the committee on Human Services, to which had been referred House bill entitled,

An act relating to eligibility and calculation of grant or subsidy amount for Reach Up, Reach Ahead, and the Child Care Services Program

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following::

* * * Findings * * *

Sec. 1. FINDINGS

The General Assembly finds that:

(1) benefit cliffs, which occur when a family's loss of economic benefits outpaces the rate at which its earnings increase, have a detrimental impact on Vermont families;

(2) according to the 2016 article "Do Limits on Family Assets Affect Participation in, Costs of TANF?" by the Pew Charitable Trusts, raising or eliminating asset limits within the Temporary Assistance for Needy Families program (TANF) does not affect the number of monthly applicants to the program;

(3) according to the 2016 article "Low TANF Asset Limits Show No Cost or Caseload Benefits for State Programs" by the Pew Charitable Trusts, states experience a decrease in administrative costs when they raise or eliminate TANF asset tests;

(4) according to a 2014 article entitled "Relationships Between College Savings and Enrollment, Graduation, and Student Loan Debt," by the Center for Social Development, children in families that have few or no assets have lower academic achievement scores, high school graduation rates, college enrollment rates, and college graduation rates than children in families with assets; and

(5) school-designated savings are more effective than basic savings in influencing college outcomes.

* * * Reach Up * * *

Sec. 2. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

* * *

~~(5)(A) The value of assets accumulated from the earnings of adults and children in participating families and from any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing~~

eligibility for the Reach Up program. The asset limitation shall be \$2,000.00 \$9,000.00 for participating families for the purposes of determining initial and continuing eligibility for the Reach Up program, and the following savings accounts shall not be considered in the calculation for determining the asset limitation:

(i) a retirement account, such as an individual retirement arrangement (IRA), a defined contribution plan qualified under 26 U.S.C. § 401(k), or any similar account as defined in 26 U.S.C. § 408; and

(ii) a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529.

(B) The value of assets accumulated from the earnings of adults and children in participating families and from any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing eligibility for the Reach Up program.

* * *

* * * Child Care Financial Assistance Program * * *

Sec. 3. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY

(a)(1) A The Child Care Services Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall not be entitled to participate in the Program for a period in excess of one month, unless that period is extended by the Commissioner.

(2) The subsidy authorized by this subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the federal poverty guidelines nor more than 100 percent of the State median income, adjusted for the size of the family. The scale shall be structured so that it encourages employment.

(3) Earnings deposited in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be

disregarded in determining the amount of a family's income for the purpose of determining continuing eligibility.

* * *

* * * Effective Date * * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that after passage the title of the bill be amended to read: "An act relating to encouraging savings by participants in Reach Up and the Child Care Financial Assistance Program"

Rep. Trieber of Rockingham, for the committee on Appropriations, recommended the bill ought to pass when amended by the committee on Human Services.

The bill, having appeared on the Calendar one day for notice, was taken up, read second time, the report of the committees on Human Services and Appropriations agreed to and third reading was ordered.

Favorable Reports; Second Reading; Third Reading Ordered

H. 130

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its passage.

Rep. Masland of Thetford, for the committee on Ways and Means 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.

Adjournment

At ten o'clock and sixteen minutes in the forenoon, on motion of **Rep. Savage of Savage**, the House adjourned until Monday, March 27, 2017, at one o'clock in the afternoon, pursuant to the provisions of J.R.S. 24.

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. 76

House concurrent resolution congratulating the 2016 Milton High School Yellow Jackets Division II championship girls' soccer team;

H.C.R. 77

House concurrent resolution congratulating the 2017 St. Johnsbury Academy girls' indoor track and field team on winning a third consecutive Division I indoor championship;

H.C.R. 78

House concurrent resolution honoring the TRIO academic programs in Vermont and designating March 17, 2017 as TRIO Day at the State House;

H.C.R. 79

House concurrent resolution congratulating the 2017 Mt. Anthony Union High School Patriots championship wrestling team;

H.C.R. 80

House concurrent resolution congratulating the 2016 St. Johnsbury Academy Hilltoppers Division I championship baseball team;

H.C.R. 81

House concurrent resolution congratulating the 2016 St. Johnsbury Academy Hilltoppers girls' track and field team on winning a second straight Division I outdoor championship;

H.C.R. 82

House concurrent resolution designating the month of March 2017 as Professional Social Workers Month;

H.C.R. 83

House concurrent resolution honoring the outstanding municipal service of Stowe Town Clerk and Treasurer Alison Kaiser and expressing best wishes as she continues her rehabilitation process;

H.C.R. 84

House concurrent resolution congratulating the Holton Home Inc. on its 125th anniversary;

H.C.R. 85

House concurrent resolution congratulating the 2017 Burr and Burton Academy Bulldogs championship girls' snowboarding team;

H.C.R. 86

House concurrent resolution congratulating Rylee Field of Montpelier on

her being crowned Miss Vermont 2016;

H.C.R. 87

House concurrent resolution designating March 23, 2017 as Vermont Nonprofit Legislative Day at the State House;

H.C.R. 88

House concurrent resolution congratulating the Montpelier Senior Activity Center on its 50th Anniversary;

S.C.R. 10

Senate concurrent resolution designating Friday, March 24, 2017 as Northeast Kingdom Day in Vermont;

[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 2017, seventy-fourth Biennial session.]

Monday, March 27, 2017

At one o'clock in the afternoon the Speaker called the House to order. Noting a lack of quorum, the House adjourned pursuant to Rule 9.

Tuesday, March 28, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Earl Kooperkamp, Good Shepherd Episcopal Church, Barre, VT.

Pledge of Allegiance

Page Aiden Casey of Worcester led the House in the Pledge of Allegiance.

Message from the Senate No. 35

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 72. An act relating to requiring telemarketers to provide accurate caller identification information.

S. 75. An act relating to aquatic nuisance species control.

S. 92. An act relating to interchangeable biological products.

S. 96. An act relating to a news media privilege.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 10. Senate concurrent resolution designating Friday, March 24, 2017 as Northeast Kingdom Day in Vermont.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 76. House concurrent resolution congratulating the 2016 Milton High School Yellow Jackets Division II championship girls' soccer team.

H.C.R. 77. House concurrent resolution congratulating the 2017 St. Johnsbury Academy girls' indoor track and field team on winning a third consecutive Division I indoor championship.

H.C.R. 78. House concurrent resolution honoring the TRIO academic programs in Vermont and designating March 17, 2017 as TRIO Day at the State House.

H.C.R. 79. House concurrent resolution congratulating the 2017 Mt. Anthony Union High School Patriots championship wrestling team.

H.C.R. 80. House concurrent resolution congratulating the 2016 St. Johnsbury Academy Hilltoppers Division I championship baseball team.

H.C.R. 81. House concurrent resolution congratulating the 2016 St. Johnsbury Academy Hilltoppers girls' track and field team on winning a second straight Division I outdoor championship.

H.C.R. 82. House concurrent resolution designating the month of March 2017 as Professional Social Workers Month.

H.C.R. 83. House concurrent resolution honoring the outstanding municipal service of Stowe Town Clerk and Treasurer Alison Kaiser and expressing best wishes as she continues her rehabilitation process.

H.C.R. 84. House concurrent resolution congratulating the Holton Home Inc. on its 125th anniversary.

H.C.R. 85. House concurrent resolution congratulating the 2017 Burr and Burton Academy Bulldogs championship girls' snowboarding team.

H.C.R. 86. House concurrent resolution congratulating Rylee Field of Montpelier on her being crowned Miss Vermont 2016.

H.C.R. 87. House concurrent resolution designating March 23, 2017 as Vermont Nonprofit Legislative Day at the State House.

H.C.R. 88. House concurrent resolution congratulating the Montpelier Senior Activity Center on its 50th Anniversary.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 516

By the committee on Ways and Means,

An act relating to miscellaneous tax changes;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 517

By the committee on Education,

An act relating to prekindergarten education and child development programs;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 518

By the committee on Appropriations,

An act relating to making appropriations for the support of government;

Pursuant to House rule 48, bill placed on the Calendar for notice.

Senate Bill Referred

S. 72

Senate bill, entitled

An act relating to requiring telemarketers to provide accurate caller identification information

Was read and referred to the committee on Commerce and Economic Development.

Senate Bill Referred

S. 75

Senate bill, entitled

An act relating to aquatic nuisance species control

Was read and referred to the committee on Natural Resources, Fish & Wildlife.

Senate Bill Referred**S. 92**

Senate bill, entitled

An act relating to interchangeable biological products

Was read and referred to the committee on Health Care.

Senate Bill Referred**S. 96**

Senate bill, entitled

An act relating to a news media privilege

Was read and referred to the committee on Judiciary.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****S. 4**

Rep. Pugh of South Burlington moved that the committee on Human Services be relieved of House bill, entitled

An act relating to publicly accessible meetings of an accountable care organization's governing body

And that the bill be committed to the committee on Government Operations, which was agreed to.

Third Reading; Bill Passed**H. 130**

House bill, entitled

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

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 308**

House bill, entitled

An act relating to a committee to reorganize and reclassify Vermont's criminal statutes

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 326**

House bill, entitled

An act relating to eligibility and calculation of grant or subsidy amount for Reach Up, Reach Ahead, and the Child Care Services Program

Was taken up, read the third time and passed.

Committee Bill; Second Reading; Third Reading Ordered**H. 514**

Rep. Weed of Enosburgh spoke for the committee on Government Operations.

House bill entitled

An act relating to elections corrections

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Message from the Senate No. 36

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 52. An act relating to the Public Service Board and its proceedings.

S. 134. An act relating to court diversion and pretrial services.

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. 27. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Action on Bill Postponed**H. 111**

House bill, entitled

An act relating to vital records

Was taken up and pending the reading of the report of the committee on Government Operations, on motion of **Rep. Devereux of Mount Holly**, action

on the bill was postponed until March 29, 2017.

Second Reading; Bill Amended; Third Reading Ordered

H. 216

Rep. Yantachka of Charlotte, for the committee on Energy and Technology, to which had been referred House bill entitled,

An act relating to establishment of the Vermont Lifeline program

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. § 218(c) is amended to read:

(c)(1) The Public Service Board shall take any action, including the setting of telephone rates, enabling necessary to enable the State of Vermont and telecommunications companies offering service in Vermont to participate in the Federal Communications Commission telephone federal Lifeline program administered by the Federal Communications Commission (FCC) or its agent and also the Vermont Lifeline program described in subdivision (2) of this subsection. ~~The Board shall set one or more residential basic exchange Lifeline telephone service credits, for those persons eligible to participate in the Federal Communications Commission Lifeline program.~~

(2) ~~A person shall be eligible for the Lifeline benefit who meets the Department for Children and Families means test of eligibility, which shall include all persons participating in public assistance programs administered by the Department. The Department for Children and Families shall verify this eligibility, in compliance with Federal Communications Commission requirements.~~

~~(A) The benefit under this subdivision shall be equal to the full subscriber line charge, plus an amount equal to the larger of:~~

~~(i) 50 percent of the monthly basic service charge, including 50 percent of all mileage charges and, if the Board determines after notice and opportunity for hearing that their inclusion will make Lifeline benefits more comparable in different areas, 50 percent of the usage cost arising from a fixed amount of monthly local usage; and~~

~~(ii) \$7.00 per month;~~

~~(B) provided that in no event shall the amount of the monthly credit exceed the monthly basic service charge, including any standard usage and mileage charges~~ household that qualifies for participation in the federal Lifeline program under criteria established by the FCC or other federal law or regulation shall also be eligible to receive a Vermont Lifeline benefit for

wireline voice telephone service. The Vermont Lifeline benefit established under this subdivision shall be set at an amount not to exceed the benefit provided to a household as of October 31, 2017, or \$4.25, whichever is greater, and shall be applied as a supplement to any wireline voice benefit received through participation in the federal Lifeline program. However, in no event shall the aggregate amount of benefits received through the federal and State programs described in this subdivision exceed a household's monthly basic service charge for wireline services, including any standard usage and mileage charges.

~~(3) A person shall also be eligible for the Lifeline benefit who submits to the Commissioner for Children and Families an application containing any information and disclosure of information authorization necessary to process the Lifeline credit. Such application shall be filed with the Commissioner on or before June 15 of each year and shall be signed by the applicant under the pains and penalties of perjury. A person shall be eligible who is 65 years of age or older whose modified adjusted gross income as defined in 32 V.S.A. § 6061(5) for the preceding taxable year was less than 175 percent of the official poverty line established by the federal Department of Health and Human Services for a family of two published as of October 1 of the preceding taxable year. A person shall be eligible whose modified adjusted gross income as defined in 32 V.S.A. § 6061(5) for the preceding taxable year was less than 150 percent of the official poverty line established by the federal Department of Health and Human Services for a family of two published as of October 1 of the preceding taxable year. In the case of sickness, absence, disability, excusable neglect, or when, in the judgment of the Secretary of Human Services good cause exists, the Secretary may extend the deadline for filing claims under this section. The provisions of 32 V.S.A. § 5901 shall apply to such application. The Secretary of Human Services shall perform income verification. Upon enrollment in the program, and for each period of renewal, such participant shall receive the credit for 12 ensuing months.~~

~~(A) The benefit under this subdivision shall be equal to the full subscriber line charge, plus an amount equal to the larger of:~~

~~(i) 50 percent of the monthly basic service charge, including 50 percent of all mileage charges and, if the Board determines after notice and opportunity for hearing that their inclusion will make Lifeline benefits more comparable in different areas, 50 percent of the usage cost arising from a fixed amount of monthly local usage; and~~

~~(ii) \$7.00 per month.~~

~~(B) The amount of the monthly credit pursuant to subdivision (A) of this subdivision (3) shall not exceed the monthly basic service charge,~~

~~including any standard usage and mileage charges~~ company designated as an eligible telecommunications carrier by the Board pursuant to 47 U.S.C. § 214(e) shall verify an applicant's eligibility for receipt of federal or State Lifeline benefits as required by federal law or regulation or as directed by the Vermont Agency of Human Services, as applicable. The Agency shall provide the FCC or its agent with categorical eligibility data regarding an applicant's status in qualifying programs administered by the Agency.

(4) Notwithstanding any provisions of this subsection to the contrary, a subscriber who is enrolled in the Lifeline program and has obtained a final relief from abuse order in accordance with the provisions of 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the amount of the incremental charges imposed by the local telecommunications company for treating the number of the subscriber as nonpublished and any charges required to change from a published to a nonpublished number. ~~Such subscribers shall be deemed to have good cause by the Secretary of Human Services for the purpose of extending the application deadline in subdivision (3) of this subsection. For purposes of As used in this section, "nonpublished" means that the customer's telephone number is not listed in any published directories, is not listed on directory assistance records of the company, and is not made available on request by a member of the general public, notwithstanding any claim of emergency a requesting party may present. The Department for Children and Families shall develop an application form and certification process for obtaining this Lifeline benefit credit. Upon enrollment in the program, such participant shall receive the Lifeline benefit credit until the end of the calendar year. Renewals shall be for a period of one year.~~

Sec. 2. LIFELINE ELIGIBILITY AND PARTICIPATION; REPORT

On or before January 1, 2019 and annually thereafter for the next three years, the Commissioner for Children and Families, in consultation with the Commissioner of Public Service, shall file a report with the General Assembly describing the eligibility and participation rates in Vermont with respect to both the federal and State Lifeline programs.

Sec. 3. EFFECTIVE DATE

This act shall take effect on November 1, 2017.

And that after passage the title of the bill be amended to read: "An act relating to Lifeline benefits"

Rep. Dakin of Colchester, for the committee on Appropriations, recommended the bill ought to pass when amended by the committee on Energy and Technology.

The bill, having appeared on the Calendar one day for notice, was taken up,

read second time, the report of the committees on Energy and Technology and Appropriations agreed to and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 386

Rep. Baser of Bristol, for the committee on Ways and Means, to which had been referred House bill, entitled

An act relating to home health agency provider taxes

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1951 is amended to read:

§ 1951. DEFINITIONS

As used in this subchapter:

(1) “Assessment” means a tax levied on a health care provider pursuant to this chapter.

(2)(A) “Core home health ~~care~~ and hospice services” means:

(i) ~~those medically necessary, intermittent, skilled nursing, home health aide, therapeutic, and personal care attendant services, provided exclusively in the home by home health agencies. Core home health services do not include private duty nursing, hospice, homemaker, or physician services, or services provided under early periodic screening, diagnosis, and treatment (EPSDT), traumatic brain injury (TBI), high technology programs, or services provided by a home for persons who are terminally ill as defined in subdivision 7102(3) of this title~~ home health services provided by Medicare-certified home health agencies that are covered under Title XVIII (Medicare) or XIX (Medicaid) of the Social Security Act;

(ii) services covered under the adult and pediatric High Technology Home Care programs;

(iii) personal care, respite care, and companion care services provided through the Choices for Care program contained within Vermont’s Global Commitment to Health Section 1115 demonstration;

(iv) hospice services; and

(v) home health and hospice services covered under a health insurance or other health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402.

(B) The term “core home health and hospice services” shall not

include any other service provided by a home health agency, including:

- (i) private duty nursing;
- (ii) case management services;
- (iii) homemaker services;
- (iv) the Flexible Choices or Assistive Devices options under the Choices for Care program contained within Vermont's Global Commitment to Health Section 1115 demonstration;
- (v) adult day services;
- (vi) group-directed attendant care services;
- (vii) primary care services;
- (viii) nursing home room and board when a hospice patient is in a nursing home;
- (ix) health clinics, including occupational health, travel, and flu clinics;
- (x) services provided to children under the early and periodic screening, diagnostic, and treatment Medicaid benefit;
- (xi) services provided pursuant to the Money Follows the Person demonstration project;
- (xii) services provided pursuant to the Traumatic Brain Injury Program; or
- (xiii) maternal-child wellness services, including services provided through the Nurse Family Partnership program.

* * *

(10) "Net ~~operating~~ patient revenues" means a provider's gross charges less any deductions for bad debts, charity care, contractual allowances, and other payer discounts as reported on its audited financial statement.

* * *

Sec. 2. 33 V.S.A. § 1955a is amended to read:

§ 1955a. HOME HEALTH AGENCY ASSESSMENT

(a)(1) ~~Beginning October 1, 2011, each~~ Each home health agency's assessment shall be ~~4.30~~ 4.17 percent of its net ~~operating~~ patient revenues from core home health care and hospice services, ~~excluding revenues for services provided under Title XVIII of the federal Social Security Act;~~ provided, however, that each home health agency's annual assessment shall be limited to no more than six percent of its annual net patient revenue provided exclusively in Vermont.

(2) The amount of the tax shall be determined by the Commissioner based on the home health agency's most recent audited financial statements at the time of submission, a copy of which shall be provided on or before May 1 of each year to the Department.

(3) For providers who begin operations as a home health agency after January 1, 2005, the tax shall be assessed as follows:

(1)(A) Until such time as the home health agency submits audited financial statements for its first full year of operation as a home health agency, the Commissioner, in consultation with the home health agency, shall annually estimate the amount of tax payable and shall prescribe a schedule for interim payments.

(2)(B) At such time as the full-year audited financial statement is filed, the final assessment shall be determined, and the home health agency shall pay any underpayment or the Department shall refund any overpayment. The assessment for the State fiscal year in which a provider commences operations as a home health agency shall be prorated for the proportion of the State fiscal year in which the new home health agency was in operation.

* * *

Sec. 3. 2016 Acts and Resolves No. 134, Sec. 32 is amended to read:

Sec. 32. HOME HEALTH AGENCY ASSESSMENT FOR FISCAL
~~YEARS YEAR 2017 AND 2018~~

Notwithstanding any provision of 33 V.S.A. § 1955a(a) to the contrary, for fiscal ~~years year 2017 and 2018~~ only, the amount of the home health agency assessment under 33 V.S.A. § 1955a for each home health agency shall be 3.63 percent of its annual net patient revenue.

Sec. 4. REPEAL

33 V.S.A. § 1955a is repealed on July 1, 2019.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Ways and Means agreed to and third reading ordered.

**Committee Bill; Favorable Report; Second Reading;
Third Reading Ordered**

H. 508

Rep. Mrowicki of Putney, spoke for the committee on Human Services.

House bill, entitled

An act relating to building resilience for individuals experiencing adverse childhood experiences

Rep. Trieber of Rockingham, for the committee on Appropriations 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.

**Committee Bill; Favorable Report; Second Reading;
Third Reading Ordered**

H. 510

Rep. Ainsworth of Royalton, spoke for the committee on Natural Resources; Fish & Wildlife.

House bill, entitled

An act relating to the cost share for State agricultural water quality financial assistance grants

Rep. Helm of Fair Haven, for the committee on Appropriations 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.

**Committee Bill; Favorable Report; Second Reading;
Third Reading Ordered**

H. 511

Rep. Brennan of Colchester, spoke for the committee on Transportation.

House bill, entitled

An act relating to highway safety

Rep. Helm of Fair Haven, for the committee on Appropriations 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.

Recess

At twelve o'clock and thirty-one minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At two o'clock and fifty-two minutes in the afternoon, the Speaker called the House to order.

**Committee Bill; Favorable Report; Second Reading;
Bill Amended; Third Reading Ordered**

H. 512

Rep. Hubert of Milton, spoke for the committee on Government Operations.

House bill, entitled

An act relating to the procedure for conducting recounts

Rep. Juskiewicz of Cambridge, for the committee on Appropriations reported in favor of its passage.

The bill having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Ainsworth of Royalton** moved to amend the bill as follows:

In Sec. 1, 17 V.S.A. chapter 51, subchapter 9, in § 2602a (appointment of recount committee), in subdivision (b)(1), following “under this section” by inserting

“, with the number of appointments based on the number of votes to be recounted and a goal of completing the recount within one day”

Which was agreed to. Thereupon, third reading was ordered.

Committee Bill; Second Reading; Third Reading Ordered

H. 515

Rep. Young of Glover spoke for the committee on Ways and Means.

House bill, entitled

An act relating to Executive Branch and Judiciary fees

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 85

Rep. Sullivan of Dorset for the committee on Economic Development, to which had been referred House bill entitled,

An act relating to captive insurance companies

Reported in favor of its passage when amended as follows:

First: In Sec. 1, 8 V.S.A. § 6007, by striking out subsection (b) in its

entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Prior to March 1 of each year, and prior to March 15 of each year in the case of pure captive insurance companies or industrial insured captive insurance companies, each captive insurance company shall submit to the Commissioner a report of its financial condition, verified by oath of two of its executive officers. Each captive insurance company shall report using generally accepted accounting principles, statutory accounting principles, or international financial reporting standards unless the Commissioner requires, approves, or accepts the use of ~~statutory accounting principles or~~ any other comprehensive basis of accounting, in each case with any appropriate or necessary modifications or adaptations thereof required or approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. As used in this section, statutory accounting principles shall mean the accounting principles codified in the NAIC Accounting Practices and Procedures Manual. Upon application for admission, a captive insurance company shall select, with explanation, an accounting method for reporting. Any change in a captive insurance company's accounting method shall require prior approval. Except as otherwise provided, each risk retention group shall file its report in the form required by subsection 3561(a) of this title, and each risk retention group shall comply with the requirements set forth in section 3569 of this title. The Commissioner shall by rule propose the forms in which pure captive insurance companies, association captive insurance companies, and industrial insured captive insurance companies shall report. Subdivision 6002(c)(3) of this title shall apply to each report filed pursuant to this section, except that such subdivision shall not apply to reports filed by risk retention groups.

Second: In Sec. 3, 8 V.S.A. § 6001, by striking out subdivision (5) in its entirety and inserting in lieu thereof a new subdivision (5) to read as follows:

~~(4)~~(5) “Captive insurance company” means any pure captive insurance company, association captive insurance company, sponsored captive insurance company, industrial insured captive insurance company, agency captive insurance company, risk retention group, or special purpose financial insurance company formed or licensed under the provisions of this chapter. For purposes of this chapter, a branch captive insurance company shall be a pure captive insurance company with respect to operations in this State, unless otherwise permitted by the Commissioner.

Rep. Young of Glover, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on Ways and Means and when further amended as follows:

By striking out Sec. 2 (premium tax credit) in its entirety, and by inserting in lieu thereof a new Sec. 2 as follows:

Sec. 2. [Deleted.]

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Ways and Means was agreed to. Report of the committee on Commerce and Economic Development agreed to and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 424

Rep. Sullivan of Burlington for the committee on Natural Resources, Fish & Wildlife, to which had been referred House bill entitled,

An act relating to the Commission on Act 250: The Next 50 Years

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS; PURPOSE

(a) Findings. The General Assembly finds as follows:

(1) In 1969, Governor Deane Davis by executive order created the Governor's Commission on Environmental Control, which consisted of 12 members and became known as the Gibb Commission because it was chaired by Representative Arthur Gibb.

(2) The Gibb Commission's recommendations, submitted in 1970, included a new State system for reviewing and controlling plans for large-scale and environmentally sensitive development. The system was not to be centered in Montpelier. Instead, the power to review projects and grant permits would be vested more locally, in commissions for districts within the State.

(3) In 1970, the General Assembly enacted 1970 Acts and Resolves No. 250, an act to create an environmental board and district environmental commissions. This act is now codified at 10 V.S.A. chapter 151 and is commonly known as Act 250. In Sec. 1 of Act 250 (the Findings), the General Assembly found that:

(A) "the unplanned, uncoordinated and uncontrolled use of the lands and the environment of the state of Vermont has resulted in usages of the lands and the environment which may be destructive to the environment and which are not suitable to the demands and needs of the people of the state of Vermont";

(B) “a comprehensive state capability and development plan and land use plan are necessary to provide guidelines for utilization of the lands and environment of the state of Vermont and to define the goals to be achieved through land environmental use, planning and control”;

(C) “it is necessary to establish an environmental board and district environmental commissions and vest them with the authority to regulate the use of the lands and the environment of the state according to the guidelines and goals set forth in the state comprehensive capability and development plan and to give these commissions the authority to enforce the regulations and controls”; and

(D) “it is necessary to regulate and control the utilization and usages of lands and the environment to insure that, hereafter, the only usages which will be permitted are not unduly detrimental to the environment, will promote the general welfare through orderly growth and development and are suitable to the demands and needs of the people of this state.”

(4) In 1973 Acts and Resolves No. 85, Secs. 6 and 7, the General Assembly adopted the Capability and Development Plan (the Plan) called for by Act 250. Among the Plan’s objectives are:

(A) “Preservation of the agricultural and forest productivity of the land, and the economic viability of agricultural units, conservation of the recreational opportunity afforded by the state’s hills, forests, streams and lakes, wise use of the state’s non-renewable earth and mineral reserves, and protection of the beauty of the landscape are matters of public good. Uses which threaten or significantly inhibit these resources should be permitted only when the public interest is clearly benefited thereby.”

(B) “Increased demands for and costs of public services, such as schools, road maintenance, and fire and police protection must be considered in relation to available tax revenues and reasonable public and private capital investment. . . . Accordingly, conditions may be imposed upon the rate and location of development in order to control its impact upon the community.”

(C) “Strip development along highways and scattered residential development not related to community centers cause increased cost of government, congestion of highways, the loss of prime agricultural lands, overtaxing of town roads and services and economic or social decline in the traditional community center.”

(D) “Provision should be made for the renovation of village and town centers for commercial and industrial development, where feasible, and location of residential and other development off the main highways near the village center on land which is other than primary agricultural soil.”

(E) “In order to achieve a strong economy that provides satisfying and rewarding job and investment opportunities and sufficient income to meet the needs and aspirations of the citizens of Vermont, economic development should be pursued selectively so as to provide maximum economic benefit with minimal environmental impact.”

(b) Purpose. In light of Act 250’s upcoming 50th anniversary, the General Assembly establishes the Commission on Act 250: the Next 50 Years, in order to review and make recommendations on improving the effectiveness and efficiency of the Act as currently implemented in achieving the goals set forth in the Findings and the Capability and Development Plan, which in this act will be referred to as “the Act 250 goals.” The General Assembly intends that the Commission provide information to the public on the history and implementation of Act 250 and solicit proposals and input from the public on the matters within its charge. The General Assembly also intends that the Commission’s recommendations enable the Act 250 program, going forward, to meet the Act 250 goals and to safeguard Vermont’s environment effectively and efficiently.

(c) Executive Branch working group. Contemporaneously with the consideration of this act by the General Assembly, the Chair of the Natural Resources Board (NRB) has convened a working group on Act 250 to include the NRB and the Agencies of Commerce and Community Development and of Natural Resources, with assistance from the Agencies of Agriculture, Food and Markets and of Transportation. The working group intends to make recommendations during October 2017. The General Assembly intends that the Commission established by this act receive and consider information and recommendations offered by the working group convened by the Chair of the NRB.

Sec. 2. COMMISSION ON ACT 250: THE NEXT 50 YEARS; REPORT; APPROPRIATION

(a) Establishment. There is established the Commission on Act 250: the Next 50 Years to:

(1) provide information regarding Act 250 and its operation and implementation to date; and

(2) review and make recommendations on improving the effectiveness and efficiency of the Act as currently implemented in achieving the Act 250 goals.

(b) Membership. The Commission shall be composed of the following 11 members:

(1) Four current members of the General Assembly with knowledge and

expertise in one or more of the following areas: conservation and development, natural resources, or judicial or quasi-judicial process. Of these members:

(A) two shall be members of the House of Representatives, appointed by the Speaker of the House; and

(B) two shall be members of the Senate, appointed by the Committee on Committees.

(2) The Chair of the Natural Resources Board or designee.

(3) A representative of a Vermont-based, statewide environmental organization that has a focus on land use and significant experience in the Act 250 process, appointed by the Committee on Committees.

(4) A person with significant experience in real estate development and land use permitting, including Act 250, appointed by the Speaker of the House.

(5) A representative of the Vermont Planners Association, appointed by the Governor.

(6) A member of a Vermont-based statewide business organization, appointed by the Governor.

(7) A person who is the owner of a small business that has had to obtain permits under Act 250, appointed by the Governor.

(8) A person currently serving in the position of an elected officer of a Vermont city or town, appointed by the Governor.

(c) Public meetings. The Commission shall conduct seven public meetings in different regions of the State to provide information and collect public input regarding the protections and process of Act 250, with the seventh meeting to occur in Montpelier. The Commission shall collaborate with regional and municipal planning organizations. At these meetings, the Commission shall provide the information described in subsection (d) of this section and solicit input and proposals from the public on the issues identified in subsection (e) of this section. In addition to public meetings, the Commission shall use social media and other online mechanisms to survey and obtain information from the public.

(d) Information. The Commission shall summarize and present to the public:

(1) the purpose and requirements of Act 250 and the rules adopted pursuant to the Act, and the process for appealing decisions;

(2) the history of Act 250 and its implementation; and

(3) the data on numbers of applications and appeals and processing times for each.

(e) Study; recommendations. In performing the review and making the recommendations described in subsection (a) of this section:

(1) The Commission shall examine the criteria at 10 V.S.A. § 6086(a) and make recommendations to:

(A) Ensure that the requirements of the criteria reflect current science and research. This inquiry shall include specific examination of the Act 250 criteria related to air, water, waste, habitat protection, forestland, and the impact of development on the budgets, facilities, and infrastructure of local, regional, and State governments.

(B) Ensure that the criteria address the issue of climate change, including reducing greenhouse gas emissions from projects subject to the Act and ensuring that those projects are prepared for the potential effects of climate change. In 2013 Acts and Resolves No. 89, Sec. 1(1), the General Assembly found that “[t]he primary driver of climate change in Vermont and elsewhere is the increase of atmospheric carbon dioxide (CO₂) from the burning of fossil fuels.”

(C) Ensure that the criteria support development in centers designated under 24 V.S.A. chapter 76A and preserve, outside designated centers, natural resources, working farms, and working forests, including a healthy forest industry and a healthy ecosystem protected from fragmentation. The Commission also shall consider the impact of these policies on towns in which physical or other constraints may inhibit development in or expansion of existing settlements.

(D) Ensure that the criteria address any other issues related to the impacts of developments and subdivisions that the Commission determines have emerged since passage of the Act, including issues that may be raised by changes in the environmental protections afforded by federal law and regulation.

(2) The Commission shall examine potential changes to Act 250 jurisdiction to encourage development in designated centers and protect natural resources outside those centers, including working farms and forestland.

(3) The Commission shall examine whether efficiencies in Act 250 are available based on each of the planning and permitting processes listed in this subdivision and, based on this examination, make recommendations, if any, on ways to achieve those efficiencies while preserving the authority of the Act.

(A) In performing this examination, the Commission shall consider

the compatibility with Act 250 of the scope, criteria, and procedures for each of these processes, which are:

(i) current environmental regulation by the Agency of Natural Resources;

(ii) current implementation of municipal and regional land use planning and regulation; and

(iii) the designations available under 24 V.S.A. chapter 76A.

(B) The Commission's examination shall identify changes in these planning and permitting processes that would assist in making Act 250 more effective and efficient.

(4) The Commission shall review the efficiency and effectiveness of the process before the District Commissions in achieving the Act 250 goals and whether changes could better meet these goals and improve the process for participants, including applicants and other parties, and shall make its resulting recommendations, if any.

(5) The Commission shall examine the effectiveness and efficiency of the current appeals process in achieving the Act 250 goals and whether changes could better meet these goals, and make its recommendations, if any, on how to improve the appeals process to achieve them. This inquiry shall include consideration of:

(A) barriers, if any, in the current appeals process that discourage participation;

(B)(i) the use of de novo hearing or on the record review on appeal of Act 250 decisions; and

(ii) if de novo hearing is retained, barriers in the current appeals process, if any, that inhibit reaching decisions on the merits of whether a project meets the Act 250 criteria on appeal; and

(C) comparison of the cost, length of time, and efficiency of the appeals process before the Environmental Division of the Superior Court as compared to the appeals process before the former Environmental Board.

(6) The Commission shall examine whether the intent of Act 250 to encourage citizen participation is being achieved effectively and identify ways to improve citizen participation in Act 250.

(7) The Commission shall examine the role of the Natural Resources Board and alternatives to the Board model in administering the Act 250 program, including whether the Board as currently constituted is the most effective and efficient structure to administer Act 250.

(8) The Commission shall examine the circumstances under which land might be released from Act 250 jurisdiction when the use of land has changed to a use that would not constitute a development or subdivision within the meaning of the Act. The Commission shall propose a process and criteria under which such a release might be allowed.

(9) The Commission shall examine the definitions of “development” and “subdivision” contained in the Act and consider whether changes to those definitions would better achieve the Act 250 goals, including:

(A) examining changes to improve the ability of the Act to protect forest blocks and habitat connectivity;

(B) reviewing the scope of Act 250’s jurisdiction over projects on ridgelines, including its ability to protect ridgelines that are lower than 2,500 feet, and projects on ridgelines that are expressly exempted from Act 250; and

(C) considering projects that involve land in more than one town and one of the towns has both permanent zoning and subdivision bylaws and one of the towns does not have both sets of bylaws.

(f) Report. The Commission shall consider the public input and proposals provided under subsection (c) of this section and the issues set forth in subsection (e) of this section and shall report its findings and recommendations for legislative action to the House Committee on Natural Resources, Fish and Wildlife and the Senate Committee on Natural Resources and Energy (the Natural Resource Committees). The report shall attach proposed legislation. The report of the Commission shall be submitted on or before January 15, 2019 and on submission shall be posted to the web pages of the Natural Resources Committees.

(g) Assistance.

(1) The staff of the Natural Resources Board shall provide professional, legal, and administrative services to the Commission, including the scheduling of meetings and the preparation of the Commission’s report.

(2) The Office of Legislative Council shall provide legal services to the Commission, including drafting the Commission’s proposed legislation.

(3) The Commission shall have technical services of the Agencies of Commerce and Community Development, of Natural Resources, and of Transportation and, on request, shall be entitled to legal assistance from those agencies in their areas of expertise.

(4) On request, the Commission shall be entitled to financial assistance from the Joint Fiscal Office and to data from the Superior Court on appeals before the Environmental Division from decisions under Act 250, including

annual numbers of appeals, length of time, and disposition.

(5) The Commission may request that an organization that has a member on the Commission make available to the Commission information or professional or technical resources that the member's organization already possesses.

(h) Meetings; officers.

(1) In addition to the public meetings required under subsection (c) of this section, the Commission may meet as needed to perform its tasks, and shall cease to exist on February 15, 2019.

(2) The staff of the Natural Resources Board and the Office of Legislative Council jointly shall convene the first meeting of the Commission to occur during October 2017. At that meeting, the Commission shall:

(A) elect a chair from among its legislative members and a vice chair from among its members; and

(B) receive the information and recommendations developed by the working group described in Sec. 1(c) of this act.

(3) The Commission may appoint members of the Commission to subcommittees to which it assigns tasks related to specific issues within the Commission's charge.

(4) Meetings of the Commission and subcommittees shall be subject to the Vermont Open Meeting Law and 1 V.S.A. § 172.

(i) Reimbursement.

(A) For attendance at no more than 10 Commission meetings during adjournment of the General Assembly, legislative members of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

(B) Other members of the Commission who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than 10 Commission meetings. These costs shall be allocated to the budget of the Natural Resources Board and District Environmental Commissions.

(C) There shall be no reimbursement for attendance at subcommittee meetings or more than 10 Commission meetings.

(j) Facilitator; retention; appropriation. On behalf of the Commission, the Office of Legislative Council shall be authorized to retain, after a competitive bid process, a professional facilitator to assist the Commission in the

development of information to be presented or provided at the public meetings under subsection (c) of this section; the conduct of these meetings; the use of social media and other online mechanisms to survey and obtain information from the public; and in making decisions on its report and recommendations. The facilitator shall attend each of the public meetings conducted under subsection (c) of this section. During fiscal year 2018, the sum of \$50,000.00 is appropriated to the Office of Legislative Council for the purpose of this subsection and the expenditure of up to \$50,000.00 for this purpose is authorized.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Feltus of Lyndon, for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committee on Natural Resources, Fish & Wildlife and when further amended as follows:

In Sec. 2 (commission on Act 250: the next 50 years; report; appropriation), by striking out subsection (j) (facilitator; retention; appropriation) in its entirety.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Natural Resources, Fish & Wildlife was amended as recommended by the committee on Appropriations. Report of the committee on Natural Resources, Fish & Wildlife as amended agreed to and third reading ordered.

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 509

Rep. Sharpe of Bristol spoke for the committee on Education.

House bill entitled

An act relating to calculating statewide education tax rates

Rep. Donovan of Burlington for the committee on Ways and Means recommended that the bill ought to pass when amended as follows:

First: By striking out Secs. 1–8 and inserting in lieu thereof the following:

* * * Yields and Nonresidential Tax Rate * * *

Sec. 1. PROPERTY DOLLAR EQUIVALENT YIELD AND INCOME DOLLAR EQUIVALENT YIELD FOR FISCAL YEAR 2018

Pursuant to 32 V.S.A. § 5402b(b), for fiscal year 2018 only:

(1) the property dollar equivalent yield is \$10,077.00; and

(2) the income dollar equivalent yield is \$11,851.00.

Sec. 2. NONRESIDENTIAL PROPERTY TAX RATE FOR FISCAL YEAR
2018

For fiscal year 2018 only, the nonresidential education property tax imposed under 32 V.S.A. § 5402(a)(2) shall be reduced from the rate of \$1.59 and instead be \$1.555 per \$100.00.

* * * Unfunded Mandates* * *

Sec. 3. 32 V.S.A. § 305b is added to read:

§ 305b. UNFUNDED EDUCATION MANDATE AMOUNT TRANSFER

Within 30 days after the end of each annual legislative session of the General Assembly, the Joint Fiscal Office and the Secretary of Administration in consultation with the Secretary of Education shall estimate the “unfunded education mandate amount.” This estimate shall equal the total dollar amount required for supervisory unions and school districts to perform any action that is required pursuant to legislation enacted during that annual legislative session, and which has a related direct cost, but does not have a specifically identified appropriation for fulfilling that obligation. The estimate shall be for the fiscal year commencing on July 1 of the following year. The Joint Fiscal Office and the Secretary of Administration shall present the unfunded education mandate amount estimate to the Emergency Board at its July meeting and the Emergency Board shall determine the unfunded education mandate amount. The Governor’s budget report required under section 306 of this title shall include a transfer of this amount from the General Fund pursuant to 16 V.S.A. § 4025(a)(2) for the fiscal year commencing on July 1 of the following year.

Sec. 4. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

(a) ~~An~~ The Education Fund is established to comprise the following:

* * *

(2) For each fiscal year, the amount of the general funds appropriated or transferred to the Education Fund shall be ~~\$305,900,000.00, to be:~~

(A) the total of \$305,900,000.00 plus the unfunded education mandate amount, as defined in subsection (e) of this section;

(B) increased annually beginning for fiscal year 2018 by the consensus Joint Fiscal Office and Administration determination of the National Income and Product Accounts (NIPA) Implicit Price Deflator for State and

Local Government Consumption Expenditures and Gross Investment as reported by the U.S. Department of Commerce, Bureau of Economic Analysis through the fiscal year for which the payment is being determined;

(C) plus an additional one-tenth of one percent.

* * *

(e) As used in this section, “unfunded education mandate amount” shall mean the amount appropriated by the General Assembly in any fiscal year for the purpose of providing funding for supervisory unions and school districts to perform any action that is required pursuant to legislation, and which has a related direct cost, but does not otherwise have a specifically identified appropriation for fulfilling that obligation. The “unfunded education mandate amount” shall include the cumulative amount of these appropriations for all fiscal years in which they are made.

Sec. 5. 16 V.S.A. § 4028(d) is amended to read:

(d) Notwithstanding 2 V.S.A. § 502(b)(2), the Joint Fiscal Office shall prepare a fiscal note for any legislation that requires a supervisory union or school district to perform any action with ~~an associated~~ a related direct cost, but does not ~~provide money or a funding mechanism~~ have a specifically identified appropriation for fulfilling that obligation. Any fiscal note prepared under this subsection shall identify whether or not the estimated costs would be considered part of the “unfunded education mandate amount” under 32 V.S.A. § 305b for the next fiscal year. Any fiscal note prepared under this subsection shall be completed no later than the date that the legislation is considered for a vote in the first committee to which it is referred.

and by renumbering the remaining sections to be numerically correct.

Second: By striking out the original Sec. 10 (effective dates) in its entirety, and inserting in lieu thereof the following:

Sec. 7. EFFECTIVE DATE

This act shall take effect July 1, 2017 and apply to fiscal year 2018 and after.

Having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Ways and Means agreed to and third reading ordered.

**Committee Bill; Favorable Report; Second Reading;
Third Reading Ordered**

H. 513

Rep. Conlon of Cornwall spoke for the committee on Education.

House bill entitled

An act relating to making miscellaneous changes to education law

Rep. Juskiewicz of Cambridge, for the committee on Appropriations, recommended the bill ought to pass

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Recess

At three o'clock and fifty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At four o'clock and twenty minutes in the afternoon, the Speaker called the House to order.

Second Reading; Bill Committed to Committee

H. 170

Rep. Conquest of Newbury, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to possession and cultivation of marijuana by a person 21 years of age or older

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT; CIVIL AND CRIMINAL PENALTIES

It is the intent of the General Assembly to eliminate all penalties for possession of one ounce or less of marijuana for a person who is 21 years of age or older while retaining civil and criminal penalties for possession of larger amounts of marijuana and criminal penalties for unauthorized dispensing or sale of marijuana. This act also retains civil penalties for possession of marijuana by a person under 21 years of age, which are the same as for possession of alcohol by a person under 21 years of age.

Sec. 2. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

(15)(A) “Marijuana” means ~~any plant material of the genus cannabis or any preparation, compound, or mixture thereof except:~~

~~(A) sterilized seeds of the plant;~~

~~(B) fiber produced from the stalks; or~~

~~(C) hemp or hemp products, as defined in 6 V.S.A. § 562~~ all parts of the plant Cannabis sativa L., except as provided by subdivision (B) of this subdivision (15), whether growing or harvested, and includes:

(i) the seeds of the plant;

(ii) the resin extracted from any part of the plant; and

(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

(B) “Marijuana” does not include:

(i) the mature stalks of the plant and fiber produced from the stalks;

(ii) oil or cake made from the seeds of the plant;

(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;

(iv) the sterilized seed of the plant that is incapable of germination; or

(v) hemp or hemp products, as defined in 6 V.S.A. § 562.

* * *

(43) “Immature marijuana plant” means a female marijuana plant that has not flowered and that does not have buds that may be observed by visual examination.

(44) “Mature marijuana plant” means a female marijuana plant that has flowered and that has buds that may be observed by visual examination.

Sec. 3. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) No person shall knowingly and unlawfully possess more than ~~one ounce~~ two ounces of marijuana or more than ~~five~~ 10 grams of hashish or cultivate more than three mature marijuana plants or six immature marijuana plants. For a first offense under this subdivision (A), a person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision shall be imprisoned not more than six months or fined not more than \$500.00, or both.

(B) A person convicted of a second or subsequent offense of knowingly and unlawfully possessing more than ~~one ounce~~ two ounces of

marijuana or more than ~~five~~ 10 grams of hashish or cultivating more than three mature marijuana plants or six immature marijuana plants shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(C) Upon an adjudication of guilt for a first or second offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041 except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening which may be considered at sentencing in the same manner as a presentence report.

~~(2) A person knowingly and unlawfully possessing two ounces of marijuana or 10 grams of hashish or knowingly and unlawfully cultivating more than three plants of marijuana shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.~~

~~(3)~~ A person knowingly and unlawfully possessing more than one pound or more of marijuana or more than 2.8 ounces or more of hashish or knowingly and unlawfully cultivating ~~more than 10 plants of~~ six mature marijuana plants or 12 immature marijuana plants shall be imprisoned not more than ~~five~~ three years or fined not more than ~~\$100,000.00~~ \$10,000.00, or both.

~~(4)~~(3) A person knowingly and unlawfully possessing more than 10 pounds or more of marijuana or more than one pound or more of hashish or knowingly and unlawfully cultivating ~~more than 25 plants of~~ 12 mature marijuana plants or 24 immature marijuana plants shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

~~(5)~~(4) If a court fails to provide the defendant with notice of collateral consequences in accordance with 13 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and conviction for a violation of this subsection may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.

(5) The amounts of marijuana in this subsection shall not include marijuana cultivated, harvested, and stored in accordance with section 4230f of this title.

* * *

Sec. 4. 18 V.S.A. § 4230a is amended to read:

§ 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE OR OLDER; CIVIL VIOLATION

(a)(1) A person 21 years of age or older who knowingly and unlawfully possesses ~~one ounce or but less of marijuana or five grams or less of hashish~~ any of the following commits a civil violation ~~and~~:

(A) more than one ounce, but not more than two ounces of marijuana;

(B) more than five grams, but not more than 10 grams of hashish; or

(C) more than two mature marijuana plants and four immature marijuana plants, but not more than three mature marijuana plants or six immature marijuana plants.

(2) A person who violates subdivision (1) of this subsection shall be assessed a civil penalty as follows:

(1) of not more than \$200.00 for a first offense;

(2) not more than \$300.00 for a second offense;

(3) not more than \$500.00 for a third or subsequent offense.

~~(b)(1) Except as otherwise provided in this section, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish or who possesses paraphernalia for marijuana use and shall not be penalized or sanctioned in any other manner by the State or any of its political subdivisions or denied any right or privilege under State law.~~

~~(2) A violation of this section shall not result in the creation of a criminal history record of any kind.~~

(b) Second or subsequent violations of subdivision (1) of subsection (a) shall be punished in accordance with subdivision 4230(a)(1) of this title.

(c)(1) This section does not exempt any person from arrest or prosecution for being under the influence of marijuana while operating a vehicle of any kind and shall not be construed to repeal or modify existing laws or policies concerning the operation of vehicles of any kind while under the influence of marijuana.

~~(2) This section is not intended to affect the search and seizure laws afforded to duly authorized law enforcement officers under the laws of this State. Marijuana is contraband pursuant to section 4242 of this title and possessed in violation of this title is contraband and subject to seizure and forfeiture unless possessed in compliance with chapter 86 of this title (therapeutic use of cannabis).~~

(3) This section shall not be construed to prohibit a municipality from regulating, prohibiting, or providing additional penalties for the use of marijuana in public places.

(d) If a person suspected of violating this section contests the presence of cannabinoids within 10 days of receiving a civil citation, the person may request that the State Crime Laboratory test the substance at the person's expense. If the substance tests negative for the presence of cannabinoids, the State shall reimburse the person at ~~state~~ State expense.

(e)(1) A law enforcement officer is authorized to detain a person if:

(A) the officer has reasonable grounds to believe the person has violated this section; and

(B) the person refuses to identify himself or herself satisfactorily to the officer when requested by the officer.

(2) The person may be detained only until the person identifies himself or herself satisfactorily to the officer or is properly identified. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a judge in the Criminal Division of the Superior Court for that purpose. A person who refuses to identify himself or herself to the Court on request shall immediately and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

(f) Fifty percent of the civil penalties imposed by the Judicial Bureau for violations of this section shall be deposited in the Drug Task Force Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Department of Public Safety for the funding of law enforcement officers on the Drug Task Force, except for a \$12.50 administrative charge for each violation which shall be deposited in the Court Technology Special Fund, in accordance with 13 V.S.A. § 7252. The remaining 50 percent shall be deposited in the Youth Substance Abuse Safety Program Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Court Diversion Program for funding of the Youth Substance Abuse Safety Program as required by section 4230b of this title.

Sec. 5. 18 V.S.A. § 4230b is amended to read:

§ 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS OF AGE; CIVIL VIOLATION

(a) Offense. A person under 21 years of age who knowingly and unlawfully possesses ~~one ounce~~ two ounces or less of marijuana or ~~five~~ 10 grams or less of hashish or three mature marijuana plants or fewer or six

immature marijuana plants or fewer commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(1) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and

(2) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.

* * *

Sec. 6. REPEAL

18 V.S.A. § 4230d (Marijuana possession by a person under 16 years of age; delinquency) is repealed.

Sec. 7. 18 V.S.A. § 4230e is added to read:

§ 4230e. POSSESSION OF MARIJUANA BY A PERSON 21 YEARS OF AGE OR OLDER

(a)(1) Except as otherwise provided in this title, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish and two mature marijuana plants or fewer or four immature marijuana plants or fewer shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) The one-ounce limit of marijuana that may be possessed by a person 21 years of age or older shall not include marijuana cultivated, harvested, and stored in accordance with section 4230f of this title.

(b) A person shall not consume marijuana or hashish in a public place. "Public place" means any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation as defined in 9 V.S.A. § 4501, and any place where the possession of a lighted tobacco product is prohibited pursuant to section 1421 of this title or chapter 37 of this title. A person who violates this subsection shall be assessed a civil penalty as follows:

(1) not more than \$100.00 for a first offense;

(2) not more than \$200.00 for a second offense; and

(3) not more than \$500.00 for a third or subsequent offense.

Sec. 8. 18 V.S.A. § 4230f is added to read:

§ 4230f. CULTIVATION OF MARIJUANA BY A PERSON 21 YEARS OF AGE OR OLDER

(a)(1) Except as otherwise provided in this section, a person 21 years of age or older who cultivates no more than two mature marijuana plants and four immature marijuana plants shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) Each dwelling unit shall be limited to two mature marijuana plants and four immature marijuana plants regardless of how many persons 21 years of age or older reside in the dwelling unit. As used in this section, "dwelling unit" means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(3) Any marijuana harvested from the plants allowed pursuant to this subsection shall not count toward the one-ounce possession limit in section 4229a of this title provided it is stored in an indoor facility on the property where the marijuana was cultivated and reasonable precautions are taken to prevent unauthorized access to the marijuana.

(4) Cultivation in excess of the limits provided in this subsection shall be punished in accordance with sections 4230 and 4230a of this title.

(b)(1) Personal cultivation of marijuana only shall occur:

(A) on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property; and

(B) in an enclosure that is screened from public view and reasonable precautions are taken to prevent unauthorized access to the marijuana.

(2) A person who violates this subsection shall be assessed a civil penalty as follows:

(A) not more than \$100.00 for a first offense;

(B) not more than \$200.00 for a second offense; and

(C) not more than \$500.00 for a third or subsequent offense.

Sec. 9. 18 V.S.A. § 4230g is added to read:

§ 4230g. FURNISHING MARIJUANA TO A PERSON UNDER 21 YEARS OF AGE; CRIMINAL OFFENSE

(a) No person shall:

(1) furnish marijuana to a person under 21 years of age; or

(2) knowingly enable the consumption of marijuana by a person under

21 years of age.

(b) As used in this section, “enable the consumption of marijuana” means creating a direct and immediate opportunity for a person to consume marijuana.

(c) Except as provided in subsection (d) of this section, a person who violates subsection (a) of this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(d) A person who violates subsection (a) of this section, where the person under 21 years of age, while operating a motor vehicle on a public highway, causes death or serious bodily injury to himself or herself or to another person as a result of the violation, shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

(e) This section shall not apply to:

(1) A person under 21 years of age who furnishes marijuana to a person under 21 years of age or who knowingly enables the consumption of marijuana by a person under 21 years of age. Possession of an ounce or less of marijuana by a person under 21 years of age shall be punished in accordance with sections 4230b–4230d of this title and dispensing or selling marijuana shall be punished in accordance with sections 4230 and 4237 of this title.

(2) A dispensary that lawfully provides marijuana to a registered patient or caregiver pursuant to chapter 86 of this title.

Sec. 10. 18 V.S.A. § 4230h is added to read:

§ 4230h. FURNISHING MARIJUANA TO A PERSON UNDER 21 YEARS OF AGE; CIVIL ACTION FOR DAMAGES

(a) A spouse, child, guardian, employer, or other person who is injured in person, property, or means of support by a person under 21 years of age who is impaired by marijuana, or in consequence of the impairment by marijuana of any person under 21 years of age, shall have a right of action in his or her own name, jointly or severally, against any person or persons who have caused in whole or in part such impairment by furnishing marijuana to a person under 21 years of age.

(b) Upon the death of either party, the action and right of action shall survive to or against the party’s executor or administrator. The party injured or his or her legal representatives may bring either a joint action against the impaired person under 21 years of age and the person or persons who furnished the marijuana, or a separate action against either or any of them.

(c) An action to recover for damages under this section shall be commenced within two years after the cause of action accrues, and not after.

(d) In an action brought under this section, evidence of responsible actions taken or not taken is admissible if otherwise relevant.

(e) A defendant in an action brought under this section has a right of contribution from any other responsible person or persons, which may be enforced in a separate action brought for that purpose.

(f) A person who knowingly furnishes marijuana to a person under 21 years of age may be held liable under this section if the social host knew, or a reasonable person in the same circumstances would have known, that the person who received the marijuana was under 21 years of age.

Sec. 11. 18 V.S.A. § 4230i is added to read:

§ 4230i. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE PROHIBITED

(a) No person shall manufacture concentrated marijuana by chemical extraction or chemical synthesis using butane or hexane unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both. A person who violates subsection (a) of this section and causes serious bodily injury to another person shall be imprisoned not more than five years or fined not more than \$5,000.00, or both.

Sec. 12. 18 V.S.A. § 4476 is amended to read:

§ 4476. OFFENSES AND PENALTIES

~~(a) No person shall sell, possess with intent to sell, or manufacture with intent to sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a regulated drug in violation of chapter 84 of this title. Whoever violates any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than \$1,000.00, or both.~~

~~(b) Any A person who violates subsection (a) of this section by selling sells drug paraphernalia to a person under 18 years of age shall be imprisoned for not more than two years, or fined not more than \$2,000.00, or both.~~

~~(e)(b) The distribution and possession of needles and syringes as part of an organized community-based needle exchange program shall not be a violation of this section or of chapter 84 of this title.~~

Sec. 13. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the bill be amended by the committee on Judiciary? **Rep. Sibilia of Dover** moved to commit the bill to the committee on Human Services which was agreed to.

Adjournment

At four o'clock and forty-two minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, March 29, 2017

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

Devotional Exercises

Devotional exercises were conducted by Reverend Joan Javier-Duval, Unitarian Church, Montpelier, VT.

House Bill Introduced**H. 519**

By the committee on Corrections and Institutions,

An act relating to capital construction and State bonding;

Which was read the first time and pursuant to House rule 48, bill placed on the Calendar for notice.

Senate Bill Referred**S. 52**

Senate bill, entitled

An act relating to the Public Service Board and its proceedings

Was read and referred to the committee on Energy and Technology.

Senate Bill Referred**S. 134**

Senate bill, entitled

An act relating to court diversion and pretrial services

Was read and referred to the committee on Judiciary.

Bill Referred to Committee on Appropriations**H. 519**

House bill, entitled

An act relating to capital construction and State bonding

Carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Adopted in Concurrence**J.R.S. 27**

By Senator Ashe,

J.R.S. 27. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 31, 2017, it be to meet again no later than Tuesday, April 4, 2017.

Was taken up, read and adopted in concurrence.

Rules Suspended; Bill Committed**H. 517**

On motion of **Rep. Pugh of South Burlington**, the rules were suspended and House bill, entitled

An act relating to An act relating to prekindergarten education and child development programs;

Appearing on the Calendar for notice, was taken up for immediate consideration.

Pending second reading of the bill, **Rep. Pugh of South Burlington** moved that the bill be committed to the committee on Human Services which was agreed to.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****S. 4**

Rep. Townsend of South Burlington moved that the committee on Government Operations be relieved of House bill, entitled

An act relating to publicly accessible meetings of an accountable care organization's governing body

And that the bill be committed to the committee on Health Care, which was agreed to.

**Second Reading; Bill Amended;
Third Reading Ordered**

H. 111

Rep. Devereux of Mount Holly, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to vital records

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * General Provisions Related to Vital Records * * *

Sec. 1. 18 V.S.A. § 4999 is added to 18 V.S.A. chapter 101 to read:

§ 4999. DEFINITIONS

As used in this part, unless the context requires otherwise:

(1) “Issuing agent” means a town clerk or duly authorized representative of the State Registrar who issues certified and noncertified copies of birth and death certificates from the Statewide Registration System.

(2) “Licensed health care professional” means a physician, a physician assistant, or an advanced practice registered nurse.

(3) “Municipality” or “town” means a city, town, village, unorganized town or gore, or town or gore within the unified towns and gores of Essex County.

(4) “Noncertified copy” means a copy of a vital event certificate issued by a public agency as defined in 1 V.S.A. § 317, other than a certified copy.

(5) “Office of Vital Records” means an office of the Department of Health responsible for the Statewide Registration System and with the authority over vital records provided by law.

(6) “Registrant” means the individual who is the subject of a vital event certificate.

(7) “Statewide Registration System” or “System” means:

(A) the sole official repository of data from birth and death certificates registered on or after January 1, 1909; and

(B) such other data related to vital records as the State Registrar may prescribe.

(8) “Town clerk” or “municipal clerk” or “clerk” means a town clerk, a city clerk, a county clerk acting on behalf of an unorganized town or gore, or the supervisor of the unified towns and gores of Essex County, or a town

official or employee designated by the same to act on his or her behalf.

(9) "Vital event certificate" means a birth, death, marriage, or civil union certificate or a report of divorce, annulment, or dissolution. "Vital event certificate" does not include any confidential portion of a report of birth or of death or of a marriage or civil union license or application therefor.

(10) "Vital record" means:

(A) a report of birth, death, fetal death, or induced termination of pregnancy or a preliminary report of death;

(B) a vital event certificate;

(C) a marriage or civil union license;

(D) a burial-transit permit; and

(E) any other records associated with the creation, registration, processing, modification, or disclosure of the records described in this subdivision (10).

Sec. 2. 18 V.S.A. § 5020 is redesignated to read:

§ 5020 5000. SUPERVISOR OF VITAL RECORDS STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE REGISTRATION SYSTEM; ISSUING AGENTS

Sec. 3. 18 V.S.A. § 5000 is amended to read:

§ 5000. STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE REGISTRATION SYSTEM; ISSUING AGENTS

(a) The ~~commissioner~~ Commissioner shall designate a member of the ~~department~~ Department as ~~supervisor of vital records registration~~ who the State Registrar. The State Registrar shall head the Office of Vital Records, and shall provide consultation to town ~~and county~~ clerks, hospital personnel, ~~physicians~~ licensed health care professionals, midwives, funeral directors, ~~clergymen~~ clergy, probate judges, and all other persons involved in vital records ~~registration~~ for the purpose of promoting uniformity of procedures in ~~reaching~~ a order to promote the complete, accurate, ~~and~~ timely, and lawful creation, registration, processing, modification, and disclosure of vital records.

(b) The Commissioner may exercise any authority granted to or fulfill any duties conferred on the State Registrar under this part or any other provision of law related to vital records, and the State Registrar may delegate the exercise of his or her authority or the performance of his or her duties to a duly authorized representative.

(c)(1) The State Registrar shall operate the Statewide Registration

System, which shall be the sole official repository of data from birth and death certificates registered on or after January 1, 1909. The State Registrar shall create and maintain an index which, at a minimum, will enable the public to search contents of the System by the name of the registrant and the date of the vital event.

(2) Birth and death certificates registered prior to January 1, 1909:

(A) shall not be incorporated into the Statewide Registration System;

(B) shall be maintained at the offices of town clerks as specified in section 5007 of this title; and

(C) shall not be eligible for amendment under this part.

(3) The State Registrar shall investigate and attempt to resolve any known discrepancy between the contents of a vital event certificate in the custody of the State Registrar and a vital event certificate maintained in the office of a town clerk. In addition, the State Registrar shall have the authority to change the contents of a birth or death certificate in the System in order to address a known error or to conform the certificate to the requirements of a court order. The State Registrar shall record and maintain in the System the nature and content of a change made in the System, the identity of the person making the change, and the date of the change.

(4) Except as authorized under subdivision 5073(a)(3) of this title, and except for corrections, completions, or amendments to address known errors or omissions, the State Registrar shall deny any application under this part requesting a correction, completion, or amendment of a birth or death certificate in order to change a name, and shall change a name only in accordance with a court order.

(d)(1) Except as provided in subdivision (2) of this subsection, town clerks in the State shall aid in the efficient administration of the Statewide Registration System and shall act as agents to issue copies of birth and death certificates from the Statewide Registration System in accordance with section 5016 of this title.

(2) By filing a written notice with the State Registrar, a town clerk may opt out of serving as an issuing agent.

(e) The State Registrar shall, consistent with the requirements of this part:

(1) administer the Statewide Registration System and fulfill the duties assigned to him or her under this part;

(2) provide for the preservation and security of the official records of

the Office of Vital Records, and for the matching of birth and death records in order to prevent the fraudulent use of birth and death certificates of deceased persons;

(3) promote uniformity of policy and procedures pertaining to vital records and vital statistics throughout the State;

(4) prescribe the contents and form of vital record reports, vital event certificates, and related applications and documents; prescribe the contents and form of burial-transit permits; and distribute the same;

(5) maintain a Vital Records Alert System in order to track and prevent misrepresentation, fraud, or illegal activities in connection with vital records;

(6) implement audit and quality control procedures as necessary to ensure compliance with vital records filing and reporting requirements;

(7) prescribe:

(A) the contents and form of applications for a certified copy of birth or death certificate after consultation with the Vermont Municipal Clerks' & Treasurers' Association;

(B) the manner in which vital records required to be submitted to him or her shall be submitted;

(C) physical requirements and security standards for storage of vital event certificates and related supplies, after consideration of best practices issued by state and federal law enforcement and public health organizations;

(D) the manner in which the Department of Public Safety shall furnish lists of missing and kidnapped children to the State Registrar; and

(E) procedures governing the public's inspection of birth and death certificates, if necessary to protect the integrity of the certificates or to deter fraud;

(8) adopt rules governing:

(A) acceptable content and limitations on the number of characters on a birth certificate;

(B) acceptable forms of identification required in connection with applications for certified copies of birth and death certificates; and

(C) the process for denying a certified copy of a birth or death certificate based on a Vital Records Alert System match or evidence of fraud or misrepresentation, notifying affected persons of the denial, and

investigating and resolving the issue identified.

(f) The State Registrar may adopt rules as may be necessary to carry out his or her duties under this part.

Sec. 4. 18 V.S.A. § 5001 is amended to read:

§ 5001. ~~VITAL RECORDS; FORMS OF CERTIFICATES~~ DUTIES OF CUSTODIANS

~~(a) Certificates of birth, marriage, civil union, divorce, death, and fetal death shall be in form prescribed by the commissioner of health and distributed by the department of health.~~

~~(b) Beginning on January 1, 2010, all certificates of birth, marriage, civil union, divorce, death, and fetal death~~ certified copies of vital event certificates shall be issued on unique paper with antifraud features approved by the commissioner of health State Registrar and available from the department of health Office of Vital Records.

(b) Town custodians of vital event certificates shall ensure that the following are stored in a fireproof safe or vault:

- (1) blank copies of antifraud paper;
- (2) original vital event certificates; and
- (3) such other records or materials as the State Registrar may prescribe.

(c)(1) The State Registrar may audit any municipal or county office that stores or issues vital records to determine its compliance with the requirements of this part and any rules adopted thereunder. The State Registrar may require an office that fails an audit to cease issuing vital records until it passes a new audit.

(2) Following a failed audit, upon request, the State Registrar shall conduct a follow-up audit within 30 days of the request.

Sec. 5. 18 V.S.A. § 5002 is amended to read:

§ 5002. ~~RETURNS; TABLES~~ REPORT OF VITAL STATISTICS; PRESERVATION OF RECORDS; AUTHORITY TO ISSUE

~~The commissioner of health State Registrar shall prepare from the returns of an annual vital statistics report summarizing reports or returns of births, marriages, civil unions, deaths, fetal deaths, and divorces required by law to be transmitted to the commissioner such tables and append thereto such recommendations as he or she deems proper, and during the month of July in each even year, shall cause the same to be published as directed by the board, annulments, and dissolutions received in the prior calendar year. The~~

~~commissioner~~ State Registrar shall file and preserve all such returns. ~~The commissioner shall periodically transmit the original returns or photostatic or photographic copies to the state archivist of marriages, divorces, annulments, and dissolutions to the State Archivist, who shall keep the returns, or photostatic or photographic copies of the returns, on file for use by the public. The commissioner and the state archivist~~ State Registrar and the State Archivist shall each, independently of the other, have power to issue certified copies of ~~such records~~ vital event certificates in their custody.

Sec. 6. 18 V.S.A. § 5003 is amended to read:

§ 5003. FORMS MATERIALS FOR ISSUING AGENTS

~~The commissioner~~ State Registrar shall procure and send to ~~each town and county clerk such forms and reports of uniform size, and with margin for binding, issuing agents materials as are may be necessary to be used in compliance with the provisions of this part for the issuance of vital event certificates.~~

Sec. 7. 18 V.S.A. § 5005 is amended to read:

§ 5005. UNORGANIZED TOWNS AND GORES

~~(a) The county clerk of a county wherein is situated where an unorganized town or gore is situated shall have the authority, perform the same duties, and be subject to the same penalties as town clerks in respect to licenses, certificates, records, and returns of parties, both of whom reside in an unorganized town or gore in such county or where one party to a civil marriage or a civil union so resides and the other party resides in an unorganized town or gore in another county or without the state. The cost of binding such certificates shall be paid by the state prescribed in this part in relation to vital records with respect to residents of the unorganized town or gore.~~

~~(b) A report of births and deaths in unorganized towns and gores shall be made to the county clerk who shall record the same as is required in relation to such statistics in a town.~~

Sec. 8. 18 V.S.A. § 5006 is amended to read:

§ 5006. VITAL RECORDS EVENT INFORMATION PUBLISHED IN TOWN REPORTS

Town clerks ~~annually may compile and the~~ or auditors may publish in the annual town report a transcript of the record of nonconfidential information and statistics concerning births, marriages, civil unions, and deaths recorded of residents during the preceding calendar year. Upon request, the State Registrar shall furnish a town clerk such information and statistics.

Sec. 9. 18 V.S.A. § 5007 is amended to read:

§ 5007. PRESERVATION OF DATA RECORDS

A town clerk shall receive, number, and file for record certificates of ~~births, marriages, civil unions, and deaths,~~ and shall preserve such certificates ~~together with the~~ and burial-transit ~~and removal~~ permits returned to the clerk; ~~in a fireproof vault or safe, as provided by 24 V.S.A. § 1178.~~ A town clerk shall permanently preserve at the office of the clerk birth and death certificates registered prior to July 1, 2018, and marriage and civil union certificates.

Sec. 10. 18 V.S.A. § 5008 is amended to read:

§ 5008. TOWN CLERK; RECORDING AND INDEXING PROCEDURES

A town clerk shall file for record and index in volumes all marriage certificates and burial-transit permits received by the town. Each volume or series shall contain an alphabetical index. Civil marriage certificates shall be filed for record in one volume or series, ~~civil unions~~ union certificates kept in another, birth certificates in another, and death certificates and burial-transit ~~and removal~~ permits in another. ~~However, except that in a town having less than 500 inhabitants, the town clerk may cause civil marriage, civil union, birth, and death certificates, and burial-transit and removal permits to be filed for record in one volume, provided that none of such volumes shall contain more than 250 certificates and permits. All volumes shall be maintained in the town clerk's office as permanent records.~~

Sec. 11. 18 V.S.A. § 5009 is amended to read:

§ 5009. NONRESIDENTS; CERTIFIED COPIES TO TOWN OF RESIDENCE

On the first day of each month, the town clerk shall make a certified copy of each original ~~or, corrected certificate of birth, or amended~~ civil marriage, certificate or amended civil union, and death filed certificate filed in the clerk's office during the preceding month, whenever ~~the parents of a child born were, or a party to a civil marriage or a civil union or a deceased person was,~~ was a resident in any other Vermont town at the time of ~~such birth, the civil marriage, or civil union, or death,~~ and shall transmit ~~such~~ the certified copy to the clerk of ~~such~~ the other Vermont town, who shall file the same.

Sec. 12. 18 V.S.A. § 5010 is amended to read:

§ 5010. REPORT OF STATISTICS TRANSMITTAL OF MARRIAGE CERTIFICATES

The town clerk in of each town of ~~over 5,000 population or in a town where a general hospital as defined in subdivision 1902(1) of this title, is located,~~ shall each week transmit to the ~~supervisor of vital records registration~~ State

~~Registrar copies, duly certified, of each birth, death, marriage, and civil union certificate filed in the town in the preceding week. In all other towns, the clerk shall transmit such copies of birth, death, marriage, and civil union certificates received during the preceding month on or before the 10th day of each succeeding month.~~

Sec. 13. 18 V.S.A. § 5011 is amended to read:

§ 5011. PENALTY VIOLATIONS; PENALTIES

~~A town clerk who fails to transmit such copies of birth, marriage, civil union, and death certificates as provided in section 5010 of this title shall be fined not more than \$100.00.~~

(a)(1) A person shall not:

(A) knowingly make a false statement, or knowingly supply false information intending that such information be used, in connection with a vital record;

(B) without lawful authority and with the intent to deceive, make, counterfeit, alter, or mutilate any vital record;

(C) without lawful authority and with the intent to deceive, obtain, possess, or use, or sell or furnish to another person, any vital record that:

(i) has been counterfeited, altered, or mutilated;

(ii) is false in whole or in part; or

(iii) relates to another person, whether living or deceased;

(D) without lawful authority, possess any vital record knowing the same to have been stolen or otherwise unlawfully obtained.

(2) A person who violates this subsection shall be fined not more than \$10,000.00 or imprisoned for not more than five years, or both.

(b)(1) A person shall not:

(A) knowingly refuse to provide information that the person knows is required of him or her by this part or by rules adopted to carry out its purposes; or

(B) knowingly neglect or violate any of the provisions the person knows are imposed upon him or her by this part or knowingly refuse to perform any of the duties the person knows are imposed upon him or her by this part.

(2) A person who violates this subsection shall be fined not more than \$1,000.00 or imprisoned for not more than one year, or both.

(c) An employee of the Office of Vital Records or any issuing agent who knowingly furnishes or processes a certified copy of a vital event certificate with the knowledge or intention that it may be used for the purposes of deception shall be fined not more than \$10,000.00 or imprisoned for not more than five years, or both.

(d) The Commissioner or a hearing officer designated by the Commissioner may, after notice and an opportunity for hearing, impose a civil administrative penalty of not more than \$250.00 against a person who fails to perform any duty imposed or violates a prohibition under this part. A hearing under this subsection shall be a contested case subject to the provisions of 3 V.S.A. chapter 25, and the provisions of 3 V.S.A. §§ 809(h), 809a, and 809b related to subpoenas shall extend to the Commissioner, a hearing officer appointed by the Commissioner, and licensed attorneys representing a party.

Sec. 14. 18 V.S.A. § 5013 is amended to read:

§ 5013. ~~TOWN CLERK; SINGLE INDEX BIRTHS AND DEATHS~~

A town clerk shall prepare and keep a single index of births and deaths in alphabetical order, except as provided by 24 V.S.A. § 1153. [Repealed.]

Sec. 15. 18 V.S.A. § 5014 is added to read:

§ 5014. CONFIDENTIALITY

(a)(1) A vital record, or information therein, that by law is designated confidential or by a similar term, that by law may only be disclosed to specifically designated persons, or that by law is not a public record, is exempt from inspection and copying under the Public Records Act and shall be kept confidential to the extent provided by law.

(2) Records or information described in subdivision (1) of this subsection may be disclosed:

(A) for public health or research purposes in accordance with law;

(B) to a regulatory or law enforcement agency for enforcement purposes, if the agency has agreed to accept the terms of an agreement with the Office of Vital Records governing use and confidentiality of the information;

(C) to the vital records office of another state, if the subject of the vital record was a resident of the other state at the time of the vital event that led to creation of the record; or

(D) in a summary, statistical, or other format in which particular individuals are not identified directly or indirectly.

(b)(1) Except as otherwise provided in subdivision (a)(2) of this section and subdivision (2) of this subsection, the following information is exempt

from public inspection and copying under the Public Records Act, shall be kept confidential, and, in any civil action, shall not be subject to discovery or subpoena or be admissible:

(A) Social Security information and information collected only for medical and health purposes in reports of birth;

(B) Social Security numbers in reports of death or in preliminary reports of death;

(C) prior marriage and legal guardianship information and elections to dissolve a civil union in a marriage or civil union license or license application;

(D) such other information contained in a vital record as the State Registrar may designate through a rule adopted pursuant to 3 V.S.A. chapter 25, but only if the designation is necessary to protect the privacy of an individual.

(2) The person who is the subject of the record or his or her authorized representative shall be entitled to obtain a copy of the information.

(c) Information in or received from the Vital Records Alert System is exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that, in addition to the exceptions to confidentiality provided in subdivision (a)(2) of this section, such information may be shared with an issuing agent in order to correct and prevent mistakes and criminal activity.

Sec. 16. 18 V.S.A. § 5015 is amended to read:

~~§ 5015. STATISTICS BY HEAD OF FAMILY BECOMING RESIDENT~~

~~The head of a family who moves into and becomes a permanent resident of this state may cause to be recorded in the office of the clerk of the town where he or she resides, or if he or she resides in an unorganized town or gore, in the office of the clerk of the county wherein he or she resides, a certificate of his or her marriage embracing the statistics required by law, and may also cause to be recorded the birth of any of his or her children born without the state, with the statistics relating to such birth required by law, and shall make oath to the correctness of such statistics. Such record shall not be returned to the commissioner. [Repealed.]~~

Sec. 17. 18 V.S.A. § 5016 is added to read:

§ 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

(a) Access and issuance generally.

(1) Except as provided in subdivisions (2) and (3) of this subsection:

(A) only the State Registrar and issuing agents may issue certified copies of birth and death certificates registered before July 1, 2018, and such certificates shall only be issued from the Statewide Registration System; and

(B) only the State Registrar and issuing agents may issue certified or noncertified copies of birth and death certificates registered on or after July 1, 2018, and such certificates shall only be issued from the Statewide Registration System.

(2) Copies of birth and death certificates registered prior to January 1, 1909 shall not be issued from the Statewide Registration System. Any town clerk may issue a certified copy of a pre-1909 birth or death certificate, provided he or she fulfills the requirements of subsection (b) of this section and such additional requirements as the State Registrar may prescribe as necessary to track antifraud paper used to produce such copies.

(3) A certified or noncertified birth or death certificate shall only be issued as authorized and prescribed in this section, except that in either of the following circumstances, a public agency may issue a noncertified copy even if it does not follow the requirements of this section governing noncertified copies:

(A) if the public agency is an agency other than the Office of Vital Records, the Vermont State Archives and Records Administration, or the office of a town or county, and the public agency has custody of a birth or death certificate acquired in the course of its business; or

(B) if the birth or death certificate was filed in the records of a town or county office, such as land records, for a reason unrelated to its official role under law as a repository of registered birth or death certificates.

(4) The word "illegitimate" shall be redacted from any certified or noncertified copy of a birth certificate.

(5) If necessary to prevent fraud, the State Registrar may limit the issuance of a certified or noncertified copy of a certificate of live birth for a foreign born child in the same manner as copies of birth certificates are limited under this section.

(b) Certified copies.

(1) The State Registrar and issuing agents may issue certified copies of birth and death certificates only upon receipt of a complete application accompanied by a form of identification prescribed in rules adopted by the State Registrar. The State Registrar and issuing agents shall record in a database maintained by the State Registrar any application received.

(2) Only the following persons shall be eligible for a certified copy of a birth or death certificate:

(A) the registrant or his or her spouse, child, parent, sibling, grandparent, guardian, or petitioner for appointment as executor, or the legal representative of any of these;

(B) a specific person pursuant to a court order finding that a noncertified copy is not sufficient for the applicant's legal purpose and that a certified copy of the birth or death certificate is needed for the determination or protection of a person's right; or

(C) in the case of a death certificate only, additionally to:

(i) the individual with authority for final disposition as provided in section 5227 of this title or a funeral home or crematorium acting on the individual's behalf;

(ii) the Social Security Administration;

(iii) the U.S. Department of Veterans Affairs; or

(iv) the deceased's insurance carrier, if such carrier provides benefits to the decedent's survivors or beneficiaries.

(3) Antifraud paper. Certified copies of birth and death certificates shall be issued only on unique paper with antifraud features approved by the State Registrar.

(4) Legal effect. A certified copy of a birth or death certificate shall be prima facie evidence of the facts stated therein.

(c) Noncertified copies.

(1) Form. A noncertified copy of a birth or death certificate issued from the Statewide Registration System shall indicate the term "Noncertified" on its face.

(2) Legal effect. A noncertified copy of a birth or death certificate shall not serve as prima facie evidence of the facts stated therein, except that it may be recorded in the land records of a municipality to establish the date of birth or death of a person with an ownership interest in property.

(d) Inspection. In addition to the provisions of the Public Records Act, the State Registrar may prescribe procedures governing the inspection of birth and death certificates if necessary to protect the integrity of the certificates or to prevent fraud.

Sec. 18. 18 V.S.A. § 5017 is added to read:

§ 5017. FEES FOR COPIES AND SEARCHES

For a certified copy of a vital event certificate, the fee shall be \$10.00.

* * * Divorce and Dissolution Records * * *

Sec. 19. 18 V.S.A. § 5004 is amended to read:

§ 5004. FAMILY DIVISION OF THE SUPERIOR COURT CLERKS;
DIVORCE AND DISSOLUTION RETURNS

~~The family division of the superior court clerk~~ Family Division of the Superior Court shall send to the ~~commissioner~~ State Registrar, before the 10th day of each month, by county, a report of the number of divorces ~~which and dissolutions that~~ became absolute during the preceding month, showing as to each the names of the parties, date of civil marriage or civil union, number of children, grounds for divorce or dissolution, and such other statistical information available from the ~~family division of the superior court clerk's file~~ Family Division as may be required by the ~~commissioner~~ State Registrar.

* * * Birth Records * * *

Sec. 20. 18 V.S.A. § 5071 is amended to read:

§ 5071. BIRTH REPORTS AND CERTIFICATES; WHO TO MAKE;
RETURN

(a) On or before the fifth business day of each live birth that occurs in this State, the attending physician or designee or midwife or, if no attending physician or midwife is present, a parent of the child or a legal guardian of a mother under 18 years of age shall file with the ~~town clerk~~ State Registrar a ~~certificate~~ report of birth in the form and manner prescribed by the Department State Registrar. ~~The certificate shall be registered~~ State Registrar shall register the report in the Statewide Registration System if it has been completed properly and filed in accordance with this chapter. The portion of the registered birth report that is not confidential under section 5014 of this title is the birth certificate.

(b) At the time of the birth of a child, each parent shall furnish the following information ~~on a form provided for that purpose by the Department of Health~~ to enable completion of the report of birth required under subsection (a) of this section: the parent's name, address, and Social Security number and the name and date of birth of the child. ~~The forms and a copy of the birth certificate shall be filed with the Department of Health on or before the fifth day after the birth of the child.~~

(c)(1) Whoever assumes the custody of a live-born infant of unknown parentage shall ~~complete a certificate~~ file a report of birth as follows:

(A) ~~name of the child as given by the custodian, and sex;~~

~~(B) approximate date of birth as determined in consultation with a physician;~~

~~(C) place of birth as place where the child is found;~~

~~(D) in place of certifier, the custodian shall sign and indicate "custodian" rather than "attendant," with date and address; and~~

~~(E) parentage data and other child's data items shall be left blank with the State Registrar in the form and manner prescribed by the State Registrar.~~

(2) If the child is identified and a certificate of birth is found or obtained, the report and any certificate created under this section and copies thereof shall be ~~sealed and~~ deposited with the ~~Commissioner of Health~~ State Registrar and kept confidential, to be opened upon court order only.

(d) The name of the father shall be included on the report of birth and on any birth certificate of the child of unmarried parents only if the father and mother have signed a voluntary acknowledgment of parentage or a court or administrative agency of competent jurisdiction has issued an adjudication of parentage.

(e) When a birth certificate is issued, a parent or parents shall be identified with gender-neutral nomenclature.

Sec. 21. 18 V.S.A. § 5072 is amended to read:

§ 5072. NOTICE TO PARENT FOR CORRECTION OR COMPLETION

~~The supervisor of vital records registration shall, within~~ Within three months after each birth ~~which that~~ occurs in the ~~state~~ State, except for the birth of a child known to have died or to have been surrendered for adoption, ~~the State Registrar shall~~ send a notice of birth registration to the parents of the child. ~~Such~~ The notice shall contain the pertinent facts such as the child's full name, date and place of birth, and the names of the parents, with instructions and a form on which to apply for corrections or additions.

Sec. 22. 18 V.S.A. § 5073 is amended to read:

§ 5073. AMENDMENT OF MINOR ERRORS ON BIRTH CERTIFICATE CORRECTIONS, COMPLETIONS

(a)(1) ~~Within~~ Except as otherwise provided in subdivision (2) of this subsection, within six months after the date of birth, ~~amendment of obvious errors, transpositions of letters in words of common knowledge, or omissions, may be made by the town clerk either upon his or her own observation or~~ the State Registrar may correct or complete a birth certificate in the Statewide Registration System upon request application of a parent, the hospital, in which

the birth occurred, or the certifying attendant, or the supervisor of vital records registration.

(2) At any time after the date of birth, the State Registrar may complete a birth certificate to add the name of a father only upon request of the registrant or his or her parent or guardian and upon the receipt of:

(A) a properly executed voluntary acknowledgment of parentage; or

(B) a decree of a court or administrative agency of competent jurisdiction adjudicating parentage.

(3) Within six months after the date of birth, the State Registrar may complete or change the name of a child upon joint application of the parents or upon application of the parent if only one parent is listed on the birth certificate. A court order shall not be required except for completions or changes of name more than six months after the date of birth.

(b) If the State Registrar determines that a correction or completion requested under this section is unwarranted, he or she may deny an application, in which case the applicant may petition the Probate Division of the Superior Court. The court shall review the petition and relevant evidence de novo to determine if the correction or completion is warranted. The court shall transmit a decree ordering a correction or completion to the State Registrar, who shall correct or complete the certificate in accordance with the decree.

(c) ~~The amended~~ A corrected or completed certificate shall be free of any evidence of such correction except that the clerk shall make a notation as to the change and shall not be marked "Amended." However, the State Registrar shall record and maintain in the Statewide Registration System the source of the information, together with his or her name the nature and content of the change, the identity of the person making the change, and the date the change was made, on the margin of the certificate. This notation shall not be included on any certified copy of the certificate issued except as specified in subsection (b) of this section. The certificate shall not be marked "Amended."

(b) ~~The town clerk shall send a certified copy of any certificate amended under subsection (a) of this section to the commissioner and also to the clerk of any town to whom a copy of the original record was sent under the provisions of section 5009 of this title, and shall enclose with that copy, but not endorsed thereon, a notation identifying the copy to be replaced. The copy shall show the notations specified in subsection (a) of this section. The commissioner shall file this return or copy by attaching the same to the original return or copy.~~

(d) If the State Registrar corrects or completes a certificate that was registered prior to July 1, 2018, he or she shall notify the town clerk or clerks with custody of the certificate, who shall replace and dispose of the

uncorrected certificate and update indexes as directed by the State Registrar. Corrected or completed originals shall not be marked "Amended."

Sec. 23. 18 V.S.A. § 5074 is amended to read:

§ 5074. PENALTY

A person who fails to comply with a provision of sections 5071–5073 of this title shall be ~~fin~~ed \$5.00 subject to the penalties prescribed in section 5011 of this title.

Sec. 24. 18 V.S.A. § 5075 is amended to read:

§ 5075. ~~ISSUANCE OF NEW OR CORRECTED~~ AMENDED OR DELAYED BIRTH CERTIFICATE BY PROBATE DIVISION OF THE SUPERIOR COURT APPLICATION

(a) ~~After~~ Except as otherwise provided in subdivision 5073(a)(2) of this title, after six months from the date of birth, any alteration of the birth certificate of a person born in this state may be amended only by the decree of the probate division of the superior court of the district in which such birth occurred State shall be deemed an amendment. ~~A petition for such amendment may be brought by the person, the person's~~ Upon application by the registrant, his or her parent or guardian, the hospital in which the birth occurred, or the certifying attendant, or eustodian setting forth the reason for such petition and the correction or amendment desired and the reason for it, the State Registrar may amend the birth certificate if the application and relevant evidence, if any, show that the amendment is warranted.

(b) A person born in this ~~state~~ State for whom no certificate of birth was filed during the first year following birth, or his or her parent or guardian, may ~~petition the probate division of the superior court of the district in which such person was born~~ apply to the State Registrar to determine the facts with respect to this ~~the~~ birth and to order the issuance of ~~issue~~ a delayed certificate of birth.

(b) ~~Birth certificates issued under this section for minor errors as defined in subsection 5073(a) of this title shall be corrected without payment of a fee.~~

(c) If the State Registrar denies an application under this section, the applicant may petition the Probate Division of the Superior Court, which shall review the application and relevant evidence de novo to determine if the amendment or issuance of a delayed certificate is warranted. The court shall transmit a decree ordering an amendment or issuance of a delayed certificate to the State Registrar, who shall amend or issue the certificate in accordance with the decree.

(d) The State Registrar shall make any amendment and register any delayed certificate in the Statewide Registration System. Any amended birth certificate

issued from the System shall indicate the word “Amended” and the date of amendment, and any delayed certificate issued from the System shall indicate the word “Delayed” and the date of registration. The State Registrar shall record and maintain in the System the identity of the person requesting the amendment or delayed certificate, the nature and content of the change made in the System, the person who made the amendment or registered the delayed certificate in the System, and the date of the amendment or registration.

(e) If the State Registrar amends a certificate that was registered prior to July 1, 2018, he or she shall notify the town clerk or clerks with custody of the certificate, who shall replace and dispose of the unamended certificate and update indexes as directed by the State Registrar.

Sec. 25. 18 V.S.A. § 5076 is amended to read:

§ 5076. NOTICE; HEARING; DECREE; RECORD

~~(a) The probate division of the superior court shall set a time for hearing on a petition filed under section 5075 of this title, cause notice thereof, if it deems such necessary, by posting a notice in the probate office, and after hearing such proper and relevant evidence as may be presented shall make findings with respect to the birth of such person as are supported by the evidence.~~

~~(b) The court shall thereupon issue a decree setting forth the facts as found and transmit a certified copy thereof to the supervisor of vital records registration.~~

~~(1) Where the certificate is to be amended, the supervisor of vital records registration shall transmit the decree to the town clerk where the birth occurred, with instructions to amend the original certificate. A correction shall be made by drawing a line through the matter to be corrected and writing in new matter as required to show the legal effects. The town clerk shall stamp, write or type the words “Court Amended” at the top of the amended certificate and all copies thereof and shall certify that the amendment was ordered by said court pursuant to this chapter with the date of decree. The town clerk shall send a certified copy of such completed or corrected birth record, showing new matter added, or changed matter lined out and the substituted matter as it appears thereon, to the commissioner and also to the clerk of any town to whom a copy of the original record was sent under the provisions of section 5009 of this title, and shall enclose with that copy, but not endorsed thereon, a notation identifying the original.~~

~~(2) Where a delayed certificate is to be issued, the supervisor of vital records registration shall prepare a delayed certificate of birth on forms prescribed by the department and transmit the same, with the decree, to the clerk of the town in which the birth occurred. This delayed certificate shall~~

have the word "Delayed" printed at the top and shall certify that the certificate was ordered by a court pursuant to this chapter, with the date of the decree. The town clerk shall file this delayed certificate and shall follow the provisions of sections 5009 and 5010 of this title with respect to transmitting copies to the town of residence and to the department of health.

(3) Town clerks receiving new certificates in accordance with this section shall file and index them in the most recent book of births and also index them with births occurring at the same time. [Repealed.]

Sec. 26. 18 V.S.A. § 5077 is amended to read:

§ 5077. NEW BIRTH CERTIFICATE OF CHILD OF UNWED PARENTS WHO SUBSEQUENTLY MARRY

(a) A person whose previously unwed parents have intermarried subsequent to his or her birth and whose father has recognized such person as his child may establish his or her legitimacy under the provisions of 14 V.S.A. § 554 and the facts with respect to his or her birth and parentage, and procure the issuance and filing of a new birth certificate by petition to the probate division of the superior court of the district where the child was born.

(b) The probate division of the superior court, after hearing, shall issue a decree setting forth the facts as found and shall transmit a certified copy thereof to the supervisor of vital records registration, who shall prepare a new certificate and transmit it together with the decree and such information as is necessary to identify the original birth certificate, to the clerk of the town where the child was born.

(c) The clerk shall file and index the new certificate in the most recent book of births, shall also index them with births occurring at the same time and shall otherwise comply with the provisions of sections 5080 and 5081 of this title. The new certificate shall contain a notation that it was issued by authority of this chapter, and it shall not contain the word "Amended" or other special designation. [Repealed.]

Sec. 27. 18 V.S.A. § 5077a is amended to read:

§ 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE NOMENCLATURE ON FORMER REPORT OF BIRTH FORM

(a) If a parent of a person born in this State was unable to be listed as a parent on the person's birth certificate due to the lack of gender-neutral nomenclature on the former report of birth information form forms provided by the Department of Health, and the person or the person's parent may petition the Probate Division of the Superior Court of the district where the person was born in order to establish his or her parentage and be issued a new submits

sufficient proof of parentage to the State Registrar, the State Registrar shall complete the birth certificate in the State Registration System. The State Registrar shall record in the System the identity of the person requesting the new certificate, the nature and content of the change, the person who made the change, and the date of the change. The State Registrar shall issue a new birth certificate from the System which shall not contain the word "Amended" or other special designation, and shall notify the town clerk or clerks with custody of the certificate, who shall replace the original with the new certificate and update indexes as directed by the State Registrar. The town clerk or clerks shall send the original to the State Registrar, who shall keep it confidential.

~~(b) The Probate Division of the Superior Court, after hearing, shall authorize the supervisor of vital records registration to issue a new birth certificate and transmit it, together with any information identifying the original birth certificate, to the clerk of the town where the person was born. [Repealed.]~~

~~(c) The clerk shall file and index the new certificate in the most recent book of births, shall also index them with births occurring at the same time, and shall otherwise comply with the provisions of sections 5080 and 5081 of this title. The new certificate shall contain a notation that it was issued by authority of this chapter, and it shall not contain the word "Amended" or other special designation. [Repealed.]~~

Sec. 28. 15A V.S.A. § 3-801 is amended to read:

§ 3-801. REPORT OF ADOPTION TO STATE REGISTRAR OF VITAL RECORDS

(a) Within 30 days after a decree of adoption becomes final, the clerk of the court shall prepare, send, and certify to the State Registrar of Vital Records a report of adoption on a form ~~furnished~~ prescribed by the ~~supervisor of vital records and certify and send the report to the supervisor~~ State Registrar. The report shall include:

(1) information in the court's record of the proceeding for adoption ~~which~~ that is necessary to locate and identify the adoptee's birth certificate or, in the case of an adoptee born outside the United States, evidence the court finds appropriate to consider as to the adoptee's date and ~~place~~ country, state, and municipality of birth, as may be available;

(2) information necessary to issue a new birth certificate for the adoptee and a request that a new certificate be issued, unless the court, the adoptive parent, or an adoptee who ~~has attained~~ is 14 years of age or older requests that a new certificate not be issued; and

(3) the file number of the decree of adoption and the date on which the

decree became final.

(b) Within 30 days after a decree of adoption is amended or set aside, the clerk of the court shall prepare and send to the State Registrar a report of that action on a form furnished prescribed by the ~~supervisor of vital records and shall certify and send the report to the supervisor of vital records~~ State Registrar. The report shall include information necessary to identify the original report of adoption, and shall also include information necessary to amend or withdraw any new birth certificate that was issued pursuant to the original report of adoption.

Sec. 29. 15A V.S.A. § 3-802 is amended to read:

§ 3-802. ISSUANCE OF NEW, AMENDED BIRTH CERTIFICATE

(a) Except as otherwise provided in subsection (d) of this section, upon receipt of a report of adoption prepared pursuant to ~~section 3-801~~ subsection 3-801(a) of this title, a report of adoption prepared in accordance with the law of another state or country, a certified copy of a decree of adoption together with information necessary to identify the adoptee's original birth certificate and to issue a new certificate, or a report of an amended adoption prepared pursuant to subsection 3-801(b) of this title, the ~~supervisor of vital records~~ State Registrar shall either:

(1) ~~issue a new birth certificate~~ for an adoptee born in this state State, update the Statewide Registration System in accordance with the decree and furnish a certified copy of ~~the a new birth~~ birth certificate to the adoptive parent and to an adoptee who ~~has attained is~~ is 14 years of age or older;

(2) ~~forward a certified copy of a report of adoption~~ for an adoptee born in another state, forward a certified copy of the report of adoption to the ~~supervisor of vital records~~ appropriate office of the state of birth;

(3) ~~issue a certificate of foreign birth~~ for an adoptee adopted in this state ~~and State~~ who was born outside the United States and was not a citizen of the United States at the time of birth, create and register in the Statewide Registration System a "certificate of live birth for a foreign born child" upon request and in the form specified in 18 V.S.A. § 5078a, and furnish a certified copy of the certificate to the adoptive parent and to an adoptee who ~~has attained is~~ is 14 years of age or older;

(4) ~~notify an adoptive parent of the procedure for obtaining a revised birth certificate through the United States Department of State~~ for an adoptee born outside the United States who was a citizen of the United States at the time of birth, notify the adoptive parent of the procedure for obtaining a revised birth certificate through the U.S. Department of State; or

(5) in the case of an amended decree of adoption, ~~issue an amended birth certificate according to~~ either update the Statewide Registration System in accordance with the decree and follow the procedure in subdivision (a)(1) or (3) of this section, or follow the procedure in subdivision (2) or (4) of this section.

(b) Unless otherwise specified by the court, a new birth certificate or certificate of live birth for a foreign born child issued pursuant to subdivision (a)(1) or (3) or an amended certificate issued pursuant to subdivision (a)(5) of this section shall:

(1) be signed by the ~~supervisor of vital records~~ State Registrar;

(2) include the date, time, and place of birth of the adoptee;

(3) substitute the name of the adoptive parent for the name of the person listed as the adoptee's parent on the original birth certificate;

(4) ~~include the filing date of the original birth certificate and the filing date of the new birth certificate;~~ [Repealed.]

(5) contain any other information prescribed by the ~~supervisor of vital records~~ State Registrar.

(c) ~~The supervisor of vital records, and any other custodian of such records,~~ In the case of birth certificates registered prior to July 1, 2018 that are to be replaced or amended pursuant to subdivision (a)(1) or (5) of this section, the State Registrar shall notify the town clerk or clerks with custody of the certificate, who shall substitute the new or amended birth certificate for the original birth certificate. The original certificate and all copies of the certificate in the files shall be sealed and shall not be subject to inspection or copying until 99 years after the adoptee's date of birth, except as provided by this title.

(d) If the court, the adoptive parent, or an adoptee who ~~has attained~~ is 14 years of age or older requests that a new or amended birth certificate not be issued, the ~~supervisor of vital records may~~ State Registrar shall not issue a new or amended certificate for an adoptee pursuant to subsection (a) of this section; but, Nonetheless, for an adoptee born in another state, the State Registrar shall forward a certified copy of the report of adoption or of an amended decree of adoption for an adoptee who was born in another state to the appropriate office in the adoptee's state of birth.

(e) Upon receipt of a report that an adoption has been ~~vacated~~ set aside, the ~~supervisor of vital records~~ State Registrar shall:

(1) ~~restore the original birth certificate for a person born in this state to its place in the files,~~ State for whom a new birth certificate was issued, update

the Statewide Registration System to reflect the original birth certificate data and, in the case of an original birth certificate registered prior to July 1, 2018, notify the town clerk or clerks with custody of the certificate, who shall seal any new or amended birth certificate issued pursuant to subsection (a) of this section, restore the original, update indexes as directed by the State Registrar, and not allow inspection or copying of a the sealed certificate except upon court order or as otherwise provided in this title;

(2) ~~forward the report with respect to~~ for a person born in another state, forward the report to the appropriate office in the state of birth; ~~or~~

(3) for an adoptee born outside the United States who was not a citizen of the United States at the time of birth for whom a certificate of live birth for a foreign born child was issued, update the Statewide Registration System to reflect that the adoption was set aside; or

(4) ~~notify the person who is granted legal custody of a former adoptee after an adoption is vacated of the procedure for obtaining an original birth certificate through the United States Department of State for a former adoptee born outside the United States who was a citizen of the United States at the time of birth, notify the person who is granted legal custody of a former adoptee after an adoption is set aside of the procedure for obtaining an original birth certificate through the U. S. Department of State.~~

(f) Upon request by a person who was listed as a parent on an adoptee's original birth certificate and who furnishes appropriate proof of the person's identity, the ~~supervisor of vital records~~ State Registrar shall give the person a noncertified copy of the original birth certificate.

Sec. 30. 18 V.S.A. § 5078 is amended to read:

§ 5078. ADOPTION; NEW AND AMENDED BIRTH CERTIFICATE

(a) ~~The supervisor of vital records registration shall establish a new birth certificate for a person born in the state when the supervisor~~ When the State Registrar receives a record report of adoption, a report of an amended adoption, or a report that an adoption has been set aside as provided in 45 V.S.A. § 449 15A V.S.A. § 3-801, or a record of adoption prepared and filed in accordance with the laws of another state or foreign country, he or she shall proceed as prescribed in 15A V.S.A. § 3-802.

(b) ~~The new birth certificate shall be on a form prescribed by the commissioner of health. The new birth certificate shall include:~~

- (1) ~~the actual place and date of birth;~~
- (2) ~~the adoptive parents as though they were natural parents;~~
- (3) If prior to July 1, 2018 a new birth certificate was issued following

an adoption which contains a notation that it was issued by authority of this chapter, contains the filing dates of the original and the new birth certificate, or otherwise contains information that facially distinguishes it from an original, the adoptive parent or the adoptee if 14 years of age or older may apply to the State Registrar to issue a replacement birth certificate that does not contain distinguishing information. The State Registrar shall issue the replacement and notify any town clerk with custody of the version that contains distinguishing information, who shall substitute the latter with the replacement birth certificate. The town clerk shall send the version that contains distinguishing information to the State Registrar, who shall keep it confidential.

~~(c) The new birth certificate shall not contain a statement whether the adopted person was illegitimate. [Repealed.]~~

~~(d) The new certificate, and sufficient information to identify the original certificate, shall be transmitted to the clerk of the town of birth to be filed according to the procedures in 15 V.S.A. § 451. [Repealed.]~~

~~(e) The supervisor of vital records registration shall not establish a new birth certificate if the supervisor receives, accompanying the record of adoption, a written request that a new certificate not be established:~~

~~(1) from the adopted person if 18 years or older; or~~

~~(2) from the adoptive parent or parents if the adopted person is under 18 years of age. [Repealed.]~~

~~(f) When the supervisor of vital records registration receives a record of adoption for a person born in another state, the supervisor shall forward a certified copy of the record of adoption to the state registrar in the state of birth, with a request that a new birth certificate be established under the laws of that state. [Repealed.]~~

Sec. 31. 18 V.S.A. § 5078a is amended to read:

§ 5078a. BIRTH CERTIFICATE FOR FOREIGN BORN OF
LIVE BIRTH FOR A FOREIGN BORN CHILD ADOPTED IN
VERMONT

(a) ~~The supervisor of vital records registration~~ State Registrar shall establish a ~~Vermont birth certificate for a person born in a foreign country in the Statewide Registration System a “certificate of live birth for a foreign born child”~~ when ~~the supervisor~~ he or she receives:

(1) a written request that ~~a new~~ the certificate be established:

(A) from the adopted person if ~~18~~ 14 years of age or older; or

(B) from the adoptive parent or parents if the adopted person is under

~~18~~ 14 years of age; and

(2) a record of adoption issued under ~~the provisions of 15 V.S.A. § 449~~ 15A V.S.A. § 3-801(a).

(b) ~~The new Vermont birth certificate shall be on a form prescribed by the commissioner of health. The new birth certificate shall include:~~

(1) the true or probable foreign country of birth and true or probable date of birth;

(2) the adoptive parents as though they were natural parents;

(3) a notation that it was issued by authority of this chapter;

(4) a statement that the certificate is not evidence of ~~United States~~ U.S. citizenship; and

(5) any other information the State Registrar may prescribe.

(c) ~~The new birth certificate shall not contain a statement whether the adopted person was illegitimate.~~

(d) ~~Birth certificates established under this section shall remain on file only at the department of health. [Repealed.]~~

(e) ~~Papers relating to the adoption shall be filed in accordance with the provisions of 15 V.S.A. § 451. [Repealed.]~~

Sec. 32. 18 V.S.A. § 5080 is amended to read:

§ 5080. ~~FORM AND EFFECT OF NEW CERTIFICATE~~

~~All the provisions of sections 5006-5014 of this title shall be applicable with respect to a new birth certificate issued under the provisions of sections 5077 and 5078 of this title. Such A new birth certificate issued under 15A V.S.A. § 3-802 and sections 5077a and 5112 of this title shall have the same force and effect as though filed registered in accordance with the provisions of section 5071 of this title. ~~Each certified copy of such certificate and each return based thereon transmitted in accordance with the provisions of sections 5009 and 5010 of this title, shall have enclosed therewith but not endorsed thereon or attached thereto a notation identifying the copy or return; if any, to be replaced by such new copy or return.~~~~

Sec. 33. 18 V.S.A. § 5081 is amended to read:

§ 5081. ~~FILING OF NEW CERTIFICATE~~

~~The town clerk filing a new birth certificate issued in accordance with the provisions of sections 5077 and 5078 of this title, and each town clerk or other officer to whom is transmitted a certified copy of the new certificate or a return~~

~~based thereon, shall comply with 15 V.S.A. § 451. All known and available packets containing adoption orders and superseded birth certificates prepared in accordance with 15 V.S.A. §§ 449-451 and sections 5078-5081 of this title, before the effective date of this act shall be forwarded to the commissioner of health. These packets shall be filed as specified in 15 V.S.A. § 451.~~
[Repealed.]

Sec. 34. 18 V.S.A. § 5082 is amended to read:

§ 5082. CONSTRUCTION

~~The provisions of sections 5077-5081 of this title shall be applicable with respect to both past and future orders, judgments, decrees, and instruments relating to marriages and births.~~ [Repealed.]

Sec. 35. 18 V.S.A. § 5083 is amended to read:

§ 5083. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

(a) If a participant in the program described in 15 V.S.A. chapter 21, subchapter 3 who is the parent of a child born during the period of program participation notifies the physician or midwife who delivers the child, or the hospital at which the child is delivered, not later than ~~24 hours~~ 10 days after the birth of the child, that the participant's confidential address should not appear on the child's birth certificate, then the ~~Department shall not disclose such confidential address or the participant's town of residence on any public records~~ address shall not be maintained in the Statewide Registration System and the State Registrar, town clerks, and any other issuing agent shall ensure the confidentiality of the address during the period of program participation in accordance with measures prescribed by the State Registrar. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. ~~If such notice is received, then notwithstanding section 5071 of this title, the attendant physician or midwife shall file the certificate with the Supervisor of Vital Records within ten days of the birth, without the confidential address or town of residence, and shall not file the certificate with the town clerk.~~

(b) ~~The Supervisor of Vital Records shall receive and file for record all certificates filed in accordance with this section, and shall ensure that a parent's confidential address and town of residence do not appear on the birth certificate during the period that the parent is a program participant. A certificate filed in accordance with this section shall be a public document. The Supervisor of Vital Records~~ State Registrar shall notify the Secretary of State of the receipt of a birth certificate on behalf of that a program participant has given notice under this section.

(c) The ~~Department~~ State Registrar shall maintain a confidential record

of the parent's actual mailing address and town of residence. ~~Such record, which shall be exempt from public inspection and copying under the Public Records Act.~~

(d) Upon the ~~renewal~~, expiration, withdrawal, invalidation, or cancellation of program participation of any parent of whom the Secretary of State received notice from the ~~Supervisor of Vital Records~~ State Registrar, the Secretary of State shall notify the ~~Supervisor of Vital Records~~ State Registrar.

(e) ~~Notwithstanding section 5075 of this title, upon~~ Upon notice of the expiration, withdrawal, invalidation, or cancellation of program participation, the ~~supervisor of vital records registration~~ State Registrar shall ~~enter the~~ update the Statewide Registration System and take such other steps as may be necessary to ensure that the actual mailing address and town of residence on the ~~original~~ birth certificate ~~and shall transmit the completed original birth certificate to the town clerk where the birth occurred~~ are available for public inspection and copying in accordance with section 5016 of this title.

(f) ~~The town clerk shall process certificates received in this manner in accordance with the provisions of this chapter. [Repealed.]~~

Sec. 36. 18 V.S.A. chapter 20 is added to read:

CHAPTER 20. BIRTH INFORMATION NETWORK

Sec. 37. REDESIGNATION

18 V.S.A. §§ 5087–5089 (related to the Birth Information Network) are redesignated within 18 V.S.A. chapter 20 to be 18 V.S.A. §§ 991–993.

Sec. 38. 18 V.S.A. § 5112 is amended to read:

§ 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; CHANGE OF SEX

(a) ~~Upon receiving from the Probate Division of the Superior Court a court order that~~ receipt of an application for a new birth certificate and after receiving sufficient evidence to determine that an individual's sexual reassignment has been completed, the State Registrar shall issue a new birth certificate to:

(1) show that the sex of the individual born in this State has been changed; and

(2) if the application is accompanied by a decree of the Probate Division authorizing a change of name associated with the change of sex, to reflect the change of name.

(b) An affidavit by a licensed physician who has treated or evaluated the individual stating that the individual has undergone surgical, hormonal, or other treatment appropriate for that individual for the purpose of gender

transition shall constitute sufficient evidence for the ~~Court~~ State Registrar to ~~issue an order~~ determine that sexual reassignment has been completed. The affidavit shall include the medical license number and signature of the physician.

(c) A new certificate issued pursuant to subsection (a) of this section shall be substituted for the original birth certificate in official records. The new certificate shall not show that a change in name or sex, or both, has been made. The original birth certificate, the Probate Division ~~order~~ change of name decree, if any, and any other records relating to the issuance of the new birth certificate shall be confidential and shall be exempt from public inspection and copying under the Public Records Act; however an individual may have access to his or her own records and may authorize the State Registrar to confirm that, ~~pursuant to court order, it has~~ he or she issued a new birth certificate to the individual that reflects a change in name or sex, or both.

(d) If an individual born in this State has an amended birth certificate showing that the sex of the individual has been changed, and the birth certificate is marked "Court Amended" or otherwise clearly shows that it has been amended, the individual may receive a new birth certificate from the State Registrar upon application.

* * * Marriage Records * * *

Sec. 39. 18 V.S.A. § 5131 is amended to read:

§ 5131. ISSUANCE OF CIVIL MARRIAGE LICENSE; SOLEMNIZATION;
RETURN OF CIVIL MARRIAGE CERTIFICATE;
REGISTRATION

(a)(1) Upon receipt of a completed application in a form prescribed by the ~~department~~ State Registrar, which shall require both parties to sign the application certifying to the accuracy of the facts contained therein, a town clerk shall issue to a person a civil marriage license in the form prescribed by the ~~department~~ State Registrar only if at least one party has signed the license in the presence of the clerk and shall enter thereon the names of the parties to the proposed marriage, and fill out the form as far as practicable ~~and~~. The town clerk shall retain in the clerk's office a copy thereof of the license until the marriage certificate is returned by the solemnizer.

(2) The ~~department shall prescribe~~ application forms that shall allow each party to a marriage to be designated "bride," "groom," or "spouse," as he or she chooses, ~~and the application shall be in substantially the following form:~~

VERMONT DEPARTMENT OF HEALTH
APPLICATION FOR VERMONT LICENSE OF CIVIL MARRIAGE

~~FEE FOR CIVIL MARRIAGE LICENSE: \$45.00, FEE FOR
CERTIFIED COPY \$10.00~~

~~BRIDE/GROOM/SPOUSE (circle one)~~

~~NAME (First) (Middle) (Last)~~

~~SEX DATE OF BIRTH AGE~~

~~(e.g., July 1, 2009)~~

~~BIRTHPLACE EDUCATION (Circle No. Yrs.
Completed)~~

~~GRADES GRADES COLLEGE~~

~~1-8 9-12 (1-5+)~~

~~RESIDENCE (No. and Street)~~

~~CITY OR TOWN COUNTY STATE~~

~~RACE White, Black, Native American, Indian, Chinese, Japanese, Hawaiian,
Filipino~~

~~(Specify)~~

~~FATHER'S NAME (First, Middle, Last)~~

~~FATHER'S BIRTHPLACE (State or Foreign Country) MOTHER'S BIRTHPLACE (State
or Foreign Country)~~

~~MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)~~

~~NO. OF THIS NO. OF IF PREVIOUSLY IN MARRIAGE~~

~~MARRIAGE (1st, CIVIL OR CIVIL UNION, LAST~~

~~2nd, etc.) UNIONS RELATIONSHIP WAS~~

~~1. MARRIAGE 2. CIVIL UNION~~

~~Date last marriage or civil union ended _____ Month _____ Year~~

~~LAST RELATIONSHIP ENDED BY:~~

~~1. DEATH 2. DISSOLUTION 3. ANNULMENT~~

~~4. PREVIOUS CIVIL UNION DID NOT END, MARRYING CIVIL
UNION PARTNER~~

~~Does either party have a legal guardian _____ Yes _____ No~~

~~BRIDE/GROOM/SPOUSE (circle one)~~

~~NAME (First) (Middle) (Last)~~

~~SEX DATE OF BIRTH AGE~~
(e.g., July 1, 2009)

~~BIRTHPLACE EDUCATION (Circle No. Yrs. Completed)~~
~~GRADES GRADES COLLEGE~~
~~1-8 9-12 (1-5+)~~

~~RESIDENCE (No. and Street)~~

~~CITY OR TOWN COUNTY STATE~~

~~RACE White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino~~
(Specify)

~~FATHER'S NAME (First, Middle, Last)~~

~~FATHER'S BIRTHPLACE (State or Foreign Country) MOTHER'S BIRTHPLACE (State or Foreign Country)~~

~~MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)~~

~~NO. OF THIS MARRIAGE (1st, 2nd, etc.) NO. OF CIVIL UNIONS IF PREVIOUSLY IN MARRIAGE OR CIVIL UNION, LAST RELATIONSHIP WAS~~
~~1. MARRIAGE 2. CIVIL UNION~~

~~Date last marriage or civil union ended _____ Month _____ Year~~

~~LAST RELATIONSHIP ENDED BY:~~

- ~~1. DEATH 2. DISSOLUTION 3. ANNULMENT~~
- ~~4. PREVIOUS CIVIL UNION DID NOT END, MARRYING CIVIL UNION PARTNER~~

~~Does either party have a legal guardian _____ Yes _____ No~~

APPLICANTS

We hereby certify that the information provide is correct to the best of our knowledge and belief and that we are free to marry under the laws of Vermont.

~~SIGNATURE _____ SIGNATURE _____~~

~~Date signed: _____ Date signed: _____~~

 Planned marriage date _____ Location (City or town)

 Officiant Name & Address

 Your mailing address after
 wedding _____

Do you want a certified copy of your Marriage Certificate? (\$10.00)

_____ Yes _____ No

Date License issued _____ Clerk issuing License _____

This worksheet may be destroyed after the marriage is registered.

(3) ~~At least one party to the proposed marriage shall sign the certifying application to the accuracy of the facts so stated.~~ The license shall be issued by:

(A) the clerk of the incorporated town, city, or village where either party resides;

(B) the clerk of the county where an unorganized town or gore is situated, if both parties reside in an unorganized town or gore in that county, or if one party so resides and the other party resides in an unorganized town or gore in another county or outside the State; or;

(C) ~~if neither is a resident of the state,~~ by any town clerk in the ~~state~~ State if neither party is a resident of the State.

(4)(A) Parties to a civil union certified in Vermont may elect to dissolve their civil union upon marrying one another but are not required to do so to form a civil marriage. The ~~department~~ State Registrar shall clearly indicate this option on the civil marriage application form required by subdivision (2) of this subsection. If a couple elects this option, each party to the intended marriage shall sign a statement on the confidential portion of the civil marriage license and certificate form stating that he or she freely and voluntarily agrees to dissolve the civil union between the parties.

* * *

(b) A civil marriage license so issued shall be signed by both parties to the marriage and delivered by one of the parties to the proposed marriage, within 60 days from the date of issue, to a person authorized to solemnize marriages by section 5144 of this title. If the proposed marriage is not solemnized within 60 days from the date of issue, such license shall become void. After ~~such~~ the person has solemnized the marriage, he or she shall fill out that part of the

form on the license provided for his or her use, sign it, and certify to the ~~same~~ occurrence and date of the marriage. Thereafter the document shall be known as a civil marriage certificate.

* * *

Sec. 40. 18 V.S.A. § 5139 is amended to read:

§ 5139. CLERK'S DUTIES; PENALTY

(a) ~~A~~ Except under the circumstances described in subsection (b) of this section, a town clerk who knowingly issues a civil marriage license upon application of a person residing in another town in the state, or a county clerk who knowingly issues a civil marriage license upon application of a person other than as provided in section 5005 of this title other than as described in subdivision 5131(a)(3) of this title, or a clerk who issues such a license without first requiring the applicant to fill out, sign, and make oath to the declaration contained therein as provided in section 5131 of this title, shall be fined not more than \$50.00 nor less than \$20.00 subject to the penalties prescribed in section 5011 of this title.

(b) A town clerk may issue a civil marriage license to parties other than as described in subdivision 5131(a)(3) of this title when the office of the town clerk with authority to issue the license is not open during standard business hours and the parties have a compelling, immediate need to be married, as determined by the town clerk issuing the civil marriage license. A compelling, immediate need would arise when irreparable harm would occur if the marriage were delayed.

Sec. 41. 18 V.S.A. § 5140 is amended to read:

§ 5140. PENALTY FOR MISREPRESENTATION

A person ~~making application~~ who applies to a clerk for a license to marry ~~who and knowingly~~ makes a material misrepresentation in ~~filling the forms contained in the declaration of intention~~ the application shall be deemed guilty of perjury and punished accordingly subject to the penalties prescribed in section 5011 of this title.

Sec. 42. 18 V.S.A. § 5141 is amended to read:

§ 5141. ~~PROOF~~ CONFIRMATION OF LEGAL QUALIFICATIONS OF PARTIES; PENALTY

(a) ~~Before~~ At a minimum, before issuing a civil marriage license to an applicant, the town clerk shall ~~satisfy himself by requiring affidavits or other proof that neither party to the intended marriage is~~ review the license application to confirm that:

(1) the information submitted therein does not facially indicate that the

parties are prohibited from marrying by the laws of this state State; and

(2) the parties have certified to the veracity of the information in the application.

(b) A clerk who fails to comply with the provisions of this section or who issues a civil marriage license with knowledge that the parties, or either of them, are prohibited from marrying or otherwise have failed to comply with the requirements of the laws of this state State, or a person who having authority and having such knowledge solemnizes such a marriage, shall be ~~fined not more than \$100.00~~ subject to the penalties prescribed in section 5011 of this title.

~~(c) The affidavits herein referred to shall be in a form prescribed by the board and shall be attached to and filed with the civil marriage certificate in the office of the clerk of the town wherein the license was issued. [Repealed.]~~

Sec. 43. 18 V.S.A. § 5142 is amended to read:

§ 5142. ~~RESTRICTIONS AS TO PERSONS WHO ARE MINORS OR INCOMPETENT~~ NOT AUTHORIZED TO MARRY

~~A Clerk~~ The following persons are not authorized to marry, and a town clerk shall not knowingly issue a civil marriage license, when either party to the intended marriage is:

(1) either party is a person who has not attained majority ~~without, unless the consent town clerk has received~~ in writing the consent of one of the parents of the minor, if there is ~~one~~ a parent competent to act, or of the guardian of such the minor;

(2) ~~nor with such consent when~~ either party is under 16 years of age;

(3) ~~nor when either of the parties to the intended marriage is not is~~ mentally ~~capable~~ incapable of entering into marriage as defined in 15 V.S.A. § 514;

(4) ~~nor to a person~~ either of the parties is under guardianship, without the written consent of ~~such the party's~~ the party's guardian;

(5) [Repealed.]

(6) the parties are prohibited from marrying under 15 V.S.A. § 1a on account of consanguinity or affinity;

(7) either of the parties has a wife or husband living, as prohibited under 13 V.S.A. § 206 (bigamy).

Sec. 44. 18 V.S.A. § 5143 is amended to read:

§ 5143. PENALTIES

~~A clerk who knowingly violates a provision of section 5142 of this title shall be fined not more than \$20.00. A person who aids in procuring such a civil marriage license by falsely pretending to be the parent or guardian having authority to give consent to the marriage of such minors a minor shall be fined not more than \$500.00 subject to the penalties prescribed in section 5011 of this title.~~

Sec. 45. 18 V.S.A. § 5146 is amended to read:

§ 5146. PENALTY FOR SOLEMNIZATION WITHOUT LICENSE OR FAILURE TO RETURN

~~A person~~ An individual who solemnizes a marriage, without first obtaining of the parties the license as required by ~~law~~ section 5145 of this title, or who fails to properly fill out the form thereon provided for his or her use and return the license and certificate of civil marriage to the town clerk's office from which it was issued within 10 days from the date of the marriage, shall be ~~fined not less than \$10.00~~ subject to the penalties prescribed in section 5011 of this title.

Sec. 46. 18 V.S.A. § 5147 is amended to read:

§ 5147. SOLEMNIZATION BY UNAUTHORIZED PERSON; PENALTY; VALIDITY OF MARRIAGE

(a) ~~A person~~ An individual who, knowing that he or she is not authorized so to do, undertakes to join others in marriage, shall be ~~imprisoned not more than six months or fined not more than \$300.00 nor less than \$100.00, or both~~ subject to the penalties prescribed in section 5011 of this title.

(b) ~~A marriage solemnized before a person professing to be a justice or a minister of the gospel by an individual who was not authorized to do so under this chapter shall not be void nor the validity thereof affected for want of jurisdiction or authority in such supposed justice or minister or invalid, providing provided that the marriage is in other respects lawful and is consummated with a belief on the part of the persons either party so married; or either of them, that they the couple were lawfully joined in marriage.~~

* * * Reports of Death, Death Certificates * * *

Sec. 47. 18 V.S.A. § 5202 is amended to read:

§ 5202. REPORT OF DEATH; DEATH CERTIFICATE; DUTIES OF PHYSICIAN AND AUTHORIZED LICENSED HEALTH CARE PROFESSIONAL

(a)(1) ~~The~~ Within 24 hours after a death, the licensed health care professional who ~~is last in attendance upon~~ last attended a deceased person shall ~~immediately fill out a certificate of death on a form prescribed by the~~

~~commissioner~~ submit the medical portion of a report of death in a manner prescribed by the State Registrar. For the purposes of this section, a licensed health care professional means a physician, a physician assistant, or an advance practice registered nurse. If the licensed health care professional who attended the death is unable to state the cause of death, he or she shall immediately notify the ~~physician~~ licensed health care professional, if any, who was in charge of the patient's care ~~to fill out the certificate, and he or she shall fulfill this requirement.~~

(2) ~~If the physician~~ neither health care professional is unable able to state the cause of death, the provisions of section 5205 of this title apply.

(3) The licensed health care professional may, ~~with the consent of the funeral director,~~ delegate to the funeral director or the person in charge of the body, with that individual's consent, the responsibility of ~~gathering data for and filling out all items except the medical certification of cause of death~~ completing the nonmedical portion of the report of death.

(4) ~~All entries, except signatures, on the certificate shall be typed or printed and shall contain answers to the following questions:~~

(1) ~~Was the deceased~~ The State Registrar shall furnish the agency responsible for veterans' affairs information as to the deceased's status as a veteran of any war?

(2) ~~If so, of what war?.~~

(5) The State Registrar shall register the report of death in the Statewide Registration System upon receipt of the required information. The portion of the report of death that is not confidential under section 5014 of this title is the death certificate.

(b) ~~When death occurs in a hospital and it is impossible to obtain a death certificate from an attending licensed health care professional before is not available prior to burial or transportation of a body,~~ any licensed health care professional who has access to the facts and can certify that the death is not subject to the provisions of section 5205 of this title may complete and sign a preliminary report of death on a form supplied by the commissioner prescribed by the State Registrar. The municipal or county clerk or a deputy shall The health care professional may delegate completion of the nonmedical facts to any funeral director or person in charge of the body with access to the nonmedical facts, with that individual's consent. A person authorized to issue a burial-transit permit shall accept this report and a properly completed preliminary report and issue a burial-transit permit. This The preliminary report of death may be destroyed six months after a the death certificate has been filed registered. This does not subsection does not relieve the attending a

licensed health care professional from ~~the responsibility of completing a death certificate and delivering it to the funeral director within 24 hours after death~~ his or her responsibilities under subsection (a) of this section.

Sec. 48. 18 V.S.A. § 5203 is amended to read:

§ 5203. ~~DEATH CERTIFICATE; MEMBER OF ARMED FORCES~~

~~Upon official notification of a death of a member of the armed forces of the United States while serving as such beyond the United States, not including the territories thereof, and provided the remains of the member are not returned to this country, the next of kin thereof or interested person may file with the clerk of the town of the residence of such member a certificate of death. Such certificate shall set forth the name, date of birth, and date of death, if the same can be determined, the names of the parents of the deceased and such other information as may be deemed pertinent by the office of the adjutant general. [Repealed.]~~

Sec. 49. 18 V.S.A. § 5204 is amended to read:

§ 5204. ~~FORMS; CERTIFICATION~~

~~The certificate shall be made on forms furnished by the commissioner and shall be recorded by the town clerk in accordance with the provisions of this chapter. The town clerk shall forthwith, upon making such record, forward a certified copy thereof to the office of the adjutant general. [Repealed.]~~

Sec. 50. 18 V.S.A. § 5205 is amended to read:

§ 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN AND IN OTHER CIRCUMSTANCES; AUTOPSY

* * *

(f) The State's Attorney or Chief Medical Examiner, if either deem it necessary and in the interest of public health, welfare, and safety, or in furtherance of the administration of the law, may order an autopsy to be performed by the Chief Medical Examiner or under his or her direction. Upon completion of the autopsy, the Chief Medical Examiner shall submit a report to such State's Attorney and the Attorney General and shall ~~complete and sign a certificate~~ submit a report of death to the State Registrar.

* * *

Sec. 51. 18 V.S.A. § 5206 is amended to read:

§ 5206. PENALTY FOR FAILURE TO FURNISH DEATH CERTIFICATE SUBMIT REPORT OF DEATH

~~A physician who fails to furnish a certificate of death~~ licensed health care professional who fails to cause the medical portion of a report of death to be submitted within 24 hours after the death of a person containing a true

~~statement of the cause of such death, and all the other facts provided for in the form of death certificates, so far as these facts are obtainable, shall be fined not more than \$100.00 shall be subject to the penalties prescribed in section 5011 of this title.~~

Sec. 52. 18 V.S.A. § 5202a is amended to read:

§ 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH CERTIFICATE

(a) Corrections, completions. Within six months after the date of death, the ~~town clerk~~ State Registrar may correct or complete a death certificate upon application by the certifying ~~physician~~ licensed health care professional, medical examiner, hospital, nursing home, or funeral director, if the application and relevant evidence, if any, show that the correction or completion is warranted. ~~The town clerk may correct or complete the certificate accordingly and shall certify thereon that such correction or completion was made pursuant to this section, with the date thereof. In his or her discretion, the town clerk may refuse an application for correction or completion, in which case, the applicant may petition the probate division of the superior court for such correction or completion.~~

(b)(1) Amendments. After six months from the date of death, any alteration of a death certificate may only be corrected or amended pursuant to decree of the probate division of the superior court in which district the original certificate is filed shall be deemed an amendment. Upon application by a person specified in subsection (a) of this section, the State Registrar may amend the death certificate if the application and relevant evidence, if any, show that the amendment is warranted.

(2) ~~The probate division of the superior court to which such application is made shall set a time for hearing thereon and, if such court deems necessary, cause notice of the time and place thereof to be given by posting the same in the probate division of the superior court office and, after hearing, shall make such findings, with respect to the correction of such death certificate as are supported by the evidence. The court shall thereupon issue a decree setting forth the facts as found, and transmit a certified copy of such decree to the supervisor of vital records registration. The supervisor of vital records registration~~

(c) Appeal. If the State Registrar denies an application for a correction, completion, or amendment under this section, the applicant may petition the Probate Division of the Superior Court, which shall review the application and relevant evidence de novo to determine if the requested action is warranted. The court shall transmit a decree ordering a correction, completion, or amendment to the State Registrar, who shall take action in accordance with the

decree.

(d) Documentation of changes. The State Registrar shall make corrections, completions, and amendments in the Statewide Registration System. A corrected or completed certificate issued from the System shall be free of any evidence of the alteration and shall not be marked "Amended." Any amended death certificate issued from the System shall indicate the word "Amended" and the date of amendment. The State Registrar shall enter into and maintain in the System the identity of the person requesting the correction, completion, or amendment, the nature and content of the change, the identity of the person making the change in the System, and the date the change was made.

(e) Original certificates. If the State Registrar corrects, completes, or amends a certificate that was registered prior to July 1, 2018, he or she shall transmit the same to the appropriate town clerk to amend notify the town clerk or clerks with custody of the original or issue a new certificate, who shall replace and dispose of the original, and update indexes, as directed by the State Registrar. The words "Court Amended" shall be typed, written, or stamped at the top of the new or amended certificates with the date of the decree and the name of the issuing court.

(e)(f) Provided, however, that only the medical examiner or the certifying physician may apply to Cause of death. The State Registrar shall only correct or complete the certificate as to, or amend the medical certification of the cause of death upon application by the medical examiner or certifying licensed health care professional.

Sec. 53. 18 V.S.A. § 5207 is amended to read:

§ 5207. CERTIFICATE FURNISHED FAMILY; ~~BURIAL~~ BURIAL-
TRANSIT PERMIT

The physician or person filling out the certificate of death, within 36 ~~Within 24 hours after death, shall deliver the same~~ the death certificate shall be made available upon request to the family of the deceased, if any, or the undertaker or person who has charge of the body. Such ~~The~~ The certificate shall be filed with the person issuing the certificate of permission for burial, entombment, or removal ~~burial-transit permit~~ burial-transit permit ~~obtained by the person who has charge of the body before such dead body shall be buried, entombed, or removed from the town. When such the death certificate of death is so filed, such the officer or person shall immediately issue a certificate of permission for burial, entombment, or removal of the dead body~~ burial-transit permit ~~under legal restrictions and safeguards.~~

Sec. 54. 18 V.S.A. § 5211 is amended to read:

§ 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

A person who buries, entombs, transports, or removes the dead body of a person without a burial-transit ~~or removal~~ permit so to do, or in any other manner or at any other time or place than as specified in such permit, shall be ~~imprisoned not more than five years or fined not more than \$1,000.00, or both~~ subject to the penalties prescribed in section 5011 of this title.

Sec. 55. 18 V.S.A. § 5216 is amended to read:

§ 5216. PENALTY

A sexton or other person having charge of a cemetery, tomb, or receiving vault who violates a provision of sections 5214 and 5215 of this title shall be ~~fined not more than \$500.00 nor less than \$20.00~~ subject to the penalties prescribed in section 5011 of this title.

* * * Conforming Changes * * *

Sec. 56. 4 V.S.A. § 311a is amended to read:

§ 311a. VENUE GENERALLY

For proceedings authorized to the Probate Division of Superior Court, venue shall lie as provided in Title 14A for the administration of trusts, and otherwise in a Probate District as follows:

* * *

(19) ~~Issuance of~~ Appeal from a denial by the State Registrar of Vital Records of a request for a new ~~or, corrected,~~ amended, or delayed birth certificate: in the district where the birth occurred or allegedly occurred.

(20) Correction or amendment of a civil marriage or civil union certificate or issuance of delayed certificate: in the district where the ~~original certificate is filed~~ marriage or civil union license was issued or allegedly issued.

(21) ~~Correction or amendment of a~~ Appeal from a denial by the State Registrar of Vital Records of a request for a corrected or amended death certificate: in the district where the ~~original certificate is filed~~ death occurred or, if the place of death is unknown, where the body was found.

* * *

(27) ~~Issuance of certificates of public good authorizing the civil marriage of persons under 16 years of age: in the district or unit where either applicant resides, if either is a resident of the State; otherwise in the district or unit in which the civil marriage is sought to be consummated. [Repealed.]~~

* * *

Sec. 57. 15 V.S.A. § 816 is amended to read:

~~§ 816. CERTIFICATE OF CHANGE; CORRECTION~~ AMENDMENT OF BIRTH AND CIVIL MARRIAGE RECORDS CERTIFICATE

~~Whenever a person changes his or her name, as provided in this chapter, he or she, shall~~ A person, or the parent or guardian of a minor, may provide the probate division of the superior court State Registrar of Vital Records with a copy of his or her birth certificate and, if married, a copy of his or her civil marriage certificate, and a copy of the birth certificate of each minor child, if any. The register of probate with whom the change of name is filed and recorded shall transmit the certificate and a certified copy of such instrument of change of name to the supervisor of vital records registration. The supervisor of vital records registration or the birth certificate of the minor and a certified copy of a decree issued under this chapter authorizing a change of name, and request that the birth certificate be amended in accordance with the decree. The State Registrar of Vital Records shall forward such instrument of change of name to the town clerk in the town where the person was born within the state, or wherein the original certificate is filed, with instructions to amend the original certificate and all copies thereof update the Statewide Registration System and proceed in accordance with the provisions of chapter 101 of Title 18 V.S.A. § 5075. Such amended Notwithstanding 18 V.S.A. § 5075, certificates amended pursuant to this section shall have the words "Court Amended" stamped, written, or typed at the top and shall show that the change of name was made pursuant to this chapter.

Sec. 58. REPLACEMENTS

(a) In 15A V.S.A. §§ 3-705 and 5-108(c), the phrase "supervisor of vital records" is replaced with "State Registrar of Vital Records", and in 15A V.S.A. § 5-108(c), the word "supervisor" is replaced with "State Registrar."

(b) In 18 V.S.A. § 1103, the phrase "certificate of birth" is replaced with "report of birth."

(c) In 18 V.S.A. § 5148, "commissioner of health" is replaced with "State Registrar."

(d) In 18 V.S.A. §§ 5150(c) and 5168(c), the phrase "supervisor of vital records registration" is replaced by "State Registrar" wherever it appears.

(e) In 18 V.S.A. §§ 5151 and 5159, the phrase "supervisor of vital records registration" and the phrase "department of health" are replaced by "State Registrar" wherever they appear.

Sec. 59. 15A V.S.A. § 1-101 is amended to read:

§ 1-101. DEFINITIONS

As used in this title:

* * *

(22) “State Registrar” and “State Registrar of Vital Records” mean the supervisor of the Office of Vital Records in the Department of Health.

(23) “Stepparent” means a person who is the spouse or surviving spouse of a parent of a child but who is not a parent of the child.

~~(23) “Supervisor of vital records” means the supervisor of vital records registration of the Department of Health.~~

Sec. 60. 24 V.S.A. § 1164 is amended to read:

§ 1164. CERTIFIED COPIES; FORM

(a) A town clerk shall furnish certified copies of any instrument on record in his or her office, or any instrument or paper filed in his or her office pursuant to law, on the tender of ~~his or her~~ fees therefor, and his or her attestation shall be a sufficient authentication of the copies, except that the town clerk shall ~~not copy redact~~ the word “illegitimate” from any copy of a birth certificate he or she furnishes.

~~(b) Copies of vital records for events occurring outside the State, filed with a town clerk pursuant to 18 V.S.A. § 5015, shall not be copied and certified. A town clerk shall furnish a certified copy of a vital event certificate only if authorized and as prescribed under 18 V.S.A. chapter 101.~~

Sec. 61. 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~~ for issuing marriage licenses and vital event certificates:

(1) For issuing and recording a civil marriage ~~or civil union~~ license, \$60.00 to be paid by the applicant, \$10.00 of which sum shall be retained by the town clerk as a fee, \$35.00 of which shall be deposited in the 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.

~~(2) \$1.00 for other copies made under the provisions of 18 V.S.A. § 5009 to be paid by the town. [Repealed.]~~

~~(3) \$2.00 for each birth certificate completed or corrected under the provisions of 15 V.S.A. §§ 449 and 816 and 18 V.S.A. §§ 5073, 5075-5078, for the correction of each civil marriage certificate under the provisions of~~

~~15 V.S.A. § 816, and 18 V.S.A. § 5150, for the correction or completion of each civil union certificate under the provisions of 18 V.S.A. § 5168, and for each death certificate corrected under the provisions of 18 V.S.A. § 5202a, to be paid by the town. [Repealed.]~~

~~(4) \$1.00 for each certificate of facts relating to births, deaths, civil unions, and marriages, transmitted to the Commissioner of Health in accordance with the provisions of 18 V.S.A. § 5010. Such sum, together with the cost of binding the certificate shall be paid by the town. [Repealed.]~~

~~(5) Fees for vital records event certificates shall be equivalent to those received by the Commissioner of Health or the Vermont State Archivist pursuant to subsection 1715(a) of this title charged and allocated as specified in 18 V.S.A. § 5017.~~

Sec. 62. 32 V.S.A. § 1715 is amended to read:

§ 1715. VITAL RECORDS EVENT CERTIFICATES; COPIES; SEARCH

(a) Upon payment of a ~~\$10.00~~ the fee established under 18 V.S.A. § 5017, the ~~Commissioner of Health~~ Office of Vital Records or the Vermont State Archives and Records Administration shall provide a certified ~~copies~~ copy of a vital ~~records event certificate,~~ or shall ascertain and certify what the vital ~~records available to the Commissioner and the Vermont State Archivist show~~ event certificate shows, except that ~~the Commissioner and the Vermont State Archivist shall not copy~~ the word "illegitimate" shall be redacted from any birth certificate furnished. The fee for the search of the vital records is \$3.00 which is credited toward the fee for the first certified copy based upon the search.

(b) Fees collected under this section shall be credited to special funds established and managed pursuant to chapter 7, subchapter 5 ~~of chapter 7~~ of this title, and shall be available to the charging departments to offset the costs of providing those services.

* * * Effective Dates * * *

Sec. 63. EFFECTIVE DATES

(a) This section; in Sec. 3, 18 V.S.A. § 5000(e)(8) and (f) (rulemaking authority); and in Sec. 39, 18 V.S.A. § 5131(a)(2) (marriage license application form) shall take effect on passage.

(b) All other sections of this act shall take effect on July 1, 2018.

Rep. Condon of Colchester, for the committee on Ways and Means reported in favor of its passage when amended by the committee on Government Operations.

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read a third time? **Reps. Devereux of Mount Holly and Gannon of Wilmington** moved to amend the report of the committee on Government Operations as follows:

First: In Sec. 3, 18 V.S.A. § 5000, in subdivision (c)(1), by inserting the following sentence after the first sentence and before the present second sentence:

However, nothing in this part shall be construed to preclude town clerks or other issuing agents from printing from the System and maintaining for public inspection noncertified copies of birth and death certificates.

Second: In Sec. 3, 18 V.S.A. § 5000, in subsection (c), by inserting a new subdivision to be subdivision (2) to read:

(2) On and after July 1, 2018:

(A) upon registration of a birth or death in the Statewide Registration System, the System shall automatically notify the town clerk of the town of occurrence and the town clerk of residence of the registrant;

(B) upon the correction or amendment of a birth or death certificate registered in the System, or upon issuance of a new birth certificate to replace a birth certificate registered in the System, the System shall automatically notify the town clerk of the town of occurrence and the town clerk of residence of the registrant.

and by renumbering the remaining subdivisions in 18 V.S.A. § 5000(c) to be numerically correct.

Third: By striking out Sec. 13 in its entirety and inserting in lieu thereof the following:

Sec. 13. 18 V.S.A. § 5011 is amended to read:

§ 5011. PENALTY

(a) A town clerk who fails to transmit ~~such~~ copies of ~~birth, marriage, civil union, and death~~ certificates as provided in section 5010 of this title shall be fined not more than \$100.00.

(b) The Commissioner or a hearing officer designated by the Commissioner may, after notice and an opportunity for hearing, impose a civil administrative penalty of not more than \$250.00 against a person who fails to perform a duty imposed or violates a prohibition under this part. A hearing under this subsection shall be a contested case subject to the provisions of 3 V.S.A.

chapter 25, and the provisions of 3 V.S.A. §§ 809(h), 809a, and 809b related to subpoenas shall extend to the Commissioner, a hearing officer appointed by the Commissioner, and licensed attorneys representing a party.

Fourth: By striking out Sec. 23 in its entirety and inserting in lieu thereof the following:

Sec. 23. [Deleted.]

Fifth: In Sec. 40, 18 V.S.A. § 5139, in subsec. (a), by striking out “~~fin~~ed not more than \$50.00 nor less than \$20.00 subject to the penalties prescribed in section 5011 of this title” and inserting in lieu thereof “fined not more than \$50.00 nor less than \$20.00”

Sixth: By striking out Sec. 41 in its entirety and inserting in lieu thereof the following:

Sec. 41. [Deleted.]

Seventh: In Sec. 42, 18 V.S.A. § 5141, in subsection (b), by striking out “~~fin~~ed not more than \$100.00 subject to the penalties prescribed in section 5011 of this title” and inserting in lieu thereof “fined not more than \$100.00”

Eighth: In Sec. 44, 18 V.S.A. § 5143, in the second sentence, by striking out “~~fin~~ed not more than \$500.00 subject to the penalties prescribed in section 5011 of this title” and inserting in lieu thereof “fined not more than \$500.00”

Ninth: By striking out Sec. 45 in its entirety and inserting in lieu thereof the following:

Sec. 45. [Deleted.]

Tenth: In Sec. 46, 18 V.S.A. § 5147, in subsection (a), by striking out “~~imprisoned not more than six months or fined not more than \$300.00 nor less than \$100.00, or both subject to the penalties prescribed in section 5011 of this title~~” and inserting in lieu thereof “imprisoned not more than six months or fined not more than \$300.00 nor less than \$100.00, or both”

Eleventh: In Sec. 51, 18 V.S.A. § 5206, by striking out “~~shall be fined not more than \$100.00 shall be subject to the penalties prescribed in section 5011 of this title~~” and inserting in lieu thereof “shall be fined not more than \$100.00”

Twelfth: In Sec. 54, 18 V.S.A. § 5211, by striking out “~~imprisoned not more than five years or fined not more than \$1,000.00, or both subject to the penalties prescribed in section 5011 of this title~~” and inserting in lieu thereof “imprisoned not more than five years or fined not more than \$1,000.00, or both”

Thirteenth: By striking out Sec. 55 in its entirety and inserting in lieu

thereof the following:

Sec. 55. [Deleted.]

Fourteenth: In Sec. 18, 18 V.S.A. § 5017, in the section heading, by striking out “AND SEARCHES”

Which was agreed to. Thereupon the report of the committee on Government Operations, as amended, was agreed to and third reading ordered.

Third Reading; Bill Passed

H. 85

House bill, entitled

An act relating to captive insurance companies

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 216

House bill, entitled

An act relating to establishment of the Vermont Lifeline program

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 386

House bill, entitled

An act relating to home health agency provider taxes

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 424

House bill, entitled

An act relating to the Commission on Act 250: The Next 50 Years

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 508

House bill, entitled

An act relating to building resilience for individuals experiencing adverse childhood experiences

Was taken up, read the third time and passed.

Bill Amended, Read Third Time and Passed

H. 509

House bill, entitled

An act relating to calculating statewide education tax rates

Was taken up and pending third reading of the bill, **Rep. Pugh of South Burlington** moved to amend the bill as follows:

In Sec. 3 (unfunded mandates), after the words "Secretary of Education" by inserting ", and with the Secretary of Human Services as appropriate."

Which was agreed to. Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **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 bill pass? was decided in the affirmative. Yeas, 114. Nays, 25.

Those who voted in the affirmative are:

Ancel of Calais	Gage of Rutland City	Mrowicki of Putney
Bancroft of Westford	Gannon of Wilmington	Murphy of Fairfax
Bartholomew of Hartland	Gardner of Richmond	Myers of Essex
Baser of Bristol	Giambatista of Essex	Nolan of Morristown
Beck of St. Johnsbury	Grad of Moretown	Noyes of Wolcott
Belaski of Windsor	Greshin of Warren	Ode of Burlington
Beyor of Highgate	Haas of Rochester	O'Sullivan of Burlington
Bissonnette of Winooski	Head of South Burlington	Partridge of Windham
Bock of Chester	Hebert of Vernon	Pearce of Richford
Botzow of Pownal	Helm of Fair Haven	Potter of Clarendon
Briglin of Thetford	Hill of Wolcott	Pugh of South Burlington
Brumsted of Shelburne	Hooper of Montpelier	Rachelson of Burlington *
Buckholz of Hartford	Houghton of Essex	Rosenquist of Georgia
Burke of Brattleboro	Howard of Rutland City	Scheu of Middlebury
Canfield of Fair Haven	Jessup of Middlesex	Sharpe of Bristol
Carr of Brandon	Jickling of Brookfield	Sibilia of Dover *
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Squirrell of Underhill
Christensen of Weathersfield	Juskiewicz of Cambridge	Stevens of Waterbury
Christie of Hartford	Keenan of St. Albans City	Stuart of Brattleboro
Cina of Burlington	Kimbell of Woodstock	Sullivan of Dorset
Colburn of Burlington	Kitzmiller of Montpelier	Sullivan of Burlington
Condon of Colchester	Krowinski of Burlington	Taylor of Colchester
Conlon of Cornwall	LaClair of Barre Town	Till of Jericho
Connor of Fairfield	Lalonde of South Burlington	Toleno of Brattleboro
Conquest of Newbury	Lanpher of Vergennes	Toll of Danville
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Townsend of South Burlington
	Lewis of Berlin	Trieber of Rockingham
	Lippert of Hinesburg	

Corcoran of Bennington	Long of Newfane	Troiano of Stannard
Cupoli of Rutland City	Lucke of Hartford	Walz of Barre City
Dakin of Colchester	Macaig of Williston	Webb of Shelburne
Deen of Westminster	Masland of Thetford	Weed of Enosburgh
Dickinson of St. Albans	McCormack of Burlington	Willhoit of St. Johnsbury
Donahue of Northfield *	McCoy of Poultney	Wood of Waterbury
Donovan of Burlington	McCullough of Williston	Wright of Burlington *
Dunn of Essex	McFaun of Barre Town	Yacovone of Morristown
Emmons of Springfield	Miller of Shaftsbury	Yantachka of Charlotte
Feltus of Lyndon	Morris of Bennington	Young of Glover
Forguites of Springfield	Morrissey of Bennington	
Frenier of Chelsea		

Those who voted in the negative are:

Batchelor of Derby	Keefe of Manchester	Smith of Derby
Brennan of Colchester	Lefebvre of Newark	Smith of New Haven
Browning of Arlington	Marcotte of Coventry	Strong of Albany
Devereux of Mount Holly	Norris of Shoreham	Tate of Mendon
Fagan of Rutland City	Parent of St. Albans Town	Turner of Milton
Gamache of Swanton	Quimby of Concord	Van Wyck of Ferrisburgh
Graham of Williamstown	Savage of Swanton	Viens of Newport City
Higley of Lowell	Scheuermann of Stowe *	
Hubert of Milton	Shaw of Pittsford	

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

Ainsworth of Royalton	Hooper of Brookfield	Sheldon of Middlebury
Burditt of West Rutland	Martel of Waterford	Terenzini of Rutland Town
Fields of Bennington	Olsen of Londonderry	
Gonzalez of Winooski	Poirier of Barre City	

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I do not support these increases, but I did not vote for them – all those who voted for increases in their school budgets did. We cannot override the decisions of local districts; we can only attempt to make the increases equitable. The challenge in relating local budget decisions to personal tax impacts remains, disappointingly, unsolved.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

While I voted yes, I have grave concerns about the complexity of our funding formula, our current school structure in Vermont, the high cost per student rate we ask taxpayers to fund, and the inefficiencies that are built into this system. We owe it to students to maximize the funding that goes towards

their learning and to taxpayers to not pay excess costs to deliver education that is not providing our students with the education they need and deserve.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Madam Speaker:

I had planned to vote in favor of this bill, but in the end I simply couldn't. I fear that we are not treating the different classes of taxpayers fairly – and I believe we should. Changing from establishing tax rates to yields has further complicated our education funding system and has me exceptionally confused about the real impact of this bill. For that reason I have to vote no.”

Rep. Sibilia of Dover explained her vote as follows:

“Madam Speaker:

I vote yes to support the collective decisions that have already been made throughout Vermont on school budgets. Today's discussion illustrates what we have heard, again and again and again, that we must reform our education financing system. We must do that in a way that ensures equity . The current system is delivering unpredictable results to taxpayers and penalties that encourage inequity in access to education opportunities for Vermont students.”

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

Madam speaker, having served on the education committee for four years, I know full well that when it comes to all things education in the great state of Vermont there are no easy answers. Madam Speaker, I vote strongly in favor of this bill. Here in Vermont, I think we all can agree, we care deeply about education. But Madam Speaker, we want local control and we want to reign in our rising education costs and local property taxes. We also want poor kids and wealthy kids to benefit equally from our education system. In short, we want it all.

Madam Speaker, I remember well three or four years ago, when those of us on the House Education from both sides of the aisle asked then speaker Shap Smith to give what was at the time solely a policy committee some say on education finance. He did so several years later.

Madam speaker, this bill does not do all the things we want but it is a step in the right direction. I commend the House Education Committee for its hard work on this challenging issue.”

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

There is no doubt the educational system we have in place now is confusing and complex. It needs to be reformed in a way that controls costs and reconnects voters with their local spending decisions. There are bills on walls now that could help. The vote we cast today is simply a ministerial function getting the yield to pay for all those local spending decisions across the state. A defeat of this proposal would result in a 6 cent increase in the non-residential property tax rate.”

Third Reading; Bill Passed

H. 510

House bill, entitled

An act relating to the cost share for State agricultural water quality financial assistance grants

Was taken up, read the third time and passed.

Bill Amended, Third Reading; Bill Passed

H. 511

House bill, entitled

An act relating to highway safety

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

In Sec. 6, 23 V.S.A. § 1134, in subsection (a), by inserting a new sentence after the first sentence and before the present second sentence to read as follows: “As used in this subsection, the prohibition on consumption of marijuana by the operator shall extend to the operator’s consumption of second-hand marijuana smoke in the vehicle as a result of another person’s consumption of marijuana.”

Which was agreed to.

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

In Sec. 10, 23 V.S.A. § 1102, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e) Except for intentionally inflicted damage or gross negligence, an enforcement officer or a person acting at the direction of an enforcement officer who removes from a highway a motor vehicle or cargo that is obstructing traffic or maintenance activities or creating a hazard to traffic shall not be liable for damage to the vehicle or cargo incurred during the removal.

Which was agreed to.

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

In Sec. 9, 23 V.S.A. § 1259 (safety belts; persons 18 years of age or older), by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

~~(e) This section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for another suspected traffic violation. An operator shall not be subject to the penalty established in this section unless the operator is required to pay a penalty for the primary violation. [Repealed.]~~

Thereupon, **Rep. McCullough of Williston** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 512

House bill, entitled

An act relating to the procedure for conducting recounts

Was taken up, read the third time and passed.

Bill Amended, Third Reading; Bill Passed

H. 513

House bill, entitled

An act relating to making miscellaneous changes to education law

Was taken up and pending third reading of the bill, **Rep. Sharpe of Bristol** moved to amend the bill as follows:

First: By adding two new sections to be Secs. 11 and 12:

* * * Criminal Record Checks * * *

Sec. 11. 16 V.S.A § 255(k) is added to read:

(k) The requirements of this section shall not apply to persons operating or employed by a child care facility that is prequalified to provide prekindergarten education pursuant to section 829 of this title and that is required to be licensed by the Department for Children and Families pursuant to 33 V.S.A § 3502.

Sec. 12. 33 V.S.A § 3511 is amended to read:

§ 3511. DEFINITIONS

As used in this chapter:

* * *

(2) “Child care facility” means any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under 16 years of age outside their homes for periods of fewer than 24 hours a day by a person other than a child’s own parent, guardian, or relative, as defined by rules adopted by the Department for Children and Families, but not including a kindergarten approved by the State Board of Education or a prequalified prekindergarten program operated by a school.

* * *

Second: By striking out original Sec. 11 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 13 as follows:

* * * Effective Dates * * *

Sec. 13. EFFECTIVE DATES

(a) This section and Secs. 1–3 and 5–10 shall take effect on passage.

(b) Sec. 4 (State-placed students) shall take effect beginning with the 2017–2018 school year.

(c) Secs. 11–12 (criminal record checks) shall apply to persons hired or contracted with after June 30, 2017 and to persons who apply for or renew a teaching or child care provider license after June 30, 2017.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Bill Amended, Third Reading; Bill Passed

H. 514

House bill, entitled

An act relating to elections corrections

Was taken up and pending third reading of the bill, **Rep. Wood of Waterbury** moved to amend the bill as follows:

In Sec. 20, 17 V.S.A. § 2455 (election officials; duties; political party representation), in subsection (c), following “that political party representation requirement shall” by striking out “be to the extent practicable under the circumstances” and inserting in lieu thereof “not be required if attempts to conform to it were not successful and those attempts were documented by the presiding officer”

Which was agreed to on a division of, Yeas 64, and Nays, 45. Thereupon, the bill was read the third time and passed .

Third Reading; Bill Passed**H. 515**

House bill, entitled

An act relating to Executive Branch and Judiciary fees

Was taken up, read the third time and passed.

Adjournment

At three o'clock and forty-three 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.

Thursday, March 30, 2017

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

Devotional Exercises

Devotional exercises were conducted by Sarah Barton of Woodbury, VT.

Third Reading; Bill Passed**H. 111**

House bill, entitled

An act relating to vital records

Was taken up, read the third time and passed.

Committee Bill; Second Reading; Third Reading Ordered**H. 516**

Rep. Ancel of Calais spoke for the committee on Ways and Means.

House bill entitled

An act relating to miscellaneous tax changes

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Krowinski 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 read a third time? was decided in the affirmative. Yeas, 138. Nays, 0.

Those who voted in the affirmative are:

Ainsworth of Royalton	Giambatista of Essex	Noyes of Wolcott
Ancel of Calais	Gonzalez of Winooski	Ode of Burlington
Bancroft of Westford	Grad of Moretown	O'Sullivan of Burlington
Bartholomew of Hartland	Graham of Williamstown	Parent of St. Albans Town
Baser of Bristol	Greshin of Warren	Partridge of Windham
Batchelor of Derby	Haas of Rochester	Pearce of Richford
Beck of St. Johnsbury	Head of South Burlington	Potter of Clarendon
Belaski of Windsor	Hebert of Vernon	Pugh of South Burlington
Beyor of Highgate	Helm of Fair Haven	Quimby of Concord
Bissonnette of Winooski	Higley of Lowell	Rachelson of Burlington
Bock of Chester	Hill of Wolcott	Rosenquist of Georgia
Botzow of Pownal	Hooper of Montpelier	Savage of Swanton
Brennan of Colchester	Hooper of Brookfield	Scheu of Middlebury
Briglin of Thetford	Houghton of Essex	Scheuermann of Stowe
Browning of Arlington	Howard of Rutland City	Sharpe of Bristol
Brumsted of Shelburne	Hubert of Milton	Shaw of Pittsford
Buckholz of Hartford	Jessup of Middlesex	Sibilia of Dover
Burke of Brattleboro	Jickling of Brookfield	Smith of Derby
Canfield of Fair Haven	Joseph of North Hero	Smith of New Haven
Carr of Brandon	Juskiewicz of Cambridge	Squirrell of Underhill
Chesnut-Tangerman of Middletown Springs	Keefe of Manchester	Stevens of Waterbury
Christensen of Weathersfield	Keenan of St. Albans City	Strong of Albany
Christie of Hartford	Kimbell of Woodstock	Stuart of Brattleboro
Cina of Burlington	Kitzmiller of Montpelier	Sullivan of Dorset
Colburn of Burlington	Krowinski of Burlington	Sullivan of Burlington
Condon of Colchester	LaClair of Barre Town	Tate of Mendon *
Conlon of Cornwall	Lalonde of South Burlington	Taylor of Colchester
Connor of Fairfield	Lanpher of Vergennes	Terenzini of Rutland Town
Conquest of Newbury	Lawrence of Lyndon	Till of Jericho
Copeland-Hanzas of Bradford	Lefebvre of Newark	Toleno of Brattleboro
Corcoran of Bennington	Lippert of Hinesburg	Toll of Danville
Cupoli of Rutland City	Long of Newfane	Trieber of Rockingham
Dakin of Colchester	Lucke of Hartford	Troiano of Stannard
Deen of Westminster	Macaig of Williston	Turner of Milton
Dickinson of St. Albans	Marcotte of Coventry	Van Wyck of Ferrisburgh
Donahue of Northfield	Martel of Waterford	Viens of Newport City
Donovan of Burlington	Masland of Thetford	Walz of Barre City
Dunn of Essex	McCormack of Burlington	Webb of Shelburne
Fagan of Rutland City	McCoy of Poultney	Weed of Enosburgh
Feltus of Lyndon	McCullough of Williston	Willhoit of St. Johnsbury
Forguites of Springfield	McFaun of Barre Town	Wood of Waterbury
Frenier of Chelsea	Morrissey of Bennington	Wright of Burlington
Gage of Rutland City	Mrowicki of Putney	Yacovone of Morristown
Gamache of Swanton	Murphy of Fairfax	Yantachka of Charlotte
Gannon of Wilmington	Myers of Essex	Young of Glover
Gardner of Richmond	Nolan of Morristown	
	Norris of Shoreham	

Those who voted in the negative are: none

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

Burditt of West Rutland	Lewis of Berlin	Poirier of Barre City
Devereux of Mount Holly	Miller of Shaftsbury	Sheldon of Middlebury
Emmons of Springfield	Morris of Bennington	Townsend of South
Fields of Bennington	Olsen of Londonderry	Burlington

Rep. Tate of Mendon explained his vote as follows:

“Madam Speaker:

Bravo. Thank you Madam Speaker.”

Committee Bill; Second Reading; Consideration Interrupted

H. 518

Rep. Toll of Danville spoke for the committee on Appropriations.

House bill entitled

An act relating to making appropriations for the support of government

Having appeared on the Calendar one day for notice, was taken up, read the second time.

Recess

At twelve o'clock and two minutes, the Speaker declared a recess until one o'clock in the afternoon.

At one o'clock and five minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Third Reading Ordered

H. 518

Consideration resumed on House bill, entitled

An act relating to making appropriations for the support of government

Pending the question, Shall the bill be read a third time? **Rep.**

Scheuermann of Stowe moved to amend the bill as follows:

By striking Sec. E. 500.1, Pre-K to 12 Educational Spending Study Committee in its entirety, and by inserting in lieu thereof the following:

Sec E. 500.1 [Deleted]

Which was disagreed to an a division of Yeas, 42 and Nays, 86.

Pending the question, Shall the bill be read a third time? **Rep. Viens of Newport 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 read a third time? was decided in the affirmative. Yeas, 143. Nays, 1.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gannon of Wilmington	Murphy of Fairfax
Ancel of Calais	Gardner of Richmond	Myers of Essex
Bancroft of Westford	Giambatista of Essex	Nolan of Morristown
Bartholomew of Hartland	Gonzalez of Winooski	Norris of Shoreham
Baser of Bristol	Grad of Moretown	Noyes of Wolcott
Batchelor of Derby	Graham of Williamstown	Ode of Burlington
Beck of St. Johnsbury	Greshin of Warren	O'Sullivan of Burlington
Belaski of Windsor	Haas of Rochester	Parent of St. Albans Town
Beyor of Highgate	Head of South Burlington	Partridge of Windham
Bissonnette of Winooski	Hebert of Vernon	Pearce of Richford
Bock of Chester	Helm of Fair Haven	Potter of Clarendon
Botzow of Pownal	Higley of Lowell	Pugh of South Burlington
Brennan of Colchester	Hill of Wolcott	Quimby of Concord
Briglin of Thetford	Hooper of Montpelier	Rachelson of Burlington *
Browning of Arlington	Hooper of Brookfield	Rosenquist of Georgia
Brumsted of Shelburne	Houghton of Essex	Savage of Swanton
Burditt of West Rutland	Howard of Rutland City	Scheu of Middlebury
Burke of Brattleboro	Hubert of Milton *	Scheuermann of Stowe
Canfield of Fair Haven	Jessup of Middlesex	Sharpe of Bristol
Carr of Brandon	Jickling of Brookfield	Shaw of Pittsford
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Sibilia of Dover
Christensen of Weathersfield	Juskiewicz of Cambridge	Smith of Derby
Christie of Hartford	Keefe of Manchester	Smith of New Haven
Cina of Burlington	Keenan of St. Albans City	Squirrell of Underhill
Colburn of Burlington	Kimbell of Woodstock	Stevens of Waterbury
Condon of Colchester	Kitzmiller of Montpelier	Strong of Albany
Conlon of Cornwall	Krowinski of Burlington	Stuart of Brattleboro
Connor of Fairfield	LaClair of Barre Town	Sullivan of Dorset
Conquest of Newbury	Lalonde of South Burlington	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Tate of Mendon
Corcoran of Bennington	Lawrence of Lyndon	Taylor of Colchester
Cupoli of Rutland City	Lefebvre of Newark	Till of Jericho
Dakin of Colchester	Lewis of Berlin	Toleno of Brattleboro
Deen of Westminster	Lippert of Hinesburg	Toll of Danville
Devereux of Mount Holly	Long of Newfane	Townsend of South Burlington
Dickinson of St. Albans	Lucke of Hartford	Trieber of Rockingham
Donahue of Northfield	Macaig of Williston	Troiano of Stannard
Donovan of Burlington	Marcotte of Coventry	Turner of Milton
Dunn of Essex	Martel of Waterford	Viens of Newport City
Emmons of Springfield	Masland of Thetford	Walz of Barre City
Fagan of Rutland City	McCormack of Burlington	Webb of Shelburne
Feltus of Lyndon	McCoy of Poultney	Weed of Enosburgh
Fields of Bennington	McCullough of Williston	Willhoit of St. Johnsbury
Forguites of Springfield	McFaun of Barre Town	Wood of Waterbury
	Miller of Shaftsbury	Wright of Burlington
	Morris of Bennington	

Frenier of Chelsea
Gage of Rutland City
Gamache of Swanton

Morrissey of Bennington
Mrowicki of Putney

Yacovone of Morristown
Yantachka of Charlotte
Young of Glover

Those who voted in the negative are:

Van Wyck of Ferrisburgh

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

Buckholz of Hartford
Olsen of Londonderry

Poirier of Barre City
Sheldon of Middlebury

Terenzini of Rutland Town

Rep. Hubert of Milton explained his vote as follows:

“Madam Speaker:

I voted yes for the first time in nine years. We are passing a budget that does not over spend our projected income. And not raising taxes or fees.”

Rep Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

The Appropriations Committee is to be commended for their tri-partisan work on this fiscally responsible budget. We must stay vigilant as it’s implemented to assure that our Vermont values of caring for each other, especially assuring the basic needs for our most vulnerable residents, are not compromised.”

Adjournment

At three o'clock 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.

Friday, March 31, 2017

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

Devotional Exercises

Devotional exercises were conducted by Representative Brian Cina of Burlington.

Memorial Service

The Speaker placed before the House the following names of members of past sessions of the Vermont General Assembly who had passed away recently:

Leigh B Larocque of Barnet

Member of the House,

Sessions 1993-1994, 1995-1996, 1999-2000, 2001-2002, 2003-2004, 2005-2006, 2007-2008, 2009-2010, 2011-2012, 2013-2014

Sam Lloyd of Weston

Member of the House
Session of 1973-1974, 1975-1976, 1977-1978, 1979-1980

Thereupon, the members of the House rose for a moment of silence in memory of the deceased members. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved families.

House Bill Introduced

H. 520

Rep. Scheuermann of Stowe introduced a bill, entitled

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

Which was read the first time and referred to the committee on Government Operations.

Message from the Senate No. 37

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 95. An act relating to sexual assault nurse examiners.

In the passage of which the concurrence of the House is requested.

The Governor has informed the Senate that on the 28th day of March, 2017, he approved and signed a bill originating in the Senate of the following title:

S. 79. An act relating to freedom from compulsory collection of personal information.

The Governor has informed the Senate that on the Twenty Ninth day of March, 2017, he approved and signed a bill originating in the Senate of the following title:

S. 38. An act relating to the Government Accountability Committee and the State Outcomes Report.

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:

Nina Belliveau of Brattleboro
 Aiden Casey of Worcester
 Ayla Fidel of Waitsfield
 Dylan Haskins of Morrisville
 Theresa Hoar of Northfield
 Jordan Holmes of Hinesburg
 Jaden Jagemann of Barre
 Emma Steever of Wallingford
 Cassandra Summarsell of Woodstock
 Sylvan Zeitlyn of Burlington

Third Reading; Bill Passed

H. 516

House bill, entitled

An act relating to miscellaneous tax changes

Was taken up, read the third time and passed.

Bill Amended, Read Third Time and Passed

H. 518

House bill, entitled

An act relating to making appropriations for the support of government

Was taken up and pending third reading of the bill, **Reps. Higley of Lowell and Greshin of Warren** moved to amend the bill as follows:

First: By striking out Secs. B.338 and B.339 in their entirety and inserting in lieu thereof new Secs. B.338 and B.339 to read as follows:

Sec. B.338 Corrections - correctional services

Personal services	102,386,523
Operating expenses	27,081,052
Grants	<u>9,426,638</u>
Total	138,894,213
Source of funds	
General fund	132,009,104

Special funds	629,963
Federal funds	470,962
Global Commitment fund	5,387,869
Interdepartmental transfers	<u>396,315</u>
Total	138,894,213
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>6,192,554</u>
Total	6,192,554
Source of funds	
General fund	<u>6,192,554</u>
Total	6,192,554

Second: In Sec. D.100(a)(2) by striking out the figure “\$11,304,840” where it appears twice and inserting in lieu thereof the figure “\$12,304,840” and by adding six new sections to be numbered Secs. D.100.2-D.100.7 to read as follows:

Sec. D.100.2. VERMONT HOUSING AND CONSERVATION BOARD;
HOUSING FOR ALL

(a) Findings and purpose.

(1) The General Assembly finds that investments are needed to help house the most vulnerable as well as creating more homes for workers.

(2) The shortage of affordable and available homes has been highlighted recently by:

(A) the Vermont Futures Project of the Vermont Chamber of Commerce, which set a growth target of 5,000 new and improved housing units annually;

(B) a national consultant’s recommendations for a Roadmap to End Homelessness, which calls for 368 new units for permanent supportive housing and 1,251 new homes affordable at 30 percent of median or below over the next five years; and

(C) the 2015 statewide housing needs assessment by Bowen National Research, which found the largest gaps in housing affordable to households below 30 percent of median and between 85 percent and 120 percent, and a lack of housing availability across the income spectrum.

(3) The purpose of this section is to promote the development and improvement of housing for Vermonters.

(b) The Vermont Housing and Conservation Board shall use the proceeds of bonds, notes, and other obligations issued by the Vermont Housing Finance Agency pursuant to 10 V.S.A. § 621(22) and transferred to the Vermont Housing and Conservation Trust Fund to fund the creation and improvement of ownership and rental housing for Vermonters with very low to middle income in areas targeted for growth and reinvestment, as follows:

(1) not less than 25 percent of the housing shall be targeted to Vermonters with very low income, meaning households below 50 percent of area median income; and

(2) not less than 25 percent shall be targeted to Vermonters with moderate income, meaning households between 80 and 120 percent of median income.

Sec. D.100.3. 32 V.S.A. § 9610 is amended to read:

§ 9610. REMITTANCE OF RETURN AND TAX; INSPECTION OF
RETURNS

(a) Not later than 30 days after the receipt of any property transfer return, a town clerk shall file the return in the office of the town clerk and electronically forward a copy of the acknowledged return to the Commissioner; provided, however, that with respect to a return filed in paper format with the town, the Commissioner shall have the discretion to allow the town to forward a paper copy of that return to the department.

(b) The copies of property transfer returns in the custody of the town clerk may be inspected by any member of the public.

(c) Prior to distributions of property transfer tax revenues under 10 V.S.A. § 312, 24 V.S.A. § 4306(a), and ~~32 V.S.A. § subdivision~~ 435(b)(10) of this title, one percent of the revenues received from the property transfer tax shall be deposited in a special fund in the Department of Taxes for Property Valuation and Review administration costs.

(d)(1) Prior to any distribution of property transfer tax revenue under 10 V.S.A. § 312, 24 V.S.A. § 4306(a), subdivision 435(b)(10) of this title, and subsection (c) of this section, \$2.5 million of the revenue received from the property transfer tax shall be transferred to the Vermont Housing Finance Agency to pay the principal of and interest due on the bonds, notes, and other obligations authorized to be issued by the Agency pursuant to 10 V.S.A. § 621(22), the proceeds of which the Vermont Housing and Conservation Board shall use to create affordable housing pursuant to 10 V.S.A. chapter 15.

(2) As long as the bonds, notes, and other obligations incurred pursuant to subdivision (1) of this subsection remain outstanding, the rate of tax imposed pursuant to section 9602 of this title shall not be reduced below a rate estimated, at the time of any reduction, to generate annual revenues of at least \$12 million.

Sec. D.100.4. 10 V.S.A. § 621 is amended to read:

§ 621. GENERAL POWERS AND DUTIES

The Agency shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter, including without limitation those general powers provided a business corporation by 11A V.S.A. § 3.02 and those general powers provided a nonprofit corporation by 11B V.S.A. § 3.02 and including, without limiting the generality of the foregoing, the power to:

* * *

(22) issue bonds, notes, and other obligations secured by the property transfer tax revenues transferred to the Agency pursuant to 32 V.S.A. § 9610(d).

Sec. D.100.5. 10 V.S.A. § 631(l) is added to read:

(l)(1) The bonds, notes, and other obligations authorized to be issued pursuant to subdivision 621(22) of this title shall be secured by a pledge of the property transfer tax revenues to be transferred to the Agency pursuant to 32 V.S.A. § 9610(d) and shall mature not later than June 30, 2038.

(2) The Agency may issue the bonds, notes, and other obligations in one or more series at one time or from time to time, provided that the aggregate annual debt service on the bonds, notes, and other obligations shall not exceed \$2.5 million at any time.

(3) The Agency shall transfer the proceeds of the bonds, notes, and other obligations, less issuance fees and costs and required reserves, to the Vermont Housing and Conservation Trust Fund established pursuant to section 312 of this title, for use by the Vermont Housing and Conservation Board as provided in chapter 15 of this title.

(4) The Agency, the Vermont Housing and Conservation Board, and the State Treasurer may execute one or more agreements governing the terms and conditions under which the property transfer tax revenues that secure the bonds, notes, and obligations will be transferred to the Agency, and any other issues they determine appropriate.

Sec. D.100.6. REPEAL

The following shall be repealed on July 1, 2038:

(1) 32 V.S.A. § 9610(d) (property transfer tax priority for affordable housing debt repayment).

(2) 10 V.S.A. § 621(22) (Vermont Housing Finance Agency (VHFA) authority to issue debt obligations secured by property transfer tax).

(3) 10 V.S.A. § 631(l) (debt obligations issued by VHFA).

Sec. D.100.7. 10 V.S.A. § 323 is amended to read:

§ 323. ANNUAL REPORT

Prior to January 31 of each year, the ~~board~~ Board shall submit a report concerning its activities to the ~~governor~~ Governor and legislative committees on agriculture, natural resources and energy, appropriations, ways and means, finance, and institutions. The report shall include, ~~but not be limited to,~~ the following:

(1) a list and description of activities funded by the ~~board~~ Board during the preceding year, including commitments made to fund projects through housing bond proceeds, and project descriptions, levels of affordability, and geographic location;

* * *

Third: By striking out Sec. B.318 in its entirety and inserting in lieu thereof a new Sec. B.318 to read as follows:

Sec. B.318 Department for children and families - child development

Personal services	6,405,300
Operating expenses	802,146
Grants	<u>75,506,662</u>
Total	82,714,108
Source of funds	
General fund	33,216,782
Special funds	1,820,000
Federal funds	36,142,431
Global Commitment fund	<u>11,534,895</u>
Total	82,714,108

and by adding a new section to be numbered Sec. E.318 to read as follows:

Sec. E.318 INCREASED INFANT AND TODDLER RATES

(a) Of the funds appropriated in Sec. B.318, \$1,000,000 shall be allocated to increase the rates for infant and toddler care in fiscal year 2018 in the Child Care Financial Assistance Program.

Fourth: In Sec. B.1100, subsection (a), by striking out the figure “\$2,879,900” and inserting in lieu thereof the figure “\$3,379,900” and in subdivision (a)(2) by striking out the figure “\$1,274,500” and inserting in lieu thereof the figure “\$1,774,500” and in subdivision (a)(2)(B) by striking out the figure “\$150,000” and inserting in lieu thereof the figure “\$650,000” and in Sec. D.101(a)(1) by striking out the figure “\$2,879,900” and inserting in lieu thereof the figure “\$3,379,900” and in Sec. E.215(a) by striking out the figure “\$250,000” and inserting in lieu thereof the figure “\$750,000” and by striking out the figure “\$150,000” and inserting in lieu thereof the figure “\$650,000”

Fifth: By striking out Sec. B.204 in its entirety and inserting in lieu thereof a new Sec. B.204 to read as follows:

Sec. B.204 Judiciary

Personal services	38,717,858
Operating expenses	9,358,344
Grants	<u>76,030</u>
Total	47,750,046
Source of funds	
General fund	42,200,859
Special funds	2,667,460
Federal funds	556,455
Interdepartmental transfers	<u>2,325,272</u>
Total	47,750,046

Sixth: In Sec. B.1101 by adding a new subsection (b) to read as follows:

(b) The amount of \$547,225 is appropriated to the Secretary of Commerce and Community Development for developing and launching a marketing campaign.

(1) The funds appropriated in this section shall be used to:

(A) build on Vermont’s successful branding and marketing efforts surrounding tourism, recreation, and working lands;

(B) expand the Vermont brand to attract entrepreneurs and would-be entrepreneurs to Vermont;

(C) advance attributes of innovation, tech and digital economy, and energy leadership in Vermont; and

(D) connect entrepreneurs with the career aspirations of young Vermonters.

(2) The funds appropriated in this section may be matched with federal funds, special funds, grants, donations, and private funds.

(3) The Secretary shall establish performance measures that support the strategic priority of strengthening the state economy before disbursing these funds.

Seventh: By striking out Sec. B.240 in its entirety and inserting in lieu thereof a new Sec. B.240 to read as follows:

Sec. B.240 Total protection to persons and property

Source of funds

General fund	147,283,612
Transportation fund	20,250,000
Special funds	83,989,327
Tobacco fund	561,843
Federal funds	53,396,381
ARRA funds	1,120,000
Interdepartmental transfers	13,253,305
Enterprise funds	<u>8,569,271</u>
Total	328,423,739

Eighth: By striking out Sec. B.346 in its entirety and inserting in lieu thereof a new Sec. B.346 to read as follows:

Sec. B.346 Total human services

Source of funds

General fund	676,927,899
Special funds	104,169,931
Tobacco fund	23,308,187
State health care resources fund	293,332,780
Education fund	3,189,163
Federal funds	1,405,582,188

Global Commitment fund	1,534,508,280
Internal service funds	1,941,561
Interdepartmental transfers	45,068,129
Permanent trust funds	<u>25,000</u>
Total	4,088,053,118

Thereupon, **Rep. Greshin of Warren** asked and was granted leave of the House to withdraw the amendment.

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

First: In Sec. E.113 by striking out the figure “\$3,182,525” and inserting in lieu thereof the figure “\$3,537,525”

Second: By redesignating “Sec. E.233.1” to be “Sec. E.234”

Third: In Sec. E.237 by striking the words “or displays” where it appears in the first sentence.

Fourth: In Sec. E.605(e) by striking out the last sentence in its entirety and inserting in lieu thereof a new sentence to read as follows: “This review shall be submitted to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and Economic Development, Housing and General Affairs as part of the Vermont Student Assistance Corporation fiscal year 2019 budget submission.”

Fifth: In Sec. E.605.1(c) by striking out the last sentence in its entirety and inserting in lieu thereof a new sentence to read as follows: “VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2018.”

Sixth: In Sec. E.608.1(a) by striking out the words “16 V.S.A. § 2885(c)(1)” and inserting in lieu thereof the words “16 V.S.A. § 2885(c)(2)”

Which was agreed to.

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

First: By striking out Sec. B.314 in its entirety and inserting in lieu thereof a new Sec. B.314 to read as follows:

Sec. B.314 Mental health - mental health

Personal services	29,838,587
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Operating expenses	3,666,056
Grants	<u>195,144,708</u>
Total	228,649,351
Source of funds	
General fund	5,064,021
Special funds	434,904
Federal funds	6,691,092
Global Commitment fund	216,439,334
Interdepartmental transfers	<u>20,000</u>
Total	228,649,351

Second: By striking out Sec. B.318 in its entirety and inserting in lieu thereof a new Sec. B.318 to read as follows:

Sec. B.318 Department for children and families - child development

Personal services	6,405,300
Operating expenses	802,146
Grants	<u>74,455,662</u>
Total	81,663,108
Source of funds	
General fund	32,216,782
Special funds	1,820,000
Federal funds	36,142,431
Global Commitment fund	<u>11,483,895</u>
Total	81,663,108

Which was agreed to.

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

First: By striking out Sec. B.321 in its entirety and inserting in lieu thereof a new Sec. B.321 to read as follows:

Sec. B.321 Department for children and families - general assistance

Grants	<u>7,077,360</u>
Total	7,077,360

Source of funds	
General fund	5,680,025
Federal funds	1,111,320
Global Commitment fund	<u>286,015</u>
Total	7,077,360

Second: In Sec. E.321.1, by striking subsections (b) and (c) in their entirety and inserting in lieu thereof as follows:

(b)(1) The cold weather exception policy issued by the Department for Children and Families' Economic Services Division dated October 25, 2012, and any succeeding amendments to it, shall remain in effect.

(2) On or before July 31, 2017, the Commissioner for Children and Families shall submit to the Joint Fiscal Committee for its review and comment proposed changes to the Department's cold weather exception policy and related implementing protocols for the purpose of identifying savings in the General Assistance program.

Third: In Sec. D.105, in subsection (a), by striking out "\$3.5" and inserting in lieu thereof "\$3.15"

Which was disagreed to.

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

Sec. E.321.1, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a)(1) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2018 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules adopted by the Agency.

(2) In accordance with 3 V.S.A. chapter 25, the Commissioner for Children and Families shall amend the Department's General Assistance rules pertaining to temporary housing for vulnerable populations to include households with a minor child, and households with a pregnant woman regardless of her trimester. The Commissioner shall adopt these amendments as an emergency rule and concurrently propose them as a permanent rule. The emergency rule shall be deemed to meet the standard for the adoption of emergency rules pursuant to 3 V.S.A. § 844(a). The Commissioner shall readopt the emergency rule for successive periods until the permanent rule amendment is finally adopted.

Which was agreed to.

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

First: In subdivision (c)(1), after the word “partner”, by inserting “employs evidence-based or evidence-informed practices and”

Second: In subdivision (c)(2), after the words “impact on”, by inserting “the safety and welfare of vulnerable”

Third: In subdivision (c)(5), after the words “cost to” by inserting “another department or program of the Agency of Human Services, to another agency or program of State government, or to”

Which was agreed to.

Pending the third reading of the bill, **Rep. Chesnut-Tangerman of Middletown Springs** moved to amend the bill as follows:

By adding a Sec. E.805 to read:

Sec. E.805 EB-5; APPRENTICESHIP; TRANSFER

Of the amounts appropriated to the Agency of Commerce and Community Development in fiscal year 2018, the Secretary shall transfer, from the source that he or she deems appropriate, the amount of \$200,000 to the Department of Labor for job training in the trades through the Vermont Apprenticeship Program established under 21 V.S.A. chapter 13.

Which was disagreed to.

Thereupon the bill was read a third time and passed.

Adjournment

At eleven o'clock and fourteen minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 4, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 27.

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. 89

House concurrent resolution congratulating the 2017 Rutland High School Raiders Division I girls' ice hockey championship team;

H.C.R. 90

House concurrent resolution congratulating the 2017 Bellows Free Academy-St. Albans Bobwhites Division I boys' ice hockey championship team;

H.C.R. 91

House concurrent resolution congratulating the 2017 Rutland High School Raiders Division I boys' basketball championship team;

H.C.R. 92

House concurrent resolution congratulating the 2017 Lyndon Institute Vikings Division II championship girls' basketball team;

H.C.R. 93

House concurrent resolution designating April 26, 2017 as Vermont Lions Day;

H.C.R. 94

House concurrent resolution designating March 29, 2017 as Turkish Cultural Day at the State House;

H.C.R. 95

House concurrent resolution commending U.S. Armed Forces veterans honored at the Burlington Elks Lodge on Veterans Day 2016;

H.C.R. 96

House concurrent resolution congratulating the 2017 Rutland High School National and State championship cheerleading team;

S.C.R. 11

Senate concurrent resolution in memory of Springfield civic leader and consummate volunteer Jean Muriel (Follett) Willard;

[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 2017, seventy-fourth Biennial session.]

Tuesday, April 4, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Elissa Johnk, The Old Meeting House, East Montpelier, VT.

Pledge of Allegiance

Page Rileigh Steinhour of Richford led the House in the Pledge of Allegiance.

Message from the Senate No. 38

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 34. An act relating to cross-promoting development incentives and State policy goals.

S. 127. An act relating to miscellaneous changes to laws related to vehicles and vessels.

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. 25. Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County and to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Land.

In the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 11. Senate concurrent resolution in memory of Springfield civic leader and consummate volunteer Jean Muriel (Follett) Willard.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 89. House concurrent resolution congratulating the 2017 Rutland High School Raiders Division I girls' ice hockey championship team.

H.C.R. 90. House concurrent resolution congratulating the 2017 Bellows Free Academy-St. Albans Bobwhites Division I boys' ice hockey championship team.

H.C.R. 91. House concurrent resolution congratulating the 2017 Rutland High School Raiders Division I boys' basketball championship team.

H.C.R. 92. House concurrent resolution congratulating the 2017 Lyndon Institute Vikings Division II championship girls' basketball team.

H.C.R. 93. House concurrent resolution designating April 26, 2017 as Vermont Lions Day.

H.C.R. 94. House concurrent resolution designating March 29, 2017 as Turkish Cultural Day at the State House.

H.C.R. 95. House concurrent resolution commending U.S. Armed Forces veterans honored at the Burlington Elks Lodge on Veterans Day 2016.

H.C.R. 96. House concurrent resolution congratulating the 2017 Rutland High School National and State championship cheerleading team.

Senate Bill Referred

S. 34

Senate bill, entitled

An act relating to cross-promoting development incentives and State policy goals

Was read and referred to the committee on Government Operations.

Senate Bill Referred

S. 95

Senate bill, entitled

An act relating to sexual assault nurse examiners

Was read and referred to the committee on Human Services.

Senate Bill Referred

S. 127

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Was read and referred to the committee on Transportation.

Joint Resolution Placed on Calendar

J.R.S. 25

House resolution, entitled

By Committee on Institutions,

J.R.S. 25. Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County and to sell the

Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Land.

Whereas, in 1996, the Department of Forests, Parks and Recreation acquired from the John Hancock Mutual Life Insurance Company a conservation easement for certain lands (known as the Hancock Lands) in Warren's Gore, and separately in 2005, the Department acquired a second conservation easement for inholdings within the former Hancock Lands in the town of Averill, and

Whereas, these easements envisioned that the covered lands could be subdivided and would be dedicated primarily to conservation purposes but commercial forestry management, including maple sugaring and syrup activities, were permissible, and

Whereas, the Department has now determined that the language in both easements is ambiguous concerning the construction of forestry-related structures such as a sugarhouse, and

Whereas, upon consultation with the U.S. Forest Service, whose Forest Legacy Program facilitated the Department's acquisition of the easements, the Department has determined the easements should be amended with clarifying language subject to the approval of the owners of the parcels that resulted from the subdivision, and

Whereas, the Department owns the Bertha Tract in Mendon and the adjacent Burch Tract in Killington, both of which contain Green Mountain Club-held easements for segments of the Long Trail, and

Whereas, the Department proposes to sell these tracts to the Trust for Public Land in anticipation of their eventual transfer to the U.S. Forest Service for inclusion in the Green Mountain National Forest at which time the Green Mountain Club's easements would terminate and the covered Long Trail segments would be subject to federal protection, and

Whereas, pursuant to the authority granted in 10 V.S.A. § 2606(b), the Commissioner of Forests, Parks and Recreation believes that these land transactions are 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:

First: To amend certain terms and conditions of the conservation easements that the Department acquired with federal Forest Legacy funding on (i) approximately 31,000 acres (known as the Hancock Lands) from the John Hancock Mutual Life Insurance Company on December 17, 1996, and (ii) on

210 acres (known as the Averill Inholdings) from the Trust for Public Land on December 7, 2005 in order to clarify the allowed uses for forest-management-related structures and facilities, including their associated infrastructure and utilities.

Second: To sell to the Trust for Public Land two tracts: (i) an approximately 113-acre tract in the town of Mendon (known as the Bertha Tract), and (ii) a 58.1 acre tract in the town of Killington (known as the Burch Tract), both of which the Department acquired from the Green Mountain Club on March 31, 2003 and that the sale shall be pursuant to the terms of a mutually satisfactory purchase and sale agreement. The selling price shall be based on the tracts' fair market value that an appraisal shall determine. The sale of these tracts is contingent on support from the towns of Mendon and Killington. The sale's proceeds shall be deposited in the Agency of Natural Resources Land Acquisition Fund to be used to acquire additional properties for Long Trail protection purposes, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.

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

Recess

At ten o'clock and thirty-eight minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and forty-three minutes in the forenoon, the Speaker called the House to order.

Committee Bill; Favorable Report; Second Reading; Third Reading Ordered

H. 519

Rep. Emmons of Springfield spoke for the committee on Corrections and Institutions.

House bill entitled

An act relating to capital construction and State bonding

Rep. Lanpher of Vergennes, for the committee on Appropriations, recommended the bill ought to pass

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Message from the Senate No. 39

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 103. An act relating to the regulation of toxic substances and hazardous materials.

S. 122. An act relating to increased flexibility for school district mergers.

S. 130. An act relating to miscellaneous changes to education laws.

S. 131. An act relating to State's Attorneys and sheriffs.

S. 133. An act relating to examining mental health care and care coordination.

S. 135. An act relating to promoting economic development.

S. 136. An act relating to miscellaneous consumer protection provisions.

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. 29. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Adjournment

At twelve o'clock and thirty-seven minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, April 5, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Amy Pitton, Bethany Church, Montpelier, VT.

Senate Bill Referred

S. 103

Senate bill, entitled

An act relating to the regulation of toxic substances and hazardous materials

Was read and referred to the committee on Natural Resources, Fish & Wildlife.

Senate Bill Referred

S. 122

Senate bill, entitled

An act relating to increased flexibility for school district mergers

Was read and referred to the committee on Education.

Senate Bill Referred

S. 130

Senate bill, entitled

An act relating to miscellaneous changes to education laws

Was read and referred to the committee on Education.

Senate Bill Referred

S. 131

Senate bill, entitled

An act relating to State's Attorneys and sheriffs

Was read and referred to the committee on Government Operations.

Senate Bill Referred

S. 133

Senate bill, entitled

An act relating to examining mental health care and care coordination

Was read and referred to the committee on Health Care.

Senate Bill Referred

S. 135

Senate bill, entitled

An act relating to promoting economic development

Was read and referred to the committee on Commerce and Economic Development.

Senate Bill Referred

S. 136

Senate bill, entitled

An act relating to miscellaneous consumer protection provisions

Was read and referred to the committee on Commerce and Economic Development.

Joint Resolution Adopted in Concurrence

J.R.S. 29

By Senator Ashe,

J.R.S. 29. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 7, 2017, it be to meet again no later than Tuesday, April 11, 2017.

Was taken up, read and adopted in concurrence.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

S. 34

Rep. Townsend of South Burlington moved that the committee on Government Operations be relieved of House bill, entitled

An act relating to cross-promoting development incentives and State policy goals

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

Message from the Senate No. 40

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

Madam Speaker:

I am directed to inform the House that:

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

H. 4. An act relating to calculating time periods in court proceedings.

H. 379. An act relating to providing an extension for the repeal of the Search and Rescue Council.

And has passed the same in concurrence.

Joint Resolution Committed

J.R.S. 25

House resolution, entitled

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County and to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Land

Appearing on the calendar for action, was taken up and pending the reading of the resolution, on motion of **Rep. Macaig of Williston**, the resolution was committed to the committee on Corrections and Institutions.

Bill Amended, Third Reading; Bill Passed

H. 519

House bill, entitled

An act relating to capital construction and State bonding

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

In Sec. 32, Agency of Human Services; Facilities, in subsection (b), by inserting at the end of the second sentence, before the period, the words “, and the Health Reform Oversight Committee”

Which was agreed to.

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

In Sec. 34, High Priority Basin Projects; Regional Planning Commissions, by striking out the words “House Committee on Corrections and Institutions” and inserting in lieu thereof the words “House Committees on Corrections and Institutions and on Natural Resources, Fish and Wildlife” and by striking out the words “Senate Committee on Institutions” and inserting in lieu thereof the words “Senate Committees on Institutions and on Natural Resources and Energy”

Which was agreed to. Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Sheldon of Middlebury** 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? was decided in the affirmative. Yeas, 140. Nays, 0.

Those who voted in the affirmative are:

Ainsworth of Royalton
Ancel of Calais
Bancroft of Westford
Bartholomew of Hartland
Baser of Bristol

Gannon of Wilmington
Gardner of Richmond
Giambatista of Essex
Gonzalez of Winooski
Grad of Moretown

Myers of Essex
Nolan of Morristown
Norris of Shoreham
Noyes of Wolcott
Ode of Burlington

Batchelor of Derby	Graham of Williamstown	O'Sullivan of Burlington
Beck of St. Johnsbury	Greshin of Warren	Parent of St. Albans Town
Belaski of Windsor	Haas of Rochester	Partridge of Windham
Beyor of Highgate	Head of South Burlington	Pearce of Richford
Bissonnette of Winooski	Hebert of Vernon	Poirier of Barre City
Bock of Chester	Helm of Fair Haven	Potter of Clarendon
Botzow of Pownal	Higley of Lowell	Quimby of Concord
Brennan of Colchester	Hill of Wolcott	Rosenquist of Georgia
Briglin of Thetford	Hooper of Montpelier	Savage of Swanton
Browning of Arlington	Hooper of Brookfield	Scheu of Middlebury
Brumsted of Shelburne	Houghton of Essex	Scheuermann of Stowe
Buckholz of Hartford	Howard of Rutland City	Sharpe of Bristol
Burke of Brattleboro	Hubert of Milton	Shaw of Pittsford
Canfield of Fair Haven	Jessup of Middlesex	Sheldon of Middlebury
Carr of Brandon	Jickling of Brookfield	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Smith of Derby
Christensen of Weathersfield	Juskiewicz of Cambridge	Smith of New Haven
Christie of Hartford	Keefe of Manchester	Squirrell of Underhill
Cina of Burlington	Keenan of St. Albans City	Stevens of Waterbury
Colburn of Burlington	Kimbell of Woodstock	Strong of Albany
Condon of Colchester	Kitzmiller of Montpelier	Stuart of Brattleboro
Conlon of Cornwall	Krowinski of Burlington	Sullivan of Dorset
Connor of Fairfield	LaClair of Barre Town	Sullivan of Burlington
Conquest of Newbury	Lalonde of South Burlington	Tate of Mendon
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Taylor of Colchester
Corcoran of Bennington	Lawrence of Lyndon	Terenzini of Rutland Town
Cupoli of Rutland City	Lefebvre of Newark	Till of Jericho
Dakin of Colchester	Lewis of Berlin	Toleno of Brattleboro
Deen of Westminster	Lippert of Hinesburg	Toll of Danville
Devereux of Mount Holly	Long of Newfane	Townsend of South Burlington
Dickinson of St. Albans	Macaig of Williston	Trieber of Rockingham
Donahue of Northfield	Marcotte of Coventry	Troiano of Stannard
Donovan of Burlington	Martel of Waterford	Turner of Milton
Dunn of Essex	Masland of Thetford	Van Wyck of Ferrisburgh
Fagan of Rutland City	McCormack of Burlington	Viens of Newport City
Feltus of Lyndon	McCullough of Williston	Webb of Shelburne
Fields of Bennington	McFaun of Barre Town	Weed of Enosburgh
Forguites of Springfield	Miller of Shaftsbury	Willhoit of St. Johnsbury
Frenier of Chelsea	Morris of Bennington	Wood of Waterbury
Gage of Rutland City	Morrissey of Bennington	Wright of Burlington
Gamache of Swanton	Mrowicki of Putney	Yacovone of Morristown
	Murphy of Fairfax	Yantachka of Charlotte

Those who voted in the negative are: None

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

Burditt of West Rutland	McCoy of Poultney	Rachelson of Burlington
Emmons of Springfield	Olsen of Londonderry	Walz of Barre City
Lucke of Hartford	Pugh of South Burlington	Young of Glover

Second Reading; Bill Amended; Third Reading Ordered**H. 368**

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to creating a Cold Case Unit within the Vermont State Police

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. VERMONT STATE POLICE; COLD CASE INVESTIGATORS,
TEMPORARY, PART-TIME POSITIONS; REPORT

(a) Two temporary, part-time positions; cold case investigators.

(1) Creation. The following positions are created within the Vermont State Police using existing Department of Public Safety financial resources: two temporary, part-time Cold Case Investigator positions, with each investigator working no more than the equivalent of a 0.4 full-time State employee.

(2) Expertise; duties. The cold case investigators shall be former law enforcement officers with expertise in homicide and missing person investigations and shall have the duty to investigate unsolved crimes and missing persons.

(3) Elimination. These two temporary positions are eliminated effective on July 1, 2020.

(b) Commissioner of Public Safety; report on cold case investigations. Annually, on or before January 15, beginning in the year 2018 and ending in the year 2020, the Commissioner of Public Safety shall report to the House and Senate Committees on Government Operations and on Appropriations regarding the use of the cold case investigators described in subsection (a) of this section and the Commissioner's recommendations regarding how the State should handle cold case investigations.

Sec. 2. 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 creating two temporary, part-time cold case investigator positions"

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

Action on Bill Postponed**S. 5**

Senate bill, entitled

An act relating to plea agreements

Was taken up and pending the reading of the report of the committee on Judiciary, on motion of **Rep. Willhoit of St. Johnsbury**, action on the bill was postponed until April 6, 2017.

Action on Bill Postponed**S. 7**

Senate bill, entitled

An act relating to deferred sentences and the sex offender registry

Was taken up and pending the reading of the report of the committee on Judiciary, on motion of **Rep. Willhoit of St. Johnsbury**, action on the bill was postponed until April 6, 2017.

**Favorable Report; Second Reading;
Third Reading Ordered****S. 69**

Rep. Lalonde of South Burlington, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to an employer's compliance with an income withholding order from another state

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.

Adjournment

At two o'clock and five minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, April 6, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by James Sturm, Co-founder of the Center for Cartoon Studies, White River Junction, Ed Koren of Bethel and Alison Bechdel of Bolton VT.

House Bill Introduced**H. 521**

By Reps. Devereux of Mount Holly, Gannon of Wilmington, Haas of Rochester and Quimby of Concord,

House bill, entitled

An act relating to the eligibility of teachers and administrative staff for retirement benefits following school closure;

To the committee on Education.

**Favorable Report; Second Reading;
Third Reading Ordered****S. 5**

Rep. Willhoit of St. Johnsbury, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to plea agreements

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.

**Favorable Report; Second Reading;
Bill Amended; Third Reading Ordered****S. 7**

Rep. Willhoit of St. Johnsbury, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to deferred sentences and the sex offender registry

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.

Pending the question, Shall the bill be read a third time? **Rep. Conquest of Newbury** moved to propose to the Senate to amend the bill as follows:

In Sec. 1, 13 V.S.A. § 5401(15)(B)(ii), by striking out the words “during the period when” and inserting in lieu thereof the word “while”

Which was agreed to. Thereupon third reading was ordered.

Third Reading; Bill Passed**H. 368**

House bill, entitled

An act relating to creating a Cold Case Unit within the Vermont State Police

Was taken up, read the third time and passed.

Third Reading; Bill Passed in Concurrence**S. 69**

Senate bill, entitled

An act relating to an employer's compliance with an income withholding order from another state

Was taken up, read the third time and passed in concurrence.

**Favorable Report; Second Reading;
Third Reading Ordered****S. 39**

Rep. Tate of Mendon, for the committee on General, Housing and Military Affairs, to which had been referred Senate bill, entitled

An act relating to the repeal of the crime of obtaining maps and plans while at war

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.

**Favorable Report; Second Reading;
Third Reading Ordered****S. 60**

Rep. Christie of Hartford, for the committee on General, Housing and Military Affairs, to which had been referred Senate bill, entitled

An act relating to the repeal of 21 V.S.A. § 6

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.

Adjournment

At one o'clock and forty-six 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.

Friday, April 7, 2017

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

Devotional Exercises

Devotional exercises were conducted by Emily Friedrichsen, Champlain Valley Union High School, Winner of the 2017 VT Poetry Out Loud Contest.

Rep. Krowinski of Burlington in chair.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 522

By Reps. Wright of Burlington, Bissonnette of Winooski, Cina of Burlington, Colburn of Burlington, Donovan of Burlington, Gonzalez of Winooski, Krowinski of Burlington, McCormack of Burlington, O'Sullivan of Burlington, Ode of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington;

To the committee on Government Operations.

H. 523

By the committee on Judiciary,

An act relating to fair and impartial policing;

Pursuant to House rule 48, bill placed on the Calendar for notice.

Bill Referred to Committee on Ways and Means

H. 327

House bill, entitled

An act relating to the charter of the Northeast Kingdom Solid Waste Management District

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations

H. 492

House bill, entitled

An act relating to the Racial Justice Oversight Board

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Third Reading; Bill Passed in Concurrence

S. 5

Senate bill, entitled

An act relating to plea agreements

Was taken up, read the third time and passed in concurrence.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 7

Senate bill, entitled

An act relating to deferred sentences and the sex offender registry

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Third Reading; Bill Passed in Concurrence

S. 39

Senate bill, entitled

An act relating to the repeal of the crime of obtaining maps and plans while at war

Was taken up, read the third time and passed in concurrence.

Third Reading; Bill Passed in Concurrence

S. 60

Senate bill, entitled

An act relating to the repeal of 21 V.S.A. § 6

Was taken up, read the third time and passed in concurrence.

Message from the Senate No. 41

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

Madam Speaker:

I am directed to inform the House that:

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

H. 14. An act relating to automated external defibrillators.

And has passed the same in concurrence.

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

H. 42. An act relating to appointing municipal clerks and treasurers and to municipal audit penalties.

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 on its part adopted joint resolution of the following title:

J.R.S. 17. Joint resolution rescinding the General Assembly's request, contained in 2014 Acts and Resolves No. R-454, for Congress to convene a U.S. Constitutional Convention.

In the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 12. Senate concurrent resolution honoring Stanley Rosen of North Bennington for his significant and continuing contributions to the ceramic arts.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 97. House concurrent resolution designating April 4, 2017 as Pay Equity Day in Vermont.

H.C.R. 98. House concurrent resolution congratulating the 2017 Vermont Comcast Scholars.

H.C.R. 99. House concurrent resolution designating April 2017 as Fair Housing Month in Vermont.

H.C.R. 100. House concurrent resolution in memory of and tribute to Sally (Apalakian) Ovia of Rutland.

H.C.R. 101. House concurrent resolution honoring Richard A. Fletcher of Putney for his health care career achievements and civic leadership.

H.C.R. 102. House concurrent resolution designating April 2017 as the Month of the Military Child in Vermont.

H.C.R. 103. House concurrent resolution designating Tuesday, April 4, 2017 as National Service Day in Vermont.

H.C.R. 104. House concurrent resolution designating May 2017 as HOBY Youth Service Month in Vermont.

H.C.R. 105. House concurrent resolution congratulating 2017 New England wrestling champion Nick Johnson of Milton High School.

H.C.R. 106. House concurrent resolution congratulating the Vermont Supported Employment Program for Individuals with Developmental Disabilities on winning the 2017 Innovative Policy Award on Employment, Work, and Vocational Education.

Adjournment

At ten o'clock and eleven minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 11, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 29.

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. 97

House concurrent resolution designating April 4, 2017 as Pay Equity Day in Vermont;

H.C.R. 98

House concurrent resolution congratulating the 2017 Vermont Comcast Scholars;

H.C.R. 99

House concurrent resolution designating April 2017 as Fair Housing Month in Vermont;

H.C.R. 100

House concurrent resolution in memory of and tribute to Sally (Apalakian) Ovia of Rutland;

H.C.R. 101

House concurrent resolution honoring Richard A. Fletcher of Putney for his

health care career achievements and civic leadership;

H.C.R. 102

House concurrent resolution designating April 2017 as the Month of the Military Child in Vermont;

H.C.R. 103

House concurrent resolution designating Tuesday, April 4, 2017 as National Service Day in Vermont;

H.C.R. 104

House concurrent resolution designating May 2017 as HOBY Youth Service Month in Vermont;

H.C.R. 105

House concurrent resolution congratulating 2017 New England wrestling champion Nick Johnson of Milton High School;

H.C.R. 106

House concurrent resolution congratulating the Vermont Supported Employment Program for Individuals with Developmental Disabilities on winning the 2017 Innovative Policy Award on Employment, Work, and Vocational Education;

S.C.R. 12

Senate concurrent resolution honoring Stanley Rosen of North Bennington for his significant and continuing contributions to the ceramic arts;

[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 2017, seventy-fourth Biennial session.]

Tuesday, April 11, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Chard deNiord, Vermont Poet Laureate, Westminster, VT.

Pledge of Allegiance

Page Summer Chabot of Vergennes led the House in the Pledge of Allegiance.

Rep. Krowinski of Burlington in chair.

Communication from Rep. Tate of Mendon

To: William M. MaGill, Clerk of the House
The Vermont General Assembly
115 State St.
Montpelier, VT 05633

From: Rep. Job Tate
111 Birchwood Dr. #3
Mendon, VT 05701

Dear Colleagues

Effective at midnight on Friday, April 7, 2017, I am resigning my seat as representative for the Rutland-Windsor-1 district. The U.S. Navy, like many of you, has concluded that I would be best employed on the far side of the world.

I know that, for many, the planet's future has never felt darker. There is a gathering uncertainty, pitiless, cold and often filled with malice. But though the way may be unclear, the path dimly lit, I wouldn't cast my lot with any other tribe than my fellow Vermonter. I know we will always overcome whatever comes before us.

Serving in this body has been the greatest honor of my life. My deepest thanks to you all for your friendship, your charity, and great many laughs, and the shared fraternity of a deep and unrelenting love for Vermont and our way of life.

God's richest blessings on you all.

Very respectfully,

/s/ Job Tate

Message from the Senate No. 42

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

Madam Speaker:

I am directed to inform the House that:

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

H. 35. An act relating to adopting the Uniform Voidable Transactions Act.

H. 152. An act relating to the Vermont Revised Uniform Fiduciary Access to Digital Assets Act.

H. 201. An act relating to length of stay at designated shelters.

And has passed the same in concurrence.

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

H. 171. An act relating to expungement.

H. 297. An act relating to miscellaneous court operations procedures.

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 on its part adopted joint resolution of the following title:

J.R.S. 30. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 524

By Reps. Christie of Hartford, Buckholz of Hartford and Lucke of Hartford,
House bill, entitled

An act relating to approval of amendments to the charter of the Town of Hartford;

To the committee on Government Operations.

H. 525

By the committee on General; Housing and Military Affairs,

An act relating to the Department of Liquor Control and the State Lottery;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 526

By the committee on Government Operations,

An act relating to regulating notaries public;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 527

By Rep. Jessup of Middlesex,

House bill, entitled

An act relating to approval of amendments to the charter of the Town of East Montpelier and to the merger of the Town and the East Montpelier Fire District No. 1;

To the committee on Government Operations.

Bill Referred to Committee on Appropriations

H. 197

House bill, entitled

An act relating to mental health parity for workers' compensation

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Referred to Committee

J.R.S. 17

By Senators Pearson, Ayer, Benning, Clarkson, Sirotkin, and White,

J.R.S. 17. Joint resolution rescinding the General Assembly's request, contained in 2014 Acts and Resolves No. R-454, for Congress to convene a U.S. Constitutional Convention.

Whereas, during the 2013–2014 Biennium, the General Assembly adopted 2014 Acts and Resolves No. R-454, “Joint resolution relating to an application of the General Assembly for Congress to call a convention for proposing amendments to the U.S. Constitution,” and

Whereas, the specific purpose of this resolution was to help establish a mandate, in accordance with the provisions of Article V of the U.S. Constitution, for Congress to call a convention to amend the U.S. Constitution for the exclusive purpose of reversing the U.S. Supreme Court decision in *Citizens United v Federal Election Commission*, 130 S.Ct. 876 (2010), and

Whereas, supporters of 2014 Acts and Resolves No. R-454 may not favor other amendments that have also been proposed for a constitutional convention's consideration, and

Whereas, the specific agenda for a prospective constitutional convention called in accordance with the provisions of Article V remains uncertain, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly rescinds its call, contained in 2014 Acts and Resolves No. R-454, for Congress to convene a U.S. Constitutional Convention, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the vice president of the United States; the president pro tempore and the secretary of the Senate of the United States; the Speaker and Clerk of the House of Representatives of the United States; the archivist of the United States; and the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on Government Operations.

House Resolution Placed on Calendar

H.R. 13

House resolution, entitled

House resolution amending the Rules and Orders of the House of Representatives related to discrimination, ethics, and sexual harassment

Offered by: Committee on Rules

Whereas, the Rules of the House of Representatives should be clarified in its provisions regarding discrimination, legislative ethics, and sexual harassment, particularly in regard to that chamber's overall policies on these issues, now therefore be it

Resolved by the House of Representatives:

That RULES AND ORDERS OF THE HOUSE OF REPRESENTATIVES 90 and 90a are amended to read as follows:

~~90. (a) A member and officer of the House shall be responsible for ensuring that each legislative employee and colleague enjoys a workplace free from discrimination by conducting himself or herself in a manner that promotes public confidence in the integrity of the House.~~

~~(b) Violation of this rule will result in appropriate disciplinary action enforced by the full House, if necessary.~~

~~(c) Retaliation against a person who complains, reports or cooperates in an investigation of sexual harassment is prohibited.~~

~~(d) The House Rules Committee shall develop and adopt a policy and procedures for reviewing allegations of discrimination involving the conduct of members or officers of the House.~~

~~(e) The Clerk of the House shall develop procedures for employees of the Clerk's office.~~

~~(f) The House Rules Committee shall, at the beginning of the biennium, or as soon as possible thereafter, establish a Sexual Harassment Prevention Panel with the authority to receive, investigate and resolve~~

~~complaints of sexual harassment, retaliation and noncompliance made against members or officers of the House. The panel shall be comprised of five members of the House.~~

~~(g) The Speaker shall ensure that training is made available to all House members and employees and that they receive copies of the policy and procedures which implement this rule.~~

~~90a. (a) The House Rules Committee shall, at the beginning of the biennium or as soon as possible thereafter, establish an Ethics Panel with the following powers and duties:~~

~~(1) to advise individual members and provide training to all members on ethical conduct, including compliance with House Rule 75; and~~

~~(2) to receive and investigate complaints of alleged ethical violations made against members of the House, except for those complaints covered under House Rule 90, and to recommend to the House any disciplinary action against a member for an ethical violation, if the Panel deems it necessary.~~

~~(b) The Panel shall comprise be composed of five members of the House who shall serve until successors are appointed. The members shall elect a chair and adopt policies and procedures to conduct their business.~~

~~(c) Annually, on or before December 31, the Ethics Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for ethical advice.~~

It is the policy of the House to provide a professional work environment. All members and officers of the House are responsible for ensuring that each legislative employee and colleague enjoys a workplace free from discrimination and sexual harassment and that members conduct themselves in a manner that promotes public confidence through ethical behavior in accordance with the Vermont Constitution and the House Rules.

(a) Discrimination

(1) The House of Representatives is opposed to and prohibits discrimination without qualification. This policy covers the conduct of Representatives and persons that either the Speaker's or the House Clerk's office employs.

(2) This policy protects Representatives, employees, and members of the public, including lobbyists, advocates, and members of the press, from discrimination attributable to a Representative or an employee of these offices.

(3) The Rules Committee shall, at the beginning of the biennium, appoint a Discrimination Prevention Panel composed of five members of the House who shall serve until successors are appointed.

(4) The Panel shall elect a chair, adopt procedures to conduct its business to implement this policy, and shall provide copies of the policy set forth in this rule and the adopted procedures to all members of the House and employees of the Speaker's and the House Clerk's offices.

(5) The Panel shall receive and investigate complaints of alleged discrimination made against members of the House or an employee of the Speaker's or House Clerk's office.

(6) The Panel shall advise individual members and provide training to all House members, employees, and interns on the scope of conduct constituting prohibited discrimination.

(7) The Panel, if it deems it necessary, may recommend to the House any disciplinary action against a member for a discrimination violation.

(8) These Rules prohibit retaliation against a person who complains, reports, or cooperates in an investigation of discrimination.

(9) Annually, on or before December 31, the Discrimination Prevention Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for advice on discrimination inquiries.

(b) Ethics

(1) The House of Representatives, without qualification, is opposed to and prohibits violations of the Vermont Constitution and House Rules standards of ethical behavior. This policy covers the conduct of Representatives and persons that either the Speaker's or the House Clerk's office employs.

(2) The House Rules Committee shall, at the beginning of the biennium, appoint an Ethics Panel composed of five members of the House who shall serve until successors are appointed.

(3) The Panel shall elect its chair, adopt procedures to implement this policy, and conduct its business and provide copies of the policy set forth in this rule and the adopted procedures to all members of the House and employees of the Speaker's and the House Clerk's offices.

(4) The Panel shall advise individual members and provide training to all members on ethical conduct, including compliance with House Rule 75.

(5) The Panel shall receive and investigate complaints of alleged ethical violations made against members of the House.

(6) The Panel may recommend to the House any disciplinary action against a member for an ethical violation.

(7) These Rules prohibit retaliation against a person who complains, reports, or cooperates in an investigation of an ethics violation.

(8) Annually, on or before December 31, the Ethics Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for ethical advice.

(c) Sexual Harassment

(1) The House of Representatives is opposed to and prohibits sexual harassment without qualification. This policy covers the conduct of Representatives and persons that either the Speaker's or the House Clerk's office employs.

(2) This policy protects Representatives, employees, and members of the public, including lobbyists, advocates, and members of the press, from sexual harassment attributable to a Representative or an employee of these offices.

(3) The Rules Committee shall, at the beginning of the biennium, appoint a Sexual Harassment Prevention Panel composed of five members of the House who shall serve until successors are appointed.

(4) The Panel shall elect a chair, adopt procedures to conduct its business to implement this policy, and shall provide copies of the policy set forth in this rule and the adopted procedures to all members of the House and employees of the Speaker's and the House Clerk's offices.

(5) The Panel shall receive and investigate complaints of alleged sexual harassment made against members of the House or an employee of the Speaker's or House Clerk's office.

(6) The Panel shall advise individual members and provide training to all House members, employees, and interns on the scope of conduct constituting prohibited sexual harassment.

(7) The Panel, if it deems it necessary, may recommend to the House any disciplinary action against a member for a sexual harassment violation.

(8) These Rules prohibit retaliation against a person who complains, reports, or cooperates in an investigation of sexual harassment.

(9) Annually, on or before December 31, the Sexual Harassment Prevention Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for advice on sexual harassment inquiries.

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

House Resolution Placed on Calendar

H.R. 14

House resolution, entitled

House resolution disapproving Executive Order 07-17

Offered by: Committee on General, Housing, and Military Affairs

Whereas, on January 15, 2017, the Governor signed Executive Order 07-17 providing for the creation of "the Department of Liquor and Lottery by merging the Department of Liquor Control with the State Lottery Commission," and

Whereas, according to the Executive Order, effective April 17, 2017, the Department of Liquor and Lottery shall assume all duties, responsibilities, and authority of the Department of Liquor Control and the State Lottery Commission, and

Whereas, the Committee on General, Housing and Military Affairs has taken testimony and public comment concerning this Executive Order, and

Whereas, the House of Representatives agrees with the Governor that it "is desirable to reorganize the departments and divisions of government by better coordinating certain activities and to improve the coordination, effectiveness and value of services to the public," and

Whereas, the House of Representatives supports improved and more efficient delivery of services to the public, elimination of redundancy, improved accountability, more efficient use of specialized expertise and facilities, more effective sharing of best practices, the realization of cost savings, and the enhancement of the Department of Liquor Control and the State Lottery Commission's ability to fulfill their respective missions in a cost-effective manner, and

Whereas, the House of Representatives also wishes to ensure that any merger achieves these goals without leading to unintended consequences, and

Whereas, the best mechanism to pursue a merger of the functions and responsibilities of the Department of Liquor Control and the State Lottery

Commission is to use the legislative process, with the resulting opportunity for enhanced research, analysis, and public participation, and

Whereas, the House of Representatives is fully committed to working cooperatively with the Administration to produce a plan and legislation that will achieve our shared goals and that will increase the efficiency and effectiveness of the Department of Liquor Control and the State Lottery Commission, now therefore be it

Resolved by the House of Representatives:

That this legislative body, pursuant to 3 V.S.A. § 2002, disapproves of Executive Order 07-17, and be it further

Resolved: That the House of Representatives intends to bring forward legislation to create a working group to develop a plan and draft legislation necessary to merge the Department of Liquor Control with the State Lottery Commission that can be fully considered during the second year of this biennium, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Governor Philip B. Scott.

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

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

S. 18

Rep. Sharpe of Bristol moved that the committee on Education be relieved of House bill, entitled

An act relating to freedom of expression for students

And that the bill be committed to the committee on Judiciary, which was agreed to.

Action on Bill Postponed

H. 356

House bill, entitled

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

Was taken up and pending the reading of the report of the committee on Government Operations, on motion of **Rep. Lewis of Berlin**, action on the bill was postponed until April 12, 2017.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 14

Rep. Cina of Burlington, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to expanding the Vermont Practitioner Recovery Network

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Podiatrists * * *

Sec. 1. 26 V.S.A. § 374 is amended to read:

§ 374. FEES; LICENSES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for licensure, \$650.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$525.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

* * * Physicians * * *

Sec. 2. 26 V.S.A. § 1395(c) is amended to read:

(c) ~~Notwithstanding the provisions of subsection (a) of this section and any other provision of law, a physician who holds an unrestricted license in all jurisdictions where the physician is currently licensed, and who certifies to the Vermont board of medical practice that he or she will limit his or her practice in Vermont to providing pro bono services at a free or reduced fee health care clinic in Vermont and who meets the criteria of the board, shall be licensed by the board within 60 days of the licensee's certification without further examination, interview, fee, or any other requirement for board licensure. The~~

~~physician shall file with the board, on forms provided by the board and based on criteria developed by the board, information on medical qualifications, professional discipline, criminal record, malpractice claims, or any other such information as the board may require. A license granted under this subsection shall authorize the licensee to practice medicine on a voluntary basis in Vermont. [Repealed.]~~

Sec. 3. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The Department of Health shall collect the following fees:

(1) Application for licensure, \$650.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$525.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(3) Initial limited temporary license; annual renewal \$75.00.

* * *

(c)(1) Notwithstanding any other provision of this chapter, a physician who holds an unrestricted license in all jurisdictions where the physician is currently licensed and who meets the criteria of the Board shall be licensed without fee if the physician certifies to the Board that he or she shall limit practice in Vermont solely to providing:

(A) pro bono services at a free or reduced fee health care clinic in Vermont; or

(B) volunteer services through the Vermont Medical Reserve Corps.

(2) A physician, under this subsection, shall file with the Board using forms provided on the Board's website, information on medical qualifications, professional discipline, criminal record, malpractice claims, or any other such information as the Board may require. A license granted under this subsection shall authorize the licensee to practice medicine either on a voluntary basis at a

free or reduced fee clinic in Vermont or in connection with the Vermont Medical Reserve Corps, respectively.

* * * Anesthesiologist Assistants * * *

Sec. 4. 26 V.S.A. § 1662 is amended to read:

§ 1662. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1)(A)(i) Original application for certification, \$120.00;

(ii) Each additional application, \$55.00;

(B) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2)(A)(i) Biennial renewal, \$120.00;

(ii) Each additional renewal, \$55.00;

(B)(i) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(ii) In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the Board that he or she continues to meet the certification requirements of the NCCAA.

(3) Transfer of certification, \$20.00.

* * * Physician Assistants * * *

Sec. 5. 26 V.S.A. § 1740 is amended to read:

§ 1740. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Original application for licensure, \$225.00; the Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public,

monitors ~~recovering chemically dependent licensees for the protection of the public~~ and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$215.00; the Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent licensees for the protection of the public~~ and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

* * * Radiologist Assistants * * *

Sec. 6. 26 V.S.A. § 2862 is amended to read:

§ 2862. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- | | |
|--|-----------|
| (1)(A)(i) Original application for certification | \$120.00; |
| (ii) Each additional application | \$55.00; |

(B) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent licensees for the protection of the public~~ and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

- | | |
|------------------------------|-----------|
| (2)(A)(i) Biennial renewal | \$120.00; |
| (ii) Each additional renewal | \$55.00; |

(B)(i) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent licensees for the protection of the public~~ and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(ii) In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the Board that he or she continues to meet the certification requirements of the ARRT and is licensed as a radiologic technologist under chapter 51 of this title.

- | | |
|-------------------------------|----------|
| (3) Transfer of certification | \$20.00. |
|-------------------------------|----------|

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Health Care agreed to and third reading ordered.

Adjournment

At ten o'clock and forty-three minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, April 12, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Peter Gould, Writer and performing artist, Brattleboro, VT.

Communication from the Governor

April 11, 2017

The Honorable Mitzi Johnson
Speaker of the House
115 State Street, Drawer 33
Montpelier, VT 05633-5301

Dear Speaker Johnson:

I have the great honor to inform you that I have appointed Jim Harrison, 75 Lazy Acres Road, North Chittenden, VT 05763, to serve in the General Assembly representing House District Rutland-Windsor 1, formerly held by Representative Job Tate.

Sincerely,

/s/ Philip B. Scott
Governor

New Member Seated

Representative James Harrison of Chittenden, the newly appointed member, having taken and subscribed the oath administered by the Clerk, as

required by the Constitution and laws of the State, was conducted to his seat by the Doorkeeper.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 528

By Rep. Donovan of Burlington,

House bill, entitled

An act relating to making tax changes to help Vermonters and small businesses;

To the committee on Ways and Means.

H. 529

By Reps. Poirier of Barre City and Walz of Barre City,

House bill, entitled

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

To the committee on Government Operations.

H. 530

By Reps. Christie of Hartford, Briglin of Thetford, Burditt of West Rutland, Cupoli of Rutland City, Fagan of Rutland City, Gage of Rutland City, Howard of Rutland City, Potter of Clarendon and Shaw of Pittsford,

House bill, entitled

An act relating to establishing the annual Business Incubator and Accelerator Conference;

To the committee on Commerce and Economic Development.

H. 531

By Rep. Gonzalez of Winooski,

House bill, entitled

An act relating to establishing a carbon pollution fee in Vermont;

To the committee on Natural Resources, Fish & Wildlife.

H. 532

By Rep. Lalonde of South Burlington,

House bill, entitled

An act relating to replacing statewide education tax revenue with a fee on carbon dioxide pollution;

To the committee on Ways and Means.

Bill Referred to Committee on Ways and Means

H. 526

House bill, entitled

An act relating to regulating notaries public

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations

H. 525

House bill, entitled

An act relating to the Department of Liquor Control and the State Lottery

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations

S. 20

House bill, entitled

An act relating to permanent licenses for persons 66 years of age or older

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Adopted in Concurrence

J.R.S. 30

By Senator Ashe,

J.R.S. 30. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 14, 2017, it be to meet again no later than Tuesday, April 18, 2017.

Was taken up, read and adopted in concurrence.

Committee Appointments

The Speaker appointed **Rep. Harrison of Chittenden** to the committee on General, Housing and Military Affairs and **Rep. Gonzalez of Winooski** as

ranking member of the committee on General, Housing and Military Affairs.

Remarks Journalized

On motion of **Rep. Cupoli of Rutland City**, the following remarks by **Rep. Juskiewicz of Cambridge** were ordered printed in the Journal:

“Madam Speaker:

Thank you. Today we are recognizing the University of Vermont’s men’s basketball team for their outstanding accomplishments on the court.

I also want the body to know that the team’s season may have ended on the court, but its perfect graduation rate helped take them all the way to the National Championship in the classroom, according to an academic-based bracket by Time magazine.

The tournament, based on an academic formula that was applied to all of the 68 teams in this year’s NCAA tournament, had the University of Vermont winning in the semi-finals before falling in the finals. The Catamounts were one of 12 teams with a 100 percent player graduation rate.

This team’s successes on the court and in the classroom have made Vermont proud.

Please join me in welcoming the University of Vermont men’s basketball team, who are seated in the Senate seats.”

Second Reading; Bill Amended; Third Reading Ordered

H. 356

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its passage when amended as follows:

In Sec. 3 (effective date) by striking out the section in its entirety and inserting in lieu thereof:

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Having appeared on the Calendar one day for notice, was taken up and read the second time and report of the committee on Government Operations was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Lewis of Berlin** moved to amend the bill as follows:

First: In Sec. 2, 24 App. V.S.A. chapter 105, in § 81, immediately following “Any elected Town officer may be removed from office subject to” by striking out the words “the following”

Second: In Sec. 2, 24 App. V.S.A. chapter 105, in § 91, in subsection (a), immediately following “and approved by the Selectboard” by inserting “, but the Administrative Code shall only implement and shall not expand upon the authorities granted in this charter or in general State law. Prior to the adoption or any amendment of the Administrative Code, the Selectboard shall hold two public meetings concerning that adoption or amendment”

Which was agreed to and third reading ordered.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 14

Senate bill, entitled

An act relating to expanding the Vermont Practitioner Recovery Network

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Committee Bill; Second Reading;
Third Reading Ordered**

H. 523

Rep. Morris of Bennington spoke for the committee on Judiciary.

House bill entitled

An act relating to fair and impartial policing

Having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Krowinski 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 read a third time? was decided in the affirmative. Yeas, 124. Nays, 21.

Those who voted in the affirmative are:

Ainsworth of Royalton
Ancel of Calais
Bancroft of Westford
Bartholomew of Hartland
Baser of Bristol
Beck of St. Johnsbury

Gannon of Wilmington
Gardner of Richmond
Giambatista of Essex
Gonzalez of Winooski
Grad of Moretown
Greshin of Warren

Nolan of Morristown
Noyes of Wolcott
Ode of Burlington
Olsen of Londonderry
O'Sullivan of Burlington
Partridge of Windham

Belaski of Windsor	Haas of Rochester	Pearce of Richford
Beyor of Highgate	Harrison of Chittenden	Poirier of Barre City
Bock of Chester	Head of South Burlington	Potter of Clarendon
Botzow of Pownal	Helm of Fair Haven	Pugh of South Burlington
Brennan of Colchester	Hill of Wolcott	Rachelson of Burlington
Briglin of Thetford	Hooper of Montpelier	Scheu of Middlebury
Browning of Arlington	Hooper of Brookfield	Scheuermann of Stowe
Brumsted of Shelburne	Houghton of Essex	Sharpe of Bristol
Buckholz of Hartford	Howard of Rutland City	Shaw of Pittsford
Burke of Brattleboro	Jessup of Middlesex	Sheldon of Middlebury
Canfield of Fair Haven	Jickling of Brookfield	Sibilia of Dover
Carr of Brandon	Joseph of North Hero	Smith of Derby
Chesnut-Tangerman of	Juskiewicz of Cambridge	Smith of New Haven
Middletown Springs	Keefe of Manchester	Squirrell of Underhill
Christensen of Weathersfield	Keenan of St. Albans City	Stevens of Waterbury
Christie of Hartford	Kimbell of Woodstock	Stuart of Brattleboro
Cina of Burlington	Kitzmiller of Montpelier	Sullivan of Dorset
Colburn of Burlington	Krowinski of Burlington	Sullivan of Burlington
Condon of Colchester	Lalonde of South Burlington	Taylor of Colchester
Conlon of Cornwall	Lanpher of Vergennes	Till of Jericho
Connor of Fairfield	Lawrence of Lyndon	Toleno of Brattleboro
Conquest of Newbury	Lefebvre of Newark	Toll of Danville
Copeland-Hanzas of	Lippert of Hinesburg	Townsend of South
Bradford	Long of Newfane	Burlington
Cupoli of Rutland City	Lucke of Hartford	Trieber of Rockingham
Dakin of Colchester	Macaig of Williston	Troiano of Stannard
Deen of Westminster	Marcotte of Coventry	Walz of Barre City
Devereux of Mount Holly	Masland of Thetford	Webb of Shelburne
Donahue of Northfield	McCormack of Burlington	Weed of Enosburgh
Donovan of Burlington	McCoy of Poultney	Willhoit of St. Johnsbury
Dunn of Essex	McCullough of Williston	Wood of Waterbury
Emmons of Springfield	McFaun of Barre Town	Wright of Burlington
Fagan of Rutland City	Miller of Shaftsbury	Yacovone of Morristown
Feltus of Lyndon	Morris of Bennington	Yantachka of Charlotte
Fields of Bennington	Mrowicki of Putney	Young of Glover
Forguites of Springfield	Murphy of Fairfax	
Gage of Rutland City	Myers of Essex	

Those who voted in the negative are:

Batchelor of Derby	Hubert of Milton	Savage of Swanton
Dickinson of St. Albans	LaClair of Barre Town	Strong of Albany
Town	Lewis of Berlin	Terenzini of Rutland Town
Frenier of Chelsea	Martel of Waterford	Turner of Milton
Gamache of Swanton	Norris of Shoreham	Van Wyck of Ferrisburgh
Graham of Williamstown	Parent of St. Albans Town	Viens of Newport City
Hebert of Vernon	Quimby of Concord	
Higley of Lowell	Rosenquist of Georgia	

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

Bissonnette of Winooski
Burditt of West Rutland

Corcoran of Bennington
Morrissey of Bennington

Second Reading; Bill Amended; Third Reading Ordered

H. 492

Rep. Morris of Bennington for the committee on Judiciary, to which had been referred House bill entitled,

An act relating to the Racial Justice Oversight Board

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 168 is added to read:

§ 168. RACIAL JUSTICE BOARD

(a) The Racial Justice Board is established. The Board shall be organized and have the duties and responsibilities as provided in this section. The Board shall be organized within the Office of the Attorney General, and members of the Board shall be drawn from throughout the State and from diverse racial, ethnic, religious, age, gender, sexual orientation, and socioeconomic backgrounds, and shall have had experience working to implement racial justice reform.

(b) The Board shall comprise the following 15 members:

(1) five members to represent the interests of communities of color throughout the State, appointed by the Attorney General, including:

(A) a member with expertise in implicit bias;

(B) a member with expertise in education;

(C) a member with expertise in labor and employment;

(D) a member with expertise in health care; and

(E) a member with expertise in economic development;

(2) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(3) the Attorney General or designee;

(4) the Defender General or designee;

(5) the Executive Director of the State's Attorneys and Sheriffs or designee;

- (6) the Chief Superior Judge or designee;
- (7) the Commissioner of Corrections or designee;
- (8) the Commissioner of Public Safety or designee;
- (9) a representative of the Vermont Police Association;
- (10) the Executive Director of the Vermont Human Rights Commission or designee; and
- (11) the Executive Director of the Vermont chapter of the ACLU or designee.

(c) The members of the Board appointed under subdivision (b)(1) of this section shall serve staggered four-year terms. As terms of currently serving members expire, appointments of successors shall be in accord with the provisions of subsection (b) of this section. Appointments of members to fill vacancies or expired terms shall be made by the authority that made the initial appointment to the vacated or expired term. Members of the Board shall be eligible for reappointment. Members of the Board shall serve no more than three consecutive terms in any capacity.

(d) Members of the Board shall elect biennially by majority vote the Chair of the Board. Members of the Board shall receive no compensation for their services, but shall be entitled to reimbursement for expenses in the manner and amount provided to employees of the State.

(e) A majority of the members of the Board shall constitute a quorum, and all action shall be taken upon a majority vote of the members present and voting.

(f) The Board shall undertake an ongoing formal review of racial justice reform across the State, including within the systems of education, labor and employment, housing, health care, economic development, and criminal and juvenile justice, by monitoring the collection and publication of race-based data, recommending policies and trainings to address systemic implicit bias, and evaluating racial justice policies, practices, and results statewide, including determining whether there is variation across the State and the cause of any such variation. In furtherance of that responsibility, the Board shall:

(1) review and make recommendations to address persistent racial disparities in statewide systems of education, labor and employment, economic development, health care, and housing;

(2) review and make recommendations regarding statewide criminal and juvenile justice reform, including:

(A) continually reviewing the data collected pursuant to 20 V.S.A. § 2366 to measure State progress toward a fair and impartial system of law enforcement;

(B) providing recommendations to the Criminal Justice Training Council and the Vermont Bar Association, based on the latest social science research and best practices in law enforcement and criminal and juvenile justice, on model trainings and policies for law enforcement, judges, correctional officers, and attorneys, including prosecutors and public defenders, to recognize and address implicit bias; and

(C) providing recommendations to the Criminal Justice Training Council, based on the latest social science research and best practices in law enforcement, on a model training and policy on the use of force in policing;

(3) educate and engage with communities, businesses, educational institutions, State and local governments, and the general public about the nature and scope of racial discrimination and the systemic and institutionalized nature of race-based bias, and on progress made toward racial justice;

(4) at the Board's discretion, provide the Executive and Legislative Branches of State government with an assessment of the disparate racial impact of a proposed policy or legislation; and

(5) on or before January 15, 2018, and biannually thereafter, report to the General Assembly, and provide as a part of that report recommendations to address systemic implicit bias in Vermont, including:

(A) a public complaint process to address perceived implicit bias across all systems of State government;

(B) prohibiting racial profiling, including any associated penalties;

(C) expanding law enforcement race data collection practices to include data on nontraffic stops by law enforcement; and

(D) amending the Vermont Constitution to clarify that slavery in any form is prohibited.

Sec. 2. CRIMINAL JUSTICE TRAINING COUNCIL; REPORTING TO THE RACIAL JUSTICE BOARD

The Criminal Justice Training Council shall, on a regular and ongoing basis, report to the Racial Justice Board regarding:

(1) the adoption and implementation of the Board's recommended implicit bias trainings and policies pursuant to 3 V.S.A. § 168(f)(2)(B);

(2) the incorporation of implicit bias training into the requirements of basic training pursuant to 20 V.S.A. § 2358; and

(3) the implementation of the refresher trainings as required by 20 V.S.A. § 2358(e).

Sec. 3. 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 the Racial Justice Board”

Rep. Hooper of Montpelier, for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committee on Judiciary and when further amended as follows:

First: In Sec. 1, 3 V.S.A. § 168, in subdivision (a), after “The Board shall be organized within the Office of the Attorney General,” by inserting “which shall provide the Board with administrative and professional support,”

Second: In Sec. 1, 3 V.S.A. § 168, by striking out subdivision (d) in its entirety and inserting in lieu thereof the following:

(d) Members of the Board shall elect biennially by majority vote the Chair of the Board. Members of the Board who are not State employees or whose participation is not supported through their employment or association shall receive per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010, to be provided by the Office of the Attorney General. The Board may meet up to three times per year.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Judiciary was amended as recommended by the committee on Appropriations.

Pending the question, Shall the bill be amended as recommended by the committee on Judiciary, as amended? **Rep. Morris of Bennington** moved to amend the report of the committee on Judiciary, as amended, as follows:

In Sec. 1, 3 V.S.A. § 168, in subdivision (f)(5), by striking out the word “biannually” and inserting in lieu thereof the word “biennially”

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Judiciary, as amended? **Rep. Lippert of Hinesburg** 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 the Committee on Judiciary, as amended? was decided in the affirmative. Yeas, 120. Nays, 25.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gardner of Richmond	Nolan of Morristown
Ancel of Calais	Giambatista of Essex	Noyes of Wolcott
Bancroft of Westford	Gonzalez of Winooski	Ode of Burlington
Bartholomew of Hartland	Grad of Moretown	Olsen of Londonderry
Baser of Bristol	Greshin of Warren	O'Sullivan of Burlington
Beck of St. Johnsbury	Haas of Rochester	Parent of St. Albans Town
Belaski of Windsor	Head of South Burlington	Partridge of Windham
Bock of Chester	Helm of Fair Haven	Pearce of Richford
Botzow of Pownal	Hill of Wolcott	Poirier of Barre City
Brennan of Colchester	Hooper of Montpelier	Potter of Clarendon
Briglin of Thetford	Hooper of Brookfield	Pugh of South Burlington
Browning of Arlington	Houghton of Essex	Rachelson of Burlington
Brumsted of Shelburne	Howard of Rutland City	Scheu of Middlebury
Burke of Brattleboro	Jessup of Middlesex	Scheuermann of Stowe
Carr of Brandon	Jickling of Brookfield	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Shaw of Pittsford
Christensen of Weathersfield	Juskiewicz of Cambridge	Sheldon of Middlebury
Christie of Hartford	Keefe of Manchester	Sibilia of Dover
Cina of Burlington	Keenan of St. Albans City	Smith of New Haven
Colburn of Burlington	Kimbell of Woodstock	Squirrell of Underhill
Condon of Colchester	Kitzmiller of Montpelier	Stevens of Waterbury
Conlon of Cornwall	Krowinski of Burlington	Stuart of Brattleboro
Connor of Fairfield	LaClair of Barre Town	Sullivan of Dorset
Conquest of Newbury	Lalonde of South Burlington	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Taylor of Colchester
Corcoran of Bennington	Lefebvre of Newark	Till of Jericho
Cupoli of Rutland City	Lippert of Hinesburg	Toleno of Brattleboro
Dakin of Colchester	Long of Newfane	Toll of Danville *
Deen of Westminster	Lucke of Hartford	Townsend of South Burlington
Devereux of Mount Holly	Macaig of Williston	Trieber of Rockingham
Donahue of Northfield	Marcotte of Coventry	Troiano of Stannard
Donovan of Burlington	Masland of Thetford	Walz of Barre City
Dunn of Essex	McCormack of Burlington	Webb of Shelburne
Emmons of Springfield	McCullough of Williston	Weed of Enosburgh
Fagan of Rutland City	McFaun of Barre Town	Willhoit of St. Johnsbury
Feltus of Lyndon	Miller of Shaftsbury	Wood of Waterbury
Fields of Bennington	Morris of Bennington	Wright of Burlington
Forguites of Springfield	Morrissey of Bennington	Yacovone of Morristown
Gannon of Wilmington	Mrowicki of Putney	Yantachka of Charlotte
	Murphy of Fairfax	Young of Glover
	Myers of Essex	

Those who voted in the negative are:

Batchelor of Derby	Harrison of Chittenden	Rosenquist of Georgia
Beyor of Highgate	Hebert of Vernon	Savage of Swanton
Canfield of Fair Haven	Higley of Lowell	Smith of Derby
Dickinson of St. Albans Town	Hubert of Milton	Strong of Albany
Frenier of Chelsea	Lawrence of Lyndon	Terenzini of Rutland Town
Gage of Rutland City	Lewis of Berlin	Turner of Milton
	Martel of Waterford	Van Wyck of Ferrisburgh

Gamache of Swanton
Graham of Williamstown

Norris of Shoreham
Quimby of Concord

Viens of Newport City

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

Bissonnette of Winooski
Buckholz of Hartford

Burditt of West Rutland
McCoy of Poultney

Rep. Toll of Danville explained her vote as follows:

“Madam Speaker:

My yes vote is in support of the individuals who are not in the majority of this body. Simply – a yes for equal rights and justice for all.”

Thereupon, third reading was ordered.

**Favorable Reports; Second Reading;
Third Reading Ordered**

H. 327

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to the charter of the Northeast Kingdom Solid Waste Management District

Reported in favor of its passage.

Rep. Canfield of Fair Haven, for the committee on Ways and Means 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.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested**

H. 42

The Senate proposed to the House to amend House bill, entitled

An act relating to appointing municipal clerks and treasurers and to municipal audit penalties

The Senate proposes to the House to amend the bill as follows:

By striking out Sec. 4, 24 V.S.A. § 1686 (penalty) in its entirety and its reader assistance heading and inserting in lieu thereof the following:

Sec. 4. [Deleted.]

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Gardner of Richmond** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to.

House Resolution Adopted

H.R. 13

House resolution, entitled

House resolution amending the Rules and Orders of the House of Representatives related to discrimination, ethics, and sexual harassment

Was taken up and adopted on the part of the House.

House Resolution Adopted

H.R. 14

House resolution, entitled

House resolution disapproving Executive Order 07-17

Was taken up.

Rep. Olsen of Londonderry raised a Point of Order in that the use of a resolution in this manner was not constitutional which the Speaker ruled not well taken as the House does not determine constitutionality.

Pending the question, Shall the House adopt the resolution? **Rep. Olsen of Londonderry** moved that the resolution be committed to the committee on Government Operations.

Pending the question, Shall the resolution be committed to the Committee on Government Operations? **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 resolution be committed to the Committee on Government Operations? was decided in the negative. Yeas, 59. Nays, 87.

Those who voted in the affirmative are:

Ainsworth of Royalton
Bancroft of Westford
Baser of Bristol
Batchelor of Derby
Beck of St. Johnsbury
Beyor of Highgate
Brennan of Colchester
Browning of Arlington
Canfield of Fair Haven
Condon of Colchester
Cupoli of Rutland City
Devereux of Mount Holly

Graham of Williamstown
Greshin of Warren
Harrison of Chittenden
Hebert of Vernon
Helm of Fair Haven
Higley of Lowell
Hubert of Milton
Jickling of Brookfield
Juskiewicz of Cambridge
Keefe of Manchester
LaClair of Barre Town
Lawrence of Lyndon

Myers of Essex
Nolan of Morristown
Norris of Shoreham
Olsen of Londonderry
Parent of St. Albans Town
Pearce of Richford
Quimby of Concord
Rosenquist of Georgia
Savage of Swanton
Scheuermann of Stowe
Shaw of Pittsford
Sibilia of Dover

Dickinson of St. Albans Town	Lefebvre of Newark	Smith of Derby
Donahue of Northfield	Lewis of Berlin	Smith of New Haven
Fagan of Rutland City	Marcotte of Coventry	Terenzini of Rutland Town
Feltus of Lyndon	Martel of Waterford	Turner of Milton
Frenier of Chelsea	McCoy of Poultney	Van Wyck of Ferrisburgh
Gage of Rutland City	McFaun of Barre Town	Viens of Newport City
Gamache of Swanton	Morrissey of Bennington	Willhoit of St. Johnsbury
	Murphy of Fairfax	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Gardner of Richmond	Ode of Burlington
Bartholomew of Hartland	Giambatista of Essex	O'Sullivan of Burlington
Belaski of Windsor	Gonzalez of Winooski	Partridge of Windham
Bock of Chester	Grad of Moretown	Poirier of Barre City
Botzow of Pownal	Haas of Rochester	Potter of Clarendon
Briglin of Thetford	Head of South Burlington	Pugh of South Burlington
Brumsted of Shelburne	Hill of Wolcott	Rachelson of Burlington
Buckholz of Hartford	Hooper of Montpelier	Scheu of Middlebury
Burke of Brattleboro	Hooper of Brookfield	Sharpe of Bristol
Carr of Brandon	Houghton of Essex	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Howard of Rutland City	Squirrell of Underhill
Christensen of Weathersfield	Jessup of Middlesex	Stevens of Waterbury
Christie of Hartford	Joseph of North Hero	Stuart of Brattleboro
Cina of Burlington	Keenan of St. Albans City	Sullivan of Dorset
Colburn of Burlington	Kimbell of Woodstock	Sullivan of Burlington
Conlon of Cornwall	Kitzmiller of Montpelier	Taylor of Colchester
Connor of Fairfield	Krowinski of Burlington	Till of Jericho
Conquest of Newbury	Lalonde of South Burlington	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Toll of Danville
Corcoran of Bennington	Lippert of Hinesburg	Townsend of South Burlington
Dakin of Colchester	Long of Newfane	Trieber of Rockingham
Deen of Westminster	Lucke of Hartford	Troiano of Stannard
Donovan of Burlington	Macaig of Williston	Walz of Barre City
Dunn of Essex	Masland of Thetford	Webb of Shelburne
Emmons of Springfield	McCormack of Burlington	Weed of Enosburgh
Fields of Bennington	McCullough of Williston	Wood of Waterbury
Forguites of Springfield	Miller of Shaftsbury	Yacovone of Morristown
Gannon of Wilmington	Morris of Bennington	Yantachka of Charlotte
	Mrowicki of Putney	Young of Glover
	Noyes of Wolcott	

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

Bissonnette of Winooski	Burditt of West Rutland	Strong of Albany
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Pending the question, Shall the House adopt the resolution? **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 resolution? was decided in the affirmative. Yeas, 82. Nays, 63.

Those who voted in the affirmative are:

Ancel of Calais	Giambatista of Essex	Partridge of Windham
Bartholomew of Hartland	Gonzalez of Winooski	Poirier of Barre City
Belaski of Windsor	Grad of Moretown	Potter of Clarendon
Bock of Chester	Haas of Rochester	Pugh of South Burlington
Botzow of Pownal	Head of South Burlington	Rachelson of Burlington
Briglin of Thetford	Hill of Wolcott	Scheu of Middlebury
Buckholz of Hartford	Hooper of Montpelier	Sharpe of Bristol
Burke of Brattleboro	Hooper of Brookfield	Sheldon of Middlebury
Carr of Brandon	Houghton of Essex	Squirrell of Underhill
Chesnut-Tangerman of Middletown Springs	Howard of Rutland City	Stevens of Waterbury
Christensen of Weathersfield	Jessup of Middlesex	Stuart of Brattleboro
Christie of Hartford	Joseph of North Hero	Sullivan of Dorset
Cina of Burlington	Kitzmiller of Montpelier	Sullivan of Burlington
Colburn of Burlington	Krowinski of Burlington *	Taylor of Colchester
Conlon of Cornwall	Lalonde of South Burlington	Till of Jericho
Connor of Fairfield	Lanpher of Vergennes	Toleno of Brattleboro
Conquest of Newbury	Lippert of Hinesburg	Toll of Danville
Copeland-Hanzas of Bradford	Long of Newfane	Townsend of South Burlington
Dakin of Colchester	Lucke of Hartford	Troiano of Stannard
Deen of Westminster	Macaig of Williston	Walz of Barre City
Donovan of Burlington	Masland of Thetford	Webb of Shelburne
Dunn of Essex	McCormack of Burlington	Weed of Enosburgh
Emmons of Springfield	McCullough of Williston	Wood of Waterbury
Fields of Bennington	Miller of Shaftsbury	Yacovone of Morristown
Forguites of Springfield	Morris of Bennington	Yantachka of Charlotte
Gannon of Wilmington	Mrowicki of Putney	Young of Glover
Gardner of Richmond	Noyes of Wolcott	
	Ode of Burlington	
	O'Sullivan of Burlington	

Those who voted in the negative are:

Ainsworth of Royalton	Greshin of Warren	Nolan of Morristown
Bancroft of Westford	Harrison of Chittenden	Norris of Shoreham
Baser of Bristol	Hebert of Vernon	Olsen of Londonderry
Batchelor of Derby	Helm of Fair Haven	Parent of St. Albans Town
Beck of St. Johnsbury	Higley of Lowell	Pearce of Richford
Beyor of Highgate	Hubert of Milton	Quimby of Concord
Brennan of Colchester	Jickling of Brookfield	Rosenquist of Georgia
Browning of Arlington	Juskiewicz of Cambridge	Savage of Swanton
Brumsted of Shelburne	Keefe of Manchester	Scheuermann of Stowe *
Canfield of Fair Haven	Keenan of St. Albans City	Shaw of Pittsford
Corcoran of Bennington	Kimbell of Woodstock	Sibilia of Dover
Cupoli of Rutland City	LaClair of Barre Town	Smith of Derby
Devereux of Mount Holly	Lawrence of Lyndon	Smith of New Haven
Dickinson of St. Albans Town	Lefebvre of Newark	Terenzini of Rutland Town
Donahue of Northfield	Lewis of Berlin	Trieber of Rockingham
Fagan of Rutland City	Marcotte of Coventry	Turner of Milton
Feltus of Lyndon	Martel of Waterford	Van Wyck of Ferrisburgh
	McCoy of Poultney	Viens of Newport City

Frenier of Chelsea	McFaun of Barre Town	Willhoit of St. Johnsbury
Gage of Rutland City	Morrissey of Bennington	Wright of Burlington
Gamache of Swanton	Murphy of Fairfax	
Graham of Williamstown *	Myers of Essex	

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

Bissonnette of Winooski	Condon of Colchester
Burditt of West Rutland	Strong of Albany

Rep. Graham of Williamstown explained his vote as follows:

“Madam Speaker:

A sad day for Vermonters when we won’t let the Governor save taxpayers money.”

Rep Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

I support this resolution. The proposal by the governor will affect thousands of Vermonters and Vermont businesses. This is a huge policy change and we need to this done right.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Madam Speaker:

This body just had the opportunity to show Vermonters that we do want to restructure our state government to bring it into the 21st century so that it works for Vermonters again. It only makes sense that liquor and lottery will serve the same clients; be housed (not necessarily physically) under one roof; be led by one commissioner directly accountable to the Governor; and be governed by one board. We just voted for the status quo to be maintained. Madam Speaker, what a missed opportunity to be an agent for common sense change.”

Committee of Conference Appointed

H. 42

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill, entitled

An act relating to appointing municipal clerks and treasurers and to municipal audit penalties

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Gardner of Richmond

Rep. Hubert of Milton

Rep. Lewis of Berlin

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

S. 3

Rep. Lippert of Hinesburg moved that the committee on Health Care be relieved of House bill, entitled

An act relating to mental health professionals' duty to warn

And that the bill be committed to the committee on Judiciary, which was agreed to.

Adjournment

At five o'clock in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, April 13, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Teen Challenge, singing group, Johnson, VT.

Message from the Senate No. 43

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

Madam 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 clarifying ambiguities relating to real estate titles and conveyances.

And has passed the same in concurrence.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 533

By Reps. Copeland-Hanzas of Bradford, Burke of Brattleboro, Deen of

Westminster, Masland of Thetford and Mrowicki of Putney,

House bill, entitled

An act relating to eliminating Vermont's sales and use tax and replacing it with a carbon fee on corporations;

To the committee on Ways and Means.

H. 534

By Rep. Ancel of Calais,

House bill, entitled

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

To the committee on Government Operations.

H. 535

By Reps. Mrowicki of Putney, Chesnut-Tangerman of Middletown Springs and Keenan of St. Albans City,

House bill, entitled

An act relating to privacy and data security rules applicable to telecommunications service providers, including Internet service providers;

To the committee on Energy and Technology.

Third Reading; Bill Passed

H. 327

House bill, entitled

An act relating to the charter of the Northeast Kingdom Solid Waste Management District

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 356

House bill, entitled

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

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 492

House bill, entitled

An act relating to the Racial Justice Oversight Board
Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 523

House bill, entitled

An act relating to fair and impartial policing
Was taken up, read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 197

Rep. Copeland-Hanzas of Bradford for the committee on Health Care, to which had been referred House bill entitled,

An act relating to mental health parity for workers' compensation

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 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:

* * *

(11) "Personal injury by accident arising out of and in the course of employment" includes an injury caused by the willful act of a third person directed against an employee because of that employment.

* * *

(I)(i) In the case of police officers, rescue or ambulance workers, or firefighters, post-traumatic stress disorder that is diagnosed by a mental health professional shall be presumed to have been incurred during service in the line of duty and shall be compensable, unless it is shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by nonservice-connected risk factors or nonservice-connected exposure.

(ii) A police officer, rescue or ambulance worker, or firefighter who is diagnosed with post-traumatic stress disorder within three years of the last active date of employment as a police officer, rescue or ambulance worker, or firefighter shall be eligible for benefits under this subdivision (11).

(iii) As used in this subdivision (11)(I):

(I) “Firefighter” means a firefighter as defined in 20 V.S.A. § 3151(3) and (4).

(II) “Mental health professional” means a person with professional training, experience, and demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or licensed by this State to provide mental health care services and for whom diagnoses of mental conditions are within his or her scope of practice, including a physician, nurse with recognized psychiatric specialties, psychologist, clinical social worker, mental health counselor, or alcohol or drug abuse counselor.

(III) “Police officer” means a law enforcement officer who has been certified by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. chapter 151.

(IV) “Rescue or ambulance worker” means ambulance service, emergency medical personnel, first responder service, and volunteer personnel as defined in 24 V.S.A. § 2651.

* * *

(23) “Occupational disease” means a disease that results from causes and conditions characteristic of and peculiar to a particular trade, occupation, process, or employment, and to which an employee is not ordinarily subjected or exposed outside or away from the employment, and that arises out of and in the course of the employment. The term “occupational disease” shall include a mental condition as defined in 8 V.S.A. § 4089b, whether sudden or gradual in onset, that requires medical or psychiatric services or that results in physical or psychiatric disability or death.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Rep. Poirier of Barre City, for the committee on Commerce and Economic Development, recommended that the bill ought to pass when amended as recommended by the committee on Health Care and when further amended as follows:

In Sec. 1, 21 V.S.A. § 601, by striking out Sec. 1 in its entirety and inserting a new Sec. 1 to read as follows:

Sec. 1. 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:

* * *

(11) “Personal injury by accident arising out of and in the course of employment” includes an injury caused by the willful act of a third person directed against an employee because of that employment.

* * *

(I)(i) In the case of police officers, rescue or ambulance workers, or firefighters, post-traumatic stress disorder that is diagnosed by a mental health professional shall be presumed to have been incurred during service in the line of duty and shall be compensable, unless it is shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by nonservice-connected risk factors or nonservice-connected exposure.

(ii) A police officer, rescue or ambulance worker, or firefighter who is diagnosed with post-traumatic stress disorder within three years of the last active date of employment as a police officer, rescue or ambulance worker, or firefighter shall be eligible for benefits under this subdivision (11).

(iii) As used in this subdivision (11)(I):

(I) “Firefighter” means a firefighter as defined in 20 V.S.A. § 3151(3) and (4).

(II) “Mental health professional” means a person with professional training, experience, and demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or licensed by this State to provide mental health care services and for whom diagnoses of mental conditions are within his or her scope of practice, including a physician, nurse with recognized psychiatric specialties, psychologist, clinical social worker, mental health counselor, or alcohol or drug abuse counselor.

(III) “Police officer” means a law enforcement officer who has been certified by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. chapter 151.

(IV) “Rescue or ambulance worker” means ambulance service, emergency medical personnel, first responder service, and volunteer personnel as defined in 24 V.S.A. § 2651.

(J)(i) A mental condition resulting from a work-related event or work-related stress shall be considered a personal injury by accident arising out of and in the course of employment and be compensable if it is demonstrated by the preponderance of the evidence that:

(I) the work-related event or work-related stress was extraordinary and unusual in comparison to pressures and tensions experienced by the average employee across all occupations; and

(II) the work-related event or work-related stress, and not some other event or source of stress, was the predominant cause of the mental condition.

(ii) A mental condition shall not be considered a personal injury by accident arising out of and in the course of employment if it results from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by the employer.

* * *

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committees on Health Care and Commerce and Economic Development

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time.

Thereupon, **Rep. Browning of Arlington** asked that the question be divided and Subdivision (11)(I) be voted on first and Subdivision (11)(J) be voted on second.

Pending the question, Shall the recommendation of amendment of the Committee on Health Care be amended as recommended by the Committee on Commerce and Economic Development in the first instance only [subdivision (11) (I)]? **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 recommendation of amendment of the Committee on Health Care be amended as recommended by the Committee on Commerce and Economic Development in the first instance only [subdivision (11) (I)]? was decided in the affirmative. Yeas, 136. Nays, 3.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gage of Rutland City	Myers of Essex
Ancel of Calais	Gamache of Swanton	Nolan of Morristown
Bancroft of Westford	Gannon of Wilmington	Norris of Shoreham
Bartholomew of Hartland	Gardner of Richmond	Noyes of Wolcott
Baser of Bristol	Giambatista of Essex	Ode of Burlington
Batchelor of Derby	Gonzalez of Winooski	O'Sullivan of Burlington
Beck of St. Johnsbury	Graham of Williamstown	Partridge of Windham
Belaski of Windsor	Greshin of Warren	Pearce of Richford
Beyor of Highgate	Haas of Rochester	Poirier of Barre City
Bissonnette of Winooski	Harrison of Chittenden	Potter of Clarendon
Bock of Chester	Head of South Burlington	Quimby of Concord
Botzow of Pownal	Hebert of Vernon	Rachelson of Burlington
Brennan of Colchester	Helm of Fair Haven	Rosenquist of Georgia
Briglin of Thetford	Higley of Lowell	Savage of Swanton
Browning of Arlington	Hill of Wolcott	Scheu of Middlebury
Brumsted of Shelburne	Hoopier of Montpelier	Scheuermann of Stowe
Buckholz of Hartford	Hoopier of Brookfield	Sharpe of Bristol

Burke of Brattleboro	Howard of Rutland City	Shaw of Pittsford
Canfield of Fair Haven	Hubert of Milton	Sheldon of Middlebury
Carr of Brandon	Jessup of Middlesex	Smith of Derby
Chesnut-Tangerman of Middletown Springs	Jickling of Brookfield	Smith of New Haven
Christensen of Weathersfield	Joseph of North Hero	Stevens of Waterbury
Christie of Hartford	Juskiewicz of Cambridge	Strong of Albany
Cina of Burlington	Keefe of Manchester	Stuart of Brattleboro
Colburn of Burlington	Keenan of St. Albans City	Sullivan of Dorset
Condon of Colchester	Kimbell of Woodstock	Sullivan of Burlington
Conlon of Cornwall	Kitzmiller of Montpelier	Taylor of Colchester
Connor of Fairfield	Krowinski of Burlington	Terenzini of Rutland Town
Conquest of Newbury	Lalonde of South Burlington	Till of Jericho
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Toleno of Brattleboro
Corcoran of Bennington	Lawrence of Lyndon	Toll of Danville
Cupoli of Rutland City	Lefebvre of Newark	Townsend of South Burlington
Dakin of Colchester	Lewis of Berlin	Trieber of Rockingham
Deen of Westminster	Lippert of Hinesburg	Troiano of Stannard
Devereux of Mount Holly	Long of Newfane	Van Wyck of Ferrisburgh
Dickinson of St. Albans Town	Lucke of Hartford	Viens of Newport City
Donahue of Northfield	Marcotte of Coventry	Walz of Barre City
Donovan of Burlington	Martel of Waterford	Webb of Shelburne
Dunn of Essex	Masland of Thetford	Weed of Enosburgh
Fagan of Rutland City	McCormack of Burlington	Willhoit of St. Johnsbury
Feltus of Lyndon	McCullough of Williston	Wood of Waterbury
Fields of Bennington	McFaun of Barre Town	Wright of Burlington
Forguites of Springfield	Miller of Shaftsbury	Yacovone of Morristown
Frenier of Chelsea	Morris of Bennington	Yantachka of Charlotte
	Morrissey of Bennington	Young of Glover
	Mrowicki of Putney	
	Murphy of Fairfax	

Those who voted in the negative are:

LaClair of Barre Town	Olsen of Londonderry	Sibilia of Dover
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Those members absent with leave of the House and not voting are:

Burditt of West Rutland	Macaig of Williston	Squirrell of Underhill
Emmons of Springfield	McCoy of Poultney	Turner of Milton
Grad of Moretown	Parent of St. Albans Town	
Houghton of Essex	Pugh of South Burlington	

Pending the question, Shall the recommendation of amendment of the Committee on Health Care be amended as recommended by the Committee on Economic Development in the Second Instance [subdivision (11)(J)]? **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 recommendation of amendment of the Committee on Health Care be amended as recommended by the Committee on Economic

Development in the second instance [subdivision (11)(J)]? was decided in the affirmative. Yeas, 102. Nays, 39.

Those who voted in the affirmative are:

Ancel of Calais	Gardner of Richmond	Myers of Essex
Bartholomew of Hartland	Giambatista of Essex	Noyes of Wolcott
Baser of Bristol	Gonzalez of Winooski	Ode of Burlington
Belaski of Windsor	Haas of Rochester	Olsen of Londonderry
Bissonnette of Winooski	Head of South Burlington	O'Sullivan of Burlington
Bock of Chester	Hebert of Vernon	Partridge of Windham
Botzow of Pownal	Helm of Fair Haven	Poirier of Barre City
Briglin of Thetford	Hill of Wolcott	Potter of Clarendon
Brumsted of Shelburne	Hooper of Montpelier	Rachelson of Burlington
Buckholz of Hartford	Hooper of Brookfield	Scheu of Middlebury
Burke of Brattleboro	Howard of Rutland City	Scheuermann of Stowe
Carr of Brandon	Jessup of Middlesex	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Jickling of Brookfield	Shaw of Pittsford
Christensen of Weathersfield	Joseph of North Hero	Sheldon of Middlebury
Christie of Hartford	Juskiewicz of Cambridge	Squirrell of Underhill
Cina of Burlington	Keenan of St. Albans City	Stevens of Waterbury
Colburn of Burlington	Kimbell of Woodstock	Stuart of Brattleboro
Condon of Colchester	Kitzmiller of Montpelier	Sullivan of Dorset
Conlon of Cornwall	Krowinski of Burlington	Sullivan of Burlington
Connor of Fairfield	Lalonde of South Burlington	Taylor of Colchester
Conquest of Newbury	Lanpher of Vergennes	Till of Jericho
Copeland-Hanzas of Bradford *	Lawrence of Lyndon	Toleno of Brattleboro
Corcoran of Bennington	Lefebvre of Newark	Toll of Danville
Dakin of Colchester	Lewis of Berlin	Townsend of South Burlington
Deen of Westminster	Lippert of Hinesburg	Trieber of Rockingham
Donahue of Northfield	Long of Newfane	Troiano of Stannard
Donovan of Burlington	Lucke of Hartford	Walz of Barre City
Dunn of Essex	Marcotte of Coventry	Webb of Shelburne
Fagan of Rutland City	Masland of Thetford	Weed of Enosburgh
Feltus of Lyndon	McCormack of Burlington	Wood of Waterbury
Fields of Bennington	McCullough of Williston	Wright of Burlington
Forguites of Springfield	McFaun of Barre Town	Yacovone of Morristown *
Gage of Rutland City	Miller of Shaftsbury	Yantachka of Charlotte
	Morris of Bennington	Young of Glover
	Mrowicki of Putney	

Those who voted in the negative are:

Ainsworth of Royalton	Gannon of Wilmington	Quimby of Concord
Bancroft of Westford	Graham of Williamstown	Rosenquist of Georgia
Batchelor of Derby	Greshin of Warren	Savage of Swanton
Beck of St. Johnsbury	Harrison of Chittenden	Sibilia of Dover
Beyor of Highgate	Higley of Lowell	Smith of Derby
Brennan of Colchester	Hubert of Milton	Smith of New Haven
Browning of Arlington *	Keefe of Manchester	Strong of Albany
Canfield of Fair Haven	LaClair of Barre Town	Terenzini of Rutland Town
Cupoli of Rutland City	Martel of Waterford	Turner of Milton

Devereux of Mount Holly	Morrissey of Bennington	Van Wyck of Ferrisburgh
Dickinson of St. Albans Town	Murphy of Fairfax	Viens of Newport City
Frenier of Chelsea	Nolan of Morristown	Willhoit of St. Johnsbury
Gamache of Swanton	Norris of Shoreham	
	Pearce of Richford	

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

Burditt of West Rutland	Houghton of Essex	Parent of St. Albans Town
Emmons of Springfield	Macaig of Williston	Pugh of South Burlington
Grad of Moretown	McCoy of Poultney	

Rep. Browning of Arlington explained her vote as follows:

“Madam Speaker:

I vote no because I cannot commit taxpayer dollars and private business dollars to an uncertain mandated cost. The fiscal note from JFO says that the cost is ‘unknown.’ Provision should have been made to insure against that risk so that the legitimate purpose of the bill could be attained in a fiscally responsible way.”

Rep. Copeland-Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

To vote against this bill language is to tell our first responders ‘your post-traumatic stress is not an injury.’ It flies in the face of logic to suggest that because fire fighters, police and EMT’s respond to traumatic events every day they should not be able to be injured. If we can’t take care of the heroes who take care of us now when they are injured, who will be there to take care of us?”

Rep. Yacovone of Morristown explained his vote as follows

“Madam Speaker:

The cost to our communities to deny this coverage extracts a most heavy toll from all of us. While the exact amount is unknown, make no mistake, they are very real: broken families, damaged marriages, traumatized children. These are the costs. It is time we faced these costs, to ignore them is very expensive.”

Pending the question, Shall the bill be amended as recommended by the committee on Health Care, as amended? **Rep. Marcotte of Coventry** moved to amend the recommendation of the committee on Health Care, as amended, as follows:

By inserting a Sec. 1a to read:

Sec. 1a. EMERGENCY PERSONNEL POST-TRAUMATIC STRESS

DISORDER; STUDY OF EXPERIENCE AND COSTS; REPORT

(a) The Commissioner of Labor, in consultation with the Secretary of Administration, the Commissioner of Financial Regulation; the Vermont League of Cities and Towns, and the National Council on Compensation Insurance, shall examine claims for workers compensation made pursuant to 21 V.S.A. § 601(11)(I) and (J) between July 1, 2017 and January 1, 2020, including:

(1) the number of claims made;

(2) the cost of the workers compensation benefits provided for those claims; and

(3) any changes in administrative and premium costs associated with those claims.

(b) On or before January 15 of each year from 2018 through 2020, the Commissioner shall report to the House Committees on Appropriations, on Commerce and Economic Development, and on Health Care, and the Senate Committees on Appropriations, on Finance, and on Health and Welfare regarding its findings and any recommendations for legislative changes.

Which was agreed to.

Thereupon, the recommendation of the committee on Health Care, as amended was agreed to.

Thereupon, third reading was ordered on a division, Yeas 119, Nays 7.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 171

The Senate proposed to the House to amend House bill, entitled

An act relating to expungement

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 7601 is amended to read:

§ 7601. DEFINITIONS

As used in this chapter:

(1) “Court” means the Criminal Division of the Superior Court.

(2) “Criminal history record” means all information documenting an individual’s contact with the criminal justice system, including data regarding

identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) “Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction, and includes operating a vehicle under the influence of intoxicating liquor or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of marijuana or a disorderly conduct offense under section 1026 of this title.

(4) “Qualifying crime” means:

(A) a misdemeanor offense ~~which~~ that is not:

(i) a listed crime as defined in subdivision 5301(7) of this title;

(ii) an offense involving sexual exploitation of children in violation of chapter 64 of this title;

(iii) an offense involving violation of a protection order in violation of section 1030 of this title;

(iv) a prohibited act as defined in section 2632 of this title; or

(v) a predicate offense;

(B) a violation of subsection 3701(a) of this title related to criminal mischief;

(C) a violation of section 2501 of this title related to grand larceny; or

(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title.

Sec. 2. 13 V.S.A. § 7602 is amended to read:

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,
POSTCONVICTION; PROCEDURE

* * *

(b)(1) The ~~Court~~ court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least ~~10~~ five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least ~~10~~ five years previously.

(B) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying crime.

(C) Any restitution ordered by the ~~Court~~ court has been paid in full.

(D) The ~~Court~~ court finds that expungement of the criminal history record serves the interest of justice.

(2) The ~~Court~~ court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), and (C) of this subsection are met and the ~~Court~~ court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

(c)(1) The ~~Court~~ court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least ~~20~~ 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.

(B) The person has not been convicted of a felony arising out of a new incident or occurrence since the person was convicted of the qualifying crime.

(C) The person has not been convicted of a misdemeanor during the past ~~15~~ five years.

(D) Any restitution ordered by the ~~Court~~ court for any crime of which the person has been convicted has been paid in full.

(E) After considering the particular nature of any subsequent offense, the ~~Court~~ court finds that expungement of the criminal history record for the qualifying crime serves the interest of justice.

(2) The ~~Court~~ court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), and (D) of this subsection are met and the ~~Court~~ court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

~~(d) The Court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) The petitioner committed the qualifying crime or crimes prior to reaching 25 years of age.~~

~~(2) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.~~

~~(3) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of the qualifying crime.~~

~~(4) The person successfully completed a term of regular employment or public service, independent of any service ordered as a part of the petitioner's sentence for the conviction, and as approved by the Community Justice Network of Vermont, which may include:~~

~~(A) community service hours completed without compensation; reparation of harm to the victim, or education regarding ways not to reoffend; or a combination of the three;~~

~~(B) at least one year of service in the U.S. Armed Forces, followed by an honorable discharge or continued service in good standing;~~

~~(C) at least one year of service in AmeriCorps or another local, state, national, or international service program, followed by successful completion of the program or continued service in good standing; or~~

~~(D) at least one year of regular employment.~~

~~(5) Any restitution ordered by the Court for any crime of which the person has been convicted has been paid in full.~~

~~(6) The Court finds that expungement of the criminal history record serves the interest of justice. [Repealed.]~~

(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section, the ~~Court~~ court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:

(1) At least one year has elapsed since the completion of any sentence or supervision for the offense, whichever is later.

(2) Any restitution ordered by the ~~Court~~ court has been paid in full.

(3) The ~~Court~~ court finds that expungement of the criminal history record serves the interest of justice.

(f) For petitions filed pursuant to subdivision (a)(1)(B) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84, subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:

(1) The petitioner shall bear the burden of establishing that his or her conviction was based on possessing an amount of regulated drug that is no longer prohibited by law or for which criminal sanctions have been removed.

(2) There shall be a rebuttable presumption that the amount of the regulated drug specified in the affidavit of probable cause associated with the petitioner's conviction was the amount possessed by the petitioner.

(g) Prior to granting an expungement or sealing under this section for petitions filed pursuant to subdivision 7601(4)(D) of this title, the ~~Court~~ court shall make a finding that the conduct underlying the conviction under section 1201 of this title did not constitute a burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title. The petitioner shall bear the burden of establishing this fact.

Sec. 3. 13 V.S.A. § 7605 is amended to read:

§ 7605. DENIAL OF PETITION

If a petition for expungement is denied by the ~~Court~~ court pursuant to this chapter, no further petition shall be brought for at least five years, unless a shorter duration is authorized by the court.

Sec. 4. 13 V.S.A. § 7606 is amended to read:

§ 7606. EFFECT OF EXPUNGEMENT

(a) Upon entry of an expungement order, the order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. The ~~Court~~ court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order and that its effect is to annul the record of arrest, conviction, and sentence. The ~~Court~~ court shall provide notice of the expungement to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, and any other entity that may have a record related to the

order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

* * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Lalonde of South Burlington** 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. Lalonde of South Burlington
Rep. Conquest of Newbury
Rep. Willhoit of St. Johnsbury

Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered
S. 22

Rep. Colburn of Burlington, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to increased penalties for possession, sale, and dispensation of fentanyl

Reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS

The General Assembly finds:

(1) According to Michael Botticelli, former Director of the Office of National Drug Control Policy, the National Drug Control Strategy recommends treating "addiction as a public health issue, not a crime." Further, the strategy "rejects the notion that we can arrest and incarcerate our way out of the nation's drug problem."

(2) Vermont Chief Justice Paul Reiber has declared that "the classic approach of 'tough on crime' is not working in [the] area of drug policy" and that treatment-based models are proving to be a more effective approach for dealing with crime associated with substance abuse.

(3) A felony conviction record is a significant impediment to gaining and maintaining employment and housing, yet we know that stable

employment and housing are an essential element to recovery from substance abuse and desistance of criminal activity that often accompanies addiction.

(4) In a 2014 study by the PEW Research Center, 67 percent of people polled said government should focus more on providing treatment to people who use illicit drugs and less on punishment. The Center later reported that states are leading the way in reforming drug laws to reflect this opinion. State-level actions have included lowering penalties for possession and use of illegal drugs, shortening mandatory minimums or curbing their applicability, removing automatic sentence enhancements, and establishing or extending the jurisdiction of drug courts and other alternatives to the regular criminal justice system.

(5) Vermont must look at alternative approaches to the traditional criminal justice model for addressing low-level illicit drug use if it is going to reduce the effects of addiction and addiction-related crime in this State.

Sec. 2. STUDY

(a) The Office of Legislative Council shall examine the issue of a public health approach to low-level possession and use of illicit and regulated drugs, including fentanyl, in Vermont as an alternative to the traditional criminal justice model, looking to trends both nationally and internationally, with a goal of providing policymakers a range of approaches to consider during the 2018 legislative session.

(b) The Office of Legislative Council shall report its findings to the General Assembly on or before November 15, 2017.

Sec. 3. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

* * *

(c) Electronic registry system.

(1)(A) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to subsection (b) of this section. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to another person if the transaction is not completed. The system shall create a record of each use of the override mechanism.

(B) The electronic registry system shall be available free of charge to the State of Vermont, retail establishments, and local law enforcement agencies.

(C) The electronic registry system shall operate in real time to enable communication among in-state users and users of similar systems in neighboring states.

(D) The State shall use the National Precursor Log Exchange (NPLEx) online portal or its equivalent to host Vermont's electronic registry system.

(2)(A) Prior to completing a sale under subsection (b) of this section, a retail establishment shall require the person purchasing the drug product to present a current, valid government-issued identification document. The retail establishment shall record in the electronic registry system:

(i) the name and address of the purchaser;

(ii) the name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine base sold in grams;

(iii) the date and time of purchase;

(iv) the form of identification presented, the issuing government entity, and the corresponding identification number; and

(v) the name of the person selling or furnishing the drug product.

(B)(i) If the retail establishment experiences an electronic or mechanical failure of the electronic registry system and is unable to comply with the electronic recording requirement, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until the retail establishment is able to comply fully with this subsection (c).

(ii) If the region of the State where the retail establishment is located does not have broadband Internet access, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until broadband Internet access becomes accessible in that region. At that time, the retail establishment shall come into compliance with this subsection (c).

(C) A retail establishment shall maintain all records of drug product purchases made pursuant to this subsection (c) for a minimum of two years.

(3) A retail establishment shall display a sign at the register provided by NPLEx or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that:

(A) the purchase of the drug product or products shall result in the purchaser's identity being listed on a national database; and

(B) the purchaser has the right to request the transaction number for any purchase that was denied pursuant to this subsection (c).

(4) Except as provided in subdivision (5) of this subsection (c), a person or retail establishment that violates this subsection shall:

(A) for a first violation be assessed a civil penalty of not more than \$100.00; and

(B) for a second or subsequent violation be assessed a civil penalty of not more than \$500.00.

(d) This section shall not apply to a manufacturer ~~which~~ that has obtained an exemption from the Attorney General of the United States under Section 711(d) of the federal Combat Methamphetamine Epidemic Act of 2005.

(e) As used in this section:

(1) "Distributor" means a person, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product to any person who is not the ultimate user or consumer of the product.

(2) "Knowingly" means having actual knowledge of the relevant facts.

(3) "Manufacturer" means a person who produces, compounds, packages, or in any manner initially prepares a drug product for sale or use.

(4) "Wholesaler" means a person, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product to any other person for the purpose of being resold.

Sec. 5. EFFECTIVE DATES

This section and Sec. 3 (ephedrine and pseudoephedrine) shall take effect on passage. The remaining sections shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Judiciary agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 23

Rep. Willhoit of St. Johnsbury, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to juvenile jurisdiction

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 5401 is amended to read:

§ 5401. DEFINITIONS

As used in this subchapter:

* * *

(15)(A) “Conviction” means a judgment of guilt following a verdict or finding of guilt, a plea of guilty, a plea of nolo contendere, an Alford Plea, or a judgment of guilt pursuant to a deferred sentence. A sex offender whose sentence is deferred shall have no duty to register after successful completion of the terms of the deferred sentence agreement for the duration specified in the agreement.

(B) A sex offender treated as a youthful offender pursuant to 33 V.S.A. chapter 52A shall have no duty to register unless the offender’s youthful offender status is revoked and he or she is sentenced for the offense in the Criminal Division of Superior Court.

* * *

Sec. 2. 28 V.S.A. chapter 16 is added to read:

CHAPTER 16. YOUTHFUL OFFENDERS

§ 1161. POWERS AND RESPONSIBILITIES OF THE COMMISSIONER REGARDING SUPERVISION OF YOUTHFUL OFFENDERS

In accordance with 33 V.S.A. chapter 52A, the Commissioner shall be charged with the following powers and responsibilities regarding supervision of youthful offenders:

(1) consistent with 33 V.S.A. § 5284(d), to designate a case manager who, together with a case manager appointed by the Commissioner for Children and Families, will determine the lead Department to preside over the case plan and the provision of services to youths who are adjudicated as youthful offenders;

(2) together with the Commissioner for Children and Families, to maintain the general supervision of youths adjudicated as youthful offenders and placed on conditions of juvenile probation; and

(3) to supervise the administration of probation services and establish policies and standards regarding youthful offender probation investigation, supervision, case work, record keeping, and the qualification of probation officers working with youthful offenders.

§ 1162. METHODS OF SUPERVISION

(a) Electronic monitoring. The Commissioner may utilize an electronic monitoring system to supervise a youthful offender placed on juvenile probation.

(b) Graduated sanctions.

(1) If ordered by the court pursuant to a modification of a youthful offender disposition under 33 V.S.A. § 5285(c)(1), the Commissioner may sanction the youthful offender in accordance with rules adopted pursuant to subdivision (2) of this subsection.

(2) The Department of Corrections shall adopt rules pursuant to 3 V.S.A. chapter 25 that establish graduated sanction guidelines for a youthful offender who violates the terms of his or her probation.

Sec. 3. 33 V.S.A. § 5102 is amended to read:

§ 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION

As used in the juvenile judicial proceedings chapters, unless the context otherwise requires:

* * *

(2) "Child" means any of the following:

* * *

(C) An individual who has been alleged to have committed or has committed an act of delinquency after becoming 10 years of age and prior to becoming ~~18~~ 22 years of age; provided, however:

(i) that an individual who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining ~~the age of 10~~ 12 years of age but not ~~the age of 14~~ years of age may be treated as an adult as provided therein;

* * *

(9) "Delinquent act" means an act designated a crime under the laws of this State, or of another state if the act occurred in another state, or under federal law. A delinquent act shall include 7 V.S.A. §§ ~~656 and 657~~ § 656; however, it shall not include:

(A) snowmobile offenses in 23 V.S.A. chapter 29, subchapter 1 and motorboat offenses in 23 V.S.A. chapter 29, subchapter 2, except for violations of sections 3207a, 3207b, 3207c, 3207d, and 3323;

(B) pursuant to 4 V.S.A. § 33(b), felony motor vehicle offenses committed by an individual who is ~~at least~~ 16 years of age or older, except for violations of 23 V.S.A. chapter 13, subchapter 13 and of 23 V.S.A. § 1091.

* * *

(22) "Party" includes the following persons:

(A) the child with respect to whom the proceedings are brought;

(B) the custodial parent, the guardian, or the custodian of the child in all instances except a hearing on the merits of a delinquency petition;

(C) the noncustodial parent for the purposes of custody, visitation, and such other issues ~~which~~ that the Court court may determine are proper and necessary to the proceedings, provided that the noncustodial parent has entered an appearance;

(D) the State's Attorney;

(E) the Commissioner for Children and Families;

(F) such other persons as appear to the ~~Court~~ court to be proper and necessary to the proceedings; and

(G) in youthful offender cases brought under 33 V.S.A. chapter 52A, the Commissioner of Corrections.

* * *

Sec. 4. 33 V.S.A. § 5112 is amended to read:

§ 5112. ATTORNEY AND GUARDIAN AD LITEM FOR CHILD

(a) The Court shall appoint an attorney for a child who is a party to a proceeding brought under the juvenile judicial proceedings chapters.

(b) The Court shall appoint a guardian ad litem for a child under 18 years of age who is a party to a proceeding brought under the juvenile judicial proceedings chapters. In a delinquency proceeding, a parent, guardian, or custodian of the child may serve as a guardian ad litem for the child, providing his or her interests do not conflict with the interests of the child. The guardian ad litem appointed under this section shall not be a party to that proceeding or an employee or representative of such party.

Sec. 5. 33 V.S.A. chapter 52A is added to read:

CHAPTER 52A. YOUTHFUL OFFENDERS

§ 5280. COMMENCEMENT OF YOUTHFUL OFFENDER

PROCEEDINGS IN THE FAMILY DIVISION

(a) A proceeding under this chapter shall be commenced by:

(1) the filing of a youthful offender petition by a State's Attorney; or

(2) transfer to the Family Court of a proceeding from the Criminal Division of the Superior Court as provided in section 5281 of this title.

(b) A State's Attorney may commence a proceeding in the Family Division of the Superior Court concerning a child who is alleged to have committed an offense after attaining 16 years of age but not 22 years of age that could otherwise be filed in the Criminal Division.

(c) If a State's Attorney files a petition under subdivision (a)(1) of this section, the case shall proceed as provided under subsection 5281(b) of this title.

§ 5281. MOTION IN CRIMINAL DIVISION OF SUPERIOR COURT

(a) A motion may be filed in the Criminal Division of the Superior Court requesting that a defendant under 22 years of age in a criminal proceeding who had attained 12 years of age but not 22 years of age at the time the offense is alleged to have been committed be treated as a youthful offender. The motion may be filed by the State's Attorney, the defendant, or the court on its own motion.

(b) Upon the filing of a motion under this section or the filing of a youthful offender petition pursuant to section 5280 of this title, the Family Division shall hold a hearing pursuant to section 5283 of this title. Pursuant to section 5110 of this title, the hearing shall be confidential. Copies of all records relating to the case shall be forwarded to the Family Division. Conditions of release and any Department of Corrections supervision or custody shall remain in effect until the Family Division accepts the case for treatment as a youthful offender and orders conditions of juvenile probation pursuant to section 5284 of this title, or the case is otherwise concluded.

(c)(1) If the Family Division rejects the case for youthful offender treatment pursuant to subsection 5284 of this title, the case shall be transferred to the Criminal Division. The conditions of release imposed by the Criminal Division shall remain in effect, and the case shall proceed as though the motion for youthful offender treatment or youthful offender petition had not been filed.

(2) Subject to Rule 11 of the Vermont Rules of Criminal Procedure and Rule 410 of the Vermont Rules of Evidence, the Family Division's denial of the motion for youthful offender treatment and any information related to the youthful offender proceeding shall be inadmissible against the youth for any purpose in the subsequent Criminal Division proceeding.

(d) If the Family Division accepts the case for youthful offender treatment, the case shall proceed to a confidential merits hearing or admission pursuant to sections 5227–5229 of this title.

§ 5282. REPORT FROM THE DEPARTMENT

(a) Within 30 days after the case is transferred to the Family Division or a youthful offender petition is filed in the Family Division, unless the court extends the period for good cause shown, the Department for Children and Families shall file a report with the Family Division of the Superior Court.

(b) A report filed pursuant to this section shall include the following elements:

(1) a recommendation as to whether diversion is appropriate for the youth because the youth is a low to moderate risk to reoffend;

(2) a recommendation as to whether youthful offender status is appropriate for the youth; and

(3) a description of the services that may be available for the youth.

(c) A report filed pursuant to this section is privileged and shall not be disclosed to any person other than:

(1) the Department;

(2) the court;

(3) the State's Attorney;

(4) the youth, the youth's attorney, and the youth's guardian ad litem;

(5) the youth's parent, guardian, or custodian if the youth is under 18 years of age, unless the court finds that disclosure would be contrary to the best interest of the child;

(6) the Department of Corrections; or

(7) any other person when the court determines that the best interests of the youth would make such a disclosure desirable or helpful.

§ 5283. HEARING IN FAMILY DIVISION

(a) Timeline. A youthful offender status hearing shall be held no later than 35 days after the transfer of the case from the Criminal Division or filing of a youthful offender petition in the Family Division.

(b) Notice. Notice of the hearing shall be provided to the State's Attorney; the youth; the youth's parent, guardian, or custodian; the Department; and the Department of Corrections.

(c) Hearing procedure.

(1) If the motion is contested, all parties shall have the right to present evidence and examine witnesses. Hearsay may be admitted and may be relied on to the extent of its probative value. If reports are admitted, the parties shall

be afforded an opportunity to examine those persons making the reports, but sources of confidential information need not be disclosed.

(2) All youthful offender proceedings shall be confidential.

(d) Burden of proof. The burden of proof shall be on the moving party to prove by a preponderance of the evidence that a child should be granted youthful offender status. If the court makes the motion, the burden shall be on the youth.

(e) Further hearing. On its own motion or the motion of a party, the court may schedule a further hearing to obtain reports or other information necessary for the appropriate disposition of the case.

§ 5284. YOUTHFUL OFFENDER DETERMINATION AND DISPOSITION ORDER

(a) In a hearing on a motion for youthful offender status, the court shall first consider whether public safety will be protected by treating the youth as a youthful offender. If the court finds that public safety will not be protected by treating the youth as a youthful offender, the court shall deny the motion and transfer the case to the Criminal Division of the Superior Court pursuant to subsection 5281(d) of this title. If the court finds that public safety will be protected by treating the youth as a youthful offender, the court shall proceed to make a determination under subsection (b) of this section.

(b)(1) The court shall deny the motion if the court finds that:

(A) the youth is not amenable to treatment or rehabilitation as a youthful offender; or

(B) there are insufficient services in the juvenile court system and the Department for Children and Families and the Department of Corrections to meet the youth's treatment and rehabilitation needs.

(2) The court shall grant the motion if the court finds that:

(A) the youth is amenable to treatment or rehabilitation as a youthful offender; and

(B) there are sufficient services in the juvenile court system and the Department for Children and Families and the Department of Corrections to meet the youth's treatment and rehabilitation needs.

(c) If the court approves the motion for youthful offender treatment after an adjudication pursuant to subsection 5281(d) of this title, the court:

(1) shall approve a disposition case plan and impose conditions of juvenile probation on the youth; and

(2) may transfer legal custody of the youth to a parent, relative, person with a significant relationship with the youth, or Commissioner, provided that any transfer of custody shall expire on the youth's 18th birthday.

(d) The Department for Children and Families and the Department of Corrections shall be responsible for supervision of and providing services to the youth until he or she reaches 22 years of age. Both Departments shall designate a case manager who together shall appoint a lead Department to have final decision-making authority over the case plan and the provision of services to the youth. The youth shall be eligible for appropriate community-based programming and services provided by both Departments.

§ 5285. MODIFICATION OR REVOCATION OF DISPOSITION

(a) If it appears that the youth has violated the terms of juvenile probation ordered by the court pursuant to subdivision 5284(c)(1) of this title, a motion for modification or revocation of youthful offender status may be filed in the Family Division of the Superior Court. The court shall set the motion for hearing as soon as practicable. The hearing may be joined with a hearing on a violation of conditions of probation under section 5265 of this title. A supervising juvenile or adult probation officer may detain in an adult facility a youthful offender who has attained 18 years of age for violating conditions of probation.

(b) A hearing under this section shall be held in accordance with section 5268 of this title.

(c) If the court finds after the hearing that the youth has violated the terms of his or her probation, the court may:

(1) maintain the youth's status as a youthful offender, with modified conditions of juvenile probation if the court deems it appropriate;

(2) revoke the youth's status as a youthful offender and transfer the case with a record of the petition, affidavit, adjudication, disposition, and revocation to the Criminal Division for sentencing; or

(3) transfer supervision of the youth to the Department of Corrections with all of the powers and authority of the Department and the Commissioner under Title 28, including graduated sanctions and electronic monitoring.

(d) If a youth's status as a youthful offender is revoked and the case is transferred to the Criminal Division pursuant to subdivision (c)(2) of this section, the court shall hold a sentencing hearing and impose sentence. When determining an appropriate sentence, the court may take into consideration the youth's degree of progress toward rehabilitation while on youthful offender

status. The Criminal Division shall have access to all Family Division records of the proceeding.

§ 5286. REVIEW PRIOR TO 18 YEARS OF AGE

(a) If a youth is adjudicated as a youthful offender prior to reaching 18 years of age, the Family Division shall review the youth's case before he or she reaches 18 years of age and set a hearing to determine whether the court's jurisdiction over the youth should be continued past 18 years of age. The hearing may be joined with a motion to terminate youthful offender status under section 5285 of this title. The court shall provide notice and an opportunity to be heard at the hearing to the State's Attorney, the youth, the Department for Children and Families, and the Department of Corrections.

(b) After receiving a notice of review under this section, the State may file a motion to modify or revoke pursuant to section 5285 of this title. If such a motion is filed, it shall be consolidated with the review under this section and all options provided for under section 5285 of this title shall be available to the court.

(c) The following reports shall be filed with the court prior to the hearing:

(1) The Department for Children and Families and the Department of Corrections shall jointly report their recommendations, with supporting justifications, as to whether the Family Division should continue jurisdiction over the youth past 18 years of age and, if continued jurisdiction is recommended, propose a case plan for the youth to ensure compliance with and completion of the juvenile disposition.

(2) If the Departments recommend continued supervision of the youthful offender past 18 years of age, the Departments shall report on the services which would be available for the youth.

(d) If the court finds that it is in the best interest of the youth and consistent with community safety to continue the case past 18 years of age, it shall make an order continuing the court's jurisdiction up to 22 years of age. The Department for Children and Families and the Department of Corrections shall jointly develop a case plan for the youth and coordinate services and share information to ensure compliance with and completion of the juvenile disposition.

(e) If the court finds that it is not in the best interest of the youth to continue the case past 18 years of age, it shall terminate the disposition order, discharge the youth, and dismiss the case in accordance with subsection 5287(c) of this title.

§ 5287. TERMINATION OR CONTINUANCE OF PROBATION

(a) A motion may be filed at any time in the Family Division requesting that the court terminate the youth's status as a youthful offender and discharge him or her from probation. The motion may be filed by the State's Attorney, the youth, the Department, or the court on its own motion. The court shall set the motion for hearing and provide notice and an opportunity to be heard at the hearing to the State's Attorney, the youth, the Department for Children and Families and the Department of Corrections.

(b) In determining whether a youth has successfully completed the terms of probation, the Court shall consider:

(1) the degree to which the youth fulfilled the terms of the case plan and the probation order;

(2) the youth's performance during treatment;

(3) reports of treatment personnel; and

(4) any other relevant facts associated with the youth's behavior.

(c) If the court finds that the youth has successfully completed the terms of the probation order, it shall terminate youthful offender status, discharge the youth from probation, and file a written order dismissing the Family Division case. The Family Division shall provide notice of the dismissal to the Criminal Division, which shall dismiss the criminal case.

(d) Upon discharge and dismissal under subsection (c) of this section, all records relating to the case in the Criminal Division shall be expunged, and all records relating to the case in the Family Court shall be sealed pursuant to section 5119 of this title.

(e) If the court denies the motion to discharge the youth from probation, the court may extend or amend the probation order as it deems necessary.

§ 5288. RIGHTS OF VICTIMS IN YOUTHFUL OFFENDER

PROCEEDINGS

(a) The victim in a proceeding involving a youthful offender shall have the following rights:

(1) to be notified by the prosecutor in a timely manner when a court proceeding is scheduled to take place and when a court proceeding to which he or she has been notified will not take place as scheduled;

(2) to be present during all court proceedings subject to the provisions of Rule 615 of the Vermont Rules of Evidence and to express reasonably his or her views concerning the offense and the youth;

(3) to request notification by the agency having custody of the youth before the youth is released from a residential facility;

(4) to be notified by the prosecutor as to the final disposition of the case;

(5) to be notified by the prosecutor of the victim's rights under this section.

(b) In accordance with court rules, at a hearing on a motion for youthful offender treatment, the court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding disposition. In ordering disposition, the court shall consider any views offered at the hearing by the victim. If the victim is not present, the court shall ask whether the victim has expressed, either orally or in writing, views regarding disposition and shall take those views into consideration in ordering disposition.

(c) No youthful offender proceeding shall be delayed or voided by reason of the failure to give the victim the required notice or the failure of the victim to appear.

(d) As used in this section, "victim" shall have the same meaning as in 13 V.S.A. § 5301(4).

Sec. 6. 33 V.S.A. § 5291 is amended to read:

§ 5291. DETENTION OR TREATMENT OF MINORS CHARGED AS
DELINQUENTS IN SECURE FACILITIES FOR THE
DETENTION OR TREATMENT OF DELINQUENT CHILDREN

~~(a) Unless ordered otherwise at or after a temporary care hearing, the Commissioner shall have sole authority to place the child who is in the custody of the Department in a secure facility for the detention or treatment of minors.~~

~~(b) Upon a finding at the temporary care hearing that no other suitable placement is available and the child presents a risk of injury to him or herself, to others, or to property, the Court may order that the child be placed in~~ Prior to disposition, the court shall have the sole authority to place a child who is in the custody of the Department in a secure facility used for the detention or treatment of delinquent children until the Commissioner determines that a suitable placement is available for the child. The court shall not order placement in a secure facility without a recommendation from the Department that placement in a secure facility is necessary. Alternatively, the Court may order that the child be placed in a secure facility used for the detention or treatment of delinquent children for up to seven days. Any order for placement at a secure facility shall expire at the end of the seventh day following its issuance unless, after hearing, the Court extends the order for a time period not to exceed seven days. The court order shall include a finding that no other

suitable placement is available and the child presents a risk of injury to others or to property.

(b) Absent good cause shown and notwithstanding section 5227 of this title, when a child is placed in a secure facility pursuant to subsection (a) of this section and remains in a secure facility for 45 days following the preliminary hearing, the merits hearing shall be held and merits adjudicated within 45 days of the date of the preliminary hearing or the court shall dismiss the petition with prejudice. If merits have been found, the court shall review the secure facility placement order at the merits hearing.

(c) If a child is placed in a secure facility pursuant to subsection (a) of this section and secure facility placement continues following the merits hearing review pursuant to subsection (b) of this section, the court shall, within 35 days of the merits adjudication:

(1) hold the disposition hearing, or, if disposition is not held within 35 days;

(2) hold a hearing to review the continued secure facility placement.

(d) A child placed in a secure facility on an order pursuant to subsections (a), (b), or (c) of this section with a finding that no other suitable placement is available and the child presents a risk of harm to others or to property shall be entitled to an independent, second evidentiary hearing, which shall be a hearing de novo by a single justice of the Vermont Supreme Court. The Chief Justice may make an appointment or special assignment in accordance with 4 V.S.A. § 22 to conduct the de novo hearing required by this subsection. Unless the parties stipulate to the admission of portions of the trial court record, the de novo review shall be a new evidentiary hearing without regard to the record compiled before the trial court.

(e) Following disposition, the Commissioner shall have the sole authority to place a child who is in the custody of the Department in a secure facility for the detention or treatment of delinquent children pursuant to the Department's administrative policies on admission.

Sec. 7. VERMONT SUPREME COURT; RULEMAKING

The Vermont Supreme Court shall review the youthful offender proceedings statutes and consider a proposed new or amended rule for adoption on or before July 1, 2018 to make clear that a youth is waiving the right to trial by jury in cases where a youth is adjudicated in the Family Division pursuant to 33 V.S.A. §§ 5281 and 5227–5229, youthful offender status is revoked, and a criminal record of the petition, adjudication, disposition and revocation is sent to the Criminal Division pursuant to 33 V.S.A. §5285 for sentencing.

Sec. 8. REPEALS

(a) 33 V.S.A. § 5104 (retention of jurisdiction over youthful offenders) is repealed on July 1, 2018.

(b) 33 V.S.A. § 5280 (commencement of youthful offender proceedings in the Family Division) is repealed on July 1, 2018.

(c) 33 V.S.A. § 5281 (motion in Criminal Division of Superior Court) is repealed on July 1, 2018.

(d) 33 V.S.A. § 5282 (report from the Department) is repealed on July 1, 2018.

(e) 33 V.S.A. § 5283 (hearing in Family Division) is repealed on July 1, 2018.

(f) 33 V.S.A. § 5284 (determination and order) is repealed on July 1, 2018.

(g) 33 V.S.A. § 5285 (modification or revocation of disposition) is repealed on July 1, 2018.

(h) 33 V.S.A. § 5286 (review prior to the age of 18) is repealed on July 1, 2018.

(i) 33 V.S.A. § 5287 (termination or continuance of probation) is repealed on July 1, 2018.

(j) 33 V.S.A. § 5288 (rights of victims in youthful offender proceedings) is repealed on July 1, 2018.

Sec. 9. EFFECTIVE DATES

This act shall take effect on July 1, 2017, except for Secs. 2 (Chapter 16), 5 (Chapter 52A), and 6 (detention or treatment of minors charged as delinquents in secure facilities for the detention or treatment of delinquent children) which shall take effect on July 1, 2018.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Judiciary agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 56

Rep. Sullivan of Dorset, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to life insurance policies and the Vermont Uniform Securities Act

Reported in favor of its passage in concurrence with proposal of amendment as follows:

That the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Secondary Addressee for Life Insurance * * *

Sec. 1. 8 V.S.A. § 3762(d) is added to read:

(d) No individual policy of life insurance covering an individual 64 years of age or older that has been in force for at least one year shall be canceled for nonpayment of premium unless, after expiration of the grace period and not less than 21 days before the effective date of any such cancellation, the insurer has mailed a notice of impending cancellation in coverage to the policyholder and to a specified secondary addressee if such addressee has been designated by name and address in writing by the policyholder. An insurer shall notify the applicant of the right to designate a secondary addressee at the time of application for the policy on a form provided by the insurer, and annually thereafter, and the policyholder shall have the right to designate a secondary addressee, in writing, by name and address, at any time the policy is in force, by submitting such written notice to the insurer. If a life insurance policy provides a grace period longer than 51 days for nonpayment of premium, the notice of cancellation in coverage required by this subsection shall be mailed to the policyholder and to the secondary addressee not less than 21 days prior to the expiration of the grace period provided in such policies.

* * * Penalty Enhancements for Violations Involving a
Vulnerable Adult * * *

Sec. 2. 8 V.S.A. § 24 is amended to read:

§ 24. SENIOR INVESTOR PROTECTION

* * *

(e) The Commissioner, in addition to other powers conferred on the Commissioner by law, may increase the amount of an administrative penalty by not more than \$5,000.00 per violation for violations involving a person who is a vulnerable adult as defined in 33 V.S.A. § 6902(14).

* * * Securities Act Penalties, Generally; Vulnerable Adults * * *

Sec. 3. 9 V.S.A. § 5412(c) is amended to read:

(c) If the Commissioner finds that the order is in the public interest and subdivisions (d)(1) through (6), (8), (9), (10), (12), or (13) of this section authorize the action, an order under this chapter may censure, impose a bar on, or impose a civil penalty on a registrant in an amount not more than \$15,000.00 for each violation ~~and not more than \$1,000,000.00 for more than~~

~~one violation~~, and recover the costs of the investigation from the registrant, and, if the registrant is a broker-dealer or investment adviser, a partner, officer, director, or person having a similar status or performing similar functions, or a person directly or indirectly in control of the broker-dealer or investment adviser. The limitations on civil penalties contained in this subsection shall not apply to settlement agreements.

Sec. 4. 9 V.S.A. § 5603(b)(2)(C) is amended to read:

(C) imposing a civil penalty up to \$15,000.00 for each violation ~~and not more than \$1,000,000.00 for more than one violation~~; an order of rescission, restitution, or disgorgement directed to a person that has engaged in an act, practice, or course of business constituting a violation of this chapter or the predecessor act or a rule adopted or an order issued under this chapter or the predecessor act. The court may increase a civil penalty amount by not more than \$5,000.00 per violation for violations involving a person who is a vulnerable adult as defined in 33 V.S.A. § 6902(14). The limitations on civil penalties contained in this subdivision shall not apply to settlement agreements; and

Sec. 5. 9 V.S.A. § 5604(d) is amended to read:

(d) In a final order under subsection (b) or (c) of this section, the Commissioner may impose a civil penalty of not more than \$15,000.00 for each violation ~~and not more than \$1,000,000.00 for more than one violation~~. The Commissioner may also require a person to make restitution or provide disgorgement of any sums shown to have been obtained in violation of this chapter, plus interest at the legal rate. The limitations on civil penalties contained in this subsection shall not apply to settlement agreements.

* * * Securities Act Housekeeping * * *

Sec. 6. 9 V.S.A. § 5302 is amended to read:

§ 5302. NOTICE FILING

* * *

(c) With respect to a security that is a federal covered security under 15 U.S.C. § ~~77r(b)(4)(E)~~ § 77r(b)(4)(F), a rule under this chapter may require a notice filing by or on behalf of an issuer to include a copy of Form D, including the Appendix, as promulgated by the Securities and Exchange Commission, and a consent to service of process complying with section 5611 of this chapter signed by the issuer not later than 15 days after the first sale of the federal covered security in this State and the payment of a fee as set forth in subsection (e) of this section. The notice filing shall be effective for one year from the date the notice filing is accepted as complete by the Office of the Commissioner. On or before expiration, the issuer may annually renew a

notice filing by filing a copy of those records filed by the issuer with the Securities and Exchange Commission that are required by rule or order under this chapter to be filed and by paying an annual renewal fee as set forth in subsection (e) of this section.

(d) Subject to the provisions of 15 U.S.C. § 77r(c)(2) and any rules adopted thereunder, with respect to any security that is a federal covered security under 15 U.S.C. § 77r(b)(3) or ~~(4)(A)-(C)~~ (4)(A)-(E) and (G) and that is not otherwise exempt under sections 5201 through 5203 of this title, a rule adopted or order issued under this chapter may require any or all of the following with respect to such federal covered securities, at such time as the Commissioner may deem appropriate:

* * *

* * * Philanthropy Protection Act; Exemption Repeal * * *

Sec. 7. REPEAL

9 V.S.A. § 5615 (exempting Vermont from the Philanthropy Protection Act of 1995) is repealed.

* * * Cooperative Insurance; Bylaws * * *

Sec. 8. 8 V.S.A. § 3925 is amended to read:

§ 3925. BYLAWS; COMPULSORY PROVISIONS

The bylaws of a cooperative insurance corporation to which a certificate of authority is issued shall include substantially the following provisions:

(1) The corporate powers of such corporation shall be exercised by a board of directors, who shall be not less than five in number. Such directors shall be divided into classes and a portion only elected each year. They shall be elected for a term of not more than four years each and shall choose ~~from their number~~ a president, a secretary, and such other officers as may be deemed necessary. After the first year, the directors shall be chosen at an annual meeting to be held on the second Tuesday of January, unless some other day is designated in such bylaws, at which meeting each person insured shall have one vote and may be entitled to vote by proxy under such rules and regulations as may be prescribed by the bylaws.

(2) Such corporation shall keep proper books, including a policy register, in which the secretary shall enter the complete record of all its transactions and those of the board of directors and executive committee. Such books shall at all times show fully and truly the condition, affairs, and business of such corporation and shall be open for inspection by every person insured, each day from nine o'clock in the forenoon to four o'clock in the afternoon, Saturdays, Sundays, and legal holidays excepted.

(3) If authorized as an assessment cooperative insurance corporation as outlined in subsection 3920(a) of this title, such corporation may assess for the purposes specified in section 3927 of this title, and the bylaws shall specify the manner of giving notice of such assessments, which may be either personal or by mail, and, if by mail, shall be deemed complete if such notice is deposited, postage prepaid, in the post office at the place where the principal office of the corporation is located, directed to the person insured at his or her last known place of residence or business. A person insured who neglects or refuses to pay his or her assessments, for that reason or for any other reason satisfactory to the board of directors or its executive committee, may be excluded from such corporation and, when thus excluded, the secretary shall cancel or withdraw his or her policy or policies, subject to the cancellation provisions in sections 3879 through 3882 and chapter 113, subchapter 2 of this title, provided that such person shall remain liable for his or her pro rata share of losses and expenses incurred on or before the date of his or her exclusion and for the penalty herein provided, in case an action is brought against him or her. If a member of such corporation is so excluded and his or her policy so canceled, the secretary shall forthwith enter such cancellation and the date thereof on the records kept in the office of the corporation and serve notice of such cancellation on the person so excluded, as provided herein for the service of notice of assessment. However, in such event, the person so excluded or whose policy is so canceled shall be entitled to the repayment of an equitable portion of the unearned paid premium on such policy. The officers of such corporation shall proceed to collect all assessments within 30 days after the expiration of the notice to pay the same. Neglect or refusal on their part so to proceed or to perform any of the duties imposed on them by law shall render them individually liable for the amount lost to any person, due to such neglect or refusal, and an action may be maintained by such person against such officers to collect such amount. An action may be brought by the corporation against a person insured therein to recover all assessments which he or she may neglect or refuse to pay, and there may be recovered from him or her in such action both the amount so assessed, with lawful interest thereon, and, as a penalty for such neglect or refusal, 50 percent of such assessment in addition thereto.

(4) Any person insured by an assessment cooperative insurance corporation may withdraw therefrom at any time by giving written notice to the corporation, stating the date of withdrawal, paying his or her share of all claims then existing against such corporation, and surrendering his or her policy or policies.

(5) Any person insured by a nonassessment cooperative insurance corporation may withdraw from it at any time by giving written notice to the

corporation stating the date of withdrawal and surrendering his or her policy or policies.

(6) Persons residing or owning property within ~~the state of Vermont~~ any state where the corporation is authorized to do business may be insured upon the same terms and conditions as original members and such other terms as may be prescribed in the bylaws of the corporation.

(7) ~~Nonresidents owning property within the state of Vermont may be insured therein and shall have all the rights and privileges of the corporation and be accountable as are other persons insured therein, but shall not be eligible to hold office in the corporation;~~

~~(8)~~ The bylaws of such corporation may be amended at any time.

* * * Group Life Insurance; Employee Pay All * * *

Sec. 9. [DELETED.]

Sec. 10. [DELETED.]

Sec. 11. [DELETED.]

Sec. 12. [DELETED.]

Sec. 13. [DELETED.]

Sec. 14. [DELETED.]

Sec. 15. [DELETED.]

* * * Assistant Medical Examiners; Liability Protections * * *

Sec. 16. 18 V.S.A. § 511 is added to read:

§ 511. ACTIONS AGAINST MEDICAL EXAMINERS

Actions taken by any person given authority under this chapter, including an assistant medical examiner, shall be considered to be actions taken by a State employee for the purposes of 3 V.S.A. chapter 29 and 12 V.S.A. chapter 189 if such actions occurred within the scope of such person's duties.

* * * Portable Electronics Insurance; Notice Requirements * * *

Sec. 17. 8 V.S.A. § 4260 is amended to read:

§ 4260. NOTICE REQUIREMENTS

(a) Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to the policy or is otherwise required by law, it shall be in writing. Notwithstanding any other provision of law, notices and correspondence may be sent either by mail or by electronic means

as set forth in this section. If the notice or correspondence is mailed, it shall be sent to the portable electronics vendor at the vendor's mailing address specified for such purpose and to its affected customers' last known mailing address on file with the insurer. The insurer or vendor of portable electronics shall maintain proof of mailing in a form authorized or accepted by the U.S. Postal Service or other commercial mail delivery service. If the notice or correspondence is sent by electronic means, it shall be sent to the portable electronics vendor at the vendor's electronic mail address specified for such purpose and to its affected customers' last known electronic mail address as provided by each customer to the insurer or vendor of portable electronics. ~~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~~ customer's provision of an electronic mail address to the insurer or vendor of portable electronics is deemed consent to receive notices and correspondence by electronic means at such address if notice of that consent is provided to the customer within 30 calendar days. The insurer or vendor of portable electronics shall maintain proof that the notice or correspondence was sent.

* * *

* * * Workers' Compensation; High-Risk Occupations and Industries * * *

Sec. 18. WORKERS' COMPENSATION; INDUSTRIES AND OCCUPATIONS WITH HIGH RISK, HIGH PREMIUMS, AND FEW POLICY HOLDERS; STUDY; REPORT

(a) The Commissioner of Financial Regulation, in consultation with the Commissioner of Labor, the National Council on Compensation Insurance, and other interested stakeholders, shall identify and study industries and occupations in Vermont that experience a high risk of workplace and on-the-job injuries and whose workers' compensation insurance is characterized by high premiums and few policy holders in the insurance pool. The industries and occupations addressed in the study shall include, among others, logging and log hauling, as well as arborists, roofers, and occupations in saw mills and wood manufacturing operations. In particular, the Commissioner shall:

(1) examine difference in the potential for loss, premium rates, and experience and participation in the workers' compensation marketplace between the industries and occupations identified, and the average for all industries and occupations in Vermont;

(2) study potential methods for reducing workers' compensation premium rates and costs for high-risk industries and occupations, including risk pooling between multiple high-risk industries or occupations, creating

self-insured trusts; creating voluntary safety certification programs, and programs or best practices employed by other states; and

(3) model the potential impact on workers' compensation premiums and costs from each of the methods identified pursuant to subdivision (2) of this subsection.

(b) On or before January 15, 2018, the Commissioner of Financial Regulation shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance regarding his or her findings and any recommendations for legislative action to reduce the workers' compensation premium rates and costs for the industries identified in the study.

* * * Workers' Compensation; Short-term and Seasonal Policies; Studies * * *

Sec. 19. [DELETED.]

Sec. 20. SHORT-TERM WORKERS' COMPENSATION POLICIES;
STUDY; REPORT

The Commissioner of Financial Regulation, in consultation with the Commissioner of Labor, shall examine potential measures to encourage the creation of affordable seasonal and short-term workers' compensation policies and measures to reduce the cost of workers' compensation insurance coverage for small employers in seasonal occupations. On or before January 15, 2018, the Commissioner shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance regarding his or her finding and any recommendations for legislative action.

Sec. 21. REGIONAL ASSIGNED RISK POOL; STUDY; REPORT

The Commissioner of Financial Regulation shall examine potential mechanisms for joining with neighboring states to create a regional assigned risk pool for workers' compensation insurance and whether the creation of a regional assigned risk pool could reduce the cost of administering Vermont's assigned risk pool. On or before January 15, 2018, the Commissioner shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance with his or her findings and any recommendations for legislative action related to the implementation of a regional assigned risk pool for workers' compensation insurance.

Sec. 22. ADMINISTRATION OF ASSIGNED RISK POOL; STUDY;
REPORT

The Commissioner of Financial Regulation shall examine whether any premium savings or reductions in costs could be realized if the assigned risk pool for workers' compensation was administered directly by the Department

of Financial Regulation rather than through a third-party. On or before January 15, 2018, the Commissioner shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance with his or her findings and any recommendations for legislative action.

* * * Unemployment Compensation; Referee Final Decisions * * *

Sec. 23. [DELETED.]

Sec. 24. [DELETED.]

* * * Effective Date; Application * * *

Sec. 25. EFFECTIVE DATE; APPLICATION

(a) This act shall take effect on July 1, 2017.

(b) Sec. 17 shall apply to portable electronics insurance policies issued or renewed on or after July 1, 2017.

And that after passage the title of the bill be amended to read: “An act relating to insurance and securities”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Commerce and Economic Development agreed to and third reading ordered.

**Favorable Report; Second Reading;
Third Reading Ordered
H. 520**

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

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

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.

**Senate Proposal of Amendment Concurred in
H. 297**

The Senate proposed to the House to amend House bill, entitled

An act relating to miscellaneous court operations procedures

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 4 V.S.A. § 357 is amended to read:

§ 357. ~~REGISTERS OF PROBATE; APPOINTMENT AND REMOVAL;
COMPENSATION; CLERKS~~

The ~~court administrator~~ Superior Court clerk or court operations manager, in consultation with the ~~probate~~ Probate judge, and following the approval of the Court Administrator, shall ~~appoint~~ hire a register of probate for each ~~district~~ unit. The ~~probate~~ Probate judge may request that the ~~court administrator~~ Court Administrator designate one or more staff persons as additional registers.

Sec. 2. 14 V.S.A. § 2 is amended to read:

§ 2. DEPOSIT OF WILL FOR SAFEKEEPING; DELIVERY; FINAL DISPOSITION

(a) A testator may deposit a will for safekeeping in the Probate Division of the Superior Court for the district in which the testator resides on the payment to the ~~Court~~ court of the fee required by 32 V.S.A. § 1434(a)(17). The ~~register~~ Probate Division shall give to the testator a certificate of deposit, shall safely keep each will so deposited, and shall keep an index of the wills so deposited.

* * *

(c) During the life of the testator that will shall be delivered only to the testator, or in accordance with the testator's order in writing duly proved by oath of a subscribing witness, but the testator's duly authorized legal guardian may at any time inspect and copy the will in the presence of the judge, court operations manager, or register. ~~After the death of the testator it shall be delivered on demand to the person named in the indorsement.~~

* * *

Sec. 3. 15 V.S.A. § 816 is amended to read:

§ 816. CERTIFICATE OF CHANGE; CORRECTION OF BIRTH AND CIVIL MARRIAGE RECORDS

Whenever a person changes his or her name, as provided in this chapter, he or she shall provide the ~~probate division of the superior court~~ Probate Division of the Superior Court with a copy of his or her birth certificate and, if married, a copy of his or her civil marriage certificate, and a copy of the birth certificate of each minor child, if any. The ~~register of with whom~~ Probate Division where the change of name is filed and recorded shall transmit the certificates and a certified copy of such instrument of change of name to the supervisor of vital records registration. The supervisor of vital records registration shall forward such instrument of change of name to the town clerk in the town where the person was born within the ~~state~~ State, or wherein the original certificate is filed, with instructions to amend the original certificate and all copies thereof in accordance with the provisions of 18 V.S.A. chapter 101 ~~of Title 18~~. Such amended certificates shall have the words "Court Amended" stamped, written,

or typed at the top and shall show that the change of name was made pursuant to this chapter.

Sec. 4. 15A V.S.A. § 6-102 is amended to read:

§ 6-102. RECORDS CONFIDENTIAL, ~~COURT RECORDS SEALED~~

* * *

(d) All records on file with the court or agency shall be retained permanently and ~~sealed~~ kept confidential for 99 years after the date of the adoptee's birth. ~~Sealed Confidential~~ records and indices are not open to inspection or copying by any person except as provided in this title.

(e) The records of an agency ~~which~~ that ceases operation in this ~~state~~ State shall be transferred to the ~~department~~ Department for retention under the provisions of this title.

Sec. 5. 27 V.S.A. § 341 is amended to read:

§ 341. REQUIREMENTS GENERALLY; RECORDING

(a) Deeds and other conveyances of lands, or of an estate or interest therein, shall be signed by the party granting the same and acknowledged by the grantor before a town clerk, notary public, master, or county clerk, ~~or judge or register of probate~~ and recorded at length in the clerk's office of the town in which such lands lie. Such ~~acknowledgement~~ acknowledgment before a notary public shall be valid without an official seal being affixed to his or her signature.

* * *

Sec. 6. 27 V.S.A. § 463 is amended to read:

§ 463. BY SEPARATE INSTRUMENT

(a) Mortgages may be discharged by an acknowledgment of satisfaction, executed by the mortgagee or his or her attorney, executor, administrator, or assigns, which shall be substantially in the following form:

I hereby certify that the following described mortgage is paid in full and satisfied, viz: _____ mortgagor to _____ mortgagee, dated _____ 20____, and recorded in book _____, page _____, of the land records of the town of _____.

(b) When such satisfaction is acknowledged before a town clerk, notary public, master, or county clerk, ~~or judge or register of probate~~ and recorded, it shall discharge such mortgage and bar actions brought thereon.

Sec. 7. 32 V.S.A. § 7449 is amended to read:

§ 7449. ~~REGISTER OF PROBATE~~ DIVISION TO SEND COMMISSIONER

NOTICE OF ESTATE

The ~~register of the~~ Probate Court Division shall send to the Commissioner by mail at the time of granting letters of administration in any estate and upon forms to be furnished by the Commissioner, the name of the decedent, the date of his or her death, and the name and address of the administrator or executor.

Sec. 8. REPEAL

12 V.S.A. chapter 216 (Windsor County Youth Court) is repealed.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

Adjournment

At four o'clock and fifty-nine 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 14, 2017

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. Janssen Willhoit of St. Johnsbury.

Joint Resolution Placed on Calendar**J.R.H. 7**

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House

Offered by: Representatives Marcotte of Coventry and Lawrence of Lyndon

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government in Montpelier, and

Whereas, as part of their visit to the State's capital city, the boys conduct a mock legislative session in the State House, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Boys State educational program on Thursday, June 22, 2017, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont in Montpelier.

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

Third Reading; Bill Passed

H. 520

House bill, entitled

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

Was taken up, read the third time and passed.

Proposal of Amendment agreed to; Third Reading; Bill Passed in Concurrence with Proposal of Amendment

S. 22

Senate bill, entitled

An act relating to increased penalties for possession, sale, and dispensation of fentanyl

Was taken up and pending third reading of the bill, **Rep. Colburn of Burlington and Rep. Conquest of Newbury** moved to propose to the Senate to amend the bill as follows:

After section 5, Effective Dates, that after passage the title of the bill be amended to read: "An act relating to alternative approaches to addressing low-level illicit drug use and the ephedrine and pseudoephedrine registry"

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Action on Bill Postponed

S. 23

House bill, entitled

An act relating to juvenile jurisdiction

Was taken up and pending the question shall the bill pass in concurrence with proposal of amendment? on motion of **Rep. Willhoit of St. Johnsbury**, action on the bill was postponed until April 18, 2017.

**Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 56

House bill, entitled

An act relating to life insurance policies and the Vermont Uniform Securities Act

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Recess

At nine o'clock and forty-nine minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and twenty-two minutes in the forenoon, the Speaker called the House to order.

Consideration Interrupted by Recess

H. 197

House bill, entitled

An act relating to mental health parity for workers' compensation

Was taken up and pending third reading of the bill, **Rep. Greshin of Warren** moved to amend the bill as follows:

Rep. Greshin of Warren moves that the bill be amended in Sec. 1, 21 V.S.A. § 601, subdivision (11)(I)(iii)(IV), after the first sentence, by inserting a second sentence to read ““Rescue or ambulance worker” does not include a member of a ski patrol while he or she is performing services for the ski patrol at a ski resort.”

Recess

At ten o'clock and thirty-five minutes, the Speaker declared a recess until ten o'clock and fifty minutes.

At ten o'clock and fifty-six minutes, the Speaker called the House to order.

Consideration Resumed; Consideration Interrupted

H. 197

Consideration resumed on House bill, entitled

An act relating to mental health parity for workers' compensation

Thereupon, the amendment offered by **Rep. Greshin of Warren** was disagreed to.

Pending the question, Shall the bill be read a third time? **Rep. Browning of Arlington** moved to amend the bill as follows:

First: In Sec. 1a, emergency personnel post-traumatic stress disorder; study of experience and costs; report, by striking out subdivisions (a)(2) and (3) in their entirety and inserting in lieu thereof subdivisions (a)(2), (3), (4), and (5) to read:

(2) the cost of the workers' compensation benefits provided for those claims;

(3) any changes in administrative or premium costs associated with those claims;

(4) the annual increase in workers' compensation costs for Vermont municipalities and school districts for each fiscal year in comparison to the average annual increase in workers' compensation costs for Vermont municipalities and school districts from FY 2012 through FY 2017; and

(5) the total cost to reimburse municipalities and school districts for the amount by which the increase in their respective workers' compensation costs during the prior fiscal year exceeded the historical average annual increase in workers' compensation costs.

Second: In Sec. 1a, emergency personnel post-traumatic stress disorder; study of experience and costs; report, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read:

(b)(1) On or before January 15 of each year from 2018 through 2020, the Commissioner shall report to the House Committees on Appropriations, on Commerce and Economic Development, and on Health Care, and the Senate Committees on Appropriations, on Finance, and on Health and Welfare regarding its findings and any recommendations for legislative changes.

(2) On or before January 15, 2020, the Commissioner shall submit to the House Committees on Appropriations, on Commerce and Economic Development, and on Health Care, and the Senate Committees on Appropriations, on Finance, and on Health and Welfare proposed legislation to create a permanent funding stream to mitigate the impacts on local property tax rates of increased workers' compensation costs for Vermont municipalities and school districts as a result of claims made pursuant to 21 V.S.A. § 601(11)(I) and (J).

Pending the question, Shall the bill be amended as offered by Rep. Browning of Arlington? **Rep. Browning of Arlington** demanded the yeas and nays which was sustained by the constitutional number.

Pending the call of the roll, **Rep. Ainsworth of Royalton** moved that the bill be recommitted to the committee on Health Care.

Recess

At eleven o'clock and fifteen minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and fifty-nine minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Bill Read Third Time and Passed

H. 197

Consideration resumed on House bill, entitled

An act relating to mental health parity for workers' compensation

Thereupon, the motion to recommit the bill to the committee on Health Care was disagreed to.

Thereupon, the Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Browning of Arlington? was decided in the negative. Yeas, 45. Nays, 85.

Those who voted in the affirmative are:

Ainsworth of Royalton	Higley of Lowell	Parent of St. Albans Town
Bancroft of Westford	Juskiewicz of Cambridge	Pearce of Richford
Baser of Bristol	Keefe of Manchester	Quimby of Concord
Beck of St. Johnsbury	Kimbell of Woodstock	Rosenquist of Georgia
Beyor of Highgate	LaClair of Barre Town	Savage of Swanton
Brennan of Colchester	Lawrence of Lyndon	Shaw of Pittsford
Browning of Arlington *	Lefebvre of Newark	Sibilia of Dover
Canfield of Fair Haven	McCoy of Poultney	Smith of Derby
Cupoli of Rutland City	McFaun of Barre Town	Smith of New Haven
Devereux of Mount Holly	Morrissey of Bennington	Strong of Albany
Fagan of Rutland City	Murphy of Fairfax	Sullivan of Dorset
Frenier of Chelsea	Myers of Essex	Turner of Milton
Gamache of Swanton	Nolan of Morristown	Van Wyck of Ferrisburgh
Greshin of Warren	Norris of Shoreham	Willhoit of St. Johnsbury
Helm of Fair Haven	Olsen of Londonderry	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Fields of Bennington	Noyes of Wolcott
Bartholomew of Hartland	Forguites of Springfield	Ode of Burlington
Belaski of Windsor	Gage of Rutland City	O'Sullivan of Burlington
Bissonnette of Winooski	Gannon of Wilmington	Partridge of Windham
Bock of Chester	Gardner of Richmond	Poirier of Barre City
Botzow of Pownal	Giambatista of Essex	Potter of Clarendon
Briglin of Thetford	Gonzalez of Winooski	Rachelson of Burlington

Brumsted of Shelburne	Haas of Rochester	Scheu of Middlebury
Buckholz of Hartford	Head of South Burlington	Sharpe of Bristol
Carr of Brandon	Hill of Wolcott	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Hooper of Montpelier	Squirrell of Underhill
Christensen of Weathersfield	Hooper of Brookfield	Stevens of Waterbury
Christie of Hartford	Howard of Rutland City	Stuart of Brattleboro
Cina of Burlington	Jessup of Middlesex	Sullivan of Burlington
Colburn of Burlington	Jickling of Brookfield	Taylor of Colchester
Condon of Colchester	Joseph of North Hero	Till of Jericho
Conlon of Cornwall	Keenan of St. Albans City	Toleno of Brattleboro
Connor of Fairfield	Kitzmiller of Montpelier	Townsend of South Burlington
Conquest of Newbury	Krowinski of Burlington	Trieber of Rockingham
Copeland-Hanzas of Bradford *	Lalonde of South Burlington	Troiano of Stannard
Corcoran of Bennington	Lanpher of Vergennes	Walz of Barre City
Dakin of Colchester	Long of Newfane	Webb of Shelburne
Deen of Westminster	Lucke of Hartford	Weed of Enosburgh
Donahue of Northfield *	Marcotte of Coventry	Wood of Waterbury
Donovan of Burlington	Masland of Thetford	Yacovone of Morristown
Dunn of Essex	McCormack of Burlington	Yantachka of Charlotte
Emmons of Springfield	McCullough of Williston	Young of Glover
Feltus of Lyndon	Miller of Shaftsbury	
	Morris of Bennington	
	Mrowicki of Putney	

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

Batchelor of Derby	Harrison of Chittenden	Martel of Waterford
Burditt of West Rutland	Hebert of Vernon	Pugh of South Burlington
Burke of Brattleboro	Houghton of Essex	Scheuermann of Stowe
Dickinson of St. Albans Town	Hubert of Milton	Terenzini of Rutland Town
Grad of Moretown	Lewis of Berlin	Toll of Danville
Graham of Williamstown	Lippert of Hinesburg	Viens of Newport City
	Macaig of Williston	

Rep. Browning of Arlington explained her vote as follows:

“Madam Speaker:

I vote yes to protect property taxpayers from the possible costs of yet another unfunded state mandate.”

Rep. Copeland-Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

I voted No. To carve out and require the state to reimburse for a mental injury, as if those are somehow less valid, less debilitating, less tragic for the injured worker and her family is a violation of the goal that we have expressed as a body here: injury is injury.

Instead I should hope we would celebrate the savings to our families and their employers that timely treatment of an injury has meant; that she could

return to work, support her family, continue to do the job she loves, that her employer didn't have to incur added expense of OT or substitute pay, and our municipal agencies and schools remain strong for us because their experienced individuals can remain on the job."

Rep. Donahue of Northfield explained her vote as follows:

"Madam Speaker:

"This amendment says that a separate funding stream for mental health injuries is an acceptable funding mechanism. We learned a long time ago that separate but equal is only separate, never equal."

Rules Suspended; Reconsideration Agreed To

H. 197

House bill, entitled

An act relating to mental health parity for workers' compensation

Rep. Turner of Milton moved to suspend the rules to permit reconsideration in the same legislative day, which was agreed to.

Rep. Copeland-Hanzas of Bradford, assuring the Chair that she voted with the prevailing side when the House disagreed to the amendment offered by **Rep. Greshin of Warren**, moved to reconsider its vote, which was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Greshin of Warren** moved to amend the bill as follows:

In Sec. 1, 21 V.S.A. § 601, subdivision (11)(I)(iii)(IV), after the first sentence, by inserting a second sentence to read "Rescue or ambulance worker" does not include a member of a ski patrol while he or she is performing services for the ski patrol at a ski resort."

Which was disagreed to.

Pending the question, Shall the bill be read a third time? **Rep. Browning of Arlington** moved to amend the bill as follows:

First: In Sec. 1, 21 V.S.A. § 601, after subdivision (11)(iii), by inserting a subdivision (11)(iv) to read:

(iv) The date of loss for a claim made pursuant to this subdivision (11) shall be the date of the initial diagnosis of post-traumatic stress disorder or the last active date of employment as a police officer, rescue or ambulance worker, or firefighter, whichever occurs first.

Second: In Sec. 2, effective date, by striking out the section in its entirety and inserting a new Sec. 2 to read:

Sec. 2. EFFECTIVE DATE

(a) This act shall take effect on July 1, 2017.

(b) 21 V.S.A. § 601(11)(I) shall apply to claims for post-traumatic stress disorder that are first diagnosed on or after July 1, 2017.

Which was disagreed to.

Pending the question, Shall the bill be read a third time? **Rep. Browning of Arlington** moved to amend the bill as follows:

In Sec. 2, effective date, by striking out the section in its entirety and inserting a new Sec. 2 to read:

Sec. 2. EFFECTIVE DATES

(a) In Sec. 1, 21 V.S.A. § 601, subdivision (11)(I) shall take effect on July 1, 2017 and subdivision (11)(J) shall take effect on July 1, 2018.

(b) This section shall take effect on July 1, 2017.

Which was disagreed to.

Thereupon, the bill was read a third time and passed.

Message from the Senate No. 44

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

Madam Speaker:

I am directed to inform the House that:

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

H. 85. An act relating to captive insurance companies.

And has passed the same in concurrence.

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

H. 182. An act relating to certain businesses regulated by the Department of Financial Regulation.

H. 494. An act relating to the Transportation Program and miscellaneous changes to transportation-related law.

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 on its part adopted joint resolution of the following title:

J.R.S. 18. Joint resolution in support of combating the rise in hate crimes and bigotry.

In the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 7. An act relating to deferred sentences and the sex offender registry.

And has concurred therein.

The Governor has informed the Senate that on the Thirteenth day of April, 2017, he approved and signed a bill originating in the Senate of the following title:

S. 13. An act relating to fees and costs allowed at a tax sale.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 13. Senate concurrent resolution congratulating Vermont Technical College on its 150th anniversary and designating April 13, 2017 as Vermont Tech Day.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 107. House concurrent resolution designating April 2017 as Financial Capability Month in Vermont.

H.C.R. 108. House concurrent resolution designating Thursday, April 6, 2017 as Alzheimer's Awareness Day at the State House.

H.C.R. 109. House concurrent resolution congratulating Alison Bechdel of Bolton on being named the third Vermont Cartoonist Laureate.

H.C.R. 110. House concurrent resolution congratulating the 2017 Essex High School State championship Vermont-NEA Scholars' Bowl team.

H.C.R. 111. House concurrent resolution congratulating the 2017 Junior Iron Chef championship teams.

H.C.R. 112. House concurrent resolution honoring Alexander L. Aldrich for his two decades of exemplary leadership in the furtherance of the arts in Vermont.

H.C.R. 113. House concurrent resolution congratulating Lise Gates of Enosburg Falls on being named a 2017 Mother of Achievement.

H.C.R. 114. House concurrent resolution honoring Vermont Air National Guard Chief Master Sergeant John W. Felix III for his distinguished military service.

H.C.R. 115. House concurrent resolution honoring Christine Brock of St. Albans for her professional and personal dedication to helping others improve their lives.

H.C.R. 116. House concurrent resolution congratulating the 2017 University of Vermont Catamounts America East championship men's basketball team.

H.C.R. 117. House concurrent resolution congratulating the 2017 Enosburg Falls High School Hornets Division II championship boys' basketball team.

H.C.R. 118. House concurrent resolution recognizing the 3–4–50 chronic disease resource as a valuable preventative health care guide.

H.C.R. 119. House concurrent resolution commemorating the 240th anniversary of the Battle of Bennington.

H.C.R. 120. House concurrent resolution congratulating the Ludlow Rotary Club on its 90th birthday.

H.C.R. 121. House concurrent resolution congratulating the 2017 Proctor High School Phantoms Division IV championship boys' basketball team.

H.C.R. 122. House concurrent resolution designating April 13, 2017 as Drug Overdose Awareness Day at the State House.

Adjournment

At one o'clock and nine minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 18, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 30.

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. 107

House concurrent resolution designating April 2017 as Financial Capability Month in Vermont;

H.C.R. 108

House concurrent resolution designating Thursday, April 6, 2017 as Alzheimer's Awareness Day at the State House;

H.C.R. 109

House concurrent resolution congratulating Alison Bechdel of Bolton on being named the third Vermont Cartoonist Laureate;

H.C.R. 110

House concurrent resolution congratulating the 2017 Essex High School State championship Vermont-NEA Scholars' Bowl team;

H.C.R. 111

House concurrent resolution congratulating the 2017 Junior Iron Chef championship teams;

H.C.R. 112

House concurrent resolution honoring Alexander L. Aldrich for his two decades of exemplary leadership in the furtherance of the arts in Vermont;

H.C.R. 113

House concurrent resolution congratulating Lise Gates of Enosburg Falls on being named a 2017 Mother of Achievement;

H.C.R. 114

House concurrent resolution honoring Vermont Air National Guard Chief Master Sergeant John W. Felix III for his distinguished military service;

H.C.R. 115

House concurrent resolution honoring Christine Brock of St. Albans for her professional and personal dedication to helping others improve their lives;

H.C.R. 116

House concurrent resolution congratulating the 2017 University of Vermont Catamounts America East championship men's basketball team;

H.C.R. 117

House concurrent resolution congratulating the 2017 Enosburg Falls High School Hornets Division II championship boys' basketball team;

H.C.R. 118

House concurrent resolution recognizing the 3–4–50 chronic disease resource as a valuable preventative health care guide;

H.C.R. 119

House concurrent resolution commemorating the 240th anniversary of the Battle of Bennington;

H.C.R. 120

House concurrent resolution congratulating the Ludlow Rotary Club on its 90th birthday;

H.C.R. 121

House concurrent resolution congratulating the 2017 Proctor High School Phantoms Division IV championship boys' basketball team;

H.C.R. 122

House concurrent resolution designating April 13, 2017 as Drug Overdose Awareness Day at the State House;

S.C.R. 13

Senate concurrent resolution congratulating Vermont Technical College on its 150th anniversary and designating April 13, 2017 as Vermont Tech Day;

[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 2017, seventy-fourth Biennial session.]

Tuesday, April 18, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Malcolm Toleno, Pianist, Brattleboro, VT.

Pledge of Allegiance

Page Owen Kemerer of Essex led the House in the Pledge of Allegiance.

House Bill Introduced

H. 536

By Reps. Dakin of Colchester, Brennan of Colchester, Condon of Colchester and Taylor of Colchester,

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Colchester;

To the committee on Government Operations.

Bill Referred to Committee on Ways and Means

S. 20

House bill, entitled

An act relating to permanent licenses for persons 66 years of age or older

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations

S. 130

House bill, entitled

An act relating to miscellaneous changes to education laws

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Referred to Committee

J.R.S. 18

By Senators Cummings, Campion, Lyons, MacDonald, and Sirotkin,

J.R.S. 18. Joint resolution in support of combating the rise in hate crimes and bigotry.

Whereas, since November 2016, there has been an increase in hate crimes throughout the nation, and

Whereas, according to the Southern Poverty Law Center, during the ten days following the election, there were nearly 900 reports of harassment and intimidation from throughout the country, and

Whereas, Vermonters are in a unique position to lead the country in fighting bigotry and hatred, and

Whereas, members of the lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ) community are concerned that rights and protections won over the years may be lost, and

Whereas, these concerns are focused on the atmosphere of hate, which the LGBTQ community fears may result in physical danger for them and members of other marginalized communities, and

Whereas, a particular concern of the LGBTQ community is that silence will allow bigotry to take root in Vermont, and

Whereas, the LGBTQ community is hopeful that Vermont's history of rejecting extremists and meeting the challenges of hate and bigotry with love and fierce resistance will continue to prevail, and

Whereas, the General Assembly is in strong accord with these sentiments, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly calls upon Vermonters to denounce hatred and to support and respect marginalized communities, *and be it further*

Resolved: That the General Assembly will protect and preserve laws that foster equality among all persons, *and be it further*

Resolved: That taking the actions addressed in this resolution upholds the proud Vermont tradition of Freedom and Unity, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Outright Vermont, the Pride Center of Vermont, Green Mountain Crossroads, and the Rainbow Umbrella of Central Vermont.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on Judiciary.

**Committee Bill; Favorable Report; Second Reading;
Consideration Interrupted**

H. 525

Rep. Stevens of Waterbury spoke for the committee on General, Housing and Military Affairs.

House bill entitled

An act relating to the Department of Liquor Control and the State Lottery

Rep. Trieber of Rockingham, for the committee on Appropriations, recommended the bill ought to pass

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Recess

At ten o'clock and twenty-six minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and thirty-seven minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Bill Committed

H. 525

Consideration resumed on House bill, entitled

An act relating to the Department of Liquor Control and the State Lottery

Thereupon, pending the question shall the bill be read a third time? on motion of **Rep. Head of South Burlington**, the bill was committed to the committee on Government Operations.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 23

Senate bill, entitled

An act relating to juvenile jurisdiction

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Message from the Senate No. 45

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 31. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Second Reading; Bill Amended; Third Reading Ordered

H. 150

Rep. Scheu of Middlebury, for the committee on Corrections and Institutions, to which had been referred House bill, entitled

An act relating to parole eligibility

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 28 V.S.A. § 502a is amended to read:

§ 502a. RELEASE ON PAROLE

(a) No inmate serving a sentence with a minimum term shall be released on parole until the inmate has served the minimum term of the sentence, less any reductions for good behavior.

* * *

(d) Notwithstanding subsection (a) of this section, or any other provision of law to the contrary, any inmate who is serving a sentence, including an inmate who has not yet served the minimum term of the sentence, who is diagnosed as having a terminal or ~~debilitating~~ serious medical condition so as to render the inmate unlikely to be physically capable of presenting a danger to society, may be released on medical parole to a hospital, hospice, other licensed inpatient facility, or suitable housing accommodation as specified by the Parole Board.

The Provided the inmate has authorized the release of his or her personal health information, the Department shall promptly notify the Parole Board upon receipt of medical information of an inmate's diagnosis of a terminal or ~~debilitating~~ serious medical condition. As used in this subsection, a "serious medical condition" does not mean a condition caused by noncompliance with a medical treatment plan.

Sec. 2. 28 V.S.A. § 808(e) is amended to read:

(e) The Commissioner may place on medical furlough any offender who is serving a sentence, including an offender who has not yet served the minimum term of the sentence, who is diagnosed with a terminal or ~~debilitating~~ serious medical condition so as to render the offender unlikely to be physically capable of presenting a danger to society. The Commissioner shall develop a policy regarding the application for, standards for eligibility of, and supervision of persons on medical furlough. The offender may be released to a hospital, hospice, other licensed inpatient facility, or other housing accommodation deemed suitable by the Commissioner. As used in this subsection, a "serious medical condition" does not mean a condition caused by noncompliance with a medical treatment plan.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Corrections and Institutions agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 50

Rep. Christensen of Weathersfield, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4100k is amended to read:

§ 4100k. COVERAGE OF HEALTH CARE SERVICES DELIVERED
THROUGH TELEMEDICINE SERVICES

(a) All health insurance plans in this State shall provide coverage for ~~telemedicine~~ health care services delivered through telemedicine by a health care provider at a distant site to a patient ~~in a health care facility at an originating site~~ to the same extent that the ~~services would be covered plan would cover the services~~ if they were provided through in-person consultation.

(b) A health insurance plan may charge a deductible, co-payment, or coinsurance for a health care service provided through telemedicine so long as it does not exceed the deductible, co-payment, or coinsurance applicable to an in-person consultation.

(c) A health insurance plan may limit coverage to health care providers in the plan's network ~~and may require originating site health care providers to document the reason the services are being provided by telemedicine rather than in person.~~ A health insurance plan shall not impose limitations on the number of telemedicine consultations a covered person may receive that exceed limitations otherwise placed on in-person covered services.

(d) Nothing in this section shall be construed to prohibit a health insurance plan from providing coverage for only those services that are medically necessary and are clinically appropriate for delivery through telemedicine, subject to the terms and conditions of the covered person's policy.

(e) A health insurance plan may reimburse for teleophthalmology or teledermatology provided by store and forward means and may require the distant site health care provider to document the reason the services are being provided by store and forward means.

(f) Nothing in this section shall be construed to require a health insurance plan to reimburse the distant site health care provider if the distant site health care provider has insufficient information to render an opinion.

(g) In order to facilitate the use of telemedicine in treating substance use disorder, ~~when the originating site is a health care facility,~~ health insurers and the Department of Vermont Health Access shall ensure that ~~both the treating clinician and the hosting facility~~ the health care provider at the distant site and the health care facility at the originating site are both reimbursed for the services rendered, unless the health care providers at both the ~~host and service~~ distant and originating sites are employed by the same entity.

(h) As used in this subchapter:

(1) "Distant site" means the location of the health care provider delivering services through telemedicine at the time the services are provided.

(2) "Health insurance plan" means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well

as Medicaid and any other public health care assistance program offered or administered by the State or by any subdivision or instrumentality of the State. The term does not include policies or plans providing coverage for specified disease or other limited benefit coverage.

~~(2)~~(3) “Health care facility” shall have the same meaning as in 18 V.S.A. § 9402.

~~(3)~~(4) “Health care provider” means a person, partnership, or corporation, other than a facility or institution, that is licensed, certified, or otherwise authorized by law to provide professional health care service in this State to an individual during that individual’s medical care, treatment, or confinement.

(5) “Originating site” means the location of the patient, whether or not accompanied by a health care provider, at the time services are provided by a health care provider through telemedicine, including a health care provider’s office, a hospital, or a health care facility, or the patient’s home or another nonmedical environment such as a school-based health center, a university-based health center, or the patient’s workplace.

(6) “Store and forward” means an asynchronous transmission of medical information to be reviewed at a later date by a health care provider at a distant site who is trained in the relevant specialty and by which the health care provider at the distant site reviews the medical information without the patient present in real time.

~~(4)~~(7) “Telemedicine” means the delivery of health care services such as diagnosis, consultation, or treatment through the use of live interactive audio and video over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. Telemedicine does not include the use of audio-only telephone, e-mail, or facsimile.

Sec. 2. 18 V.S.A. § 9361 is amended to read:

§ 9361. HEALTH CARE PROVIDERS ~~PROVIDING~~ DELIVERING

HEALTH CARE SERVICES THROUGH TELEMEDICINE OR BY

STORE AND FORWARD SERVICES MEANS

(a) As used in this section, “distant site,” “health care provider,” “originating site,” “store and forward,” and “telemedicine” shall have the same meanings as in 8 V.S.A. § 4100k.

(b) Subject to the limitations of the license under which the individual is practicing, a health care provider licensed in this state may prescribe, dispense, or administer drugs or medical supplies, or otherwise provide treatment

recommendations to a patient after having performed an appropriate examination of the patient ~~either in person, through telemedicine,~~ or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically. Treatment recommendations made via electronic means, including issuing a prescription via electronic means, shall be held to the same standards of appropriate practice as those in traditional provider-patient settings. ~~For purposes of this subchapter, "telemedicine" shall have the same meaning as in 8 V.S.A. § 4100k.~~

(c)(1) A health care provider delivering health care services through telemedicine shall obtain and document a patient's oral or written informed consent prior to delivering services to the patient. The provider shall include the written consent in the patient's medical record or document the patient's oral consent in the patient's medical record.

(2)(A) Informed consent for telemedicine services shall include, in language that patients can easily understand:

(i) an explanation of the differences between telemedicine and in-person delivery of health care services, including:

(I) that the patient may experience a qualitative difference in care based on potential differences in a patient's ability to establish a therapeutic rapport with the provider in-person and through telemedicine; and

(II) that telemedicine provides different opportunities and challenges for provider-patient interaction than in-person consultation, including the potential for differences in the degree and manner of the provider's visual observations of the patient;

(ii) informing the patient of the patient's right to exclude any individual from participating in or observing the patient's consultation with the provider at both the originating site and the distant site;

(iii) informing the patient that the patient may stop telemedicine services at any time and may request a referral for in-person services; and

(iv) assurance that all services the health care provider delivers to the patient through telemedicine will be delivered over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

(B) For services delivered through telemedicine on an ongoing basis, the health care provider shall be required to obtain consent only at the first episode of care.

(3) A health care provider delivering telemedicine services through a contract with a third-party vendor shall comply with the provisions of subdivision (2) of this subsection (c) to the extent permissible under the terms of the contract. If the contract requires the health care provider to use the vendor's own informed consent provisions instead of those set forth in subdivision (2) of this subsection (c), the health care provider shall be deemed to be in compliance with the requirements of this subsection (c) if he or she adheres to the terms of the vendor's informed consent policies.

(4) Notwithstanding any provision of this subsection (c) to the contrary, a health care provider shall not be required to obtain a patient's informed consent for the use of telemedicine in the following circumstances:

(A) for the second certification of an emergency examination determining whether an individual is a person in need of treatment pursuant to section 7508 of this title; or

(B) for a psychiatrist's examination to determine whether an individual is in need of inpatient hospitalization pursuant to 13 V.S.A. § 4815(g)(3).

(d) Neither a health care provider nor a patient shall create or cause to be created a recording of a provider's telemedicine consultation with a patient.

~~(b)~~(e) A patient receiving teleophthalmology or teledermatology by store and forward means shall be informed of the right to receive a consultation with the distant site health care provider and shall receive a consultation with the distant site health care provider upon request. If requested, the consultation with the distant site health care provider may occur either at the time of the initial consultation or within a reasonable period of time ~~of~~ following the patient's notification of the results of the initial consultation. Receiving teledermatology or teleophthalmology by store and forward means shall not preclude a patient from receiving real time telemedicine or face-to-face services with the distant site health care provider at a future date. Originating site health care providers involved in the store and forward process shall ~~ensure~~ obtain informed consent from the patient as described in subsection (c) of this section. ~~For purposes of this subchapter, "store and forward" shall have the same meaning as in 8 V.S.A. § 4100k.~~

Sec. 3. REPEAL

33 V.S.A. § 1901i (Medicaid coverage for primary care telemedicine) is repealed.

Sec. 4. EFFECTIVE DATES

(a) Secs. 1 (health insurance coverage) and 3 (repeal) shall take effect on October 1, 2017 and shall apply to Medicaid on that date and to all other health insurance plans on or after October 1, 2017 on the date a health insurer issues, offers, or renews the health insurance plan, but in no event later than October 1, 2018.

(b) Sec. 2 (health care providers providing telemedicine) and this section shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Health Care agreed to and third reading ordered.

Joint Resolution Adopted**J.R.H. 7**

Joint resolution, entitled

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House;

Was taken up and adopted on the part of the House.

Adjournment

At eleven o'clock and fifty-six minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, April 19, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Kathy and Steven Light, Fyre and Lightning Consort, Marshfield, VT.

Bill Referred to Committee on Ways and Means**S. 127**

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations**S. 52**

Senate bill, entitled

An act relating to the Public Service Board and its proceedings

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Referred to Committee**J.R.H. 8**

Joint resolution urging the Federal Communications Commission to retain net neutrality rules for Internet access

Offered by: Representatives Botzow of Pownal, Carr of Brandon, Marcotte of Coventry, and Sibilila of Dover

Whereas, the Internet is the primary telecommunications highway for much of the nation's business transactions, personal communications, and entertainment services, and

Whereas, the continuance of the Internet as a fully accessible and nondiscriminatory telecommunications highway, and not one that favors customers based on the level of fee they pay for the service being transmitted, had been a high priority for the Federal Communications Commission (FCC), and

Whereas, to meet this objective, in 2010, the FCC adopted a regulatory order entitled *Preserving the Open Internet*, 25 F.C.C.R. 17905, also known as the "Open Internet Order," and established a policy referred to as net neutrality, and

Whereas, this order set forth "disclosure, anti-blocking, and anti-discrimination requirements on broadband providers," and

Whereas, in January 2014, the U.S. Circuit Court of Appeals for the District of Columbia ruled in *Verizon v. Federal Communications Commission*, 740 F.3d. 623, that the FCC may not impose requirements that "contravene express statutory mandates," citing Section 706 of the Telecommunications Act that prohibits the FCC from regulating Internet providers as common carriers, and observing that "the Commission has failed to establish that the anti-discrimination and anti-blocking rules do not impose *per se* common carrier obligations," and

Whereas, in response to the court's decision, in February 2015, the FCC issued *Report and Order on Remand, Declaratory Ruling and Order*, 30 FCC Rcd. 5601, that again provided for net neutrality but included supporting

language that the new order was grounded “in multiple sources of legal authority- including both section 706 of the Telecommunications Act and Title II of the Communications Act,” and

Whereas, once again, the FCC’s net neutrality order was challenged, but in June 2016, the same court took note of the FCC’s revisions and held in *United States Telcom Association v. Federal Communications*, 825 F.3d. 674, that the new order was statutorily compliant and did not violate either due process or First Amendment constitutional rights, and

Whereas, one of the two FCC commissioners dissenting the 2015 order was Ajit Pai, who, in 2017, the President appointed as the new FCC chairman, and

Whereas, Chairman Pai has already taken actions aimed at weakening the net neutrality order, including halting an FCC investigation into wireless providers zero-rating streaming practices that, for example, enable AT&T to offer free streaming of DirectTV, (a video delivery service it owns) and places similar services at a competitive disadvantage for AT&T customers, and

Whereas, the elimination or significant weakening of the FCC’s 2015 net neutrality order will disadvantage less affluent consumers’ Internet use and favor customers willing to pay higher access fees and allow Internet providers to offer preferred access to selected services or block others, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges the Federal Communications Commission to retain the 2015 net neutrality order as adopted, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to FCC Commissioner Ajit Pai and to the Vermont Congressional Delegation.

Which was read and, in the Speaker’s discretion, treated as a bill and referred to the committee on Energy and Technology pursuant to rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 31

By Senator Ashe,

J.R.S. 31. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 21, 2017, it be to meet again no later than Tuesday, April 25, 2017.

Was taken up, read and adopted in concurrence.

Message from the Senate No. 46

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

Madam Speaker:

I am directed to inform the House that:

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

H. 265. An act relating to the State Long-Term Care Ombudsman.

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 proposals of amendment to Senate bill of the following title:

S. 14. An act relating to expanding the Vermont Practitioner Recovery Network.

And has concurred therein.

Third Reading; Bill Passed**H. 150**

House bill, entitled

An act relating to parole eligibility

Was taken up, read the third time and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment****S. 50**

Senate bill, entitled

An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered****S. 12**

Rep. Lalonde of South Burlington, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to increasing the maximum prison sentence for first, second, and subsequent offenses of aggravated animal cruelty

Reported in favor of its passage in concurrence with proposal of amendment as follows by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 8 is amended to read:

CHAPTER 8. HUMANE AND PROPER TREATMENT OF ANIMALS

Subchapter 1. Cruelty to Animals

§ 351. DEFINITIONS

As used in this chapter:

(1) "Animal" means all living sentient creatures, not human beings.

* * *

(19) "Sexual conduct" means:

(A) any act between a person and animal that involves contact between the mouth, sex organ, or anus of a person and the mouth, sex organ, or anus of an animal; or

(B) without a bona fide veterinary or animal husbandry purpose, the insertion, however slight, of any part of a person's body or of any instrument, apparatus, or other object into the vaginal or anal opening of an animal.

* * *

§ 352. CRUELTY TO ANIMALS

A person commits the crime of cruelty to animals if the person:

(1) intentionally kills or attempts to kill any animal belonging to another person without first obtaining legal authority or consent of the owner, or engages in a reckless course of conduct that results in the death of an animal;

* * *

(10) uses a live animal as bait or lure in a race, game, or contest, or in training animals in a manner inconsistent with 10 V.S.A. Part 4 of Title 10 or the rules adopted thereunder;

(11)(A) engages in sexual conduct with an animal;

(B) possesses, sells, transfers, purchases, or otherwise obtains an animal with the intent that it be used for sexual conduct;

(C) organizes, promotes, conducts, aids, abets, or participates in as an observer an act involving any sexual conduct with an animal;

(D) causes, aids, or abets another person to engage in sexual conduct with an animal;

(E) permits sexual conduct with an animal to be conducted on premises under his or her charge or control; or

(F) advertises, offers, or accepts the offer of an animal with the intent that it be subject to sexual conduct in this State.

§ 352a. AGGRAVATED CRUELTY TO ANIMALS

A person commits the crime of aggravated cruelty to animals if the person:

(1) kills an animal by intentionally causing the animal undue pain or suffering;

(2) intentionally, maliciously, and without just cause tortures, mutilates, or cruelly beats an animal; or

(3) intentionally injures or kills an animal that is in the performance of official duties while under the supervision of a law enforcement officer.

* * *

§ 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

(a) Penalties.

(1) Except as provided in subdivision (3) ~~or~~, (4), or (5) of this subsection, cruelty to animals under section 352 of this title shall be punishable by a sentence of imprisonment of not more than one year, or a fine of 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.

(2) Aggravated cruelty under section 352a of this title shall be punishable by a sentence of imprisonment of not more than three years or a fine of not more than \$5,000.00, or both. Second and subsequent offenses shall be punishable by a sentence of imprisonment of not more than five years or a fine of not more than \$7,500.00, or both.

* * *

(5) A person who violates subdivision 352(1) of this title by intentionally killing or attempting to kill an animal belonging to another shall be imprisoned not more than two years or fined not more than \$5,000.00, or both.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Judiciary agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 75

Rep. Lefebvre of Newark, for the committee on Natural Resources, Fish & Wildlife, to which had been referred Senate bill, entitled

An act relating to aquatic nuisance species control

Reported in favor of its passage in concurrence with proposal of amendment as follows by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 1452 is amended to read:

§ 1452. DEFINITIONS

As used in this chapter:

(1) “Agency” means the ~~agency of natural resources~~ Agency of Natural Resources.

(2) “Aquatic nuisance” means undesirable or excessive substances or populations that interfere with the recreational potential or aquatic habitat of a body of water, including rooted aquatic plants and animal and algal populations. Aquatic nuisances include ~~rooted aquatic plants and animal and algal populations~~ zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena bugensis*), Asian clam (*Corbicula fluminea*), fishhook waterflea (*Cercopagis pengoi*), rusty crayfish (*Orconectes rusticus*), spiny waterflea (*Bythotrephes longimanus*), or other species identified by the Secretary by rule.

(3) “Aquatic plant” means a plant that naturally grows in water, saturated soils, or seasonally saturated soils, including algae and submerged, floating-leafed, floating, or emergent plants.

(4) “Biological controls” ~~mean~~ means multi-cellular organisms.

(5) ~~“Board” means the water resources panel of the natural resources board.~~ [Repealed.]

* * *

(9) “Secretary” means the ~~secretary of natural resources~~ Secretary of Natural Resources.

(10) “Water resources” means the waters and the values inherent or potential in waters and their uses.

(11) “Waters” means all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, and springs and all bodies of surface waters, artificial or natural,

~~which that~~ are contained within, flow through, or border upon the ~~state~~ State or any portion of it.

(12) “Baitbox” means a receptacle, not exceeding 25 cubic feet in volume, used for holding or keeping baitfish alive for personal use.

(13) “Live well” means a well for keeping fish alive in a vessel by allowing water to circulate through the well.

(14) “Ballast tank” means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(15) “Bilge area” means the lowest point in the vessel where water can collect when the vessel is in its static floating position.

(16) “Decontaminate” means a process used to kill, destroy, or remove aquatic nuisance species and other organic material that may be present in or on a vessel, motor vehicle transporting the vessel, trailer, or other equipment. Decontamination may include washing a vessel, motor vehicle transporting the vessel, trailer, or other equipment with water at a sufficiently high temperature to kill or remove aquatic nuisance species.

(17) “Lake association” means a lake protection organization registered with the Secretary of Natural Resources on a form provided by the Secretary.

(18) “Marina” means a property, other than a public access or landing area regulated under section 4145 of this title, on the shoreline of a water of the State that contains a dock, basin, or ramp that, at no cost or for remuneration, provides to the public secure moorings or vessel access to the water.

(19) “Motor vehicle” means any vehicle propelled or drawn by power other than muscular power, including a snowmobile, motorcycle, all-terrain vehicle, farm tractor, or tracked vehicle.

(20) “Personal watercraft” shall have the same meaning as set forth in 23 V.S.A. § 3302.

(21) “Transport” means to move motor vehicles, vessels, personal watercraft, seaplanes, trailers, and other equipment over land, but does not include movement within the immediate area required for loading and preparing vehicles, vessels, personal watercraft, seaplanes, trailers, and other equipment prior to movement into or away from a body of water.

(22) “Vessel” means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft.

Sec. 2. 10 V.S.A. § 1454 is amended to read:

§ 1454. TRANSPORT OF AQUATIC PLANTS AND AQUATIC

NUISANCE SPECIES

(a) ~~No~~ Transport of aquatic nuisance species; prohibition. A person shall not transport an aquatic plant ~~or~~, aquatic plant part, ~~zebra mussels (Dreissena polymorpha), quagga mussels (Dreissena bugensis), or other aquatic nuisance species identified by the Secretary by rule to or from any Vermont waters on the outside of a vehicle, boat, personal watercraft, trailer, or other equipment~~ water. This section shall not restrict:

(1) proper harvesting or other control activities undertaken for the purpose of eliminating or controlling the growth or propagation of aquatic plants, zebra mussels, quagga mussels, or other aquatic nuisance species; or

(2) proper collection of water samples for the purpose of water quality monitoring.

(b) Inspection of vessel entering or leaving water. A person transporting a vessel to or from a water shall, prior to launching the vessel and upon leaving a water, inspect the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment, and shall remove and properly dispose of any aquatic plants, aquatic plant parts, and aquatic nuisance species.

(c) Aquatic nuisance species inspection station. It shall be a violation of this section for a person transporting a vessel to or from a water to not have the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment inspected and, if determined necessary, decontaminated at an approved aquatic nuisance species inspection station prior to launching the vessel and upon leaving a water if:

(1) an aquatic nuisance species inspection station is maintained at the area where the vessel is entering or leaving the water;

(2) the aquatic nuisance species inspection station is open; and

(3) an individual operating the aquatic nuisance species inspection station identifies the vessel for inspection or decontamination.

(d) Draining of vessel; transport.

(1)(A) When leaving a water of the State and prior to transport away from the area where the vessel left the water, a person operating a vessel shall drain the vessel, trailer, and other equipment of water, including water in live wells, ballast tanks, and bilge areas. A person is not required to drain:

(i) baitboxes when authorized under 10 App. V.S.A. § 122(5) to transport bait in a baitbox away from a water; or

(ii) vehicles and trailers specifically designed and used for water hauling.

(B) A person operating a vessel shall drain the vessel, trailer, and other equipment of water in a manner to avoid a discharge to the water of the State. This subdivision (d)(1) does not authorize a person to discharge waste, as defined in section 1251 of this title, to waters of the State. A person shall dispose of waste in the manner required by law.

(2) When a person transports a vessel, the person shall remove or open the drain plugs, bailers, valves, and other devices that are used to control the draining of water from ballast tanks, bilge areas, and live wells of the vessel, trailer, and other equipment, except for vehicles and trailers specifically designed and used for water hauling and emergency response vehicles and equipment.

(e) Exceptions to transport prohibition. The Secretary may grant exceptions to persons to allow the transport of aquatic plants, zebra mussels, quagga mussels, aquatic plant parts, or other aquatic nuisance species for scientific or purposes, educational purposes, or other purposes specifically authorized by the Secretary. When granting exceptions allowing the transport of aquatic plants, aquatic plant parts, or aquatic nuisance species under this subsection, the Secretary shall take into consideration both the value of the scientific or educational purpose and the risk to Vermont surface waters posed by the transport and ultimate use of the specimens. A letter from the Secretary authorizing the transport must accompany the specimens during transport.

(e)(f) Signage; access areas and marinas. Signage shall be posted at all public access and landing areas regulated under section 4145 of this title and at all marinas regarding the requirements of subsections (a)–(d) of this section relating to aquatic nuisance transport and inspection and decontamination of vessels, motor vehicles transporting vessels, trailers, or other equipment. The Secretary shall provide marinas with the signs required under this section.

(g) Violations. Pursuant to 4 V.S.A. § 1102, a violation of this section may be brought in the Judicial Bureau by any law enforcement officer, as that term is defined in 23 V.S.A. § 3302(2), or, pursuant to section 8007 or 8008 of this title, a violation of this section may be brought in the Environmental Division of the Superior Court. When a violation is brought by an enforcement officer other than an environmental enforcement officer employed by the Agency of Natural Resources, the enforcement officer shall submit to the Secretary a copy of the citation for purposes of compliance with the public participation requirements of section 8020 of this title. If a violation of this section is adjudicated in the Judicial Bureau or the Environmental Division, the violation shall not be addressed or adjudicated a second time in the other court.

Sec. 3. 10 V.S.A. § 1455(a) is amended to read:

(a) ~~No~~ A person ~~may~~ shall not use pesticides, chemicals other than pesticides, biological controls, bottom barriers, structural barriers, structural controls, or powered mechanical devices in waters of the State to control nuisance aquatic plants, insects, or other aquatic nuisances, including lamprey, unless that person has been issued a permit by the ~~secretary~~ Secretary.

Sec. 4. 10 V.S.A. § 1461 is added to read:

§ 1461. AQUATIC NUISANCE INSPECTION STATIONS; TRAINING PROGRAM

(a) The Secretary of Natural Resources shall establish a training program regarding how to conduct inspection of vessels, motor vehicles, trailers, and other equipment for the presence of aquatic plants, aquatic plant parts, and aquatic nuisance species. The training program shall include online training, recorded material, training manuals, or other material that allows a person to complete training remotely.

(b) The Secretary of Natural Resources shall establish a training program regarding how to decontaminate vessels, motor vehicles, trailers, and other equipment to prevent the spread of aquatic plants, aquatic plant parts, and aquatic nuisance species. The training program shall:

(1) require a person operating aquatic nuisance decontamination equipment to complete in-person training conducted by the Secretary or an entity approved by the Secretary; and

(2) instruct participants regarding how to address noncompliance with the requirements of section 1454 of this title, including how to report a violation to law enforcement, if a violation needs to be reported, and how operators of the inspection station do not have law enforcement authority to mandate compliance with the requirements of section 1454 of this title.

(c) In order to establish an aquatic nuisance species inspection station for the purposes of the vessel inspection and decontamination requirements of subsection 1454(c) of this title, a lake association, municipality, or the Commissioner of Environmental Conservation shall apply to the Secretary for approval. As a condition of approval, a representative of an lake association or municipality shall complete the training programs established under subsections (a) and (b) of this section. A lake association or municipality seeking to operate an aquatic nuisance species inspection station shall designate a representative to complete the training programs established under subsections (a) and (b) of this section. In order to operate an aquatic nuisance

species inspection station, a lake association or municipality shall own or control aquatic nuisance decontamination equipment.

(d) A lake association or municipality approved to operate an aquatic nuisance species inspection station under subsection (b) of this section shall provide persons who will operate the aquatic nuisance species inspection station with training materials furnished by the Secretary regarding how to:

(1) conduct the inspection of vessels, motor vehicles, trailers, and other equipment for the presence of aquatic plants, aquatic plant parts, and aquatic nuisance species; and

(2) complete the in-person training required under subsection (b) of this section in order to operate decontamination equipment.

(e) The Secretary may adopt rules under section 1460 of this title to implement the training requirements of this section, including an annual schedule of available training.

Sec. 5. 4 V.S.A. § 1102(b) is amended to read:

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(27) Violations of 10 V.S.A. § 1454(a)–(d) relating to the transport of aquatic plants and aquatic nuisance species.

Sec. 6. 23 V.S.A. § 3317(b) is amended to read:

(b) A person who violates a requirement under 10 V.S.A. § 1454 shall be subject to enforcement under 10 V.S.A. ~~chapter 201~~ § 8007 or 8008 or a fine under this chapter, provided that the person shall be assessed a penalty or fine of not more than \$1,000.00 for each violation. A person who violates a rule adopted under 10 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201, provided that the person shall be assessed a penalty of not more than \$300.00 for each violation. A person who violates any of the following sections of this title shall be subject to a penalty of not more than \$300.00 for each violation:

§ 3306(e) marine toilet

§ 3312a operation of personal watercraft

Sec. 7. USE OF BOTTOM BARRIERS WITHOUT PERMIT

The Secretary of Natural Resources shall not require an aquatic nuisance control permit under 10 V.S.A. § 1455 for the use of up to 15 bottom barriers on an inland lake to control nonnative aquatic nuisance species, provided that:

(1) the bottom barriers are managed and controlled by a lake association;

(2) each bottom barrier shall be of no greater size than 14 feet by 14 feet;

(3) the bottom barriers are not installed in an area where they:

(A) create a hazard to public health; or

(B) unreasonably impede boating or navigation;

(4) the lake association notifies the Secretary of the use of the barriers three days prior to placement of the barriers in a water; and

(5) the Secretary may require the removal of the bottom barriers upon a determination that the barriers pose a threat to a threatened or endangered species.

Sec. 8. REPEAL; BOTTOM BARRIERS

Sec. 7 of this act (bottom barriers for aquatic nuisance control) shall be repealed on March 1, 2018.

Sec. 9. AQUATIC NUISANCE CONTROL GENERAL PERMIT

On or before February 1, 2018, the Secretary of Natural Resources shall issue a general permit for aquatic nuisance control activities. The general permit shall allow for nonchemical aquatic nuisance control activities and any other management or control measures that the Secretary considers appropriate and for which the Secretary has general permit authority under 10 V.S.A. chapter 50. The general permit shall authorize rapid response activities that an individual or lake association may take to control aquatic nuisance species. The provisions of 10 V.S.A. § 1456(a) and (c)–(f) related to the rapid response permits for aquatic nuisance control shall apply to the rapid response activities authorized in the permit required under this section.

Sec. 10. ANR PUBLIC OUTREACH REGARDING AQUATIC NUISANCE SPECIES TRANSPORT AND INSPECTION REQUIREMENTS

Beginning on July 1, 2017, the Secretary of Natural Resources shall provide education and outreach to the public regarding the transport and inspection requirements in 10 V.S.A chapter 50 for the reduction of the spread of aquatic nuisance species. The education and outreach shall include a notification in the Department of Fish and Wildlife guides to hunting and fishing in Vermont regarding the aquatic nuisance transport prohibition and the requirements to inspect vessels for aquatic nuisance species when entering or leaving a water.

Sec. 11. ANR REPORT; AQUATIC NUISANCE TRANSPORT; LAKE CHAMPLAIN

(a) On or before November 15, 2017, the Secretary of Natural Resources shall submit to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish and Wildlife a report regarding how to control the transport of aquatic nuisances to and from Lake Champlain. The report shall include:

(1) an inventory of the boat decontamination facilities or other aquatic nuisance control measures currently employed at boat launches, marinas, or other areas on Lake Champlain;

(2) a summary of whether the current measures to control aquatic nuisance transport to and from Lake Champlain are adequate;

(3) a proposal for siting boat decontamination facilities or other comparable aquatic nuisance control measures at boat launches, marinas, or other areas on Lake Champlain, including where proposed facilities or other aquatic nuisance control measures would be located;

(4) a summary of how proposed boat decontamination facilities or comparable aquatic nuisance control measures would be staffed, including whether staff would possess sufficient authority to inspect a vessel entering or leaving Lake Champlain in order to require boat decontamination or another aquatic nuisance control measure;

(5) an estimate of the cost to implement proposed boat decontamination facilities or other aquatic nuisance control measures on Lake Champlain; and

(6) a recommendation of whether and how vessels leaving Lake Champlain should be quarantined from entering other waters of the State for a defined time period or until a specific condition is satisfied; and

(7) draft legislation that the Secretary determines is necessary to implement any boat decontamination facility or other aquatic nuisance control measure proposed in the report.

(b) As used in this section, “aquatic nuisance” and “vessel” shall have the same meanings as set forth in 10 V.S.A. § 1452.

Sec. 12. 10 V.S.A. § 1264b is amended to read:

§ 1264b. ~~STORMWATER-IMPAIRED WATERS RESTORATION~~

STORMWATER FUND

(a) A fund to be known as the stormwater impaired waters restoration fund Stormwater Fund is created in the state treasury State Treasury to be expended by the secretary of natural resources Secretary of Natural Resources. The fund Fund shall be administered by the secretary of natural resources through the

~~facilities engineering division~~ Secretary of Natural Resources. The ~~fund~~ Fund shall consist of:

(1) ~~Stormwater~~ stormwater impact fees paid by permittees ~~in order~~ to meet applicable permitting standards for the discharges of regulated stormwater runoff to the stormwater-impaired waters of the ~~state~~ State and Lake Champlain and waters that contribute to the impairment of Lake Champlain;

(2) ~~Such~~ such sums as may be appropriated or transferred to the ~~fund~~ Fund by the ~~general assembly, the state emergency board, or the joint fiscal committee~~ General Assembly, the State Emergency Board, or the Joint Fiscal Committee during such times when the ~~general assembly~~ General Assembly is not in session;

(3) ~~Principal~~ principal and interest received from the repayment of loans made from the ~~fund~~ Fund;

(4) ~~Private~~ private gifts, bequests, and donations made to the ~~state~~ State for any of the purposes for which the ~~fund~~ Fund was established; and

(5) ~~Other~~ other funds from any public or private source intended for use for any of the purposes for which the ~~fund~~ Fund has been established.

(b) The ~~fund~~ Fund shall maintain separate accounts for each stormwater-impaired water and each phosphorus-impaired lake segment of Lake Champlain and the monies in each account may only be used to fund offsets in the designated water. Offsets shall be designed to reduce the sediment load, phosphorus load, or hydrologic impact of regulated stormwater runoff in ~~stormwater-impaired waters~~ the receiving water. All balances in the ~~fund~~ Fund at the end of any fiscal year shall be carried forward and remain a part of the ~~fund~~ Fund. Interest earned by the ~~fund~~ Fund shall be deposited into the ~~fund~~ Fund.

(c) The ~~facilities engineering division~~ Secretary may authorize disbursements from the ~~fund~~ Fund to offsets that meet the requirements of the rule adopted pursuant to subsection ~~1264a(e)~~ 1264(f) of this title. The public funds used to capitalize the ~~stormwater-impaired waters restoration fund~~ Fund shall:

(1) ~~Be~~ be disbursed only to an offset that is owned or operated by a municipality or a governmental subdivision, agency, or instrumentality; and

(2) ~~Be~~ be disbursed only to reimburse a municipality or a governmental subdivision, agency, or instrumentality for those funds provided by the municipality or governmental subdivision, agency, or instrumentality to complete or construct an offset.

(d) A municipality or governmental subdivision, agency, or instrumentality may, on an annual basis, reserve capacity in an offset that the municipality or governmental subdivision, agency, or instrumentality operates or owns and that meets the requirements of ~~subsection 1264a(e)~~ the rule adopted pursuant to subsection 1264(f) of this title. A municipality or governmental subdivision, agency, or instrumentality reserving offset capacity shall inform the ~~secretary of natural resources~~ Secretary of the offset capacity for which the offset will not receive disbursements from the ~~stormwater-impaired waters restoration fund~~ Fund for nonmunicipal discharges. ~~A municipality that reserves capacity as an offset may receive disbursements from the fund to mitigate the uncontrolled sediment load or hydrologic impact in discharges for which the municipality is issued a permit for the discharge of regulated stormwater runoff under subdivision 1264a(b)(1) of this title.~~

(e) Eligible persons may apply for a grant from the ~~fund~~ Fund to design and implement an offset. The ~~fund~~ Fund may be used to match other public and private sources of funding for such projects. ~~The funds may also be used to match federal funds otherwise available to capitalize the fund created by 24 V.S.A. § 4753(a)(8).~~

(f) A discharger that pays a stormwater impact fee to the ~~stormwater-impaired waters restoration fund under section 1264a of this title~~ Fund in order to receive a permit for the discharge of regulated stormwater runoff may receive reimbursement of that fee if the discharger fails to discharge under the stormwater discharge permit, if the discharger notifies the ~~secretary~~ Secretary of the abandonment of the discharge permit, and if the ~~secretary~~ Secretary determines that unobligated monies for reimbursement remain in the ~~stormwater-impaired restoration fund~~ Fund.

Sec. 13. REPEAL; INTERIM STORMWATER PERMITTING

10 V.S.A. § 1264a(e) (interim stormwater permitting authority) is repealed.

Sec. 14. EFFECTIVE DATES

(a) This section and Secs. 1–11 (aquatic nuisance species control) shall take effect on passage.

(b) Secs. 12 and 13 (stormwater management) shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Natural Resources, Fish and Wildlife? **Rep. Terenzini of Rutland Town** 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 Natural Resources, Fish and Wildlife? was decided in the affirmative. Yeas, 137. Nays, 2.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gage of Rutland City	Myers of Essex
Ancel of Calais	Gamache of Swanton	Nolan of Morristown
Bancroft of Westford	Gannon of Wilmington	Norris of Shoreham
Bartholomew of Hartland	Gardner of Richmond	Noyes of Wolcott
Baser of Bristol	Giambatista of Essex	Ode of Burlington
Batchelor of Derby	Grad of Moretown	Olsen of Londonderry
Beck of St. Johnsbury	Greshin of Warren	O'Sullivan of Burlington
Belaski of Windsor	Haas of Rochester	Parent of St. Albans Town
Beyor of Highgate	Harrison of Chittenden	Partridge of Windham
Bissonnette of Winooski	Head of South Burlington	Pearce of Richford
Bock of Chester	Hebert of Vernon	Poirier of Barre City
Botzow of Pownal	Helm of Fair Haven	Potter of Clarendon
Brennan of Colchester	Higley of Lowell	Pugh of South Burlington
Briglin of Thetford	Hill of Wolcott	Quimby of Concord
Browning of Arlington	Hooper of Montpelier	Rachelson of Burlington
Brumsted of Shelburne	Hooper of Brookfield	Rosenquist of Georgia
Burke of Brattleboro	Houghton of Essex	Savage of Swanton
Canfield of Fair Haven	Howard of Rutland City	Scheu of Middlebury
Carr of Brandon	Hubert of Milton	Scheuermann of Stowe
Chesnut-Tangerman of Middletown Springs	Jessup of Middlesex	Sharpe of Bristol
Christensen of Weathersfield	Jickling of Brookfield	Shaw of Pittsford
Christie of Hartford	Joseph of North Hero	Sheldon of Middlebury
Cina of Burlington	Juskiewicz of Cambridge	Sibilia of Dover
Colburn of Burlington	Keenan of St. Albans City	Smith of New Haven
Condon of Colchester	Kimbell of Woodstock	Squirrell of Underhill
Conlon of Cornwall	Kitzmiller of Montpelier	Stevens of Waterbury
Connor of Fairfield	Krowinski of Burlington	Strong of Albany
Conquest of Newbury	LaClair of Barre Town	Stuart of Brattleboro
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Sullivan of Dorset
Corcoran of Bennington	Lanpher of Vergennes	Sullivan of Burlington
Cupoli of Rutland City	Lawrence of Lyndon	Taylor of Colchester
Dakin of Colchester	Lefebvre of Newark	Till of Jericho
Deen of Westminster	Lewis of Berlin	Toleno of Brattleboro
Devereux of Mount Holly	Lippert of Hinesburg	Townsend of South Burlington
Dickinson of St. Albans Town	Long of Newfane	Trieber of Rockingham
Donahue of Northfield	Marcotte of Coventry	Troiano of Stannard
Donovan of Burlington	Martel of Waterford	Turner of Milton
Dunn of Essex	Masland of Thetford	Van Wyck of Ferrisburgh
Emmons of Springfield	McCormack of Burlington	Walz of Barre City
Fagan of Rutland City	McCoy of Poultney	Webb of Shelburne
	McCullough of Williston	Weed of Enosburgh
	McFaun of Barre Town	Willhoit of St. Johnsbury
	Miller of Shaftsbury	

Feltus of Lyndon	Morris of Bennington	Wood of Waterbury
Fields of Bennington	Morrissey of Bennington	Wright of Burlington
Forguites of Springfield	Mrowicki of Putney	Yantachka of Charlotte
Frenier of Chelsea	Murphy of Fairfax	Young of Glover
Graham of Williamstown		

Those who voted in the negative are:

Terenzini of Rutland Town

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

Buckholz of Hartford	Lucke of Hartford	Viens of Newport City
Burditt of West Rutland	Macaig of Williston	Yacovone of Morristown
Gonzalez of Winooski	Smith of Derby	
Keefe of Manchester	Toll of Danville	

Thereupon, third reading was ordered.

Rep. Krowinski of Burlington in chair.

**Favorable Report; Second Reading;
Third Reading Ordered**

S. 96

Rep. Lalonde of South Burlington, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to a news media privilege

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.

Senate Proposal of Amendment Concurred in

H. 182

The Senate proposed to the House to amend House bill, entitled

An act relating to certain businesses regulated by the Department of Financial Regulation

The Senate proposes to the House to amend the bill as follows:

First: By striking out Sec. 14 (segregated accounts of money transmitters) in its entirety and by inserting in lieu thereof a new Sec. 14 to read as follows:

Sec. 14. [DELETED.]

Second: By striking out Sec. 15 (segregated accounts of money transmitters) in its entirety and by inserting in lieu thereof a new Sec. 15 to read as follows:

Sec. 15. [DELETED.]

Third: In Sec. 18, 8 V.S.A. § 2200, by striking out the newly renumbered subdivision 17 (loan solicitation) in its entirety and by inserting in lieu thereof a new subdivision 17 to read as follows:

(15)(17)(A) “Loan solicitation” means, for compensation or gain or with the expectation of compensation or gain, to:

(i) offer, solicit, broker, directly or indirectly arrange, place, or find a loan for a prospective Vermont borrower;

(ii) engage in any activity intended to assist a prospective Vermont borrower in obtaining a loan, including lead generation;

(iii) arrange, in whole or in part, a loan through a third party, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party, through any method, including mail, telephone, Internet, or any electronic means; or

(iv) advertise or cause to be advertised in this State a loan or any of the services described in subdivisions (i)–(iii) of this subdivision (17)(A).

(B) As used in this subdivision (17), “loan solicitation” does not:

(i) apply to residential mortgage loans;

(ii) include a broker-dealer registered or exempt from registration under 9 V.S.A. § 5401 when the broker-dealer provides the services described in subdivision (A) of this subdivision (17) and the broker-dealer is not compensated by the consumer for those services;

(iii) include an agent registered or exempt from registration under 9 V.S.A. § 5402 when the agent provides the services described in subdivision (A) of this subdivision (17) and the individual agent is not compensated by the consumer for those services;

(iv) include an insurance producer licensed under 8 V.S.A. § 4800 when the insurance producer provides the services described in subdivision (A) of this subdivision (17) and the individual insurance producer is not compensated by the consumer for those services;

(v) include a seller of goods or services that provides the services described in subdivision (A) of this subdivision (17) in connection with financing the sale or proposed sale of the seller’s goods or services and the

seller is not compensated by the consumer for the services described in subdivision (A) of this subdivision (17); or

(vi) include other categories of loans or service providers as determined by the Commissioner by rule or order.

Fourth: In Sec. 19, 8 V.S.A. § 2201, in subdivision (a)(5) (loan solicitation), after “A person licensed as a lender” by inserting the following: , sales finance company.

Fifth: In Sec. 32 (effective dates), by striking out “14 (money transmitter segregated accounts).”

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed; Rules Suspended;
Bill Messaged to Senate Forthwith**

H. 494

The Senate proposed to the House to amend House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to transportation-related law

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Transportation Program Adopted as Amended; Definitions * * *

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation’s proposed fiscal year 2018 Transportation Program appended to the Agency of Transportation’s proposed fiscal year 2018 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” means monies deposited in the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

* * * Department of Motor Vehicles * * *

Sec. 2. DEPARTMENT OF MOTOR VEHICLES

For fiscal year 2018, spending authority for the Department of Motor Vehicles is amended as follows:

<u>FY18</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	18,395,579	18,395,579	0
Operating Expense	11,106,337	10,906,337	-200,000
Total	29,501,916	29,301,916	-200,000
<u>Sources of Funds</u>			
State	27,973,478	27,773,478	-200,000
Federal	1,423,438	1,423,438	0
Interdept. Transfer	105,000	105,000	0
Total	29,501,916	29,301,916	-200,000

* * * State Highway Bridge Program * * *

Sec. 2a. PROGRAM DEVELOPMENT – STATE HIGHWAY BRIDGE PROGRAM

The following project is added to the development and evaluation (D&E) list of the Program Development – State Highway Bridge Program within the fiscal year 2018 Transportation Program: NH 020-2 () – Quechee – Rehab of Bridge 61 on U.S. Route 4 in the town of Hartford over the Ottauquechee River. To the extent funds become available as a result of the unanticipated delay of or cost savings on projects in the fiscal year 2018 Transportation Program, the funds may be spent as necessary for D&E of this project.

* * * Bike and Pedestrian Facilities Program; Lamoille Valley Rail Trail * * *

Sec. 3. REPEAL

(a) 2016 Acts and Resolves No. 158, Sec. 9a (Bike and Pedestrian Facilities Program; Lamoille Valley Rail Trail) is repealed.

(b) In the Program Development – Bike and Pedestrian Facilities Program section of the Agency’s fiscal year 2018 proposed Transportation Program, within the project information description for the Swanton–St. Johnsbury LVRT() project, the projected cash requirement fields are amended as follows:

(1) under “Projected FY 2019,” the estimated amount of construction expenditures and the total expenditures is amended from “980,000” to “1,000,000”;

(2) under “Projected FY 2020,” the estimated amount of construction expenditures and the total expenditures is amended from “0” to “1,000,000”; and

(3) under “Projected FY 2021,” the estimated amount of construction expenditures and the total expenditures is amended from “0” to “1,000,000.”

* * * Maintenance Program * * *

Sec. 4. MAINTENANCE

For fiscal year 2018, spending authority for the Maintenance Program is amended as follows:

<u>FY18</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	45,558,652	43,638,652	-1,920,000
Operating Expense	45,265,393	45,265,393	0
Grants	421,780	421,780	0
Total	91,245,825	89,325,825	-1,920,000
<u>Sources of Funds</u>			
State	87,376,083	87,376,083	0
Federal	3,769,742	1,849,742	-1,920,000
Interdept. Transfer	100,000	100,000	0
Total	91,245,825	89,325,825	-1,920,000

* * * License Plate Savings * * *

Sec. 4a. SAVINGS RELATED TO SINGLE LICENSE PLATES;
ANALYSIS; SPENDING AUTHORITY

(a) Secs. 2 and 5 of this act reallocate \$200,000.00 in spending authority from the Department of Motor Vehicles (DMV) to the Town Highway Class 2 Roadway Program as result of cost savings projected to result from the requirement that DMV issue one license plate instead of two license plates for most motor vehicles registered in Vermont.

(b) On or before December 1, 2017, the Commissioner of Motor Vehicles shall provide the House and Senate Committees on Appropriations and on Transportation an updated analysis of cost savings projected to result in fiscal year 2018 from requiring one license plate. If the cost savings are projected to exceed \$200,000.00, the Administration shall propose in its fiscal year 2018 Budget Adjustment Act submission an increase in spending authority for the Town Highway Class 2 Roadway Program for fiscal year 2018, and a decrease in spending authority for the Department of Motor Vehicles for fiscal year 2018, to the extent the savings are projected to exceed \$200,000.00.

* * * Town Highway Bridge Program * * *

Sec. 4b. TOWN HIGHWAY BRIDGE PROGRAM

The following project is added to the Town Highway Bridge Program within the fiscal year 2018 Transportation Program: FLAP (1) – Derby – culvert replacement on the access road to the Eagle Point Wildlife Management Area in Derby. To the extent funds become available for the project from the Federal Lands Access Program in fiscal year 2018, the funds may be expended as necessary for advancement of this project.

* * * Town Aid Programs * * *

Sec. 5. TOWN HIGHWAY CLASS 2 ROADWAY PROGRAM

For fiscal year 2018, spending authority for the Town Highway Class 2 Roadway Program is amended as follows:

<u>FY18</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	7,248,750	7,848,750	600,000
Total	7,248,750	7,848,750	600,000
<u>Sources of funds</u>			
State	7,248,750	7,848,750	600,000
Federal	0	0	0
Total	7,248,750	7,848,750	600,000

Sec. 6. TOWN HIGHWAY FEDERAL DISASTERS PROGRAM

Spending authority for the fiscal year 2018 Town Highway Federal Disasters Program is amended as follows:

<u>FY18</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	200,000	180,000	-20,000
Total	200,000	180,000	-20,000
<u>Sources of funds</u>			
State	20,000	20,000	0
Federal	180,000	160,000	-20,000
Total	200,000	180,000	-20,000

* * * Transportation Alternatives Program * * *

Sec. 7. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

* * *

(c) The Transportation Alternatives Grant Program is created. The Grant Program shall be administered by the Agency, and shall be funded in the amount provided for in 23 U.S.C. § ~~213(a)~~ 133(h), less the funds set aside for

the Recreational Trails Program as ~~specified in 23 U.S.C. § 213(f)~~. Awards shall be made to eligible entities as defined under 23 U.S.C. § ~~213(e)(4)~~ 133(h), and awards under the Grant Program shall be limited to the activities ~~described at 23 U.S.C. § 213(b) other than Recreational Trails Program grants authorized under federal law.~~

(d) Eligible entities awarded a grant must provide all funds required to match federal funds awarded for a Transportation Alternatives project. All grant awards shall be decided and awarded by the Transportation Alternatives Grant Committee.

(e) Transportation Alternatives grant awards shall be announced annually by the Transportation Alternatives Grant Committee not earlier than December and not later than the following March.

(f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.

(2) Each In fiscal year 2020 and thereafter, \$1,100,000.00 of Grant Program funds, or such lesser sum if all eligible applications amount to less than \$1,100,000.00, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects. Regarding the balance of Grant Program funds, in evaluating applications for Transportation Alternatives grants, the Transportation Alternatives Grant Committee shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the Transportation Alternatives Grant Committee.

* * *

Sec. 8. MUNICIPAL MITIGATION ASSISTANCE PROGRAM

Authorized spending in the Municipal Mitigation Assistance Program for fiscal year 2018 is amended as follows:

<u>FY18</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Operating Expenses	150,000	150,000	0
Grants	8,032,342	9,032,342	1,000,000
Total	8,182,342	9,182,342	1,000,000
<u>Sources of Funds</u>			
State	1,640,000	1,240,000	-400,000
Federal	5,442,342	5,442,342	0
Clean Water Fund	1,100,000	1,100,000	0
Other	0	1,400,000	1,400,000

Total	8,182,342	9,182,342	1,000,000
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Sec. 9. FUTURE APPROPRIATIONS; REPEAL

2016 Acts and Resolves No. 158, Sec. 5 (future appropriations) is repealed.

Sec. 10. 19 V.S.A. § 306 is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

* * *

(c) State aid for town highway bridges. There shall be an annual appropriation for town bridge engineering services and for aid in maintaining or constructing bridges having a span of six feet or more on class 1, 2, and 3 town highways. Annually the Agency shall ~~distribute~~ expend these funds according to ~~a the Transportation Program plan based upon applications submitted by the towns approved by the General Assembly.~~ With the approval of the Agency, funds may be used for alternatives which eliminate the need for a bridge or bridges, including construction or reconstruction of highways, purchase of parcels of land that would be landlocked by closure of a bridge or bridges, payment of damages for loss of highway access, and substitution of other means of access.

* * *

(i) ~~Monies disbursed from the Clean Water Fund established in 10 V.S.A. § 1388 for~~ The Agency shall administer the Municipal Mitigation Assistance Program. Through the Program, the Agency shall provide assistance and grants to municipalities for environmental mitigation projects related to stormwater and highways shall be administered by the Agency through the Municipal Mitigation Grant Program and for the establishment and operation of stormwater utilities. Grants provided to municipalities under the Program shall be matched by Municipalities shall match grants with local funds sufficient to cover 20 percent of the project costs, except that the Agency may issue grants for the establishment or operation of stormwater utilities without requiring a local match. From the operating expenses appropriated for the Program, the Agency is authorized to pay costs billed to the Agency by municipal stormwater utilities.

* * *

* * * Central Garage * * *

Sec. 11. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2018, the amount of \$1,296,047.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

* * * Transportation Program Terminology * * *

Sec. 12. 19 V.S.A. § 10 is amended to read:

§ 10. DUTIES

The Agency shall, except where otherwise specifically provided by law:

* * *

(16) Inform the Joint Transportation Oversight Committee of any anticipated loss or reduction of federal funding for transportation purposes due to either a lack of State funds for matching, or a decrease in federal funds for the ~~one year capital program~~ Transportation Program.

* * *

Sec. 13. 19 V.S.A. § 10g is amended to read:

§ 10g. ANNUAL REPORT; TRANSPORTATION PROGRAM;
ADVANCEMENTS, CANCELLATIONS, AND DELAYS

(a) The Agency of Transportation shall annually present to the General Assembly a multiyear Transportation Program covering the same number of years as the Statewide Transportation Improvement ~~Plan~~ Program (STIP), consisting of the recommended budget for all Agency activities for the ensuing fiscal year and projected spending levels for all Agency activities for the following fiscal years. The Program shall include a description and year-by-year breakdown of recommended and projected funding of all projects proposed to be funded within the time period of the STIP and, in addition, a description of all projects that are not recommended for funding in the first fiscal year of the proposed Program but which are scheduled for construction during the time period covered by the STIP. The Program shall be consistent with the planning process established by 1988 Acts and Resolves No. 200, as codified in 3 V.S.A. chapter 67 and 24 V.S.A. chapter 117, the statements of policy set forth in sections 10b–10f of this title, and the long-range systems plan, corridor studies, and project priorities developed through the capital planning process under section 10i of this title.

* * *

Sec. 14. 19 V.S.A. § 1512 is amended to read:

§ 1512. UTILITY RELOCATIONS

(a) When relocation of a utility is required by a project for the improvement, construction, or reconstruction of a highway under the provisions of this chapter, the ~~agency~~ Agency or a municipality, or both, may pay for some or all of the cost of the relocation.

(b) The ~~agency~~ Agency, following the procedures set forth in 3 V.S.A. chapter 25, shall adopt rules setting standards for determining when and to what extent the authority granted by subsection (a) of this section may be exercised. These standards shall take into account the following:

* * *

(4) the overall effect on the ~~state's transportation capital program~~ State's Transportation Program of using available highway construction funds for utility relocation purposes.

* * * Automated Vehicles * * *

Sec. 15. AUTOMATED VEHICLES

(a) On or before December 15, 2017, the Secretary shall convene a meeting of public and private stakeholders with expertise related to:

(1) the licensing of automated vehicle (AV) operators and the registration of AVs;

(2) AV operator education and training;

(3) insurance and liability issues related to AVs;

(4) enforcement of laws governing AV operation;

(5) inspections of AVs;

(6) testing of AVs in Vermont;

(7) emergency response practices in relation to AVs;

(8) infrastructure needs associated with the rollout of AVs; and

(9) social, economic, and environmental consequences of the rollout of AVs.

(b) The purpose of the meeting required under subsection (a) of this section is to gather information related to and raise awareness of opportunities and challenges related to AVs, and identify policy areas requiring further research or possible legislation. On or before January 15, 2018, the Secretary shall report back to the House and Senate Committees on Transportation on its activities and any recommendations related to AVs, including any proposed legislation.

(c) The Secretary shall monitor guidance from the federal government, activities in other states, and industry trends related to the development and rollout of AVs.

* * * Park and Rides * * *

Sec. 16. 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:

* * *

(4) "Highway" shall include park and rides.

* * *

* * * Distribution of Public Transit Program Funds * * *

Sec. 17. 24 V.S.A. § 5091 is amended to read:

§ 5091. FUNDING

(a) The Secretary of Transportation, within the annual budget setting process, shall meet with the Public Transit Advisory Council and representatives of public transit systems to establish the level of State funds needed by public transit systems in Vermont, and shall consider this level in formulating the Agency of Transportation's ~~State Budget request~~ proposed Transportation Program.

(b) State funds authorized by the ~~Legislature~~ General Assembly as grant assistance for the operation of public transit services shall be eligible for use as a matching source for federal funds.

(c) The same fiscal accountability requirements and regulatory standards shall apply to all grantees of funds as provided by rule of the Secretary of Transportation.

(d) Rideshare, capital, contracted services, and transportation brokerage services are not to be considered as operating funds under this section.

(e) State funds shall be paid ~~on a semi-annual payment basis~~ to eligible grantees ~~with the first payment paid immediately upon approval of the contract and the second payment to occur at the start of the third quarter of the State fiscal year~~ as follows:

(1) the first payment of 50 percent of the estimated annual fiscal year total shall be paid immediately upon execution of the grant;

(2) subsequent payments shall be paid quarterly based on projected need determined by current fiscal year spending and availability of funds;

(3) additional payments, if necessary, shall occur only if actual costs exceed the previous payments and if funds are available.

* * *

* * * Highways; Utility Facilities * * *

Sec. 18. 19 V.S.A. § 1111 is amended to read:

§ 1111. PERMITTED USE OF THE RIGHT-OF-WAY; RELOCATION OR ADJUSTMENT ORDERS

(a) Permits; relocation or adjustment orders.

(1) Permits must be obtained by anyone or any corporation wishing to use as described in this section any part of the highway right-of-way on either the State or town system. Notwithstanding any other statutory requirement, a permit shall be required for any use of any highway right-of-way, consistent with the provisions of this section. In issuing a permit under this section for a use of a State highway right-of-way, the Secretary may require a transportation impact fee in accordance with 10 V.S.A. chapter 151, subchapter 5. Except for this transportation impact fee authority of the Secretary, the authority given to the Board, the Secretary, and the Attorney General under this section shall also apply to the legislative bodies of towns, or their designees.

(2) Except in emergencies, the Agency or the municipality shall seek input and consider input received from affected utilities before issuing a utility relocation or adjustment order. In specifying the times for utility relocation or adjustment work, the Agency or the municipality shall allocate to each a reasonable time for its role in the relocation or adjustment work after taking into account:

(A) the season of the year; and

(B) the respective duties and responsibilities of the pole or conduit owner and the involved utilities, including the need to install, transfer, or retire individual components in a specific sequence.

(3) When the Agency or a municipality issues a utility relocation or adjustment order in accordance with law in connection with highway maintenance or construction activities, and a utility fails to move or adjust its line or other facility within the time specified in the order, that utility shall be liable to the State or to the municipality for damages that the State or the municipality is required to pay a contractor for delay caused by the failure.

However, a utility shall not be liable for such damages if its failure to move or adjust the line or facility is for reasons beyond its control, including: emergency restoration activities; inclement weather; timing restrictions imposed by law or permits; terms of collective bargaining agreements; or the failure of another utility to complete its assigned responsibilities for the installation, transfer, or retirement of its facilities. If the Agency or the selectboard cannot agree with a utility as to whether the utility is liable or as to the amount of damages under this subdivision (a)(3), the Agency or selectboard may bring an action in accordance with subsection (h) of this section.

* * *

(h) Restraining prohibited acts; damages. Whenever the Secretary believes that any person is in violation of the provisions of this chapter, he or she may also bring an action in the name of the Agency in a court of competent jurisdiction against the person to collect civil penalties as provided for in subsection (j) of this section ~~and~~, for damages, and to restrain by temporary or permanent injunction the continuation or repetition of the violation. The selectboard shall have the same authority for town highways. The Court may issue temporary or permanent injunctions without bond, and any other relief as may be necessary and appropriate for abatement of any violation. An action, injunction, or other enforcement proceeding by a municipality relating to the failure to obtain or comply with the terms and conditions of any permit issued by a municipality pursuant to this section shall be instituted within 15 years from the date the alleged violation first occurred and not thereafter. The burden of proving the date on which the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

* * *

* * * Effective Dates * * *

Sec. 19. EFFECTIVE DATES AND RETROACTIVITY

(a) This section, Sec. 9 (future appropriations; repeal), and Sec. 15 (automated vehicles) shall take effect on passage. Notwithstanding 1 V.S.A. § 214, Sec. 9 shall apply retroactively to July 1, 2016.

(b) All other sections shall take effect on July 1, 2017.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Brennan of Colchester** 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. Brennan of Colchester
Rep. Potter of Clarendon
Rep. Bissonnette of Winooski

Thereupon, on motion of **Rep. Savage of Swanton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Adjournment

At three o'clock and twenty-three minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, April 20, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Pastor Deborah McKinley, East Craftsbury Presbyterian Church, East Craftsbury, VT.

Message from the Senate No. 47

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

Madam Speaker:

I am directed to inform the House that:

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

- H. 3.** An act relating to burial depth in cemeteries.
- H. 136.** An act relating to accommodations for pregnant employees.
- H. 145.** An act relating to establishing the Mental Health Crisis Response Commission.
- H. 184.** An act relating to evaluation of suicide profiles.
- H. 462.** An act relating to social media privacy for employees.
- H. 502.** An act relating to modernizing Vermont's parentage laws.
- H. 507.** An act relating to Next Generation Medicaid ACO pilot project reporting requirements.

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 a joint resolution originating in the House of the following title:

J.R.H. 7. Joint resolution authorizing the Green Mountain Boys State educational program to use the State House.

And has adopted the same in concurrence.

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. 42. An act relating to appointing municipal clerks and treasurers and to municipal audit penalties.

Senator Collamore
Senator Ayer
Senator Pearson.

H. 171. An act relating to expungement.

Senator Nitka
Senator Sears
Senator Benning.

H. 494. An act relating to the Transportation Program and miscellaneous changes to transportation-related law.

Senator Mazza
Senator Westman
Senator Degree.

Bill Referred to Committee on Ways and Means

S. 122

Senate bill, entitled

An act relating to increased flexibility for school district mergers

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 213

Rep. Ancel of Calais moved that the committee on Ways and Means be relieved of House bill, entitled

An act relating to establishing statewide access to drug and DUI treatment courts

And that the bill be committed to the committee on Appropriations, which was agreed to.

**Proposal of Amendment Agreed To; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 12

Senate bill, entitled

An act relating to increasing the maximum prison sentence for first, second, and subsequent offenses of aggravated animal cruelty

Was taken up and pending third reading of the bill, **Rep. Wright of Burlington** moved to amend the House proposal of amendment as follows:

In Sec. 1, 13 V.S.A. § 353(a)(5), after “attempting to kill an animal belonging to another” by inserting “or subdivision 352(2) of this title by torturing, administering poison to, or cruelly beating or mutilating an animal”

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;
Bill Passed in Concurrence with Proposal of Amendment**

S. 75

Senate bill, entitled

An act relating to aquatic nuisance species control

Was taken up and pending third reading of the bill, **Rep. Brennan of Colchester** moved to amend the House proposal of amendment as follows:

First: In Sec. 2, 10 V.S.A. § 1454, by adding a new subsection (e) to read as follows:

(e) Presumption of compliance; Aquatic nuisance species inspection station. A person transporting a vessel to or from a water will be presumed to have not violated subsections (a), (b), and (d) of this section if, upon launching a vessel and upon leaving a water, the vessel is decontaminated at an approved aquatic nuisance inspection station. If staff of an approved aquatic nuisance inspection station observe a violation of subsection (a), (b), or (d) of this section, staff shall notify the person transporting the vessel.

And by relettering the subsequent subsections to be alphabetically correct

Second: In Sec. 4, 10 V.S.A. § 1461, in subsection (c), by striking out the last sentence in the subsection in its entirety

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Third Reading; Bill Passed in Concurrence**S. 96**

Senate bill, entitled

An act relating to a news media privilege

Was taken up and read the third time.

Pending the question, Shall the bill pass in concurrence? **Rep. Grad of Moretown** 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? was decided in the affirmative. Yeas, 140. Nays, 2.

Those who voted in the affirmative are:

Ancel of Calais	Gonzalez of Winooski	Noyes of Wolcott
Bancroft of Westford	Grad of Moretown	Ode of Burlington
Bartholomew of Hartland	Graham of Williamstown	Olsen of Londonderry
Baser of Bristol	Greshin of Warren	O'Sullivan of Burlington
Batchelor of Derby	Haas of Rochester	Parent of St. Albans Town
Beck of St. Johnsbury	Harrison of Chittenden	Partridge of Windham
Belaski of Windsor	Head of South Burlington	Pearce of Richford
Beyor of Highgate	Hebert of Vernon	Poirier of Barre City
Bissonnette of Winooski	Helm of Fair Haven	Potter of Clarendon
Bock of Chester	Higley of Lowell	Pugh of South Burlington
Botzow of Pownal	Hill of Wolcott	Quimby of Concord
Brennan of Colchester	Hooper of Montpelier	Rachelson of Burlington
Briglin of Thetford	Hooper of Brookfield	Rosenquist of Georgia
Browning of Arlington	Houghton of Essex	Savage of Swanton
Burke of Brattleboro	Howard of Rutland City	Scheu of Middlebury
Canfield of Fair Haven	Hubert of Milton	Scheuermann of Stowe
Carr of Brandon	Jessup of Middlesex	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Jickling of Brookfield	Shaw of Pittsford
Christensen of Weathersfield	Joseph of North Hero	Sheldon of Middlebury
Christie of Hartford	Juskiewicz of Cambridge	Sibilia of Dover
Cina of Burlington	Keefe of Manchester	Smith of Derby
Colburn of Burlington	Keenan of St. Albans City	Smith of New Haven
Condon of Colchester	Kimbell of Woodstock	Squirrell of Underhill
Conlon of Cornwall	Kitzmiller of Montpelier	Stevens of Waterbury
Connor of Fairfield	Krowinski of Burlington	Strong of Albany
Conquest of Newbury	LaClair of Barre Town	Stuart of Brattleboro
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Sullivan of Dorset
Corcoran of Bennington	Lanpher of Vergennes	Sullivan of Burlington
Cupoli of Rutland City	Lawrence of Lyndon	Taylor of Colchester
Dakin of Colchester	Lefebvre of Newark	Terenzini of Rutland Town
Deen of Westminster	Lewis of Berlin	Till of Jericho
Devereux of Mount Holly	Lippert of Hinesburg	Toleno of Brattleboro
Dickinson of St. Albans	Long of Newfane	Toll of Danville
	Lucke of Hartford	Townsend of South Burlington
	Marcotte of Coventry	

Town	Martel of Waterford	Trieber of Rockingham
Donovan of Burlington	Masland of Thetford	Troiano of Stannard
Dunn of Essex	McCormack of Burlington	Turner of Milton
Emmons of Springfield	McCoy of Poultney	Van Wyck of Ferrisburgh
Fagan of Rutland City	McCullough of Williston	Walz of Barre City
Feltus of Lyndon	McFaun of Barre Town	Webb of Shelburne
Fields of Bennington	Miller of Shaftsbury	Weed of Enosburgh
Forguites of Springfield	Morris of Bennington	Willhoit of St. Johnsbury
Gage of Rutland City	Mrowicki of Putney	Wood of Waterbury
Gamache of Swanton	Murphy of Fairfax	Wright of Burlington
Gannon of Wilmington	Myers of Essex	Yacovone of Morristown
Gardner of Richmond	Nolan of Morristown	Yantachka of Charlotte
Giambatista of Essex	Norris of Shoreham	Young of Glover

Those who voted in the negative are:

Donahue of Northfield	Frenier of Chelsea
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Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Burditt of West Rutland	Viens of Newport City
Brumsted of Shelburne	Macaig of Williston	
Buckholz of Hartford	Morrissey of Bennington	

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 20

Rep. Beyor of Highgate, for the committee on Natural Resources, Fish & Wildlife, to which had been referred Senate bill, entitled

An act relating to permanent licenses for persons 66 years of age or older

Reported in favor of its passage in concurrence when amended by striking all after the enacting clause and inserting in lieu thereof the following as follows:

By striking out Sec. 2 (effective date) in its entirety and inserting in lieu thereof two new sections to be Secs. 2 and 3 to read:

Sec. 2. 10 V.S.A. § 1389 is amended to read:

§ 1389. CLEAN WATER FUND BOARD

(a) Creation. There is created a the Clean Water Fund Board which shall recommend to the Secretary of Administration expenditures from the Clean Water Fund. The Clean Water Fund Board shall be attached to the Agency of Administration for administrative purposes.

(b) Organization of the Board. The Clean Water Fund Board shall be composed of:

- (1) ~~the~~ The Secretary of Administration or designee;
- (2) ~~the~~ The Secretary of Natural Resources or designee;
- (3) ~~the~~ The Secretary of Agriculture, Food and Markets or designee;
- (4) ~~the~~ The Secretary of Commerce and Community Development or designee; and

(5) ~~the~~ The Secretary of Transportation or designee.

(6) Four members of the public to be appointed as follows:

(A) The Speaker of the House of Representatives shall appoint two members of the public, one of whom shall be a municipal official.

(B) The Committee on Committees shall appoint two members of the public, one of whom shall be a municipal official.

(C) Of the members appointed under this subdivision (6), it is the intent of the General Assembly that at any one time a member representing each of the following major watersheds shall be serving on the Board:

(i) the Connecticut River watershed;

(ii) the Hudson River watershed;

(iii) the Lake Champlain watershed; and

(iv) the Lake Memphremagog watershed.

(c) Officers; committees; rules; reimbursement.

(1) The Clean Water Fund Board shall annually elect a chair from its members. The Clean Water Fund Board may elect additional officers from its members, establish committees or subcommittees, and adopt procedural rules as necessary and appropriate to perform its work.

(2) Members of the Board who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 paid from the budget of the Agency of Administration for attendance of meetings of the Board.

* * *

(g) Terms; appointed members. Members who are appointed to the Clean Water Fund Board shall be appointed for terms of three years, except initially, appointments shall be made such that one member appointed by the Speaker shall be appointed for a term of two years, and one member appointed by the Committee on Committees shall be appointed for a term of one year. Vacancies on the Board shall be filled for the remaining period of the term in the same manner as initial appointments.

Sec. 3. EFFECTIVE DATES

(a) This section and Sec. 2 (Clean Water Fund Board) shall take effect on passage.

(b) Sec. 1 (permanent fishing and hunting licenses) shall take effect on January 1, 2018.

Rep. Canfield of Fair Haven, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on Natural Resources, Fish & Wildlife

Rep. Helm of Fair Haven, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Natural Resources, Fish and Wildlife.

The bill having appeared on the Calendar one day for notice, was taken up, read the second time, the reports of the committee on , Natural Resources, Fish and Wildlife, Ways and Means and Appropriations were agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 72

Rep. Kimbell of Woodstock, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to requiring telemarketers to provide accurate caller identification information

Reported in favor of its passage in concurrence with proposal of amendment when amended by striking all and inserting in lieu thereof the following:

* * * Telemarketers; Accurate Caller I.D. Information * * *

Sec. 1. 9 V.S.A. chapter 63, subchapter 1 is amended to read:

Subchapter 1. General Provisions

* * *

§ 2464a. PROHIBITED TELEPHONE SOLICITATIONS

(a) Definitions. As used in this section, section 2464b, and section 2464c of this title:

(1) “Customer” means a customer, residing or located in Vermont, of a company providing telecommunications service as defined in 30 V.S.A. § 203(5).

(2) “Caller identification information” means information a caller

identification service provides regarding the name and number of the person calling.

(3) “Caller identification service” means a service that allows a subscriber of the service to have the telephone number, and where available, the name of the calling party transmitted contemporaneously with the telephone call and displayed on a device in or connected to the subscriber’s telephone.

(4) “Federal functional regulator” means a federal functional regulator as defined in 15 U.S.C. § 6809(2).

~~(3)~~(5) “Financial institution” means a financial institution as defined in 15 U.S.C. § 6809(3).

~~(4)~~(6) “Tax-exempt organization” means an organization described in Section 501(c) of the Internal Revenue Service Code (26 U.S.C. § 501(c)).

~~(5)~~(7) “Telemarketer” means any telephone solicitor. However, “telemarketer” does not include any telephone solicitor who is otherwise registered or licensed with, or regulated or chartered by, the Secretary of State, the Public Service Board, the Department of Financial Regulation, or the Department of Taxes; or is a financial institution subject to regulations adopted pursuant to 15 U.S.C. § 6804(a) by a federal functional regulator. Telephone solicitors registered with the Department of Taxes to collect Vermont income withholding, sales and use, or meals and rooms tax, but not registered with any other agency listed in this subdivision, shall provide to the Secretary of State an address and agent for the purpose of submitting to the jurisdiction of the Vermont courts in any action brought for violations of this section.

~~(6)~~(8) “Telephone solicitation”:

(A) means the solicitation by telephone of a customer for the purpose of encouraging the customer to contribute to an organization ~~which~~ that is not a tax-exempt organization, or to purchase, lease, or otherwise agree to pay consideration for money, goods, or services; and

(B) does not include:

(i) telephone calls made in response to a request or inquiry by the called customer;

(ii) telephone calls made by or on behalf of a tax-exempt organization, an organization incorporated as a nonprofit organization with the State of Vermont, or an organization in the process of applying for tax-exempt status or nonprofit status;

(iii) telephone calls made by a person not regularly engaged in the activities listed in subdivision (A) of this subdivision ~~(6)~~(8); or

(iv) telephone calls made to a person with whom the telephone solicitor has an established business relationship.

~~(7)(9)~~ “Telephone solicitor” means any person placing telephone solicitations, or hiring others, on an hourly, commission, or independent contractor basis; to conduct telephone solicitations.

(b) Prohibition; Caller Identification Information.

(1) No telemarketer shall make a telephone solicitation to a telephone number in Vermont without having first registered in accordance with section 2464b of this title.

(2) No person shall make any telephone call to a telephone number in Vermont ~~which~~ that violates the Federal Trade Commission’s Do Not Call Rule, 16 C.F.R. subdivision 310.4(b)(1)(iii), or the Federal Communication Commission’s Do Not Call Rule, 47 C.F.R. subdivision 64.1200(c)(2) and subsection (d), as amended from time to time.

(3)(A) A person who places a telephone call to make a telephone solicitation, or to induce a charitable contribution, donation, or gift of money or other thing of value, shall transmit or cause to be transmitted to a caller identification service in use by the recipient of the call:

(i) the caller’s telephone number; and

(ii) if made available by the caller’s carrier, the caller’s name.

(B) Notwithstanding subdivision (A) of this subdivision (3), a caller may substitute for its own name and number the name and the number, which is answered during regular business hours, of the person on whose behalf the caller places the call.

(c) Violation. A violation of this section shall constitute a violation of section 2453 of this title. Each prohibited telephone call shall constitute a separate violation. In considering a civil penalty for violations of subdivision (b)(2) of this section, the court may consider, among other relevant factors, the extent to which a telephone solicitor maintained and complied with procedures designed to ensure compliance with the rules of the Federal Communications Commission and the Federal Trade Commission.

(d) Criminal Penalties. A telemarketer who makes a telephone solicitation in violation of subdivision (b)(1) of this section shall be imprisoned for not more than 18 months or fined not more than \$10,000.00, or both. It shall be an affirmative defense, for a telemarketer with five or fewer employees, that the telemarketer did not know, and did not consciously avoid knowing, that Vermont has a requirement of registration of telemarketers. Each telephone call shall constitute a separate solicitation under this section. This section shall

not be construed to limit a person's liability under any other civil or criminal law.

§ 2464b. REGISTRATION OF TELEMARKETERS

(a) Every telemarketer shall register with the Secretary of State, on a form approved by the Secretary. In the case of a telemarketer who hires, whether on an hourly, commission, or independent contractor basis, one or more persons to conduct telephone solicitations, only the person who causes others to conduct telephone solicitations need register. The Secretary of State may adopt rules prescribing the manner in which registration under this section shall be conducted, including a requirement of notice to the Secretary by the telemarketer when the telemarketer ceases to do business in Vermont.

(b) The Secretary of State shall require that each telemarketer designate an agent for the purpose of submitting to the jurisdiction of the Vermont courts in any action brought for violations of section 2464a of this title.

(c) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Registration: \$125.00.

(2) Statement of change of designated agent or designated office, or both: \$25.00, not to exceed \$1,000.00 per filer per calendar year.

§ 2464c. PRIVATE CAUSE OF ACTION

Any person who receives a telephone call in violation of subsection 2464a(b) of this title may bring an action in Superior Court for damages, injunctive relief, punitive damages in the case of a willful violation, and reasonable costs and attorney's fees. The ~~Court~~ court may issue an award for the person's actual damages or \$500.00 for a first violation, or \$1,000.00 for each subsequent violation, whichever is greater. In considering the amount of punitive damages, the ~~Court~~ court may consider, among other relevant factors, the extent to which a telephone solicitor maintained and complied with procedures designed to ensure compliance with the requirements of sections 2464a and 2464b of this title. This section shall not limit any other claims the person may have under applicable law.

* * *

* * * Data Brokers * * *

Sec. 2. DATA BROKERS; RECOMMENDATION

(a) Findings. The General Assembly finds that:

(1) The data broker industry brings benefits to society by:

(A) providing data necessary for the operation of both the public and private sectors;

(B) supporting the critical flow of information for interstate and intrastate commerce; and

(C) aiding in securing and protecting consumer identities.

(2) Despite these benefits, concerns have arisen about the data broker industry, including:

(A) how the data broker industry or persons accessing the industry may directly or indirectly harm vulnerable populations;

(B) the use of the data broker industry by those who harass, stalk, and otherwise harm others;

(C) whether appropriate safeguards are in place to assure that our most sensitive information is not sold to identity thieves, scammers, and other criminals; and

(D) the impact of the data broker industry on the privacy, dignity, and well-being of the people of Vermont.

(b) Recommendation. On or before December 15, 2017, the Commissioner of Financial Regulation and the Attorney General, in consultation with industry and consumer stakeholders, shall submit a recommendation or draft legislation to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs reflecting:

(1) an appropriate definition of the term “data broker”;

(2) whether and, if so, to what extent the data broker industry should be regulated by the Commissioner of Financial Regulation or the Attorney General;

(3) additional consumer protections that data broker legislation should seek to include that are not addressed within the framework of existing federal and State consumer protection laws; and

(4) proposed courses of action that balance the benefits to society that the data broker industry brings with actual and potential harms the industry may pose to consumers.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Commerce and Economic Development agreed to and third reading ordered.

**Committee Bill; Favorable Report;
Second Reading; Third Reading Ordered**

H. 526

Rep. Hubert of Milton spoke for the committee on Government Operations.

House bill entitled

An act relating to regulating notaries public

Rep. Browning of Arlington, for the committee on Ways and Means, recommended the bill ought to pass

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 536

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

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

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.

Adjournment

At two o'clock and seventeen 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.

Friday, April 21, 2017

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. Tom Stevens of Waterbury.

House Bill Introduced

H. 537

By Rep. Morris of Bennington,

House bill, entitled

An act relating to the professional regulation of massage therapists by the Office of Professional Regulation;

To the committee on Government Operations.

Bill Referred to Committee on Appropriations

H. 196

House bill, entitled

An act relating to paid family leave

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Recess

At nine o'clock and fifty-two minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and fifty-eight minutes in the forenoon, the Speaker called the House to order.

Third Reading; Bill Passed

H. 526

House bill, entitled

An act relating to regulating notaries public

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 536

House bill, entitled

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

Was taken up, read the third time and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 20

Senate bill, entitled

An act relating to permanent licenses for persons 66 years of age or older

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 72

Senate bill, entitled

An act relating to requiring telemarketers to provide accurate caller identification information

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Second Reading; Bill Amended; Third Reading Ordered

H. 333

Rep. Gonzalez of Winooski, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to identification of gender-free restrooms in public buildings and places of public accommodation

Reported in favor of its passage when amended as follows:

First: In Sec. 1, 18 V.S.A. chapter 40, in § 1792, Single-User Restrooms, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read:

(a) Any single-user toilet facility in a public building or place of public accommodation shall be made available for use by persons of any gender, and designated for use by no more than one occupant at a time or for family or assisted use. A single-user toilet facility may be identified by a sign, provided that the sign marks the facility as a restroom and does not indicate any specific gender.

Second: In Sec. 2, Effective Date, by striking out “passage” and inserting in lieu thereof July 1, 2017

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing and Military Affairs agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Strong of Albany** moved to amend the bill as follows:

In Sec. 1, 18 V.S.A. chapter 40, in § 1792, Single-User Restrooms, in subsection (b), by inserting after 20 V.S.A. § 2730 “, except that “public building” shall not mean a house of worship”

Thereupon, **Rep. Strong of Albany** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the bill be read a third time? **Rep. Head of South 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 read a third time? was decided in the affirmative. Yeas, 123. Nays, 19.

Those who voted in the affirmative are:

Ancel of Calais	Gardner of Richmond	Ode of Burlington
Bancroft of Westford	Giambatista of Essex	Olsen of Londonderry
Bartholomew of Hartland	Gonzalez of Winooski	O'Sullivan of Burlington
Baser of Bristol	Grad of Moretown	Parent of St. Albans Town
Beck of St. Johnsbury	Greshin of Warren	Partridge of Windham
Belaski of Windsor	Haas of Rochester	Pearce of Richford
Bissonnette of Winooski	Harrison of Chittenden	Poirier of Barre City
Bock of Chester	Head of South Burlington	Potter of Clarendon
Botzow of Pownal	Hill of Wolcott	Pugh of South Burlington
Brennan of Colchester	Hooper of Montpelier	Quimby of Concord
Briglin of Thetford	Hooper of Brookfield	Rachelson of Burlington *
Browning of Arlington	Houghton of Essex	Savage of Swanton
Brumsted of Shelburne	Howard of Rutland City	Scheu of Middlebury
Burke of Brattleboro	Jessup of Middlesex	Scheuermann of Stowe
Carr of Brandon	Jickling of Brookfield	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Shaw of Pittsford
Christensen of Weathersfield	Juskiewicz of Cambridge	Sheldon of Middlebury
Christie of Hartford	Keefe of Manchester	Sibilia of Dover
Cina of Burlington	Keenan of St. Albans City	Smith of Derby
Colburn of Burlington	Kimbell of Woodstock	Smith of New Haven
Condon of Colchester	Kitzmiller of Montpelier	Squirrel of Underhill
Conlon of Cornwall	Krowinski of Burlington *	Stevens of Waterbury
Connor of Fairfield	LaClair of Barre Town	Stuart of Brattleboro
Conquest of Newbury	Lalonde of South Burlington	Sullivan of Dorset
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Sullivan of Burlington
Corcoran of Bennington	Lefebvre of Newark	Taylor of Colchester
Cupoli of Rutland City	Lippert of Hinesburg	Till of Jericho
Dakin of Colchester	Long of Newfane	Toleno of Brattleboro
Deen of Westminster	Lucke of Hartford	Toll of Danville
Devereux of Mount Holly	Masland of Thetford	Townsend of South Burlington
Dickinson of St. Albans Town	McCormack of Burlington	Trieber of Rockingham
Donahue of Northfield	McCoy of Poultney	Troiano of Stannard
Donovan of Burlington	McCullough of Williston	Turner of Milton
Dunn of Essex	McFaun of Barre Town	Walz of Barre City
Emmons of Springfield	Miller of Shaftsbury	Weed of Enosburgh
Fagan of Rutland City	Morris of Bennington	Wood of Waterbury
Feltus of Lyndon	Morrissey of Bennington	Wright of Burlington
Fields of Bennington	Mrowicki of Putney	Yacovone of Morristown
Forguites of Springfield	Murphy of Fairfax	Yantachka of Charlotte
Gannon of Wilmington	Myers of Essex	Young of Glover
	Nolan of Morristown	
	Norris of Shoreham	
	Noyes of Wolcott	

Those who voted in the negative are:

Batchelor of Derby	Hebert of Vernon	Rosenquist of Georgia
Beyor of Highgate	Helm of Fair Haven	Strong of Albany
Canfield of Fair Haven	Higley of Lowell	Terenzini of Rutland Town
Frenier of Chelsea *	Hubert of Milton	Van Wyck of Ferrisburgh
Gage of Rutland City	Lewis of Berlin	Viens of Newport City
Gamache of Swanton *	Marcotte of Coventry	
Graham of Williamstown	Martel of Waterford	

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

Ainsworth of Royalton	Lanpher of Vergennes	Willhoit of St. Johnsbury
Buckholz of Hartford	Macaig of Williston	
Burditt of West Rutland	Webb of Shelburne	

Rep. Frenier of Chelsea explained his vote as follows:

“Madam Speaker:

Some people come to know their God best when they worship with members of their own gender. Their custom is to have separated restrooms. The smallest temples, mosques and churches have only single stall restrooms. We have stepped on their customs.”

Rep. Gamache of Swanton explained her vote as follows:

“Madam Speaker:

I voted no on H.333 because there is no accommodation for houses of worship. This is overreach by the Vermont State Government and violates the traditional practice of religious freedom guaranteed by the U.S. Constitution and 1st amendment.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

I support this legislation because it sends the message that we value all Vermonters and strive for inclusiveness in all communities.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

H.333 will bring safety to people who get threatened by picking what others deem the “wrong bathroom.” I know many will experience less trauma, including children, in having a very basic need met.”

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 127

Rep. Brennan of Colchester, for the committee on Transportation, to which had been referred Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Special Plates and Placards for Persons With Disabilities * * *

Sec. 1. 23 V.S.A. § 304a is amended to read:

§ 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR
PEOPLE WITH DISABILITIES

(a) The following definitions shall apply to this section:

* * *

(6) "Eligible person" means:

(A) a person who is blind or has an ambulatory disability and has been issued a special registration plate or a windshield placard by this State or another state;

(B) a person who is transporting a person described in subdivision (A) of this subdivision (6); or

(C) a person transporting a person who is blind or has an ambulatory disability on behalf of an organization that has been issued a special registration plate or a windshield placard by this State or another state for the purpose of transporting a person who is blind or has an ambulatory disability.

* * *

(e)(1) A person, other than an eligible person, who for his or her own purposes parks a vehicle in a space for persons with disabilities shall be ~~fin~~ subject to a civil penalty of not less than \$200.00 for each violation and shall be liable for towing charges.

(2) A person, other than an eligible person, who displays a special registration plate or removable windshield placard not issued to him or her under this section and parks a vehicle in a space for persons with disabilities, shall be subject to a civil penalty of not less than \$400.00 for each violation and shall be liable for towing charges.

~~(3) He or she shall~~ A person who violates this section also shall be liable for storage charges not to exceed \$12.00 per day, and an artisan's lien may be imposed against the vehicle for payment of the charges assessed.

(4) The person in charge of the parking space or spaces for persons with a disability or any duly authorized law enforcement officer shall cause the removal of a vehicle parked in violation of this section.

(5) A violation of this section shall be considered a traffic violation within the meaning of 4 V.S.A. chapter 29.

* * *

* * * Special License Plates * * *

Sec. 2. 23 V.S.A. § 304b is amended to read:

§ 304b. CONSERVATION MOTOR VEHICLE REGISTRATION PLATES

* * *

(b) Initial fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$12.00~~ 46 percent to the Transportation Fund.

(2) ~~\$7.00~~ 27 percent to the Department of Fish and Wildlife for deposit into the Nongame Wildlife Account created in 10 V.S.A. § 4048.

(3) ~~\$7.00~~ 27 percent to the Department of Fish and Wildlife for deposit into the Watershed Management Account created in 10 V.S.A. § 4050.

(c) Renewal fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$11.00~~ 42 percent to the Department of Fish and Wildlife for deposit into the Nongame Wildlife Account created in 10 V.S.A. § 4048.

(2) ~~\$11.00~~ 42 percent to the Department of Fish and Wildlife for deposit into the Watershed Management Account created in 10 V.S.A. § 4050.

(3) ~~\$4.00~~ 16 percent to the Transportation Fund.

(d) The Commissioner of Fish and Wildlife is authorized to deposit fees collected by the Department of Fish and Wildlife under subsections (b) and (c) of this section into the Conservation Camp Fund when the fees collected exceed the annual funding needs of the Nongame Wildlife Account and the Watershed Management Account.

Sec. 3. 23 V.S.A. § 304c is amended to read:

§ 304c. MOTOR VEHICLE REGISTRATION PLATES: BUILDING
BRIGHT SPACES FOR BRIGHT FUTURES FUND

* * *

(b) Fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$7.00~~ 29 percent to the Transportation Fund.

(2) ~~\$17.00~~ 71 percent to the Department for Children and Families for deposit in the Bright Futures Fund created in 33 V.S.A. § 3531.

(c) Renewal fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$19.00~~ 79 percent to the Department for Children and Families for deposit in the Bright Futures Fund in 33 V.S.A. § 3531.

(2) ~~\$5.00~~ 21 percent to the Transportation Fund.

(d) The Department of Motor Vehicles shall be charged by the Department of Corrections for the production of the Bright Futures Fund license plates.

* * * Annual Special Excess Weight Permits * * *

Sec. 4. 23 V.S.A. § 305 is amended to read:

§ 305. REGISTRATION PERIODS

(a) The Commissioner of Motor Vehicles shall issue registration certificates, validation stickers, and number plates upon initial registration, and registration certificates and validation stickers for each succeeding renewal period of registration, upon payment of the registration fee. Number plates so issued will become void one year from the first day of the month following the month of issue unless a longer initial registration period is authorized by law, or unless this period is extended through renewal. Registrations issued for motor trucks shall become void one year from the first day of the month following the month of issue. ~~The fees for annual special excess weight permits issued to these vehicles pursuant to section 1392 of this title shall be prorated so as to coincide with registration expiration dates.~~

* * *

* * * Temporary Registration * * *

Sec. 5. 23 V.S.A. § 312 is amended to read:

§ 312. TEMPORARY REGISTRATION PENDING ISSUANCE OF CERTIFICATE OF TITLE

(a) In his or her discretion, the Commissioner may issue a temporary registration certificate to a person required to obtain a certificate of title in accordance with chapter 21 of this title upon payment of the registration fee provided in subchapter 2 of this chapter and of the title fee. The temporary registration certificate and the number plate shall be valid for 60 days and shall not be renewed. At the expiration of the temporary registration, a permanent

registration certificate and a set of number plates shall be issued provided that all documents and information required by law are filed with the Commissioner.

(b) The registration fee paid in accordance with subsection (a) of this section shall not be refunded, except that the fee shall be deemed the fee for the permanent registration, if one is issued, or shall be deemed the fee for ~~another~~ an application for registration to register another vehicle, if the title requirements are met during that registration period. Likewise, the title fee shall be deemed the fee for the title, if one is issued, or shall be deemed the fee for an application to title another vehicle.

* * * Registration Transfers * * *

Sec. 6. 23 V.S.A. § 321 is amended to read:

§ 321. PROCEDURE UPON TRANSFER

Upon the transfer of ownership of any registered motor vehicle its registration shall expire. The person in whose name the transferred vehicle was registered shall immediately return direct to the Commissioner the registration certificate assigned to the transferred vehicle, with the date of sale and the name and residence of the new owner endorsed on the back. However, the Commissioner may accept any other satisfactory evidence of the above required information. The transferor shall forthwith remove the registration number plates from the transferred vehicle and may attach the same to another unregistered motor vehicle owned by him or her. Upon the transfer of registration plates from a motor vehicle, the registration of which has expired as above provided, to another motor vehicle, owned by the ~~transferor~~ transferor, the owner or operator shall not, for a period of ~~30~~ 60 days, be subject to a fine for the operation of the latter motor vehicle without the proper registration certificate, provided he or she has, within 24 hours of the transfer, made application, as provided in section 323 of this title, for transfer of the registration number plates. If such application for transfer is not so received by the Commissioner, the number plates shall be returned to the Commissioner at the end of five days after the transfer of ownership.

* * * Registration Fees; Local Transit Buses * * *

Sec. 7. 23 V.S.A. § 372a is amended to read:

§ 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

(a) The annual registration fee for any motor bus used in local transit or public transportation service shall be \$62.00, except for those vehicles owned by a municipality for such service that are subject to the provisions of section 376 of this title. In the event a bus registered for local transit or public

transportation service is thereafter registered for general use during the same registration year, such fee shall be applied towards the fee for general registration.

(b) As used in this section, a motor bus used in public transportation service ~~bus~~ is a bus used by a nonprofit public transit system as defined in 24 V.S.A. § 5088(3), and a motor bus used in local transit ~~bus~~ is a motor bus used entirely within or not more than ~~40~~ 100 miles beyond the boundaries of a city or town.

* * * Exhibition Vehicles * * *

Sec. 8. 23 V.S.A. § 373 is amended to read:

§ 373. EXHIBITION VEHICLES; YEAR OF MANUFACTURE PLATES

(a) The annual fee for the registration of a motor vehicle which is maintained ~~solely~~ for use in exhibitions, club activities, parades, and other functions of public interest and which is not used for ~~the~~ general daily transportation of passengers or property on any highway, ~~except to attend such functions,~~ shall be \$21.00, in lieu of fees otherwise provided by law. Permitted use shall include:

(1) use in exhibitions, club activities, parades, and other functions of public interest; and

(2) occasional transportation of passengers or property not more than one day per week.

* * *

* * * Licenses and Permits to Operate; Refusals to Issue * * *

Sec. 9. 23 V.S.A. § 603(c) is amended to read:

(c) An ~~operator~~ operator's license, junior ~~operator~~ operator's license, or ~~learner~~ learner's permit shall not be issued to an applicant whose license ~~or learner~~, learner's permit, or privilege to operate is suspended, revoked, or canceled in any jurisdiction.

Sec. 10. CONFORMING CHANGES

(a) In 23 V.S.A. § 601(b), the phrase "operator licenses" shall be replaced with "operator's licenses" wherever it appears.

(b) In 23 V.S.A. § 603(b) and (d), wherever they appear:

(1) The phrase "operator license" shall be replaced with "operator's license."

(2) The phrase "junior operator license" shall be replaced with "junior operator's license."

(3) The phrase “learner permit” shall be replaced with “learner’s permit.”

* * * Learner’s Permits; Operation Under * * *

Sec. 11. 23 V.S.A. § 615 is amended to read:

§ 615. UNLICENSED OPERATORS

(a)(1)(A) An unlicensed person 15 years of age or older may operate a motor vehicle if he or she possesses a valid learner’s permit issued to him or her by the Commissioner, or by another jurisdiction in accordance with section 208 of this title, and if one of the following persons who is not under the influence of alcohol or drugs rides beside him or her:

(i) his or her licensed parent or guardian;

(ii) a licensed or certified driver education instructor;

(iii) a licensed examiner of the Department; or

(iv) a licensed person at least 25 years of age ~~rides beside him or her.~~

(B) A person described under subdivisions (A)(i)–(iv) of this subdivision (1) who, while under the influence of alcohol or drugs, rides beside an individual whom the person knows to be unlicensed shall be subject to the same penalties as for a violation of subsection 1130(b) of this title. A holder of a learner’s permit shall not be deemed to have violated this section if a person described under subdivisions (A)(i)–(iv) of this subdivision (1) rides beside him or her while the person is under the influence of alcohol or drugs.

(C) Nothing in this section shall be construed to permit a person against whom a revocation or suspension of license is in force, or a person younger than 15 years of age, or a person who has been refused a license by the Commissioner to operate a motor vehicle.

* * *

* * * Distracted Driving * * *

Sec. 12. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

PROHIBITED

* * *

(c) Penalties.

(1) A person who violates this section commits a traffic violation and shall be subject to a fine of not less than \$100.00 and not more than \$200.00 for a first violation, and of not less than \$250.00 and not more than \$500.00 for a second or subsequent violation within any two-year period.

(2) A person convicted of violating this section while operating within a ~~properly designated work zone in which construction, maintenance, or utility personnel are present~~ the following areas shall have ~~two~~ four points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction:

(A) a properly designated work zone in which construction, maintenance, or utility personnel are present; or

(B) a school zone marked with warning signs conforming to the Manual on Uniform Traffic Control Devices.

(3) A person convicted of violating this section outside ~~a work zone in which personnel are present~~ the areas designated in subdivision (2) of this subsection shall ~~not~~ have two points assessed against his or her driving record for a first conviction and four points assessed for a second or subsequent conviction.

* * *

Sec. 13. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a 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.)

(1) Two points assessed for:

* * *

(LL)(i) § 1095. Entertainment picture visible to operator;

(ii) § 1095b(c)~~(2)~~(3) Use of portable electronic device ~~in~~ outside work or school zone - first offense;

* * *

(3) Four points assessed for:

(A) § 1012. Failure to obey enforcement officer;

(B) § 1013. Authority of enforcement officers;

(C) § 1051. Failure to yield to pedestrian;

(D) § 1057. Failure to yield to persons who are

- blind;
- (E) § 1095b(c)(2) Use of portable electronic device in work or school zone—first offense;
- (F) § 1095b(c)(3) Use of portable electronic device outside work or school zone—second and subsequent offenses;
- (4) Five points assessed for:
- (A) § 1050. Failure to yield to emergency vehicles;
- (B) § 1075. Illegal passing of school bus;
- (C) § 1099. Texting prohibited;
- (D) § 1095b(c)(2) Use of portable electronic device in work or school zone—second and subsequent offenses;

* * *

* * * DUI-Related Provisions * * *

Sec. 14. 23 V.S.A. chapter 13, subchapter 13 is amended to read:

Subchapter 13. Drunken Driving

§ 1200. DEFINITIONS

As used in this subchapter:

* * *

(10) “Random retest” means a test of a vehicle operator’s blood alcohol concentration, other than a test required to start the vehicle, that is required at random intervals during operation of a vehicle equipped with an ignition interlock device.

* * *

§ 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND
DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

* * *

(b) Abstinence.

(1)(A) Notwithstanding any other provision of this subchapter, a person whose license or privilege to operate has been suspended or revoked for life under this subchapter may apply to the Driver Rehabilitation School Director and to the Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence

from consumption of alcohol or nonprescription regulated drugs, or both. The use of a regulated drug in accordance with a valid prescription shall not disqualify an applicant for reinstatement of his or her driving privileges unless the applicant used the regulated drug in a manner inconsistent with the prescription label.

(B) The beginning date for the period of abstinence shall be no sooner than the effective date of the suspension or revocation from which the person is requesting reinstatement and shall not include any period during which the person is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination to be conducted prior to reinstatement under this subdivision. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

* * *

§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR CERTIFICATE; PENALTIES

* * *

(e) ~~Except as provided in subsection (m) of this section, the~~ The holder of an ignition interlock RDL or ignition interlock certificate shall pay the costs of installing, purchasing or leasing, and removing the ignition interlock device as well as calibrating the device and retrieving data from it periodically as may be specified by the Commissioner.

* * *

(1)(1) The Commissioner, in consultation with any individuals or entities the Commissioner deems appropriate, shall adopt rules and may enter into agreements to implement the provisions of this section. The Commissioner shall not approve a manufacturer of ignition interlock devices as a provider in this State unless the manufacturer agrees to reduce the cost of installing, leasing, and deinstalling the device by at least 50 percent for persons who furnish proof of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits or like benefits in another state.

(2) The rules shall establish uniform performance standards for ignition interlock devices including required levels of accuracy in measuring blood alcohol concentration, efficacy in distinguishing valid breath samples, the occurrence of random retests while the vehicle is running, and automatic signaling by the vehicle if the operator fails such a retest. After an initial random retest to occur within 15 minutes of the vehicle starting, subsequent random retests shall occur on average not more often than once every 30 minutes. The Commissioner shall certify devices that meet these standards, specify any periodic calibration that may be required to ensure accuracy of the

devices, and specify the means and frequency of the retrieval and sharing of data collected by ignition interlock devices. ~~Persons who elect to obtain an ignition interlock RDL or certificate following a conviction under this subchapter when the person's blood alcohol concentration is proven to be 0.16 or more shall be required to install an ignition interlock device with a Global Positioning System feature.~~ The rules also shall establish a schedule of extensions of the period prior to eligibility for reinstatement as authorized under subsection (h) of this section.

* * *

* * * Length of Vehicles * * *

Sec. 15. 23 V.S.A. § 1402(b)(2) is amended to read:

(2) ~~Notwithstanding the provisions of this section, the Agency of Transportation may erect signs at those locations where it would be unsafe to operate vehicles in excess of 68 feet in length. [Repealed.]~~

Sec. 16. 23 V.S.A. § 1432 is amended to read:

§ 1432. LENGTH OF VEHICLES; ~~AUTHORIZED HIGHWAYS~~

* * *

(f) ~~List of approved highways. The Commissioner shall prepare a list of each highway that has been approved for travel by vehicles referred to in subsection (a) of this section. The list shall be furnished, without charge, to each permitting service, electronic dispatching service, or other similar service authorized to do business in this State and, upon request, to any interested person. [Repealed.]~~

* * * Transfer of Title, Registration; Vessels, Snowmobiles, and ATVs * * *

Sec. 17. 23 V.S.A. § 3816 is amended to read:

§ 3816. TRANSFER OF INTEREST IN VESSEL, SNOWMOBILE, OR ALL-TERRAIN VEHICLE

(a) If an owner transfers his or her interest in a vessel, snowmobile, or all-terrain vehicle, other than by the creation of a security interest, he or she shall, at the time of delivery of the vessel, snowmobile, or all-terrain vehicle, execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the Commissioner prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the Commissioner. Where title to a vessel, snowmobile, or all-terrain vehicle is in the name of more than one person, the nature of the ownership must be indicated by one of the following on the certificate of title:

* * *

(e)(1) Pursuant to the provisions of 14 V.S.A. § 313, whenever the estate of an individual who dies intestate consists principally of a vessel, snowmobile,

or all-terrain vehicle, the surviving spouse shall be deemed to be the owner of the vessel, snowmobile, or all-terrain vehicle and title to the vessel, snowmobile, or all-terrain vehicle shall automatically pass to the surviving spouse. ~~The surviving spouse may register~~ Upon request, the Department shall register and title the vessel, snowmobile, or all-terrain vehicle by paying a transfer fee not to exceed \$2.00 in the name of the surviving spouse, and no fee shall be assessed.

(2) Notwithstanding any contrary provision of law, and except as provided in subdivision (3) of this subsection, whenever the estate of an individual consists in whole or in part of a vessel, snowmobile, or all-terrain vehicle, and the person's will or other testamentary document does not specifically address disposition of the same, the surviving spouse shall be deemed to be the owner and title to the vessel, snowmobile, or all-terrain vehicle shall automatically pass to the surviving spouse. Upon request, the Department shall register and title the vessel, snowmobile, or all-terrain vehicle in the name of the surviving spouse, and no fee shall be assessed.

(3) This subsection shall not apply if the vessel, snowmobile, or all-terrain vehicle is titled in the name of one or more persons other than the decedent and the surviving spouse.

* * * Enforcement of Snowmobile and Boating Violations * * *

Sec. 18. REPEAL

12 V.S.A. chapter 193 (snowmobile and boating violations) is repealed.

Sec. 19. 23 V.S.A. § 3208 is amended to read:

§ 3208. ADMINISTRATION AND ENFORCEMENT

* * *

(d) The provisions of this subchapter and the rules adopted pursuant thereto shall be enforced by law enforcement officers as defined in section 3302 of this title in accordance with the provisions of ~~12 V.S.A. chapter 193~~ 4 V.S.A. chapter 29. Testimony of a witness as to the existence of navigation or snowmobile control signs, signals, or markings, shall be prima facie evidence that such control, sign, signal, or marking existed pursuant to a lawful statute, regulation, or ordinance and that the defendant was lawfully required to obey a direction of such device.

(e) Law enforcement officers as defined in section 3302 of this title, ~~in accordance with the provisions of 12 V.S.A. chapter 193,~~ may conduct safety inspections on snowmobiles stopped for other snowmobile law violations on the Statewide Snowmobile Trail System. Safety inspections may also be conducted in a designated area by law enforcement officials. A designated

area shall be warned solely by blue lights either on a stationary snowmobile parked on a trail or on a cruiser parked at a roadside trail crossing.

Sec. 20. 23 V.S.A. § 3318 is amended to read:

§ 3318. ADMINISTRATION AND ENFORCEMENT

(a) The administration of the provisions of this chapter, as they pertain to the registration and numbering of vessels and the suspension of the privilege to operate vessels, shall be the responsibility of the Department of Motor Vehicles.

* * *

(c) The provisions of this subchapter and the rules adopted pursuant to this subchapter shall be enforced by law enforcement officers as defined in section 3302 of this title in accordance with the provisions of ~~12 V.S.A. chapter 193~~ 4 V.S.A. chapter 29. Law enforcement officers as defined in section 3302 of this title may also enforce the provisions of 10 V.S.A. § 1454 and the rules adopted pursuant to 10 V.S.A. § 1424 in accordance with the requirements of 10 V.S.A. chapter 50.

* * * Motor Vehicle Purchase and Use Tax * * *

Sec. 21. 32 V.S.A. § 8902(5) is amended to read:

(5) “Taxable cost” means the purchase price as defined in subdivision (4) of this section or the taxable cost as determined under section 8907 of this title. For any purchaser who has paid tax on the purchase or use of a motor vehicle that was sold or traded by the purchaser or for which the purchaser received payment under a contract of insurance, the taxable cost of the replacement motor vehicle other than a leased vehicle shall exclude:

* * *

(B) the amount received from the sale of a motor vehicle last registered in his or her name, the amount not to exceed the ~~average book~~ clean trade-in value of the same make, type, model, and year of manufacture as designated by the manufacturer and as shown in the NADA Official Used Car Guide, ~~National Automobile Dealers Association~~ (New England edition), or any comparable publication, provided such sale occurs within three months of the taxable purchase. However, this three-month period shall be extended day-for-day for any time that a member of a guard unit or of the U.S. Armed Forces, as defined in 38 U.S.C. § 101(10), spends outside Vermont due to activation or deployment, and an additional 60 days following the person’s return from activation or deployment. Such amount shall be reported on forms supplied by the Commissioner of Motor Vehicles;

* * *

Sec. 22. 32 V.S.A. § 8907 is amended to read:

§ 8907. COMMISSIONER, COMPUTATION OF TAXABLE COSTS

(a) The Commissioner may investigate the taxable cost of any motor vehicle transferred subject to the provisions of this chapter. If the motor vehicle is not acquired by purchase in Vermont or is received for an amount which does not represent actual value, or if no tax form is filed or it appears to the Commissioner that a tax form contains fraudulent or incorrect information, the Commissioner may, in his or her discretion, fix the taxable cost of the motor vehicle at the ~~average book~~ clean trade-in value of vehicles of the same make, type, model, and year of manufacture as designated by the manufacturer, as shown in the ~~NADA Official Used Car Guide, National Automobile Dealers Association~~ (New England Edition) or any comparable publication, less the lease end value of any leased vehicle. The Commissioner may compute and assess the tax due thereon, and notify the purchaser thereof forthwith by certified mail, and the purchaser shall remit the same within 15 days thereafter.

* * *

Sec. 23. MOTOR VEHICLE PURCHASE AND USE TAX; EXTENSION
OF THREE-MONTH PERIOD TO REDUCE TAXABLE COST

(a) Notwithstanding 32 V.S.A. § 8902(5)(B), the three-month limitation on the period in which to reduce the taxable cost of a motor vehicle by the sale of a previously owned vehicle shall not apply in the case of vehicles sold to the manufacturer pursuant to buyback agreement under a Volkswagen, Audi, or Porsche diesel engine defeat device settlement or judgment, if the vehicle is sold to the manufacturer:

(1) on or before November 10, 2017, in the case of 2.0 liter diesel engine Volkswagens and Audis; or

(2) on or before one year after buybacks commence under the 3.0 liter diesel engine class action settlement for Volkswagens, Audis, and Porsches.

(b) If a person paid a purchase and use tax in excess of the amount that would have been required if this section had been in effect at the time of the tax payment, the Commissioner of Motor Vehicles, upon application, shall issue the person a refund in accordance with this section.

* * * Vermont Strong License Plates * * *

Sec. 24. VERMONT STRONG MOTOR VEHICLE PLATES

(a) In 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13, the General Assembly authorized the Department of Motor Vehicles to distribute "Vermont Strong" commemorative plates and authorized operators of certain Vermont-registered vehicles to

display the commemorative plates over the regular front registration plates of such vehicles until June 30, 2014. In 2014 Acts and Resolves No. 189, Sec. 26, the authorized display period was extended to June 30, 2016.

(b) Through an executive order issued on June 2, 2016, No. 3-74, the Governor ordered and directed that the Commissioner of Motor Vehicles continue to permit Vermonters to display Vermont Strong plates on the front of eligible vehicles and that Vermont law enforcement officers refrain from ticketing or otherwise penalizing any Vermonter for displaying a Vermont Strong plate on eligible vehicles “until the General Assembly next has the opportunity to consider and clarify the duration of Vermont Strong Commemorative License Plates.”

(c) Under 23 V.S.A. § 511(a), “A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the Commissioner may require.” The Commissioner has implemented this authority through a regulation, CVR 14-050-025, which states, “Two registration plates are issued to and must be displayed by all registered vehicles” with the exception of certain listed vehicles. The listed exceptions do not include pleasure cars or motor trucks, which therefore are required to display two registration plates unless otherwise provided by law.

(d) This subsection supersedes Executive Order 3-74. The display of Vermont Strong commemorative plates in place of front registration plates no longer is authorized. On and after September 1, 2017, the Commissioner of Motor Vehicles and law enforcement officers shall enforce the provisions of 23 V.S.A. § 511(a) and CVR 14-050-025 that require the display of two registration plates on pleasure cars and on motor trucks. Prior to September 1, 2017, the Commissioner shall take measures to raise public awareness that the display of Vermont Strong commemorative plates in place of front registration plates no longer is authorized.

* * * Incident Clearance; Duties; Limitation on Liability * * *

Sec. 25. 23 V.S.A. § 1102 is amended to read:

§ 1102. REMOVAL OF STOPPED VEHICLES

(a) ~~Any~~ Subject to subsection (c) of this section, any enforcement officer is authorized to:

(1) ~~move~~ cause the removal of a vehicle stopped, parked, or standing contrary to section 1101 of this title, or ~~to~~ require the driver or other person in charge to move the vehicle to a safe position off the ~~paved or~~ main-traveled part of the highway;

(2) ~~remove~~ cause the removal of an unattended vehicle ~~which~~ or cargo that is an obstruction to traffic or to maintenance of the highway to a garage or other place of safety;

(3) ~~remove~~ cause the removal of any vehicle found upon a highway, as defined in 19 V.S.A. § 1, to a garage or other place of safety when:

(A) the officer is informed by a reliable source that the vehicle has been stolen or taken without the consent of its owner; or

(B) the person in charge of the vehicle is unable to provide for its removal; or

(C) the person in charge of the vehicle has been arrested under circumstances ~~which~~ that require his or her immediate removal from control of the vehicle.

(b) In the case of a crash involving a serious bodily injury or fatality, clearance of the crash scene may be delayed until the crash investigation is completed.

(c) A towing operator shall undertake removal of a vehicle or cargo under this section only if summoned to the scene by the vehicle owner or vehicle operator, or an enforcement officer, and is authorized to perform the removal as follows:

(1) The owner or operator of the vehicle or cargo being removed shall summon to the scene the towing operator of the owner's or operator's choice in consultation with the enforcement officer and designate the location to where the vehicle or cargo is to be removed.

(2) The provisions of subdivision (1) of this subsection shall not apply when the owner or operator is incapacitated or otherwise unable to summon a towing operator, does not make a timely choice of a towing operator, or defers to the enforcement officer's selection of the towing operator.

(3) The authority provided to the owner or operator under subdivision (1) of this subsection may be superseded by the enforcement officer if the towing operator of choice cannot respond to the scene in a timely fashion and the vehicle or cargo is a hazard, impedes the flow of traffic, or may not legally remain in its location in the opinion of the enforcement officer.

(d)(1) Except as provided in subdivision (2) of this subsection, the vehicle owner and the motor carrier, if any, shall be responsible to the law enforcement agency or towing operator for reasonable costs incurred solely in the removal and subsequent disposition of the vehicle or cargo under this section.

(2) When applicable, the provisions of 10 V.S.A. § 6615 (liability for release of hazardous materials) shall apply in lieu of this subsection.

(e) Except for intentionally inflicted damage or gross negligence, an enforcement officer or a person acting at the direction of an enforcement officer who removes from a highway a motor vehicle or cargo that is obstructing traffic or maintenance activities or creating a hazard to traffic shall not be liable for damage to the vehicle or cargo incurred during the removal.

(f) Any enforcement officer causing the removal of a motor vehicle under this section shall notify the Department as to the location and date of discovery of the vehicle, date of removal of the vehicle, name of the towing service removing the vehicle, and place of storage. The officer shall record and remove from the vehicle, if possible, any information ~~which~~ that might aid the Department in ascertaining the ownership of the vehicle and forward ~~it~~ the information to the Department. A motor vehicle towed under authority of this section may qualify as an abandoned motor vehicle under subchapter 7 of chapter 21 of this title.

(g)(1) Except as otherwise provided in subdivision (2) of this subsection, the operator of a vehicle involved in a crash who is required by law to stop the vehicle, or who elects to stop the vehicle, at the crash scene shall move and stop the vehicle at the nearest location where the vehicle will not impede traffic or jeopardize the safety of a person.

(2) The duty to move a vehicle under subdivision (1) of this subsection shall not apply when:

(A) the crash involved the death of or apparent injury to any person;

(B) the vehicle to be moved was transporting hazardous material;

(C) the vehicle cannot be operated under its own power without further damage to the vehicle or the highway; or

(D) the movement cannot be made without endangering other highway users.

(3) An operator required to move a vehicle under this subsection who fails to do so shall not be ticketed, assessed a civil penalty, or have points assessed against his or her driving record.

Sec. 26. 23 V.S.A. § 1128 is amended to read:

§ 1128. ACCIDENTS—DUTY TO STOP

(a) The operator of a motor vehicle who has caused or is involved in ~~an accident~~ a crash resulting in injury to any person other than the operator, or in damage to any property other than the vehicle then under his or her control, shall immediately stop and render any assistance reasonably necessary. Subsection 1102(g) of this title (stopping not to impede traffic or jeopardize safety; exceptions) governs the location where a person shall stop. The

operator shall give his or her name, residence, license number, and the name of the owner of the motor vehicle to any person who is injured or whose property is damaged and to any enforcement officer. A person who violates this section shall be fined not more than \$2,000.00 or imprisoned for not more than two years, or both.

* * *

* * * Inspections; Mail Carrier Vehicles * * *

Sec. 27. 23 V.S.A. § 1222(e) is added to read:

(e) A vehicle used as a mail carrier under a contract with the U.S. Postal Service shall not fail inspection solely because, in converting the vehicle to be a right-hand drive vehicle, the right air bag in the front compartment has been disconnected or a nonfactory disconnect switch has been installed to disable the air bag.

* * * Motorboat Safety Equipment * * *

Sec. 28. 23 V.S.A. § 3306 is amended to read:

§ 3306. LIGHTS AND EQUIPMENT

(a) Every vessel shall carry and show the following lights when underway between sunset and sunrise:

* * *

(3) motorboats 26 feet or longer, a white light aft showing all around, visible for at least two miles, ~~a white light in the forepart of the boat showing all around,~~ and a light in the forepart of the boat showing red to port and green to starboard, visible at least one mile;

* * *

(g) Motorboats operated on waters that the U.S. Coast Guard has determined to be navigable waters of the United States and therefore subject to the jurisdiction of the United States must have lights and other safety equipment as required by U.S. Coast Guard rules and regulations.

Sec. 29. 23 V.S.A. § 3317 is amended to read:

§ 3317. PENALTIES

(a) A person who violates any of the following sections of this title shall be subject to a ~~fine~~ penalty of not more than \$50.00 for each violation:

* * *

§ 3306(a)–(d) <u>and (g)</u>	lights and equipment
§ 3307a	documented boat validation sticker
§ 3308	boat rental records
§ 3309	muffling device

- § 3311(c) distance requirements
- § 3311(d) underwater historic preserve area
- § 3311(e) overloaded vessel
- § 3311(h)-(i) authority of law enforcement officer
- § 3312 rules between vessels
- § 3313(b) failing to file report
- § 3315(a) water ski observer
- § 3315(c) improper ski towing
- § 3316 boat races

* * *

* * * Injury Prevention; Educational Resource * * *

Sec. 30. PREVENTING INJURY ON PROPERTY USED FOR
RECREATION

(a) The Secretary of Transportation, in consultation with the Commissioners of Fish and Wildlife and of Forests, Parks and Recreation, shall:

(1) Develop an educational resource for property owners related to the prevention of injuries arising from recreational use of property. At a minimum, this resource shall:

(A) note that failure to mark appropriately a chain, wire, cable, or similar material strung across a known path of recreational users can result in severe injury or death; and

(B) recommend means and methods to mark appropriately such chains, wires, cables, or similar materials.

(2) Take appropriate steps to cause this resource to be disseminated to owners of property in the State.

(b) Nothing in this section is intended to modify the rights, duties, liabilities, or defenses available to any person under any other law. Neither the existence of, nor the fact that a property owner received or may have received or been aware of, the educational resource required to be developed under this section shall be discoverable or used in any civil, criminal, or administrative proceeding.

* * * Effective Dates; Retroactivity; Sunset; Applicability * * *

Sec. 31. EFFECTIVE DATES; RETROACTIVITY; SUNSET;

APPLICABILITY

(a)(1) This section and Secs. 9 (licenses and permits to operate; refusals to issue), 15 (signs regarding length of vehicles), 16 (list of approved highways), 23 (motor vehicle purchase and use tax; extension of three-month period to reduce taxable cost), 24 (Vermont Strong license plates), 25–26 (incident clearance), 27 (inspections; mail carrier vehicles), 28–29 (motorboat safety equipment), and 30 (injury prevention; educational resource) shall take effect on passage.

(2) In Sec. 14, 23 V.S.A. § 1209a(b) (reinstatement under Total Abstinence Program) shall take effect on passage.

(3) Notwithstanding 1 V.S.A. § 214, Sec. 23 shall apply retroactively to October 26, 2016.

(4) 23 V.S.A. § 1222(e), added in Sec. 27 (inspections; mail carrier vehicles), shall be repealed on July 1, 2020.

(b) In Sec. 14, 23 V.S.A. § 1213(1)(2) (timing of random retests and elimination of GPS requirement) shall take effect 60 days after passage of this act.

(c) All other sections shall take effect on July 1, 2017.

(d) In Sec. 14, 23 V.S.A. § 1213(1)(2) (timing of random retests and elimination of GPS requirement) shall apply to all persons with ignition interlock restricted driver's licenses as of the effective date of this provision and to persons whose underlying DUI offenses occurred prior to the effective date of this act, as well as to persons who obtain ignition interlock RDLs on or after the effective date of this provision.

(e) In Sec. 14, 23 V.S.A. § 1209a(b) (reinstatement under Total Abstinence Program) shall apply to persons whose periods of abstinence began prior to the effective date of this provision, as well as to persons who begin a period of abstinence on or after the effective date of this provision. In addition to hardship fee waivers authorized under 23 V.S.A. § 1209a(b), if a person's application for reinstatement under the Program was denied prior to the effective date solely because of use of a drug in accordance with a valid prescription, and the person used the drug in a manner consistent with the prescription label, the Commissioner shall waive the fee for a subsequent application.

Rep. Masland of Thetford, for the committee on Ways and Means, recommended that House propose to the Senate to amend the bill as recommended by the committee on Transportation

Pending the question, Shall the bill be read a third time? **Rep. Keefe of Manchester** moved to amend the report of the House Committee on Transportation as follows:

First: After Sec. 27, by inserting a new section and a reader assistance thereto to read as follows:

* * * Inspections; Emissions Repairs * * *

Sec. 27a. MOTOR VEHICLE INSPECTIONS; EMISSIONS REPAIRS

(a) As of March 20, 2017, the Department of Motor Vehicles has required all motor vehicle inspection stations to conduct inspections through an Automated Vehicle Inspection Program (AVIP). AVIP replaced a paper-based inspection program, and it requires inspection data to be collected and stored electronically.

(b) Notwithstanding 10 V.S.A. § 567 and C.V.R. 14-050-022 (inspection of motor vehicles), any vehicle inspected in Vermont prior to May 1, 2018 that fails the on board diagnostic (OBD) system portion of the inspection, if applicable, and passes the safety-related portion shall pass inspection and receive an inspection sticker, even if the vehicle has been subject to a prior inspection under AVIP and has previously failed the OBD system portion. In such cases, the inspection station shall provide the vehicle owner an inspection report indicating that the vehicle passed the safety portion of the inspection but failed the OBD portion, and that the owner has a 12-month period from the date of the inspection to make OBD system-related repairs.

Second: In Sec. 31 (effective dates), in subdivision (a)(1), after “27 (inspections; mail carrier vehicles),” by inserting the following: “27a (inspections; emissions repairs),”

Pending the question, Shall the recommendation of amendment by the Committee on Transportation be amended as offered by Rep. Keefe of Manchester? **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 recommendation of amendment by the Committee on Transportation be amended as offered by Rep. Keefe of Manchester? was decided in the affirmative. Yeas, 127. Nays, 11.

Those who voted in the affirmative are:

Ancel of Calais	Gamache of Swanton	Nolan of Morristown
Bancroft of Westford	Gannon of Wilmington	Norris of Shoreham
Baser of Bristol	Gardner of Richmond	Noyes of Wolcott

Batchelor of Derby	Giambatista of Essex	Ode of Burlington
Beck of St. Johnsbury	Gonzalez of Winooski	Olsen of Londonderry
Belaski of Windsor	Grad of Moretown	O'Sullivan of Burlington
Beyor of Highgate	Greshin of Warren	Partridge of Windham
Bissonnette of Winooski	Haas of Rochester	Pearce of Richford
Bock of Chester	Harrison of Chittenden	Poirier of Barre City
Botzow of Pownal	Head of South Burlington	Potter of Clarendon
Brennan of Colchester	Hebert of Vernon	Pugh of South Burlington
Briglin of Thetford	Helm of Fair Haven	Quimby of Concord
Browning of Arlington	Higley of Lowell	Rachelson of Burlington
Brumsted of Shelburne	Hill of Wolcott	Savage of Swanton
Burke of Brattleboro	Hooper of Montpelier	Scheu of Middlebury
Canfield of Fair Haven	Hooper of Brookfield	Scheuermann of Stowe
Carr of Brandon	Houghton of Essex	Shaw of Pittsford
Chesnut-Tangerman of Middletown Springs	Howard of Rutland City	Sibilia of Dover
Christensen of Weathersfield	Hubert of Milton	Smith of Derby
Christie of Hartford	Jessup of Middlesex	Smith of New Haven
Cina of Burlington	Jickling of Brookfield	Squirrell of Underhill
Condon of Colchester	Juskiewicz of Cambridge	Stevens of Waterbury
Conlon of Cornwall	Keefe of Manchester	Strong of Albany
Connor of Fairfield	Keenan of St. Albans City	Stuart of Brattleboro *
Conquest of Newbury	Kimbell of Woodstock	Sullivan of Dorset
Copeland-Hanzas of Bradford	Krowinski of Burlington	Taylor of Colchester
Corcoran of Bennington	LaClair of Barre Town	Terenzini of Rutland Town
Cupoli of Rutland City	Lalonde of South Burlington	Toleno of Brattleboro
Dakin of Colchester	Lawrence of Lyndon	Toll of Danville
Devereux of Mount Holly	Lefebvre of Newark	Townsend of South Burlington
Dickinson of St. Albans Town	Lewis of Berlin	Trieber of Rockingham
Donahue of Northfield	Lippert of Hinesburg	Troiano of Stannard
Donovan of Burlington	Long of Newfane	Turner of Milton
Dunn of Essex	Lucke of Hartford	Van Wyck of Ferrisburgh
Emmons of Springfield	Marcotte of Coventry	Viens of Newport City
Fagan of Rutland City	Martel of Waterford	Walz of Barre City
Feltus of Lyndon	Masland of Thetford	Willhoit of St. Johnsbury
Fields of Bennington	McCoy of Poultney	Wood of Waterbury
Forguites of Springfield	McFaun of Barre Town	Wright of Burlington
Frenier of Chelsea	Morris of Bennington	Yacovone of Morristown
Gage of Rutland City	Morrissey of Bennington	Yantachka of Charlotte
	Mrowicki of Putney	Young of Glover
	Murphy of Fairfax	
	Myers of Essex	

Those who voted in the negative are:

Bartholomew of Hartland	Kitzmiller of Montpelier	Sheldon of Middlebury
Deen of Westminster	McCormack of Burlington	Sullivan of Burlington
Graham of Williamstown	McCullough of Williston	Weed of Enosburgh
Joseph of North Hero	Sharpe of Bristol	

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

Ainsworth of Royalton	Lanpher of Vergennes	Rosenquist of Georgia
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Buckholz of Hartford
Burditt of West Rutland
Colburn of Burlington

Macaig of Williston
Miller of Shaftsbury
Parent of St. Albans Town

Till of Jericho
Webb of Shelburne

Rep. Graham of Williamstown explained his vote as follows:

“Madam Speaker:

We pass laws expecting people to obey. Now we’re passing laws to allow people to violate federal law. I just don’t get it.”

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

I wholeheartedly commend the Transportation Committee for their excellent work on S.127 and for their ongoing commitment to improve our transportation system.

I also commend the ongoing work of my colleague Representative Mollie Burke of Brattleboro who has worked for years — in collaboration — with Transportation Committee veterans like chair Pat Brennan and Dave Potter to improve our transportation system and infrastructure while striving to safeguard the needs of poor Vermonters. Representative Burke, in particular, has worked tirelessly as a member of the Commerce Committee to implement and combat global climate change.

While I commend the intent of this amendment, I voted against it because I respect the committee process and believe it’s important to investigate fully how instituting higher inspection requirements would affect poor Vermonters.”

Thereupon, the bill having appeared on the Calendar one day for notice, was taken up, read the second time, the proposal of amendment of the committee on Transportation was agreed to and third reading ordered.

Joint Senate Resolution Amended; Third Reading Ordered

J.R.S. 25

Rep. Belaski of Windsor, for the committee on Corrections and Institutions, to which had been referred Joint Senate Resolution, entitled

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County and to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Land

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Joint resolution authorizing the Commissioner of Forest, Parks, and

Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County, to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Lands, to authorize the Commissioner to amend the Department of Forests, Parks and Recreation's existing lease with the Smuggler's Notch Management Company Ltd. and to authorize the Department to enter into a land exchange with the Smuggler's Notch Management Company Ltd.

Whereas, in 1996, the Department of Forests, Parks and Recreation acquired from the John Hancock Mutual Life Insurance Company a conservation easement for certain lands (known as the Hancock Lands) in Warren's Gore, and separately in 2005, the Department acquired a second conservation easement for inholdings within the former Hancock Lands in the town of Averill, and

Whereas, these easements envisioned that the covered lands could be subdivided and would be dedicated primarily to conservation purposes but commercial forestry management, including maple sugaring and syrup activities, were permissible, and

Whereas, the Department has now determined that the language in both easements is ambiguous concerning the construction of forestry management-related structures such as a sugarhouse, and

Whereas, upon consultation with the U.S. Forest Service, whose Forest Legacy Program facilitated the Department's acquisition of the easements, the Department has determined the easements should be amended with clarifying language subject to the approval of the owners of the parcels that resulted from the subdivision, and

Whereas, the Department owns the Bertha Tract in Mendon and the adjacent Burch Tract in Killington, both of which contain Green Mountain Club-held easements for segments of the Long Trail, and

Whereas, the Department proposes to sell these tracts to the Trust for Public Land in anticipation of their eventual transfer to the U.S. Forest Service for inclusion in the Green Mountain National Forest at which time the Green Mountain Club's easements would terminate and the covered Long Trail segments would be subject to federal protection, and

Whereas, in 1987, the Department entered into a lease with the Smuggler's Notch Management Company Ltd. (Smuggler's Notch), terminating in 2058 and renewable in ten-year increments, in which the Department leases 2,000 acres (the boundaries having last been amended in 2005) in the Mt. Mansfield State Forest to Smuggler's Notch for use as a ski resort, and

Whereas, under the terms of the lease, Smuggler's Notch's Madonna-

Sterling base lodge (and all other buildings and structures on the leasehold property) have remained State property, and

Whereas, the 45-year-old lodge is in need of major improvements and the current lease makes it economically difficult for Smuggler's Notch to finance these improvements, and

Whereas, Smuggler's Notch proposes to assume ownership of the base lodge and two acres of surrounding land contained in the leasehold and in exchange Smuggler's Notch proposes: (i) to relinquish its leasehold interest in approximately 330 acres of land near the summit of Whiteface Mountain, and (ii) to convey a right-of-way to the State across a separate parcel of land that Smuggler's Notch owns in the Mt. Mansfield State Forest, and

Whereas, Smuggler's Notch would be responsible for property taxes for the base lodge and the two-acre parcel and would continue to make payments in lieu of base lodge rent, using the formula now in place, and

Whereas, Smuggler's Notch will work with the Department to update the lease, and

Whereas, pursuant to the authority granted in 10 V.S.A. § 2606(b), the Commissioner of Forests, Parks and Recreation believes that these land transactions are 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:

First: To amend certain terms and conditions of the conservation easements that the Department acquired with federal Forest Legacy funding: (i) on approximately 31,000 acres (known as the Hancock Lands) from the John Hancock Mutual Life Insurance Company on December 17, 1996; and (ii) on 210 acres (known as the Averill Inholdings) from the Trust for Public Land on December 7, 2005 in order to clarify the allowed uses for forestry-management-related structures and facilities, including their associated infrastructure and utilities.

Second: To sell to the Trust for Public Land two tracts, with the goal that the Trust will subsequently convey these tracts to the U.S. Forest Service for inclusion in the Green Mountain National Forest: (i) an approximately 113-acre tract in the town of Mendon (known as the Bertha Tract), and (ii) a 58-acre tract in the town of Killington (known as the Burch Tract), both of which the Department acquired from the Green Mountain Club on March 31, 2003 and that the sale shall be pursuant to the terms of a mutually satisfactory purchase and sales agreement. The selling price shall be based on the tracts'

fair market value that an appraisal shall determine. The sale of these tracts is contingent on support from the towns of Mendon and Killington. The proceeds of the sale shall be deposited in the Agency of Natural Resources Land Acquisition Fund to be used to acquire additional properties for Long Trail protection purposes.

Third: To amend the lease between the Department and Smuggler's Notch to:

(1) Revise the leasehold boundary to conform to the land exchange authorized in the fourth provision of this resolution.

(2) Include new lease provisions: (i) authorizing the Department to add new terms to reflect new laws, administrative rules, and policies should the leasehold be sold, including the sale of all or substantially all of the lessee's assets; and (ii) clarifying the various types of revenue generated within the ski leasehold area that must be incorporated into the ski lease fee payment but not changing the underlying formula.

(3) Update the indemnification and liability language to meet current State requirements.

(4) Clarify public access rights to the leasehold land, including Smuggler's Notch's right to restrict access for safety reasons.

Fourth: To enter into a land exchange with Smuggler's Notch that provides for:

(1) The Department to convey to Smuggler's Notch the base lodge and approximately two acres of surrounding land located within the Smuggler's Notch leasehold.

(2) Smuggler's Notch's relinquishing to the State 330 acres more or less of land within the leasehold located below the summit of Whiteface Mountain.

(3) Smuggler's Notch's conveying to the Department, for management purposes in the Mt. Mansfield State Forest, a right-of-way, for a route to be mutually agreed upon, through a separate parcel of land that Smuggler's Notch owns on the west side of Route 108.

(4) That the proposed exchanges listed in subdivisions (1)–(3) of this provision of the resolution are contingent on the approval of the Town of Cambridge and that Smuggler's Notch's leasehold interest in the 330 more or less acres to be removed from the lease be equal or greater than the appraised value of the base lodge and two acres of surrounding land.

(5) That Smuggler's Notch, upon the conveyance of the base lodge and the surrounding approximately two acres to its ownership, shall continue to pay the Department 2.5 percent of all revenue generated at the base lodge for

as long as the lease shall remain in effect, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.

The resolution having appeared on the Calendar one day for notice, was taken up and read the second time, the report of the committee on Corrections and Institutions agreed to and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 265

The Senate proposed to the House to amend House bill, entitled
An act relating to the State Long-Term Care Ombudsman

The Senate proposes to the House to amend the bill as follows:

By striking out Sec. 3, effective date, and inserting in lieu thereof three new sections to be Secs. 3–5 to read as follows:

Sec. 3. 33 V.S.A. chapter 69, subchapter 3 is redesignated to read:

Subchapter ~~3~~ 4. Vermont Vulnerable Adult Fatality Review Team

Sec. 4. 33 V.S.A. chapter 69, subchapter 3 is added to read:

Subchapter 3. Protecting Against Financial Exploitation

§ 6951. DEFINITIONS

As used in this subchapter:

(1) “Agent” shall have the same meaning as in 14 V.S.A. § 3501.

(2) “Guardian” means a person appointed to serve as the guardian for a vulnerable adult pursuant to the process established in 14 V.S.A. chapter 111 or in 18 V.S.A. chapter 215.

(3) “Financial exploitation” means:

(A) using, withholding, transferring, or disposing of funds or property of a vulnerable adult, without or in excess of legal authority, for the wrongful profit or advantage of another;

(B) acquiring possession or control of or an interest in funds or property of a vulnerable adult through the use of undue influence, harassment, duress, or fraud; or

(C) the act of forcing or compelling a vulnerable adult against his or her will to perform services for the profit or financial advantage of another.

(4) “Vulnerable adult” shall have the same meaning as in section 6902

of this chapter.

§ 6952. CIVIL ACTION FOR RELIEF FROM FINANCIAL
EXPLOITATION

(a) Right of action. A vulnerable adult or his or her agent or guardian may bring an action in the Civil Division of the Superior Court pursuant to this section for relief against a natural person who, with reckless disregard or with knowledge, has engaged in the financial exploitation of the vulnerable adult. An action under this section shall be dismissed if the court determines the vulnerable adult is capable of expressing his or her wishes and that he or she does not wish to pursue the action.

(b)(1) Remedies. If the court finds that financial exploitation of a vulnerable adult has occurred, the court shall grant appropriate relief to the vulnerable adult, which may include money damages, injunctive relief, reasonable costs, attorney's fees, and equitable relief.

(2) If the financial exploitation was intentional, the court may grant exemplary damages not to exceed three times the value of economic damages.

(c) Effects on other parties. No relief granted or otherwise obtained pursuant to this section shall affect or limit in any way the right, title, or interest of a good faith purchaser, mortgagee, holder of a security interest, or other party who obtained an interest in property after its transfer from the vulnerable adult to the natural person who engaged in financial exploitation. No relief granted or otherwise obtained pursuant to this section shall affect any mortgage deed to the extent of the value provided by the mortgagee.

(d) Statute of limitations. The limitations period imposed by 12 V.S.A. § 511 shall apply to all actions brought pursuant to this subchapter.

§ 6953. OTHER RELIEF STILL AVAILABLE

Nothing in this subchapter shall be construed to limit the availability of other causes of action or relief at law or equity to which a vulnerable adult may be entitled under other State or federal laws or at common law.

Sec. 5. EFFECTIVE DATES

(a) Secs. 1 and 2 (State Long-Term Care Ombudsman) shall take effect on July 1, 2017.

(b) Secs. 3 and 4 (protecting against financial exploitation) and this section shall take effect on passage.

Which proposal of amendment was considered and concurred in.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 213

Rep. Toll of Danville moved that the committee on Appropriations be relieved of House bill, entitled

An act relating to establishing statewide access to drug and DUI treatment courts

And that the bill be committed to the committee on Judiciary, which was agreed to.

Message from the Senate No. 48

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

Madam Speaker:

I am directed to inform the House that:

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

H. 497. An act relating to health requirements for animals used in agriculture.

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 on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 123. House concurrent resolution designating Thursday, April 13, 2017 as Vermont Coalition of Runaway and Homeless Youth Programs and the Vermont Youth Development Program Awareness Day.

H.C.R. 124. House concurrent resolution congratulating Elizabeth Ainsworth of Bellows Falls on being chosen the 2017 Vermont Mother of the Year.

H.C.R. 125. House concurrent resolution congratulating the 2017 Norwich University Cadets NCAA Division III championship men's ice hockey team.

H.C.R. 126. House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks on winning their school's eighth consecutive Division I girls' cross-country championship.

H.C.R. 127. House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks on winning their school's

second-consecutive Division I boys' cross-country championship.

H.C.R. 128. House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on winning a fifth consecutive Division I girls' basketball championship.

H.C.R. 129. House concurrent resolution congratulating the 2017 Mount St. Joseph Academy Lady Mounties Division IV championship girls' basketball team.

H.C.R. 130. House concurrent resolution congratulating the 2016-17 Champlain Valley Union High School Redhawks Division I championship boys' Nordic skiing team.

H.C.R. 131. House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks State championship boys' volleyball team.

H.C.R. 132. House concurrent resolution honoring Norwich University ice hockey coach extraordinaire Mike McShane.

H.C.R. 133. House concurrent resolution congratulating the 2017 Williamstown High School Blue Devils on winning the Division III boys' basketball championship.

H.C.R. 134. House concurrent resolution congratulating the U-32 High School Raiders on winning the school's fourth consecutive Division II boys' outdoor track and field championship.

H.C.R. 135. House concurrent resolution congratulating the 2016 U-32 High School Raiders on winning consecutive Division II girls' outdoor track and field championships.

H.C.R. 136. House concurrent resolution congratulating Peter Gould on winning the 2016 Ellen McCulloch-Lovell Award in Arts Education.

H.C.R. 137. House concurrent resolution honoring Gary Wheelock for his dedicated service on behalf of the New England dairy industry.

H.C.R. 138. House concurrent resolution congratulating Maureen Eddy on graduating from the Team IMPACT program and the Saint Michael's College Purple Knights women's field hockey team for its devotion to this worthy endeavor.

H.C.R. 139. House concurrent resolution congratulating the 2017 North Country Union High School Falcons Division II championship boys' hockey team.

Adjournment

At one o'clock and fifteen minutes in the afternoon, on motion of **Rep.**

Savage of Swanton, the House adjourned until Tuesday, April 25, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 31.

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. 123

House concurrent resolution designating Thursday, April 13, 2017 as Vermont Coalition of Runaway and Homeless Youth Programs and the Vermont Youth Development Program Awareness Day;

H.C.R. 124

House concurrent resolution congratulating Elizabeth Ainsworth of Bellows Falls on being chosen the 2017 Vermont Mother of the Year;

H.C.R. 125

House concurrent resolution congratulating the 2017 Norwich University Cadets NCAA Division III championship men's ice hockey team;

H.C.R. 126

House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks on winning their school's eighth consecutive Division I girls' cross-country championship;

H.C.R. 127

House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks on winning their school's second-consecutive Division I boys' cross-country championship;

H.C.R. 128

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on winning a fifth consecutive Division I girls' basketball championship;

H.C.R. 129

House concurrent resolution congratulating the 2017 Mount St. Joseph Academy Lady Mounties Division IV championship girls' basketball team;

H.C.R. 130

House concurrent resolution congratulating the 2016-17 Champlain Valley Union High School Redhawks Division I championship boys' Nordic skiing team;

H.C.R. 131

House concurrent resolution congratulating the 2016 Champlain Valley Union High School Redhawks State championship boys' volleyball team;

H.C.R. 132

House concurrent resolution honoring Norwich University ice hockey coach extraordinaire Mike McShane;

H.C.R. 133

House concurrent resolution congratulating the 2017 Williamstown High School Blue Devils on winning the Division III boys' basketball championship;

H.C.R. 134

House concurrent resolution congratulating the U-32 High School Raiders on winning the school's fourth consecutive Division II boys' outdoor track and field championship;

H.C.R. 135

House concurrent resolution congratulating the 2016 U-32 High School Raiders on winning consecutive Division II girls' outdoor track and field championships;

H.C.R. 136

House concurrent resolution congratulating Peter Gould on winning the 2016 Ellen McCulloch-Lovell Award in Arts Education;

H.C.R. 137

House concurrent resolution honoring Gary Wheelock for his dedicated service on behalf of the New England dairy industry;

H.C.R. 138

House concurrent resolution congratulating Maureen Eddy on graduating from the Team IMPACT program and the Saint Michael's College Purple Knights women's field hockey team for its devotion to this worthy endeavor;

H.C.R. 139

House concurrent resolution congratulating the 2017 North Country Union High School Falcons Division II championship boys' hockey team;

[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 2017, seventy-fourth Biennial session.]

Tuesday, April 25, 2017

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Dede Cummings, publisher and poet, Brattleboro, VT.

Pledge of Allegiance

Page Eusebio Aja, III of Barre led the House in the Pledge of Allegiance.

Bill Referred to Committee on Ways and Means**S. 136**

Senate bill, entitled

An act relating to miscellaneous consumer protection provisions

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations**S. 122**

Senate bill, entitled

An act relating to increased flexibility for school district mergers

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations**S. 133**

Senate bill, entitled

An act relating to examining mental health care and care coordination

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Referred to Committee**J.R.H. 9**

Joint resolution supporting the sentiments expressed in "Free Inquiry on Campus: A Statement of Principles by over One Hundred Middlebury College Professors"

Offered by: Representatives Scheuermann of Stowe and Turner of Milton

Whereas, according to the document "Free Inquiry on Campus: A Statement of Principles by over One Hundred Middlebury College Professors" (the

statement), on March 2, 2017, roughly 100 Middlebury College students prevented Dr. Charles Murray, a controversial visiting speaker, from addressing an audience when “unidentified assailants mobbed the speaker, and one of our faculty was seriously injured,” and

Whereas, this severe violation of academic freedom prompted a diverse group of over 100 Middlebury College faculty members to issue the statement espousing these principles on academic discourse in a civil society:

Genuine higher learning is possible only where free, reasoned, and civil speech and discussion are respected.

Only through the contest of clashing viewpoints do we have any hope of replacing mere opinion with knowledge.

The incivility and coarseness that characterize so much of American politics and culture cannot justify a response of incivility and coarseness on the college campus.

The impossibility of attaining a perfectly egalitarian sphere of free discourse can never justify efforts to silence speech and debate.

Exposure to controversial points of view does not constitute violence.

Students have the right to challenge and to protest non-disruptively the views of their professors and guest speakers.

A protest that prevents campus speakers from communicating with their audience is a coercive act.

No group of professors or students has the right to act as final arbiter of the opinions that students may entertain.

No group of professors or students has the right to determine for the entire community that a question is closed for discussion.

The purpose of college is not to make faculty or students comfortable in their opinions and prejudices.

The purpose of education is not the promotion of any particular political or social agenda.

The primary purpose of higher education is the cultivation of the mind, thus allowing for intelligence to do the hard work of assimilating and sorting information and drawing rational conclusions.

A good education produces modesty with respect to our own intellectual powers and opinions as well as openness to considering contrary views.

All our students possess the strength, in head and in heart, to consider and evaluate challenging opinions from every quarter.

We are steadfast in our purpose to provide all current and future students an education on this model, and we encourage our colleagues at colleges across the country to do the same, and

Whereas, these principles constitute the essential and fundamental values of academic freedom in a democracy, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly supports the sentiments expressed in “Free Inquiry on Campus: A Statement of Principles by over One Hundred Middlebury College Professors,” and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Middlebury College President Laurie L. Patton.

Which was read and, in the Speaker’s discretion, treated as a bill and referred to the committee on Education.

Third Reading; Bill Passed

H. 333

House bill, entitled

An act relating to identification of gender-free restrooms in public buildings and places of public accommodation

Was taken up, read the third time and passed.

Third Reading; Bill Passed in Concurrence with Proposal of Amendment

S. 127

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Was taken up and pending third reading of the bill, **Rep. Till of Jericho** moved to propose to the Senate to amend the bill as follows:

By inserting a new section and a reader assistance thereto after Sec. 13 to read as follows:

* * * Safety Belts * * *

Sec. 13a. 23 V.S.A. § 1259 is amended as follows:

§ 1259. SAFETY BELTS; PERSONS ~~AGE~~ 18 YEARS OF AGE OR OVER

* * *

~~(e) This section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for another suspected traffic violation.~~

~~An operator shall not be subject to the penalty established in this section unless the operator is required to pay a penalty for the primary violation~~
Notwithstanding subdivision 4(44)(B) of this title, a person convicted of violating this section or of section 1258 of this title (child restraint systems; persons under 18 years of age) shall have two points assessed against his or her driving record.

* * *

Pending the question, Shall the House proposal of amendment be amended as offered by Rep. Till of Jericho? **Rep. Till of Jericho** 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 offered by Rep. Till of Jericho? was decided in the negative. Yeas, 36. Nays, 105.

Those who voted in the affirmative are:

Bartholomew of Hartland	Houghton of Essex	Rachelson of Burlington
Beck of St. Johnsbury	Howard of Rutland City	Squirrell of Underhill
Briglin of Thetford	Joseph of North Hero	Stevens of Waterbury
Browning of Arlington	Keenan of St. Albans City	Stuart of Brattleboro
Christensen of Weathersfield	Lucke of Hartford	Sullivan of Burlington
Copeland-Hanzas of Bradford	Macaig of Williston	Till of Jericho
Deen of Westminster	Masland of Thetford	Viens of Newport City
Devereux of Mount Holly	McCullough of Williston	Walz of Barre City
Dunn of Essex *	Miller of Shaftsbury	Weed of Enosburgh
Feltus of Lyndon	Mrowicki of Putney	Yacovone of Morristown
Fields of Bennington	O'Sullivan of Burlington	Yantachka of Charlotte
Head of South Burlington	Poirier of Barre City *	
	Pugh of South Burlington	

Those who voted in the negative are:

Ainsworth of Royalton	Gardner of Richmond	Myers of Essex
Bancroft of Westford	Giambatista of Essex	Nolan of Morristown
Baser of Bristol	Gonzalez of Winooski	Norris of Shoreham
Batchelor of Derby	Grad of Moretown	Noyes of Wolcott
Belaski of Windsor	Graham of Williamstown	Ode of Burlington
Beyor of Highgate	Greshin of Warren	Olsen of Londonderry
Bissonnette of Winooski	Haas of Rochester	Parent of St. Albans Town
Bock of Chester	Harrison of Chittenden	Partridge of Windham
Botzow of Pownal	Hebert of Vernon	Pearce of Richford
Brennan of Colchester	Helm of Fair Haven	Potter of Clarendon
Brumsted of Shelburne	Higley of Lowell	Quimby of Concord
Buckholz of Hartford	Hill of Wolcott	Rosenquist of Georgia
Burditt of West Rutland	Hooper of Montpelier	Savage of Swanton
Burke of Brattleboro	Hooper of Brookfield	Scheu of Middlebury
Canfield of Fair Haven	Hubert of Milton	Scheuermann of Stowe
Carr of Brandon	Jessup of Middlesex	Sharpe of Bristol
Chesnut-Tangerman of	Jickling of Brookfield	Shaw of Pittsford

Middletown Springs	Juskiewicz of Cambridge	Sibilia of Dover
Christie of Hartford *	Keefe of Manchester	Smith of Derby
Cina of Burlington	Kimbell of Woodstock	Smith of New Haven
Colburn of Burlington	Krowinski of Burlington	Strong of Albany
Condon of Colchester	LaClair of Barre Town	Sullivan of Dorset
Conlon of Cornwall	Lalonde of South Burlington	Taylor of Colchester
Connor of Fairfield	Lanpher of Vergennes	Toleno of Brattleboro
Conquest of Newbury	Lawrence of Lyndon	Toll of Danville
Corcoran of Bennington	Lefebvre of Newark	Townsend of South Burlington
Cupoli of Rutland City	Lewis of Berlin	Trieber of Rockingham
Dakin of Colchester	Lippert of Hinesburg	Troiano of Stannard
Donahue of Northfield	Long of Newfane	Turner of Milton
Emmons of Springfield	Martel of Waterford	Van Wyck of Ferrisburgh
Fagan of Rutland City	McCormack of Burlington	Willhoit of St. Johnsbury
Forguites of Springfield	McCoy of Poultney	Wood of Waterbury
Frenier of Chelsea	McFaun of Barre Town	Wright of Burlington
Gage of Rutland City	Morris of Bennington	Young of Glover
Gamache of Swanton	Morrissey of Bennington	
Gannon of Wilmington	Murphy of Fairfax	

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

Ancel of Calais	Donovan of Burlington	Sheldon of Middlebury
Dickinson of St. Albans Town	Kitzmiller of Montpelier	Terenzini of Rutland Town
	Marcotte of Coventry	Webb of Shelburne

Rep. Christie of Hartford explained his vote as follows:

“Madam Speaker:

As past 1st responder and presently a certified safe driver instructor I believe in seat belt use. My no vote was one about process. I trust your House Committee on Transportation’s request to DMV to emphasize the improvement of our usage data, and report back, so we can truly inform our decision.”

Rep. Dunn of Essex explained her vote as follows:

“Madam Speaker:

The number of deaths and total brain injuries that are a result of motor vehicle accidents when the driver and/or the passengers are not wearing seat belts is growing.

Not only is this a cost to the health care system, but more importantly it is a great cost to the families and communities involved. It can have a profound effect on the survivors as well.”

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

“Madam Speaker:

I voted yes because this issue has been before us in the past. The arguments against this amendment are the same as they have been in the past. I do not know how many times we need further study for issue that makes sense and can reduce the carnage on our highways.”

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Joint Resolution Adopted in Concurrence
with Proposal of Amendment**

J.R.S. 25

Joint resolution, entitled

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County and to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Land

Was taken up read third time and adopted in concurrence with proposal of amendment.

Second Reading; Bill Amended; Third Reading Ordered

H. 527

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the Town of East Montpelier and to the merger of the Town and the East Montpelier Fire District No. 1

Reported in favor of its passage when amended as follows:

In Sec. 4 (effective date), by striking out the section in its entirety and inserting in lieu thereof two new sections to be Secs. 4 and 5 to read:

Sec. 4. TRANSITIONAL PROVISIONS; ELECTED TOWN OFFICERS

Notwithstanding the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 114E, §§ 5 (Town Clerk) and 6 (Collector of Current Taxes and Collector of Delinquent Taxes), that provides that the offices of the Town Clerk and Collector of Delinquent Taxes shall be appointed by the Selectboard, an elected Town Clerk or Collector of Delinquent Taxes in office immediately prior to the effective date of that section may continue to hold that office until July 1, 2017. At the end of the elected Town Clerk's or Collector of Delinquent Taxes' term of office, or in the case of a vacancy in his or her office, the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 114E, §§ 5 (Town Clerk) and 6 (Collector of Current Taxes and Collector of Delinquent

Taxes), shall apply.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 10

Rep. Deen of Westminster, for the committee on Natural Resources, Fish & Wildlife, to which had been referred Senate bill, entitled

An act relating to liability for the contamination of potable water supplies

Reported in favor of its passage in concurrence with proposal of amendment as follows by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Contaminated Potable Water Supplies * * *

Sec. 1. 10 V.S.A. § 6615e is added to read:

§ 6615e. RELIEF FOR CONTAMINATED POTABLE WATER SUPPLIES

(a) Definitions. As used in this section:

(1) “Public water system” means any system or combination of systems owned or controlled by a person that provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 service connections or serves an average of at least 25 individuals daily for at least 60 days out of the year. A “public water system” includes all collection, treatment, storage, and distribution facilities under the control of the water supplier and used primarily in connection with the system, and any collection or pretreatment storage facilities not under the control of the water supplier that are used primarily in connection with the system. “Public water system” shall also mean any part of a system that does not provide drinking water, if use of such a part could affect the quality or quantity of the drinking water supplied by the system. “Public water system” shall also mean a system that bottles drinking water for public distribution and sale.

(2) “Public community water system” means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(b) Extension of public community water system.

(1) The Secretary, after due consideration of cost, may initiate a proceeding under this section to determine whether a person that released perfluorooctanoic acid into the air, groundwater, surface water, or onto the land is liable for the costs of extending the water supply of a public water system to an impacted property. A person who released perfluorooctanoic acid shall be liable for the extension of a municipal water line when:

(A) the property is served by a potable water supply regulated under chapter 64 of this title;

(B) the Secretary has determined that the potable water supply on the property:

(i) is a failed supply under chapter 64 of this title due to perfluorooctanoic acid contamination; or

(ii) is likely to fail due to contamination by perfluorooctanoic acid due to the proximity of the potable water supply to other potable water supplies contaminated by perfluorooctanoic acid or due to other relevant factors; and

(C) the person the Secretary determined released perfluorooctanoic acid into the air, groundwater, surface water, or onto the land is a cause of or contributor to the perfluorooctanoic acid contamination or likely contamination of the potable water supply.

(2) A person liable for the extension of a public water system under this section shall be strictly, jointly, and severally liable for all costs associated with that public water system extension. The remedy under this section is in addition to those provided by existing statutory or common law.

(c) Liability payment.

(1) Following notification of liability by the Secretary, a person liable under subsection (b) of this section for the extension of the water supply of a public water system shall pay the owner of the public water system for the extension of the water supply within 30 days of receipt of a final engineering design or within an alternate time frame ordered by the Secretary.

(2) If the person liable for the extension of the water supply does not pay the owner within the time frame required under subdivision (1) of this subsection, the person shall be liable for interest on the assessed cost of the extension of the water supply.

(d) Available defenses; rights. All defenses to liability and all rights to contribution or indemnification available to a person under section 6615 of this title are available to a person subject to liability under this section.

Sec. 2. APPLICATION OF LIABILITY

(a) 10 V.S.A. § 6615e, enacted under Sec. 1 of this act, shall apply to any determination of liability made by the Secretary of Natural Resources under 10 V.S.A. § 6615e after the effective date of the section.

(b) Notwithstanding any contrary provision of 1 V.S.A. § 214, 10 V.S.A. § 6615e shall apply to any relevant release of perfluorooctanoic acid regardless of the date of the relevant release, including releases that occurred prior to the effective date of 10 V.S.A. § 6615e.

* * * Hazardous Materials * * *

Sec. 3. 10 V.S.A. § 6602(16) is amended to read:

(16)(A) “Hazardous material” means all petroleum and toxic, corrosive, or other chemicals and related sludge included in any of the following:

(i) any substance defined in section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;

(ii) petroleum, including crude oil or any fraction thereof; ~~or~~

(iii) hazardous wastes, as determined under subdivision (4) of this section; or

(iv) a chemical or substance that, when released, poses a risk to human health or other living organisms and that is listed by the Secretary by rule.

(B) “Hazardous material” does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, State, and local laws and regulations and according to manufacturer’s instructions. Nothing in this subdivision shall affect the authority granted and the limitations imposed by section 6608a of this title.

Sec. 4. 10 V.S.A. § 6602(12) is amended to read:

(12) “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, emitting, 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.

* * * Brownfields * * *

Sec. 5. 10 V.S.A. § 6652(b) is amended to read:

(b) Upon receipt of the completion report, the Secretary shall determine whether additional work is required in order to complete the plan. The applicant shall perform any additional activities necessary to complete the

corrective action plan as required by the Secretary and shall submit a new completion report. When the Secretary determines that the applicant has successfully completed the corrective action plan and paid all fees and costs due under this subchapter, the Secretary shall issue a certificate of completion, which certifies that the work is completed. The certificate of completion shall include a description of any land use restrictions and other conditions required by the corrective action plan. The Secretary may establish land use restrictions in the certificate of completion for a property, but the Secretary shall not acquire interests in the property in order to establish a land use restriction.

Sec. 6. 10 V.S.A. § 6653 is amended to read:

§ 6653. RELEASE FROM LIABILITY; PERSONAL RELEASE FROM
LIABILITY

(a) An applicant who has obtained a certificate of completion pursuant to section 6652 of this title and successor owners of the property included in the certificate of completion who are not otherwise liable under section 6615 for the release or threatened release of a hazardous material at the property shall not be liable under subdivision 6615(a)(1) of this title for any of the following:

(1) A release or threatened release that existed at the property at the time of the approval of the corrective action plan and complies with one or both of the following:

(A) was discovered after the approval of the corrective action plan by means that were not recognized standard methods at the time of approval of the corrective action plan;

(B) the material was not regulated as hazardous material until after approval of the corrective action plan.

(2) Cleanup after approval of the corrective action plan was done pursuant to more stringent cleanup standards effective after approval of the corrective action plan.

(3) Natural resource damages pursuant to section 6615d of this title, provided that the applicant did not cause the release that resulted in the damages to natural resources.

* * *

(c) A release from liability under this section or forbearance from action provided by section 6646 of this title does not extend to any of the following:

(1) A release or threatened release of a hazardous material that was not present at the time the applicant submitted an application pursuant to this subchapter where the release or threatened release:

(A) has not been addressed under an amended corrective action plan approved by the Secretary; or

(B) was caused by intentional or reckless conduct by the applicant or agents of the applicant.

(2) Failure to comply with the general obligations established in section 6644 of this title.

(3) A release that occurs subsequent to the issuance of a certificate of completion.

(4) Failure to comply with the use restrictions contained within the certificate of completion for the site issued pursuant to subsection 6652(b) of this title.

* * *

* * * Groundwater Classification * * *

Sec. 7. 10 V.S.A. § 1392(d) is amended to read:

(d) The groundwater management strategy, including groundwater classification and associated technical criteria and standards, shall be adopted as a rule in accordance with the provisions of 3 V.S.A., chapter 25. ~~The secretary shall file any final proposed rules regarding the groundwater management strategy, with the natural resources board not less than 30 days prior to filing with the legislative committee on administrative rules. The board shall review the final proposed rules and comment regarding their compatibility with the Vermont water quality standards and the objectives of the Vermont Water Pollution Control Act. The secretary shall include the natural resources board's comments in filing the final proposed rules with the legislative committee on administrative rules.~~

Sec. 8. 10 V.S.A. § 1394(a) is amended to read:

(a) The ~~state~~ State adopts, for purposes of classifying its groundwater, the following classes and definitions thereof:

* * *

(4) Class IV. Not suitable as a source of potable water but suitable for some agricultural, industrial and commercial use, provided that the Secretary may authorize, subject to conditions, use as a source of potable water supply or other use under a reclassification order issued for the aquifer.

* * * Public Trust Lands * * *

Sec. 9. ADDITIONAL AUTHORIZED USE; PUBLIC TRUST LANDS

(a) The General Assembly finds that:

(1) the General Assembly has the authority to authorize public uses of

filled public trust lands in the City of Burlington; and

(2) the use of the filled public trust lands in the City of Burlington authorized by this act is consistent with the public trust doctrine.

(b) In addition to the uses authorized by the General Assembly in 1990 Acts and Resolves No. 274, 1991 Acts and Resolves No. 53, 1996 Acts and Resolves No. 87, and 1997 Acts and Resolves No. 22, the filled public trust lands within the City of Burlington that are located north of the centerline of Maple Street extending north to the northern terminus of the Lake Street extension completed in 2016 and that extend to the waters of Lake Champlain may be utilized for public markets that benefit Vermont's public and that are available to the public on an open and nondiscriminatory basis.

(c) Any use authorized under this act is subject to all applicable requirements of law.

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Natural Resources, Fish and Wildlife? **Rep. Morrissey of Bennington** 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 Natural Resources, Fish and Wildlife? was decided in the affirmative. Yeas, 140. Nays, 2.

Those who voted in the affirmative are:

Ainsworth of Royalton	Giambatista of Essex	Nolan of Morristown
Ancel of Calais	Gonzalez of Winooski	Norris of Shoreham
Bancroft of Westford	Grad of Moretown	Noyes of Wolcott
Bartholomew of Hartland	Graham of Williamstown	Ode of Burlington
Baser of Bristol	Greshin of Warren	Olsen of Londonderry
Batchelor of Derby	Haas of Rochester	O'Sullivan of Burlington
Beck of St. Johnsbury	Harrison of Chittenden	Parent of St. Albans Town
Belaski of Windsor	Head of South Burlington	Partridge of Windham
Beyor of Highgate	Hebert of Vernon	Pearce of Richford
Bissonnette of Winooski	Helm of Fair Haven	Poirier of Barre City
Bock of Chester	Higley of Lowell	Potter of Clarendon
Botzow of Pownal	Hill of Wolcott	Pugh of South Burlington
Brennan of Colchester	Hooper of Montpelier	Quimby of Concord
Briglin of Thetford	Hooper of Brookfield	Rachelson of Burlington

Browning of Arlington	Houghton of Essex	Rosenquist of Georgia
Brumsted of Shelburne	Howard of Rutland City	Savage of Swanton
Buckholz of Hartford	Hubert of Milton	Scheu of Middlebury
Burditt of West Rutland	Jessup of Middlesex	Scheuermann of Stowe
Burke of Brattleboro	Jickling of Brookfield	Sharpe of Bristol
Canfield of Fair Haven	Joseph of North Hero	Shaw of Pittsford
Carr of Brandon	Juskiewicz of Cambridge	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Keefe of Manchester	Smith of Derby
Christensen of Weathersfield	Keenan of St. Albans City	Smith of New Haven
Christie of Hartford	Kimbell of Woodstock	Squirrell of Underhill
Cina of Burlington	Krowinski of Burlington	Stevens of Waterbury
Colburn of Burlington	LaClair of Barre Town	Strong of Albany
Condon of Colchester	Lalonde of South Burlington	Stuart of Brattleboro
Conlon of Cornwall	Lanpher of Vergennes	Sullivan of Dorset
Connor of Fairfield	Lawrence of Lyndon	Sullivan of Burlington
Conquest of Newbury	Lefebvre of Newark	Taylor of Colchester
Copeland-Hanzas of Bradford	Lewis of Berlin	Till of Jericho
Corcoran of Bennington	Lippert of Hinesburg	Toleno of Brattleboro
Cupoli of Rutland City	Long of Newfane	Toll of Danville
Dakin of Colchester	Lucke of Hartford	Townsend of South Burlington
Deen of Westminster	Macaig of Williston	Trieber of Rockingham
Dunn of Essex	Marcotte of Coventry	Troiano of Stannard
Emmons of Springfield	Martel of Waterford	Van Wyck of Ferrisburgh
Fagan of Rutland City	Masland of Thetford	Viens of Newport City
Feltus of Lyndon	McCormack of Burlington	Walz of Barre City
Fields of Bennington	McCoy of Poultney	Weed of Enosburgh
Forguites of Springfield	McCullough of Williston	Willhoit of St. Johnsbury
Frenier of Chelsea	McFaun of Barre Town	Wood of Waterbury
Gage of Rutland City	Miller of Shaftsbury	Wright of Burlington
Gamache of Swanton	Morris of Bennington	Yacovone of Morristown
Gannon of Wilmington	Morrissey of Bennington	Yantachka of Charlotte
Gardner of Richmond	Mrowicki of Putney	Young of Glover
	Murphy of Fairfax	
	Myers of Essex	

Those who voted in the negative are:

Donahue of Northfield * Turner of Milton

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

Devereux of Mount Holly	Donovan of Burlington	Terenzini of Rutland Town
Dickinson of St. Albans Town	Kitzmiller of Montpelier	Webb of Shelburne
	Sheldon of Middlebury	

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

Actions to impose new, strict liability sanctions on a retroactive basis are highly problematic to me. At a minimum this should have closely scrutinized

by our Judiciary Committee.”

Thereupon, third reading was ordered.

Message from the Senate No. 49

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

Madam 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. 23. An act relating to juvenile jurisdiction.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

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

H. 326. An act relating to eligibility and calculation of grant or subsidy amount for Reach Up, Reach Ahead, and the Child Care Services Program.

And has passed the same in concurrence.

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

H. 5. An act relating to investment of town cemetery funds.

H. 74. An act relating to nonconsensual sexual conduct.

H. 230. An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity.

H. 308. An act relating to a committee to reorganize and reclassify Vermont’s criminal statutes.

H. 508. An act relating to building resilience for individuals experiencing adverse childhood experiences.

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. 50

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

Madam Speaker:

I am directed to inform the House that:

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

H. 513. An act relating to making miscellaneous changes to education law.

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 on its part adopted joint resolution of the following title:

J.R.S. 32. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Recess

At twelve o'clock and fourteen minutes, on motion of **Rep. Turner of Milton**, the House recessed until four o'clock in the afternoon.

At four o'clock and seven minutes the Speaker called the House to order.

Message from Governor

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

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the twenty-fifth day of April, 2017, he signed bills originating in the House of the following titles:

H.14 **An act relating to automated external defibrillator**

H.201 **An act relating to length of stay at designated shelters**

H. 379 **An act relating to providing an extension for repeal of the Search and Rescue Council**

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 52

Rep. Sibilia of Dover, for the committee on Energy and Technology, to which had been referred Senate bill, entitled

An act relating to the Public Service Board and its proceedings

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Preapplication Submittals; Energy Facilities * * *

Sec. 1. 30 V.S.A. § 248(f) is amended to read:

(f) However, plans for the construction of such a facility within the State must be submitted by the petitioner to the municipal and regional planning commissions no less than 45 days prior to application for a certificate of public good under this section, unless the municipal and regional planning commissions shall waive such requirement.

(1) ~~Such~~ The municipal or regional planning commission may take one or more of the following actions:

(A) ~~hold~~ Hold a public hearing on the proposed plans. The planning commission may request that the petitioner or the Department of Public Service, or both, attend the hearing. The petitioner and the Department each shall have an obligation to comply with such a request. The Department shall consider the comments made and information obtained at the hearing in making recommendations to the Board on the application and in determining whether to retain additional personnel under subdivision (1)(B) of this subsection.

(B) Request that the Department of Public Service exercise its authority under section 20 of this title to retain experts and other personnel to review the proposed facility. The Department may commence retention of these personnel once the petitioner has submitted proposed plans under this subsection. The Department may allocate the expenses incurred in retaining these personnel to the petitioner in accordance with section 21 of this title. Granting a request by a planning commission pursuant to this subdivision shall not oblige the Department or the personnel it retains to agree with the position of the commission.

(C) ~~Such commissions shall make~~ Make recommendations, if any, to the ~~Public Service Board~~ and to the petitioner ~~at least seven days prior to filing of the petition with the Public Service Board~~ within 40 days of the petitioner's submittal to the planning commission under this subsection.

(D) Once the petition is filed with the Public Service Board, make recommendations to the Board by the deadline for submitting comments or testimony set forth in the applicable provision of this section, Board rule, or scheduling order issued by the Board.

(2) The petitioner's application shall address the substantive written comments related to the criteria of subsection (b) of this section received by the petitioner within 45 days of the submittal made under this subsection and the substantive oral comments related to those criteria made at a public hearing under subdivision (1) of this subsection.

* * * Facility Siting; Service of Application When Determined Complete;
Extension of Telecommunications Siting Authority * * *

Sec. 2. 30 V.S.A. § 246 is amended to read:

§ 246. TEMPORARY SITING OF METEOROLOGICAL STATIONS

(a) As used in this section, a “meteorological station” consists of one temporary tower, which may include guy wires, and attached instrumentation to collect and record wind speed, wind direction, and atmospheric conditions.

(b) The Public Service Board shall establish by rule or order standards and procedures governing application for, and issuance or revocation of, a certificate of public good for the temporary installation of one or more meteorological stations under the provisions of section 248 of this title. A meteorological station shall be deemed to promote the public good of the State if it is in compliance with the criteria of this section and the Board rules or orders. An applicant for a certificate of public good for a meteorological station shall be exempt from the requirements of subsection 202(f) of this title.

(c) In developing rules or orders, the Board:

(1) ~~Shall develop a simple application form and shall require that completed applications be filed~~ the applicant first file the application with the Board; and that, within two business days of notification from the Board that the application is complete, the applicant serve copies of the complete application on the Department of Public Service, the Agency of Natural Resources, the Agency of Transportation, and the municipality in which the meteorological station is proposed to be located.

(2) ~~Shall require that if no objections are filed within 30 days of the Board's receipt of a complete application~~ date of service of the complete application under subdivision (1) of this subsection, and the Board determines that the applicant has met all of the requirements of section 248 of this title, the certificate of public good shall be issued for a period that the Board finds reasonable, but in no event for more than five years. Upon request of an applicant, the Board may renew a certificate of public good. Upon expiration of the certificate, the meteorological station and all associated structures and material shall be removed, and the site shall be restored substantially to its preconstruction condition.

(3) May waive the requirements of section 248 of this title that are not applicable to meteorological stations, including criteria that are generally applicable to public service companies as defined in this title. The Board shall not waive review regarding whether construction will have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, and the public health and safety.

(4) Shall seek to simplify the application and review process, as appropriate, in conformance with this section.

* * *

Sec. 3. 30 V.S.A. § 248(a)(4) is amended to read:

(4)(A) With respect to a facility located in the State, the Public Service Board shall hold a nontechnical public hearing on each petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located. From the comments made at the public hearing, the Board shall derive areas of inquiry that are relevant to the findings to be made under this section and shall address each such area in its decision. Prior to making findings, if the record does not contain evidence on such an area, the Board shall direct the parties to provide evidence on the area. This subdivision does not require the Board to respond to each individual comment.

(B) The Public Service Board shall hold technical hearings at locations which it selects.

(C) ~~At the time of filing its application with the Board, copies shall be given by the petitioner to~~ Within two business days of notification from the Board that the petition is complete, the petitioner shall serve copies of the complete petition on the Attorney General and the Department of Public Service, and, with respect to facilities within the State, the Department of Health, Agency of Natural Resources, Historic Preservation Division, Agency of Transportation, Agency of Agriculture, Food and Markets, and to the chair or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located.

(D) Notice of the public hearing shall be published and maintained on the Board's website for at least 12 days before the day appointed for the hearing. Notice of the public hearing shall be published once in a newspaper of general circulation in the county or counties in which the proposed facility will be located, and the notice shall include an Internet address where more information regarding the proposed facility may be viewed.

* * *

Sec. 4. 30 V.S.A. § 248(j)(2) is amended to read:

(2) Any party seeking to proceed under the procedures authorized by this subsection shall file a proposed certificate of public good and proposed findings of fact with its petition. The Within two business days of notification by the Board that the filing is complete, the party shall serve copies of the complete filing on the parties specified in subdivision (a)(4)(C) of this section and the Board shall give written notice of the proposed certificate and its

determination that the filing is complete to the those parties specified in subdivision (a)(4)(C) of this section, to any public interest organization that has in writing requested notice of applications to proceed under this subsection, and to any other person found by the Board to have a substantial interest in the matter. Such notice also shall be published on the Board's website within two days of issuing the determination that the filing is complete and shall request comment within 28 30 days of the initial publication date of service of the complete filing on the question of whether the petition raises a significant issue with respect to the substantive criteria of this section. If the Board finds that the petition raises a significant issue with respect to the substantive criteria of this section, the Board shall hear evidence on any such issue.

Sec. 5. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS
FACILITIES

* * *

(e) Notice. No less than 60 days prior to filing an application for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the Board pursuant to this section to the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities; the Secretary of Natural Resources; the Secretary of Transportation; the Division for Historic Preservation; the Commissioner of Public Service and its Director for Public Advocacy; the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151; and the landowners of record of property adjoining the project sites. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions. The notices to the legislative body and planning commission of the municipality shall attach a statement that itemizes the rights and opportunities available to those bodies under subdivisions (c)(2) and (e)(2) of this section and under subsections (m), (n), and (o) of this section and informs them of the guide published under subsection (p) of this section and how to obtain a copy of that guide.

* * *

(i) Sunset of Board authority. Effective on July 1, ~~2017~~ 2020, no new applications for certificates of public good under this section may be considered by the Board.

(j) Telecommunications facilities of limited size and scope.

* * *

(2)(A) Any ~~party~~ person seeking to proceed under the procedures

authorized by this subsection shall file a proposed certificate of public good and proposed findings of fact with its application, ~~and provide.~~ Within two business days of notification from the Board that the filing is complete, the applicant shall serve notice and a copy of the application, proposed certificate of public good, and proposed findings of fact ~~to~~ on the Commissioner of Public Service and its Director for Public Advocacy, the Secretary of Natural Resources, the Division for Historic Preservation, the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151, and each of the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities. ~~At the same time the applicant files the documents specified in this subdivision with the Board~~ Within two business days of notification from the Board that the filing is complete, the applicant also shall give ~~serve~~ written notice of the proposed certificate ~~to~~ on the landowners of record of property adjoining the project site or sites unless the Board has previously determined on request of the applicant that good cause exists to waive or modify the notice requirement with respect to such landowners. Such notice shall request comment to the Board within ~~21~~ 30 days of the ~~notice~~ date of service on the question of whether the application raises a significant issue with respect to the substantive criteria of this section. If the Board finds that an application raises a significant issue with respect to the substantive criteria of this section, the Board shall hear evidence on any such issue.

* * *

(C) If the Board accepts a request to consider an application under the procedures of this subsection, then unless the Public Service Board subsequently determines that an application raises a significant issue, the Board shall issue a final determination on an application ~~filed pursuant to this subsection within 45 days of its filing or, if the original filing did not substantially comply with the Public Service Board's rules, within 45~~ 60 days of the date on which the Clerk of the Board notifies the applicant that the filing is complete. If, subsequent to acceptance of an application under this subsection, the Board rules that an application raises a significant issue, it shall issue a final determination on an application filed pursuant to this subsection ~~within 90 days of its filing or, if the original filing did not substantially comply with the Public Service Board's rules, within 90~~ days of the date on which the Clerk of the Board notifies the applicant that the filing is complete.

* * *

(k) De minimis modifications. An applicant intending to make a de minimis modification of a telecommunications facility shall provide written notice of its intent, including a description of the de minimis modification, its plans for the de minimis modification, and its certification that the project

constitutes a de minimis modification under this section, to the following: the landowner of record of the property on which the facility is located; the legislative body of the municipality in which the applicant proposes to undertake such limited modifications to the facility; and the Commissioner of Public Service and his or her Director for Public Advocacy. Unless an objection to the classification of a proposed project as a de minimis modification is filed with the Board within ~~24~~ 30 days of this notice, a certificate of public good shall be issued. Objections may be filed only by persons entitled to notice of this proposed project pursuant to this subsection. If an objection of the classification of the proposed project as a de minimis modification is timely filed with the Board, the Board may determine whether the intended project meets the definition of de minimis modification established in subdivision (b)(2) of this section.

* * *

(o) Retention; experts. The Department of Public Service may retain experts and other personnel as identified in section 20 of this title to provide information essential to a full consideration of an application for a certificate of public good under this section. The Department may allocate the expenses incurred in retaining these personnel to the applicant in accordance with section 21 of this title. The Department may commence retention of these personnel once the applicant has filed the ~~45-day~~ 60-day notice under subsection (e) of this section. A municipal legislative body or planning commission may request that the Department retain these personnel. Granting such a request shall not oblige the Department or the personnel it retains to agree with the position of the municipality.

* * *

* * * Notice of Petitions for a CPG to Do Business * * *

Sec. 6. 30 V.S.A. § 231 is amended to read:

§ 231. CERTIFICATE OF PUBLIC GOOD; ABANDONMENT OF
SERVICE; HEARING

(a) A person, partnership, unincorporated association, or previously incorporated association, ~~which~~ that desires to own or operate a business over which the Public Service Board has jurisdiction under the provisions of this chapter shall first petition the Board to determine whether the operation of such business will promote the general good of the State, and shall at that time file a copy of any such petition with the Department. The Department, within 12 days, shall review the petition and file a recommendation regarding the petition in the same manner as is set forth in subsection 225(b) of this title. Such recommendation shall set forth reasons why the petition shall be accepted without hearing or shall request that a hearing on the petition be scheduled. If the Department requests a hearing on the petition, or, if the Board deems a

hearing necessary, it shall appoint a time and place in the county where the proposed corporation is to have its principal office for hearing the petition, ~~and shall make an order for the publication of the substance thereof and the time and place of hearing two weeks successively in a newspaper of general circulation in the county to be served by the petitioner, the last publication to be at least seven days before the day appointed for the hearing.~~ At least 12 days before this hearing, notice of the hearing shall be published on the Board's website and once in a newspaper of general circulation in the county in which the hearing will occur. The website notice shall be maintained through the date of the hearing. The newspaper notice shall include an Internet address where more information regarding the petition may be viewed. The Director for Public Advocacy shall represent the public at ~~such~~ the hearing. If the Board finds that the operation of such business will promote the general good of the State, it shall give such person, partnership, unincorporated association, or previously incorporated association a certificate of public good specifying the business and territory to be served by such petitioners. For good cause, after opportunity for hearing, the Board may amend or revoke any certificate awarded under the provisions of this section. If any such certificate is revoked, the person, partnership, unincorporated association, or previously incorporated association shall no longer have authority to conduct any business which is subject to the jurisdiction of the Board whether or not regulation thereunder has been reduced or suspended, under section 226a or 227a of this title.

* * *

* * * Enforcement * * *

Sec. 7. 30 V.S.A. § 2 is amended to read:

§ 2. DEPARTMENT POWERS

* * *

(h) The Department shall investigate when it receives a complaint that there has been noncompliance with section 246, 248, 248a, or 8010 of this title, any rule adopted pursuant to those sections, or any certificate of public good issued pursuant to those sections, including a complaint of such noncompliance received pursuant to section 208 of this title or the complaint protocol established under 2016 Acts and Resolves No. 130, Sec. 5c.

Sec. 8. 30 V.S.A. § 30 is amended to read:

§ 30. PENALTIES; AFFIDAVIT OF COMPLIANCE

* * *

(h) In accordance with the process set forth in this subsection, the Department may issue an administrative citation to a person the Department believes after investigation violated section 246, 248, 248a, or 8010 of this title, any rule adopted pursuant to those sections, or any certificate of public

good issued pursuant to those sections.

(1) An administrative citation, whether draft or final, shall:

(A) state each provision of statute and rule and each condition of a certificate of public good alleged to have been violated;

(B) include a concise statement of the facts giving rise to the alleged violation and the evidence supporting the existence of those facts;

(C) request that the person take the remedial action specified in the notice or pay a civil penalty of not more than \$5,000.00 for the violation, or both; and

(D) if remedial action is requested, state the reasons for seeking the action.

(2) The Department shall initiate the process by issuing a draft administrative citation to the person and sending a copy to each municipality in which the person's facility is located, each adjoining property owner to the facility, the complainant if any, and, for alleged violations of the facility's certificate of public good, each party to the proceeding in which the certificate was issued.

(A) At the time the draft citation is issued, the Department shall file a copy with the Board and post the draft citation on its website.

(B) Commencing with the date of issuance, the Department shall provide an opportunity of 30 days for public comment on the draft citation. The Department shall include information on this opportunity in the draft citation.

(C) Once the public comment period closes, the Department:

(i) Shall provide the person and the Board with a copy of each comment received.

(ii) Within 15 days of the close of the comment period, may file a revised draft citation with the Board. The revised draft citation may be accompanied by a stipulation or agreed settlement between the person and the Department with a request for Board approval.

(D) The Board may on its own initiative open a proceeding to investigate the violation alleged in the draft citation. The Board shall take any such action within 25 days of the close of the public comment period, or the filing of a revised draft citation, whichever is later. Such a Board proceeding shall supersede the draft citation.

(3) If the Board has not opened a proceeding pursuant to subdivision (2)(D) of this subsection, the Department may issue a final administrative

citation to the person. Within 30 days of receipt of a final administrative citation, the person shall respond in one of the following ways:

(A) Request a hearing before the Board on the existence of the alleged violation, the proposed penalty, and the proposed remedial action.

(B) Pay any civil penalty set forth in the notice and agree to undertake such remedial action as is set forth in the notice and submit to the Department for its approval a plan for compliance. In such a case, the final administrative citation shall be enforceable in the same manner as an order of the Board.

(C) Decline to contest the existence of the alleged violation and request a hearing on either the proposed penalty or remedial action, or both. When exercising this option, a person may agree to either the proposed penalty or remedial action and seek a hearing only on the penalty or action with which the person disagrees.

(4) When a person requests a hearing under subdivision (3) of this subsection, the Board shall open a proceeding and conduct a hearing in accordance with the provisions of this section on the alleged violation and such remedial action and penalty as are set forth in the notice. Notwithstanding any contrary provision of this section, a penalty under this subdivision (4) shall not exceed \$5,000.00.

(5) If a person pays the civil penalty set forth in a final administrative citation, then the Department shall be precluded from seeking and the Board from imposing additional civil penalties for the same alleged violation unless the violation is continuing or is repeated.

(6) If a person agrees to undertake the remedial action set forth in a final administrative citation, failure to undertake the action or comply with a compliance plan approved by the Department shall constitute a separate violation.

(7) The Board may approve disposition of a final administrative citation by stipulation or agreed settlement submitted before entry of a final order.

(8) Penalties assessed under this subsection shall be deposited in the General Fund.

* * * Name Change to Public Utility Commission * * *

Sec. 9. 30 V.S.A. § 3 is amended to read:

§ 3. ~~PUBLIC SERVICE BOARD~~ UTILITY COMMISSION

(a) The ~~Vermont Public Service Board~~ Utility Commission shall consist of a Chair and two members. The Chair and each member shall not be required

to be admitted to the practice of law in this State.

(b) The Chair shall be nominated, appointed, and confirmed in the manner of a Superior judge.

(c) Members of the ~~Board~~ Commission other than the Chair shall be appointed in accordance with this subsection. Whenever a vacancy occurs, public announcement of the vacancy shall be made. The Governor shall submit at least five names of potential nominees to the Judicial Nominating Board for review. The Judicial Nominating Board shall review the candidates in respect to judicial criteria and standards only and shall recommend to the Governor those candidates the Board considers qualified. The Governor shall make the appointment from the list of qualified candidates. The appointment shall be subject to the consent of the Senate.

(d) The term of each member shall be six years. Any appointment to fill a vacancy shall be for the unexpired portion of the term vacated. A member wishing to succeed himself or herself in office may seek reappointment under the terms of this section.

(e) Notwithstanding 3 V.S.A. § 2004, or any other provision of law, members of the ~~Board~~ Commission may be removed only for cause. When a ~~Board~~ Commission member who hears all or a substantial part of a case retires from office before such case is completed, he or she shall remain a member of the ~~Board~~ Commission for the purpose of concluding and deciding such case, and signing the findings, orders, decrees, and judgments therein. A retiring Chair shall also remain a member for the purpose of certifying questions of law if appeal is taken. For such service, he or she shall receive a reasonable compensation to be fixed by the remaining members of the ~~Board~~ Commission and necessary expenses while on official business.

(f) A case shall be deemed completed when the ~~Board~~ Commission enters a final order therein even though such order is appealed to the Supreme Court and the case remanded by that court to the ~~Board~~ Commission. Upon remand the ~~Board~~ Commission then in office may in its discretion consider relevant evidence including any part of the transcript of testimony in the proceedings prior to appeal.

(g) The Chair shall have general charge of the offices and employees of the ~~Board~~ Commission.

Sec. 10. 30 V.S.A. § 7001(1) is amended to read:

(1) “~~Board~~” “Commission” means the Public ~~Service Board~~ Utility Commission under section 3 of this title.

Sec. 11. 30 V.S.A. § 8002(1) is amended to read:

(1) ~~“Board”~~ “Commission” means the ~~Public Service Board~~ Utility Commission under section 3 of this title, ~~except when used to refer to the Clean Energy Development Board.~~

Sec. 12. REVISION AUTHORITY

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall make the following revisions throughout the statutes as needed for consistency with Secs. 9–11 of this act, as long as the revisions have no other effect on the meaning of the affected statutes:

(1) replace “Public Service Board” with “Public Utility Commission”; and

(2) replace “Board” with “Commission” when the existing term “Board” refers to the Public Service Board.

Sec. 13. RULES; NAME CHANGE

(a) The rules of the Public Service Board in effect on July 1, 2017 shall become rules of the Vermont Public Utility Commission (the Commission).

(b) In those rules, the Commission is authorized to change all references to the Public Service Board so that they refer to the Commission. Unless accompanied by one or more other revisions to the rules, such a change need not be made through the rulemaking process under the Administrative Procedure Act.

* * * Remote Location Access by Citizens to PSB Hearings * * *

Sec. 14. PLAN; CITIZENS’ ACCESS TO PSB HEARINGS FROM

REMOTE LOCATIONS

(a) On or before December 15, 2017, the Division for Telecommunications and Connectivity within the Department of Public Service, in consultation with relevant organizations such as the Vermont Access Network and Vermont access management organizations, shall submit to the House Committee on Energy and Technology and the Senate Committees on Finance and on Natural Resources and Energy a plan to achieve citizen access to hearings and workshops of the Public Service Board from remote locations across the State. The access shall include interactive capability and the ability to use multiple remote locations simultaneously. The plan may build on the Department’s Vermont Video Connect proposal described in the Report to the General Assembly by the Vermont Interactive Technologies Working Group dated Dec. 9, 2015, submitted pursuant to 2015 Acts and Resolves No. 58, Sec. E.602.1.

(b) The plan shall include each of the following:

- (1) assessment of cost-effective interactive video technologies;
- (2) identification of at least five locations across Vermont that are willing and able to host the access described in subsection (a) of this section;
- (3) the estimated capital costs of providing such access; and
- (4) the estimated operating costs for hosting and connecting.

* * * Citizen Access to Public Service Board; Implementation Report * * *

Sec. 15. REPORT; IMPLEMENTATION OF WORKING GROUP
RECOMMENDATIONS

On or before December 15, 2017, the Public Service Board shall submit to the House Committee on Energy and Technology and the Senate Committees on Finance and on Natural Resources and Energy a report on the progress made in implementing the recommendations of the Access to Public Service Board Working Group created by 2016 Acts and Resolves No. 174, Sec. 15, including those recommendations that the Group identified as not requiring statutory change.

* * * Appliance Efficiency * * *

Sec. 16. PURPOSE

In light of the findings set forth at 9 V.S.A. § 2792, Secs. 17 through 21 of this act adopt federal appliance and lighting efficiency standards in effect on January 19, 2017 so that the same standards will be in place in Vermont should the federal standards be repealed or voided. The act also adopts federal standards for general service lighting that have been adopted by the U.S. Department of Energy and are scheduled to come into effect on January 20, 2020, again so that the same standards will be in place in Vermont. The act does not adopt standards for other products or standards for a product that are different from the federal standards.

Sec. 17. 9 V.S.A. § 2793 is amended to read:

§ 2793. DEFINITIONS

As used in this chapter:

* * *

(15) “General service lamp” has the same meaning as set forth in the action published at 82 Fed. Reg. 7276, 7321-22 (January 19, 2017) and modified by the action published at 82 Fed. Reg. 7322, 7333 (January 19, 2017).

Sec. 18. 9 V.S.A. § 2794 is amended to read:

§ 2794. SCOPE

(a) The provisions of this chapter apply to the following types of new products sold, offered for sale, or installed in the State:

- (1) Medium voltage dry-type distribution transformers.
- (2) Metal halide lamp fixtures.
- (3) Residential furnaces and residential boilers.
- (4) Single-voltage external AC to DC power supplies.
- (5) State-regulated incandescent reflector lamps.
- (6) General service lamps.

(7) Each other product for which the Commissioner is required to adopt an efficiency or water conservation standard by rule pursuant to section 2795 of this title.

(8) Any other product that may be designated by the Commissioner in accordance with section 2797 of this title.

(b) The provisions of this chapter do not apply to:

(1) New products manufactured in the State and sold outside the State and the equipment used in manufacturing those products.

(2) New products manufactured outside the State and sold at wholesale inside the State for final retail sale and installation outside the State.

(3) Products installed in mobile manufactured homes at the time of construction.

(4) Products designed expressly for installation and use in recreational vehicles.

Sec. 19. 9 V.S.A. § 2795 is amended to read:

§ 2795. EFFICIENCY AND WATER CONSERVATION STANDARDS

~~Not later than June 1, 2007, the~~ The Commissioner shall adopt rules in accordance with the provisions of 3 V.S.A. chapter 25 establishing minimum efficiency standards for the types of new products set forth in section 2794 of this title. The rules shall provide for the following minimum efficiency standards for products sold or installed in this State:

* * *

(6) In the rules, the Commissioner shall adopt minimum efficiency and water conservation standards for each product that is subject to a standard under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19, 2017. The minimum standard and the testing protocol for each product shall be the same as adopted in those sections of the Code of Federal Regulations.

(7) In the rules, the Commissioner shall adopt a minimum efficacy standard for general service lamps of 45 lumens per watt, when tested in accordance with 10 C.F.R. § 430.23(gg) as that provision existed on January 19, 2017.

Sec. 20. 9 V.S.A. § 2796 is amended to read:

§ 2796. IMPLEMENTATION

* * *

(f)(1) When federal preemption under 42 U.S.C. § 6297 applies to a standard adopted pursuant to this chapter for a product, the standard shall become enforceable on the occurrence of the earliest of the following:

(A) The federal energy or water conservation standard for the product under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided. However, this subdivision (A) shall not apply to any federal energy or water conservation standard set aside by a court of competent jurisdiction upon the petition of a person who will be adversely affected, as provided in 42 U.S.C. § 6306(b).

(B) A waiver of federal preemption is issued pursuant to 42 U.S.C. § 6297.

(2) The federal standard for general service lamps shall be considered to be withdrawn, repealed, or otherwise voided within the meaning of this subsection if it does not come into effect on January 20, 2020 pursuant to the actions published at 82 Fed. Reg. 7276 and 7333 (January 19, 2017).

(3) When a standard adopted pursuant to this chapter becomes enforceable under this subsection, a person shall not sell or offer for sale in the State a new product subject to the standard unless the efficiency or water conservation of the new product meets or exceeds the requirements set forth in the standard.

Sec. 21. RULE ADOPTION; SCHEDULE; REPORT

(a) Rule adoption; schedule.

(1) On or before August 1, 2017, the Commissioner of Public Service shall file with the Secretary of State proposed rules to effect Sec. 19 of this act.

(2) On or before April 1, 2018, the Commissioner shall finally adopt these rules, unless the Legislative Committee on Administrative Rules extends this date pursuant to 3 V.S.A. § 843(c).

(b) Reports.

(1) On or before December 15, 2017, the Commissioner of Public Service shall file a progress report on the rulemaking required by this act. The

report shall attach the proposed rules as filed with the Secretary of State.

(2) On or before December 15, 2018, the Commissioner of Public Service shall file a further progress report on the rulemaking required by this act. The report shall attach the rules as finally adopted by the Commissioner.

* * * Energy Storage * * *

Sec. 22. ENERGY STORAGE; REPORT

(a) Definitions. As used in this section, “energy storage” means a system that uses mechanical, chemical, or thermal processes to store energy for later use.

(b) Report. On or before November 15, 2017, the Commissioner of Public Service shall submit a report on the issue of deploying energy storage on the Vermont electric transmission and distribution system.

(1) The Commissioner shall submit the report to the House Committee on Energy and Technology and the Senate Committees on Finance and on Natural Resources and Energy.

(2) The Commissioner shall provide an opportunity for the public and Vermont electric transmission and distribution companies to submit information relevant to the preparation of the report.

(3) The report shall:

(A) summarize existing state, regional, and national actions or initiatives affecting deployment of energy storage;

(B) identify and summarize federal and state jurisdictional issues regarding deployment of energy storage;

(C) identify the opportunities for, the benefits of, and the barriers to deploying energy storage;

(D) identify and evaluate regulatory options and structures available to foster energy storage, including potential cost impacts to ratepayers; and

(E) assess the potential methods for fostering the development of cost-effective solutions for energy storage in Vermont and the potential benefits and cost impacts of each method for ratepayers.

(4) The report shall identify the challenges and opportunities for fostering energy storage in Vermont.

Sec. 23. 30 V.S.A. § 8015 is amended to read:

§ 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

* * *

(b) Definitions. ~~For purposes of~~ As used in this section, the following definitions shall apply:

* * *

(6) “Energy storage” means a system that uses mechanical, chemical, or thermal processes to store energy for later use.

* * *

(d) Expenditures authorized.

(1) Projects for funding may include the following:

(A) projects that will sell power in commercial quantities;

(B) among those projects that will sell power in commercial quantities, funding priority will be given to those projects that commit to sell power to Vermont utilities on favorable terms;

(C) projects to benefit publicly owned or leased buildings;

(D) renewable energy projects on farms, which may include any or all costs incurred to upgrade to a three-phase line to serve a system on a farm;

(E) ~~small-scale~~ small-scale renewable energy in Vermont residences, institutions, and businesses:

(i) generally; and

(ii) through the Small-scale Renewable Energy Incentive Program;

(F) projects under the agricultural economic development special account established under 6 V.S.A. § 4710(g) to harvest biomass, convert biomass to energy, or produce biofuel;

(G) until December 31, 2008 only, super-efficient buildings;

(H) projects to develop and use thermal or geothermal energy, regardless of whether they also involve the generation of electricity;

(I) emerging energy-efficient technologies;

(J) effective projects that are not likely to be established in the absence of funding under the program;

(K) natural gas vehicles and associated fueling infrastructure if each such vehicle is dedicated only to natural gas fuel and, on a life cycle basis, the vehicle's emissions will be lower than those of commercially available vehicles using other fossil fuel, and any such infrastructure will deliver gas without interruption of flow;

(L) electric vehicles and associated charging stations;

(M) energy storage projects that facilitate utilization of renewable

energy resources.

* * *

* * * Telecommunications Plan * * *

Sec. 24. 30 V.S.A. § 202d is amended to read:

§ 202d. TELECOMMUNICATIONS PLAN

(a) The Department of Public Service shall constitute the responsible planning agency of the State for the purpose of obtaining for all consumers in the State stable and predictable rates and a technologically advanced telecommunications network serving all service areas in the State. The Department shall be responsible for the provision of plans for meeting emerging trends related to telecommunications technology, markets, financing, and competition.

(b) The Department shall prepare a Telecommunications Plan for the State. The Department of Innovation and Information, the Agency of Commerce and Community Development, and the Agency of Transportation shall assist the Department in preparing the Plan. The Plan shall be for a 10-year period and shall serve as a basis for State telecommunications policy. Prior to preparing the Plan, the Department shall prepare:

(1) ~~an~~ An overview, looking 10 years ahead, of future requirements for telecommunications services, considering services needed for economic development, technological advances, and other trends and factors which, as determined by the Department of Public Service, will significantly affect State telecommunications policy and programs;

(2) ~~a survey~~ One or more surveys of Vermont residents and businesses, conducted in cooperation with the Agency of Commerce and Community Development to determine what telecommunications services are needed now and in the succeeding ~~ten~~ 10 years, generally, and with respect to the following specific sectors in Vermont;

(A) the educational sector, with input from the Secretary of Education;

(B) the health care and human services sectors, with input from the Commissioner of Health and the Secretary of Human Services;

(C) the public safety sector, with input from the Commissioner of Public Safety and the Executive Director of the Enhanced 911 Board; and

(D) the workforce training and development sectors, with input from the Commissioner of Labor.

(3) ~~an~~ An assessment of the current state of telecommunications infrastructure;

(4) ~~an~~ An assessment, conducted in cooperation with the Department of Innovation and Information and the Agency of Transportation, of the current State telecommunications system and evaluation of alternative proposals for upgrading the system to provide the best available and affordable technology for use by government; ~~and~~.

(5) ~~an~~ An assessment of the state of telecommunications networks and services in Vermont relative to other states, including price comparisons for key services and comparisons of the state of technology deployment.

(c) In developing the Plan, the Department shall take into account the State telecommunications policies and goals of section 202c of this title.

(d) In establishing plans, public hearings shall be held and the Department shall consult with members of the public, representatives of telecommunications utilities with a certificate of public good, other providers, including the Vermont Electric Power Co., Inc. (VELCO), and other interested State agencies, particularly the Agency of Commerce and Community Development, the Agency of Transportation, and the Department of Innovation and Information, whose views shall be considered in preparation of the Plan. To the extent necessary, the Department shall include in the Plan surveys to determine existing, needed, and desirable plant improvements and extensions, access and coordination between telecommunications providers, methods of operations, and any change that will produce better service or reduce costs. To this end, the Department may require the submission of data by each company subject to supervision by the Public Service Board.

(e) Before adopting a Plan, the Department shall conduct public hearings on a final draft and shall consider the testimony presented at such hearings in preparing the final Plan. At least one hearing shall be held jointly with Committees of the General Assembly designated by the General Assembly for this purpose. The Plan shall be adopted by September 1, 2014, and then reviewed and updated as provided in subsection (f) of this section.

(f) The Department, from time to time, but in no event less than every three years, shall institute proceedings to review the Plan and make revisions, where necessary. The three-year major review shall be made according to the procedures established in this section for initial adoption of the Plan. For good cause or upon request by a joint resolution passed by the General Assembly, an interim review and revision of any section of the Plan may be made after conducting public hearings on the interim revision. At least one hearing shall be held jointly with Committees of the General Assembly designated by the General Assembly for this purpose.

(g) The Department shall review and update the minimum technical service characteristic objectives not less than every three years beginning in 2017. In

the event such review is conducted separately from an update of the Plan, the Department shall issue revised minimum technical service characteristic objectives as an amendment to the Plan.

* * * Standard Offer Program; Exemption * * *

Sec. 25. STANDARD OFFER PROGRAM; EXEMPTION; REPORT

(a) On or before December 15, 2018, the Public Service Board (Board) shall submit a written report providing its recommendations related to the exemption set forth at 30 V.S.A. § 8005a(k)(2)(B) and any issues arising from that exemption, including the effect of the exemption on the State's achievement of the renewable energy goals set forth in 30 V.S.A. § 8001. In developing its recommendations under this section, the Board shall conduct a proceeding to solicit input from potentially affected parties and the public.

(b) Notwithstanding any contrary provision of the exemption at 30 V.S.A. § 8005a(k)(2)(B), a retail electricity provider shall not qualify to be exempt under subdivision 8005a(k)(2)(B) during calendar year 2018 or calendar year 2019 unless that provider previously qualified for an exemption under that subdivision.

(c) In this section, "retail electricity provider" has the same meaning as in 30 V.S.A. § 8002.

* * * Effective Dates * * *

Sec. 26. EFFECTIVE DATES

This section and Secs. 14 through 25 shall take effect on passage. The remainder of this act shall take effect on July 1, 2017.

and that after passage the title of the bill be amended to read: "An act relating to the Public Service Board, energy, and telecommunications"

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Energy and Technology

The bill having appeared on the Calendar one day for notice, was taken up, read the second time, the reports of the committees on Energy and Technology and Appropriations were agreed to and third reading was ordered.

**Second Reading, Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 130

Rep. Conlon of Cornwall, for the committee on Education, to which had been referred Senate bill, entitled

An act relating to miscellaneous changes to education laws

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: By striking out Sec. 2 (Educational and Training Programs for College Credit), Sec. 3 (Student Enrollment; Small School Grant), Secs. 6–8 (speech-language pathologists), and Sec. 19 (Effective Dates) with their reader assistances, in their entirety.

Second: By renumbering the remaining sections to be numerically correct.

Third: By adding eight new sections, to be Secs. 14, 15, 16, 17, 18, 19, 20, and 21, with reader assistances, to read:

* * * Criminal Record Checks * * *

Sec. 14. 16 V.S.A § 255(k) is added to read:

(k) The requirements of this section shall not apply to persons operating or employed by a child care facility that is prequalified to provide prekindergarten education pursuant to section 829 of this title and that is required to be licensed by the Department for Children and Families pursuant to 33 V.S.A § 3502.

Sec. 15. 33 V.S.A § 3511 is amended to read:

§ 3511. DEFINITIONS

As used in this chapter:

* * *

(2) “Child care facility” means any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under 16 years of age outside their homes for periods of fewer than 24 hours a day by a person other than a child’s own parent, guardian, or relative, as defined by rules adopted by the Department for Children and Families, but not including a kindergarten approved by the State Board of Education or a prequalified prekindergarten program operated by a school.

* * *

* * * Education Weighting Study Committee * * *

Sec. 16. EDUCATION WEIGHTING STUDY COMMITTEE

(a) Creation. There is created the Education Weighting Study Committee to consider and make recommendations on the criteria used for determining weighted long-term membership of a school district under 16 V.S.A. § 4010.

(b) Membership. The Committee shall be composed of the following nine members:

- (1) two current members of the House of Representatives, not from the same party, who shall be appointed by the Speaker of the House;
- (2) two current members of the Senate, not from the same party, who shall be appointed by the Committee on Committees;
- (3) the Secretary of Education or designee;
- (4) the Secretary of Human Services or designee;
- (5) the Executive Director of the Vermont Superintendent's Association or designee;
- (6) the Executive Director of the Vermont School Boards Association or designee; and
- (7) the Executive Director of the Vermont National Education Association or designee.

(c) Powers and duties.

(1) The Committee shall consider and make recommendations on the criteria used for the determining weighted long-term membership of a school district under 16 V.S.A. § 4010, including the following:

(A) the relationship between each of the current weighting factors and the quality and equity of educational outcomes for students;

(B) whether any of the weighting factors, including the weighting factors for students from economically deprived backgrounds and for students for whom English is not the primary language, should be modified, and if so, how the weighting factors should be modified and if the modification would further the quality and equity of educational outcomes for students; and

(C) whether to add any weighting factors, including a school district population density factor, and if so, why the weighting factor should be added and if the weighting factor would further the quality and equity of educational outcomes for students.

(2) In addition to considering and make recommendations on the criteria used for the determining weighted long-term membership of a school district under subdivision (1) of this subsection, the Committee may consider and make recommendations on other methods that would further the quality and equity of educational outcomes for students.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Education.

(e) Report. On or before January 15, 2018, the Committee shall submit a written report to the House and Senate Committees on Education with its

findings and any recommendations.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Committee to occur on or before May 30, 2017.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Committee shall cease to exist on January 16, 2018.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than seven meetings.

(2) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than seven meetings.

* * * Surety Bond; Postsecondary Institutions * * *

Sec. 17. 16 V.S.A. § 175 is amended to read:

§ 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

(a) When an institution of higher education, whether or not chartered in this State, proposes to discontinue the regular course of instruction, either permanently or for a temporary period other than a customary vacation period, the institution shall:

(1) promptly inform the State Board;

(2) prepare the academic record of each current and former student in a form satisfactory to the State Board and including interpretive information required by the Board; and

(3) deliver the records to a person designated by the State Board to act as permanent repository for the institution's records, together with the reasonable cost of entering and maintaining the records.

* * *

(e) When an institution of higher education is unable or unwilling to comply with the requirements of subsection (a) of this section, the State Board may expend State funds necessary to ensure the proper storage and availability of the institution's records. The Attorney General shall then seek recovery

under this subsection, in the name of the State, of all of the State's incurred costs and expenses, including attorney's fees, arising from the failure to comply. Claims under this subsection shall be a lien on all the property of a defaulting institution, until all claims under this subsection are satisfied. The lien shall take effect from the date of filing notice thereof in the records of the town or towns where property of the defaulting institution is located.

* * *

(g)(1) Each institution of higher education accredited in Vermont, except institutions that are members of the Association of Vermont Independent Colleges (AVIC), the University of Vermont, and the Vermont State Colleges, shall acquire and maintain a bond from a corporate surety licensed to do business in Vermont in the amount of \$50,000.00 to cover costs that may be incurred by the State under subsection (e) of this section due to the institution's failure to comply with the requirements of subsection (a) of this section, and the institution shall provide evidence of the bond to the Secretary within 30 days of receipt. The State shall be entitled to recover up to the full amount of the bond in addition to the other remedies provided in subsection (e) of this section.

(2) AVIC shall maintain a memorandum of understanding with each of its member colleges under which each member college agrees to:

(A) upon the request of AVIC, properly administer the student records of a member college that fails to comply with the requirements of subsection (a) of this section; and

(B) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another AVIC member or other entity selected by AVIC maintaining the records of a member college that fails to comply with the requirements of subsection (a) of this section.

* * * Small School Support * * *

Sec. 18. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

* * *

(2) "Enrollment" means the number of students who are enrolled in a school operated by the district on October 1, provided, however, that for prekindergarten students, "enrollment" shall include any prekindergarten child for whom the school district of residence has provided prekindergarten education or on whose behalf it has paid tuition pursuant section 829 of this title. A student shall be counted as one whether the student is enrolled as a full-time or part-time student.

* * *

(4) "Average grade size" means two-year average enrollment divided by the number of grades taught in the district on October 1. For purposes of this calculation, ~~kindergarten and prekindergarten programs shall be counted together as one grade~~ as two grades.

* * *

Sec. 19. 2015 Acts and Resolves No. 46, Sec. 20 is amended to read:

Sec. 20. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

(1) "Eligible school district" means a school district that:

~~operates at least one school; and~~

~~(A) has a two-year average combined enrollment of fewer than 100 students in all the schools operated by the district; or has~~

~~(B)(A) operates at least one school with an average grade size of 20 or fewer; and~~

~~(B) has been determined by the State Board, on an annual basis, to be eligible due to either:~~

~~(i) the lengthy driving times or inhospitable travel routes between the school and the nearest school in which there is excess capacity; or~~

~~(ii) the academic excellence and operational efficiency of the school, which shall be based upon consideration of:~~

~~(I) the school's measurable success in providing a variety of high-quality educational opportunities that meet or exceed the educational quality standards adopted by the State Board pursuant to section 165 of this title;~~

~~(II) the percentage of students from economically deprived backgrounds, as identified pursuant to subsection 4010(d) of this title, and those students' measurable success in achieving positive outcomes;~~

~~(III) the school's high student-to-staff ratios; and~~

~~(IV) the district's participation in a merger study and submission of a merger report to the State Board pursuant to chapter 11 of this title or otherwise.~~

(2) "Enrollment" means the number of students who are enrolled in a school operated by the district on October 1, provided, however, that for prekindergarten students, "enrollment" shall include any prekindergarten child

for whom the school district of residence has provided prekindergarten education or on whose behalf it has paid tuition pursuant section 829 of this title. A student shall be counted as one whether the student is enrolled as a full-time or part-time student.

* * *

(4) “Average grade size” means two-year average enrollment divided by the number of grades taught in the district on October 1. For purposes of this calculation, ~~kindergarten and prekindergarten programs shall be counted together as one grade~~ as two grades.

* * *

(6) “School district” means a town, city, incorporated, interstate, or union school district or a joint contract school established under subchapter 1 of chapter 11 of this title.

* * *

~~(c) Small schools financial stability grant: In addition to a small schools support grant, an eligible school district whose two year average enrollment decreases by more than 10 percent in any one year shall receive a small schools financial stability grant. However, a decrease due to a reduction in the number of grades offered in a school or to a change in policy regarding paying tuition for students shall not be considered an enrollment decrease. The amount of the grant shall be determined by multiplying 87 percent of the base education amount for the current fiscal year, by the number of enrollment, to the nearest one hundredth of a percent, necessary to make the two year average enrollment decrease only 10 percent. [Repealed.]~~

~~(d) Funds for both grants shall be appropriated from the Education Fund and shall be added to payments for the base education amount or deducted from the amount owed to the Education Fund in the case of those districts that must pay into the Fund under section 4027 of this title. [Repealed.]~~

* * *

* * * Prekindergarten Education Recommendations * * *

Sec. 20. PREKINDERGARTEN EDUCATION RECOMMENDATIONS

On or before November 1, 2017, the Secretaries of Human Services and of Education shall jointly present recommendations to the House and Senate Committees on Education that will ensure equity, quality, and affordability, and reduce duplication and complexity, in the current delivery of prekindergarten services.

* * * Effective Dates * * *

Sec. 21. EFFECTIVE DATES

(a) This section, Secs. 1–7, 9–13, 16, 18, and 20 shall take effect on passage.

(b) Sec. 8 (State-placed students) shall take effect beginning with the 2017–2018 school year.

(c) Secs. 14–15 (criminal record checks) shall take effect on passage and shall apply to persons hired or contracted with after June 30, 2017 and to persons who apply for or renew a teaching or child care provider license after June 30, 2017.

(d) Sec. 17 (surety bond; postsecondary institutions) shall take effect on October 1, 2017.

(e) Sec. 19 (small school support) shall take effect on July 1, 2019, and shall apply to grants made in fiscal year 2020 and after.

Rep. Juskiewicz of Cambridge, for the committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Education and when amended as follows:

First: By striking out Sec. 15 (definitions) in its entirety and inserting in lieu thereof the following:

Sec. 15. [Deleted.]

Second: In Sec. 16 (Education Weighting Study Committee), in each of subdivisions (g)(1) and (2), by striking out the word “seven” and inserting in lieu thereof the word “three”.

Third: By striking out Sec. 18, 16 V.S.A. § 4015 (small school support) in its entirety, with its reader assistance, and inserting in lieu thereof the following:

Sec. 18. [Deleted.]

Fourth: By striking out Sec. 19, 2015 Acts and Resolves No. 46, Sec. 20, (small school support) in its entirety and inserting in lieu thereof the following:

Sec. 19. [Deleted.]

Fifth: By striking out Sec. 21 (effective dates) in its entirety, with its reader assistance, and inserting in lieu thereof the following:

* * * Effective Dates * * *

Sec. 21. EFFECTIVE DATES

(a) This section, Secs. 1–7, 9–13, 16, and 20 shall take effect on passage.

(b) Sec. 8 (State-placed students) shall take effect beginning with the 2017–2018 school year.

(c) Sec. 14 (criminal record checks) shall take effect on passage and shall apply to persons hired or contracted with after June 30, 2017 and to persons

who apply for or renew a teaching or child care provider license after June 30, 2017.

(d) Sec. 17 (surety bond; postsecondary institutions) shall take effect on October 1, 2017.

The bill having appeared on the Calendar one day for notice was taken up, read the second time, the report of the committee on Appropriations was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Education, as amended? **Rep. Pugh of South Burlington** moved to amend the proposal of the committee on Education, as amended, as follows:

In new Sec. 20 (prekindergarten education recommendations), after “House and Senate Committees on Education”, by inserting “, House Committee on Human Services, and Senate Committee on Health and Welfare”

Which was agreed to. Thereupon, the report of the committee on Education, as amended, was agreed to and third reading was ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 524

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

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

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.

Senate Proposal of Amendment Concurred in

H. 3

The Senate proposed to the House to amend House bill, entitled

An act relating to burial depth in cemeteries

The Senate proposes to the House to amend the bill as follows:

In Sec. 1, 18 V.S.A. § 5319(b), in subdivision (1), by inserting after the first sentence, a second sentence to read as follows:

Nothing in this subdivision shall be construed to prohibit the interment of a human body at a depth greater than three and one-half feet below the surface of

the ground.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 136

The Senate proposed to the House to amend House bill, entitled

An act relating to accommodations for pregnant employees

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(14) “Pregnancy-related condition” means a limitation of an employee’s ability to perform the functions of a job caused by pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

Sec. 2. 21 V.S.A. § 495k is added to read:

§ 495k. ACCOMMODATIONS FOR PREGNANCY-RELATED CONDITIONS

(a)(1) It shall be an unlawful employment practice for an employer to fail to provide a reasonable accommodation for an employee’s pregnancy-related condition, unless it would impose an undue hardship on the employer.

(2) An employee with a pregnancy-related condition, regardless of whether the employee is an “individual with a disability” as defined in subdivision 495d(5) of this subchapter, shall have the same rights and be subject to the same standards with respect to the provision of a reasonable accommodation, pursuant to this subchapter, as a qualified individual with a disability as defined in subdivision 495d(6) of this subchapter.

(b) Nothing in this section shall be construed to diminish the rights, privileges, or remedies of an employee pursuant to federal or State law, a collective bargaining agreement, or an employment contract.

(c) An employer shall post notice of the provisions of this section in a form provided by the Commissioner in a place conspicuous to employees at the employer’s place of business.

(d) Nothing in this section shall be construed to indicate or deem that a pregnancy-related condition necessarily constitutes a disability.

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

Pending the question, Shall the House concur in the Senate proposal of amendment? **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 concur in the Senate proposal of amendment? was decided in the affirmative. Yeas, 139. Nays, 2.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gamache of Swanton	Murphy of Fairfax
Ancel of Calais	Gannon of Wilmington	Myers of Essex
Bancroft of Westford	Giambatista of Essex	Nolan of Morristown
Bartholomew of Hartland	Gonzalez of Winooski	Norris of Shoreham
Baser of Bristol	Grad of Moretown	Noyes of Wolcott
Batchelor of Derby	Graham of Williamstown	Ode of Burlington
Beck of St. Johnsbury	Greshin of Warren	Olsen of Londonderry
Belaski of Windsor	Haas of Rochester	O'Sullivan of Burlington
Beyor of Highgate	Harrison of Chittenden	Parent of St. Albans Town
Bissonnette of Winooski	Head of South Burlington	Partridge of Windham
Bock of Chester	Hebert of Vernon	Pearce of Richford
Botzow of Pownal	Helm of Fair Haven	Poirier of Barre City
Brennan of Colchester	Higley of Lowell	Potter of Clarendon
Briglin of Thetford	Hill of Wolcott	Pugh of South Burlington
Browning of Arlington	Hooper of Montpelier	Quimby of Concord
Brumsted of Shelburne	Hooper of Brookfield	Rachelson of Burlington
Buckholz of Hartford	Houghton of Essex	Rosenquist of Georgia
Burditt of West Rutland	Howard of Rutland City	Savage of Swanton
Burke of Brattleboro	Hubert of Milton	Scheu of Middlebury
Canfield of Fair Haven	Jessup of Middlesex	Scheuermann of Stowe
Carr of Brandon	Jickling of Brookfield	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Shaw of Pittsford
Christensen of Weathersfield	Juskiewicz of Cambridge	Sibilia of Dover
Christie of Hartford	Keefe of Manchester	Smith of Derby
Cina of Burlington	Keenan of St. Albans City	Smith of New Haven
Colburn of Burlington	Kimbell of Woodstock	Squirrel of Underhill
Condon of Colchester	Krowinski of Burlington	Stevens of Waterbury
Conlon of Cornwall	LaClair of Barre Town	Stuart of Brattleboro
Connor of Fairfield	Lalonde of South Burlington	Sullivan of Dorset
Conquest of Newbury	Lanpher of Vergennes	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Taylor of Colchester
Corcoran of Bennington	Lefebvre of Newark	Till of Jericho
Cupoli of Rutland City	Lewis of Berlin	Toleno of Brattleboro
Dakin of Colchester	Lippert of Hinesburg	Toll of Danville
Deen of Westminster	Long of Newfane	Townsend of South Burlington
Devereux of Mount Holly	Lucke of Hartford	Troiano of Stannard
Dickinson of St. Albans	Macaig of Williston	Turner of Milton
	Marcotte of Coventry	Viens of Newport City
	Martel of Waterford	

Town	Masland of Thetford	Walz of Barre City
Donahue of Northfield	McCormack of Burlington	Weed of Enosburgh
Dunn of Essex	McCoy of Poultney	Willhoit of St. Johnsbury
Emmons of Springfield	McCullough of Williston	Wood of Waterbury
Fagan of Rutland City	McFaun of Barre Town	Wright of Burlington
Feltus of Lyndon	Miller of Shaftsbury	Yacovone of Morristown
Fields of Bennington	Morris of Bennington	Yantachka of Charlotte
Forguites of Springfield	Morrissey of Bennington	Young of Glover
Frenier of Chelsea	Mrowicki of Putney	

Those who voted in the negative are:

Gage of Rutland City Van Wyck of Ferrisburgh *

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

Donovan of Burlington	Sheldon of Middlebury	Trieber of Rockingham
Gardner of Richmond	Strong of Albany	Webb of Shelburne
Kitzmiller of Montpelier	Terenzini of Rutland Town	

Rep. Van Wyck of Ferrisburgh explained his vote as follows:

“Madam Speaker:

”I voted no. Businesses can figure this out. It's another full employment bill for lawyers.”

Action on Bill Postponed

H. 145

House bill, entitled

An act relating to establishing the Mental Health Crisis Response Commission

Was taken up and pending the question Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Donahue of Northfield**, action on the bill was postponed until April 26, 2017.

Action on Bill Postponed

H. 184

House bill, entitled

An act relating to evaluation of suicide profiles

Was taken up and pending the question shall the House concur in the Senate proposal of amendment? on motion of **Rep. Dunn of Essex** action on the bill was postponed until April 26, 2017.

Senate Proposal of Amendment Concurred in**H. 462**

The Senate proposed to the House to amend House bill, entitled
An act relating to social media privacy for employees

The Senate proposes to the House to amend the bill in Sec. 1, 21 V.S.A. § 495k, in subsection (e), by adding a subdivision (4) to read as follows:

(4) Nothing in this section shall be construed to prevent an employer from complying with the requirements of State or federal law.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in**H. 502**

The Senate proposed to the House to amend House bill, entitled
An act relating to modernizing Vermont's parentage laws

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS AND INTENT

Current Vermont law provides detailed guidance as to the legal and physical rights and responsibilities of parents, if they marry and divorce, with respect to their biological children or stepchildren. However, statutory law has not kept pace with the changing nature of today's families. Through this act, the General Assembly seeks to assemble attorneys and members with particular expertise in these matters, who can examine parentage laws in other jurisdictions and develop a proposal for the General Assembly to consider during the 2018 legislative session that integrates with our existing laws best practices for providing for the best interest of the child in various types of parentage proceedings.

Sec. 2. PARENTAGE STUDY COMMITTEE

(a) Creation. There is created the Parentage Study Committee to examine and provide recommendations with regard to modernizing Vermont's parentage laws in recognition of the changing nature of the family.

(b) Membership. The Committee shall be composed of the following members:

(1) a judge or Justice appointed by the Chief Superior Judge;

(2) a member appointed by the Commissioner for Children and Families;

(3) an attorney appointed by the Director of the Office of Child Support;

(4) two members appointed by the Vermont Bar Association who are attorneys experienced in parentage issues related to reproductive technology and surrogacy; and

(5) one member who is a medical professional with expertise in reproductive technology, who is appointed by the other members of the Committee at its first meeting.

(c) Powers and duties. The Committee shall study how Vermont's parentage laws should be updated to address various issues that have come before the courts in recent years and issues that have arisen and been addressed in other New England states on these matters, including assisted reproductive technology and de facto parentage.

(d) Report. On or before October 1, 2017, the Committee shall submit a written report to the House and Senate Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services with its findings and recommendations for legislative action.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 507

The Senate proposed to the House to amend House bill, entitled

An act relating to Next Generation Medicaid ACO pilot project reporting requirements

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 1, Next Generation Medicaid ACO pilot project reports, in subsection (a), following "Health Reform Oversight Committee," by inserting the Green Mountain Care Board,

Second: In Sec. 1, Next Generation Medicaid ACO pilot project reports, in subsection (a), at the end subdivision (3), by adding before the semicolon, for which quarterly data is available

Third: By adding a new section to be Sec. 3, to read as follows:

Sec. 3. 2016 Acts and Resolves No. 165, Sec. 6 is amended to read:

Sec. 6. **OUT-OF-POCKET PRESCRIPTION DRUG LIMITS; 2018
PILOT; REPORTS**

(a) The Department of Vermont Health Access shall convene an advisory group to develop options for bronze-level qualified health benefit plans to be offered on the Vermont Health Benefit Exchange for the 2018 and 2019 plan ~~year~~ years, including:

(1) one or more plans with a higher out-of-pocket limit on prescription drug coverage than the limit established in 8 V.S.A. § 4089i; and

(2) two or more plans with an out-of-pocket limit at or below the limit established in 8 V.S.A. § 4089i.

* * *

(c)(1) The advisory group shall meet at least six times prior to the Department submitting plan designs to the Green Mountain Care Board for approval.

(2) In developing the standard qualified health benefit plan designs for the 2018 and 2019 plan ~~year~~ years, the Department of Vermont Health Access shall present the recommendations of the advisory committee established pursuant to subsection (a) of this section to the Green Mountain Care Board.

(d)(1) Prior to the date on which qualified health plan forms must be filed with the Department of Financial Regulation pursuant to 8 V.S.A. § 4062, a health insurer offering qualified health benefit plans on the Vermont Health Benefit Exchange shall seek approval from the Green Mountain Care Board to modify the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for one or more nonstandard bronze-level plans. In considering an insurer's request, the Green Mountain Care Board shall provide an opportunity for the advisory group established in subsection (a) of this section, and any other interested party, to comment on the recommended modifications.

(2)(A) Notwithstanding any provision of 8 V.S.A. § 4089i to the contrary, the Green Mountain Care Board may approve modifications to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for one or more bronze-level plans for the 2018 and 2019 plan ~~year~~ years only.

(B) For the 2018 and 2019 plan ~~year~~ years, the Department of Vermont Health Access shall certify at least two standard bronze-level plans that include the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i, as long as the plans comply with federal requirements. Notwithstanding any provision of 8 V.S.A. § 4089i to the contrary, the Department may certify one or more bronze-level qualified health benefit plans with modifications to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for the 2018 and 2019 plan ~~year~~ years only.

(e)(1)(A) For each individual enrolled in a bronze-level qualified health benefit plan for plan years 2016 and 2017 who had out-of-pocket prescription

drug expenditures during the 2016 plan year that met the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i, the health insurer shall, absent an alternative plan selection or plan cancellation by the individual, automatically reenroll the individual in a bronze-level qualified health benefit plan for plan year 2018 with an out-of-pocket prescription drug limit at or below the limit established in 8 V.S.A. § 4089i.

(B) For each individual enrolled in a bronze-level qualified health benefit plan for plan years 2017 and 2018 who had out-of-pocket prescription drug expenditures during the 2017 plan year that met the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i, the health insurer shall, absent an alternative plan selection or plan cancellation by the individual, automatically reenroll the individual in a bronze-level qualified health benefit plan for plan year 2019 with an out-of-pocket prescription drug limit at or below the limit established in 8 V.S.A. § 4089i.

(2) Prior to reenrolling an individual in a plan pursuant to subdivision (1) of this subsection, the health insurer shall notify the individual of the insurer's intent to reenroll ~~automatically~~ the individual automatically in a bronze-level qualified health benefit plan for the forthcoming plan year ~~2018~~ with an out-of-pocket prescription drug limit at or below the limit established in 8 V.S.A. § 4089i unless the individual contacts the insurer to select a different plan, and of the availability of bronze-level plans with higher out-of-pocket prescription drug limits. The health insurer shall collaborate with the consumer organization members of the advisory group established in subsection (a) of this section as to the notification's form and content.

(f)(1) The Director of Health Care Reform in the Agency of Administration, in consultation with the Department of Vermont Health Access and the Office of Legislative Council, shall determine whether the Secretary of the U.S. Department of Health and Human Services has the authority under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152 (ACA), to waive annual limitations on out-of-pocket expenses or actuarial value requirements for bronze-level plans, or both. On or before October 1, 2016, the Director shall present information to the Health Reform Oversight Committee regarding the authority of the Secretary of the U.S. Department of Health and Human Services to waive out-of-pocket limits and actuarial value requirements, the estimated costs of applying for a waiver, and alternatives to a waiver for preserving the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i.

(2) If the Director of Health Care Reform determines that the Secretary has the necessary authority, then on or before March 1, ~~2017~~ 2019, the Commissioner of Vermont Health Access, with the Director's assistance, shall

apply for a waiver of the cost-sharing or actuarial value limitations, or both, in order to preserve the availability of bronze-level qualified health benefit plans that meet Vermont's out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i.

(g) On or before February 15, 2017, the Department of Vermont Health Access shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance:

(1) an overview of the cost-share increase trend for bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange for the 2014 through 2017 plan years that were subject to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i;

(2) detailed information regarding lower cost-sharing amounts for selected services that will be available in bronze-level qualified health benefit plans in the 2018 and 2019 plan ~~year~~ years due to the flexibility to increase the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i pursuant to subdivision (d)(2) of this section;

(3) a comparison of the bronze-level qualified health benefit plans offered in the 2018 and 2019 plan ~~year~~ years in which there will be flexibility in the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i with the plans in which there will not be flexibility;

(4) information about the process engaged in by the advisory group established in subsection (a) of this section and the information considered to determine modifications to the cost-sharing amounts in all bronze-level qualified health benefit plans for the 2018 and 2019 plan ~~year~~ years, including prior year utilization trends, feedback from consumers and health insurers, Health Benefit Exchange outreach and education efforts, and relevant national studies;

(5) cost-sharing information for standard bronze-level qualified health benefit plans from states with federally facilitated exchanges compared to those on the Vermont Health Benefit Exchange; and

(6) an overview of the outreach and education plan for enrollees in bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange.

(h) On or before February 1, 2018, the Department of Vermont Health Access shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance:

(1) enrollment trends in bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange; and

(2) recommendations from the advisory group established pursuant to subsection (a) of this section regarding ~~continuation of the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i;~~

(A) whether there is a need for flexibility in the design of bronze-level plans on the Vermont Health Benefit Exchange for plan years after plan year 2019; and

(B) if there is a continued need for flexibility in the design of bronze plans, options for enabling that flexibility without limiting or eroding the value or availability of the protection afforded by the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i.

And by renumbering the remaining section (effective date) to be numerically correct.

Which proposal of amendment was considered and concurred in.

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. 333

House bill, entitled

An act relating to identification of gender-free restrooms in public buildings and places of public accommodation

S. 127

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

J.R.S. 25

Joint Resolution, entitled

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County and to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Land

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 the following bills were ordered messaged to the Senate forthwith and the bills ordered delivered to the Governor forthwith:

H. 3

House bill, entitled

An act relating to burial depth in cemeteries

H. 136

House bill, entitled

An act relating to accommodations for pregnant employees

H. 462

House bill, entitled

An act relating to social media privacy for employees

H. 502

House bill, entitled

An act relating to modernizing Vermont's parentage laws

H. 507

House bill, entitled

An act relating to Next Generation Medicaid ACO pilot project reporting requirements

Adjournment

At five o'clock and twelve minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, April 26, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Representative Carolyn Partridge of Windham.

Bill Referred to Committee on Ways and Means**S. 34**

Senate bill, entitled

An act relating to cross-promoting development incentives and State policy goals

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Ways and Means**S. 135**

Senate bill, entitled

An act relating to promoting economic development

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations**S. 8**

Senate bill, entitled

An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Adopted in Concurrence**J.R.S. 32**

By Senator Ashe,

J.R.S. 32. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 28, 2017, it be to meet again no later than Tuesday, May 2, 2017.

Was taken up, read and adopted in concurrence.

**Senate Proposal of Amendment Concurred in
with Further Proposal****H. 145**

The Senate proposed to the House to amend House bill, entitled

An act relating to establishing the Mental Health Crisis Response Commission

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 1, 18 V.S.A. § 7257a, in subdivision (b)(1), by striking out the second sentence in its entirety and inserting in lieu thereof a new sentence to read as follows:

A law enforcement officer or mental health crisis responder involved in an interaction not resulting in death or serious bodily injury is encouraged to refer the interaction for optional review to the Commission, including interactions

with positive outcomes that could serve to provide guidance in effective strategies.

Second: In Sec. 1, 18 V.S.A. § 7257a, by striking out subdivision (b)(2) in its entirety and inserting in lieu thereof as follows:

(2) The review process shall not commence until any criminal prosecution arising out of the incident is concluded or the Attorney General and State's Attorney provide written notice to the Commission that no criminal charges shall be filed.

Third: In Sec. 1, 18 V.S.A. § 7257a, in subsection (i), in the first sentence, by striking out "on or before January 15 of the first year of the biennium" and inserting in lieu thereof as the Commission deems necessary, but no less frequently than once per calendar year

Which proposal of amendment was considered.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Donahue of Northfield** moved to concur with further proposal of amendment as follows:

In Sec. 1, 18 V.S.A. § 7257a, subdivision (b)(1), by striking out the last sentence and inserting in lieu thereof the following: "Interactions not resulting in death or serious bodily injury may be referred for optional review to the Commission, including review of interactions with positive outcomes that could serve to provide guidance on effective strategies. A law enforcement officer or mental health crisis responder involved in such an interaction is encouraged to refer it to the Commission."

Which was agreed to.

Action on Bill Postponed

H. 184

House bill, entitled

An act relating to evaluation of suicide profiles

Was taken up and pending the question Will the House concur in the Senate proposal of amendment?, on motion of **Rep. Dunn of Essex**, action on the bill was postponed until April 27, 2017.

Third Reading; Bill Passed

H. 524

House bill, entitled

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

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 527

House bill, entitled

An act relating to approval of amendments to the charter of the Town of East Montpelier and to the merger of the Town and the East Montpelier Fire District No. 1

Was taken up, read the third time and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 10

Senate bill, entitled

An act relating to liability for the contamination of potable water supplies

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Proposal of Amendment agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 52

Senate bill, entitled

An act relating to the Public Service Board and its proceedings

Was taken up and pending third reading of the bill, **Rep. Lippert of Hinesburg** moved to propose to the Senate to amend the bill as follows:

First: After Sec. 13, by inserting Sec. 13a to read:

* * * In-person Citizens' Access to Public Service Board Hearings * * *

Sec. 13a. 30 V.S.A. § 11 is amended to read:

§ 11. PLEADINGS; RULES OF PRACTICE; HEARINGS; FINDINGS OF
FACT

* * *

(b) The Board shall allow all members of the public to attend each of its hearings unless the hearing is for the sole purpose of considering information to be treated as confidential pursuant to a protective order duly adopted by the Board.

(1) The Board shall make all reasonable efforts to ensure that the location of each hearing is sufficient to accommodate all members of the public seeking to attend.

(2) The Board shall ensure that the public may safely attend the hearing, including obtaining such resources as may be necessary to fulfill this obligation.

(c) The Board shall hear all matters within its jurisdiction, and make its findings of fact. It shall state its rulings of law when they are excepted to. Upon appeal to the Supreme Court, its findings of fact shall be accepted unless clearly erroneous.

Second: After Sec. 25, by inserting Sec. 25a to read:

* * * Open Meeting Law; Public Service Board * * *

Sec. 25a. REPORT; OPEN MEETING LAW; PUBLIC SERVICE BOARD

(a) On or before December 15, 2017, the Attorney General shall submit a report on the exemption of the Public Service Board from the Vermont Open Meeting Law, 1 V.S.A. § 312(e). The report shall evaluate whether the Board should continue to have a complete exemption from the Open Meeting Law or whether its exemption should be limited, as with other administrative boards, to the Board's deliberations in connection with quasi-judicial proceedings. The report shall set out the reasons favoring and disfavoring each of these outcomes and provide the Attorney's General recommendation.

(b) The report described in subsection (a) shall be submitted to the House and Senate Committees on Government Operations, the House Committee on Energy and Technology, and the Senate Committees on Finance and on Natural Resources and Energy.

Third: In Sec 26, effective dates, in the first sentence, by striking out "25" and inserting in lieu thereof "25a"

Which was agreed to. Thereupon, the bill was read a third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **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 pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 144. Nays, 0.

Those who voted in the affirmative are:

Ainsworth of Royalton
Ancel of Calais
Bancroft of Westford
Bartholomew of Hartland
Baser of Bristol
Batchelor of Derby
Beck of St. Johnsbury

Gannon of Wilmington
Gardner of Richmond
Giambatista of Essex
Gonzalez of Winooski
Grad of Moretown
Graham of Williamstown
Greshin of Warren

Norris of Shoreham
Noyes of Wolcott
Ode of Burlington
Olsen of Londonderry
O'Sullivan of Burlington
Parent of St. Albans Town
Partridge of Windham

Belaski of Windsor	Haas of Rochester	Pearce of Richford
Beyor of Highgate	Harrison of Chittenden	Poirier of Barre City
Bissonnette of Winooski	Head of South Burlington	Potter of Clarendon
Bock of Chester	Hebert of Vernon	Pugh of South Burlington
Botzow of Pownal	Higley of Lowell	Quimby of Concord
Brennan of Colchester	Hill of Wolcott	Rachelson of Burlington
Briglin of Thetford	Hooper of Montpelier	Rosenquist of Georgia
Brumsted of Shelburne	Hooper of Brookfield	Savage of Swanton
Buckholz of Hartford	Houghton of Essex	Scheu of Middlebury
Burditt of West Rutland	Howard of Rutland City	Scheuermann of Stowe
Burke of Brattleboro	Hubert of Milton	Sharpe of Bristol
Canfield of Fair Haven	Jessup of Middlesex	Shaw of Pittsford
Carr of Brandon	Jickling of Brookfield	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Sibilia of Dover
Christensen of Weathersfield	Juskiewicz of Cambridge	Smith of Derby
Christie of Hartford	Keefe of Manchester	Smith of New Haven
Cina of Burlington	Keenan of St. Albans City	Squirrell of Underhill
Colburn of Burlington	Kimbell of Woodstock	Stevens of Waterbury
Condon of Colchester	Krowinski of Burlington	Strong of Albany
Conlon of Cornwall	LaClair of Barre Town	Stuart of Brattleboro
Connor of Fairfield	Lalonde of South Burlington	Sullivan of Dorset
Conquest of Newbury	Lanpher of Vergennes	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Taylor of Colchester
Corcoran of Bennington	Lefebvre of Newark	Till of Jericho
Cupoli of Rutland City	Lewis of Berlin	Toleno of Brattleboro
Dakin of Colchester	Lippert of Hinesburg	Toll of Danville
Deen of Westminster	Long of Newfane	Townsend of South Burlington
Devereux of Mount Holly	Lucke of Hartford	Trieber of Rockingham
Dickinson of St. Albans Town	Macaig of Williston	Troiano of Stannard
Donahue of Northfield	Marcotte of Coventry	Van Wyck of Ferrisburgh
Donovan of Burlington	Martel of Waterford	Viens of Newport City
Dunn of Essex	Masland of Thetford	Walz of Barre City
Emmons of Springfield	McCormack of Burlington	Webb of Shelburne
Fagan of Rutland City	McCoy of Poultney	Weed of Enosburgh
Feltus of Lyndon	McCullough of Williston	Willhoit of St. Johnsbury
Fields of Bennington	McFaun of Barre Town	Wood of Waterbury
Forguites of Springfield	Miller of Shaftsbury	Wright of Burlington
Frenier of Chelsea	Morris of Bennington	Yacovone of Morristown
Gage of Rutland City	Morrissey of Bennington	Yantachka of Charlotte
Gamache of Swanton	Mrowicki of Putney	Young of Glover
	Murphy of Fairfax	
	Myers of Essex	
	Nolan of Morristown	

Those who voted in the negative are: none

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

Browning of Arlington	Kitzmiller of Montpelier	Turner of Milton
Helm of Fair Haven	Terenzini of Rutland Town	

**Proposal of Amendment agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 130

Senate bill, entitled

An act relating to miscellaneous changes to education laws

Was taken up and pending third reading of the bill, **Rep. Sibilio of Dover** moved the House propose to the Senate to amend the bill as follows:

By striking out Sec. 16 (Education Weighting Study Committee) in its entirety, with its reader assistance, and inserting in lieu thereof a new Sec. 16, with reader assistance, to read:

* * * Education Weighting Report * * *

Sec. 16. EDUCATION WEIGHTING REPORT

(a) The Agency of Education, the Joint Fiscal Office, and the Office of Legislative Council, in consultation with the Secretary of Human Services, the Vermont Superintendent's Association, the Vermont School Boards Association, and the Vermont National Education Association, shall consider and make recommendations on the criteria used for determining weighted long-term membership of a school district under 16 V.S.A. § 4010, including the following.

(1) The current weighting factors and any supporting evidence or basis in the historical record for these factors.

(2) The relationship between each of the current weighting factors and the quality and equity of educational outcomes for students.

(3) Whether any of the weighting factors, including the weighting factors for students from economically deprived backgrounds and for students for whom English is not the primary language, should be modified, and if so, how the weighting factors should be modified and if the modification would further the quality and equity of educational outcomes for students.

(4) Whether to add any weighting factors, including a school district population density factor, and if so, why the weighting factor should be added and if the weighting factor would further the quality and equity of educational outcomes for students. In considering whether to recommend the addition of a school district population density factor, the Agency of Education shall consider the practices of other states, information from the National Council for State Legislatures, and research conducted by higher education institutions working on identifying rural or urban education financing factors.

(b) In addition to considering and making recommendations on the criteria

used for the determining weighted long-term membership of a school district under subsection (a) of this section, the Agency of Education may consider and make recommendations on other methods that would further the quality and equity of educational outcomes for students.

(c) Report. On or before December 15, 2017, the Agency of Education shall submit a written report to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance with its findings and any recommendations.

Which was agreed to.

Pending the third reading of the bill, **Rep. Cupoli of Rutland City** moved the House propose to the Senate to amend the bill as follows:

By striking out Sec. 14 in its entirety and inserting in lieu thereof a new Sec. 14 to read:

Sec. 14. 16 V.S.A. § 255 (k) and (l) are added to read:

(k) The requirements of this section shall not apply to persons operating or employed by a child care facility that is prequalified to provide prekindergarten education pursuant to section 829 of this title and that is required to be licensed by the Department for Children and Families pursuant to 33 V.S.A § 3502.

(l) The requirements of this section shall not apply with respect to a school district's partners in any program authorized or student placement created by chapter 23, subchapter 2 of this title. It is provided, however, that superintendents are not prohibited from requiring a fingerprint supported record check pursuant to district policy with respect to its partners in such programs.

Which was agreed to.

Pending the third reading of the bill, **Rep. Beck of St. Johnsbury** moved the House propose to the Senate to amend the bill as follows:

First: By striking out Sec. 21 (effective dates) in its entirety, with its reader assistance.

Second: By adding three new sections, to be Secs. 21, 22, and 23, with reader assistances, to read:

* * * High School Completion Program * * *

Sec. 21. 16 V.S.A. § 942(6) is amended to read:

(6) ~~“Contracting agency”~~ “Local adult education and literacy provider” means an entity that enters into a contract with the Agency to provide “flexible pathways to graduation” services itself or in conjunction with one or more

approved providers in Vermont is awarded Federal or State grant funds to conduct adult education and literacy activities.

Sec. 22. 16 V.S.A. § 943 is amended to read:

§ 943. HIGH SCHOOL COMPLETION PROGRAM

(a) There is created a High School Completion Program to be a potential component of a flexible pathway for any Vermont student who is at least 16 years ~~old~~ of age, who has not received a high school diploma, and who may or may not be enrolled in a public or approved independent school.

(b) If a person who wishes to work on a personalized learning plan leading to graduation through the High School Completion Program is not enrolled in a public or approved independent school, then the Secretary shall assign the prospective student to a high school district, which shall be the district of residence whenever possible. The school district in which a student is enrolled or to which a nonenrolled student is assigned shall work with the ~~contracting agency~~ local adult education and literacy provider that serves the high school district and the student to develop a personalized learning plan. The school district shall award a high school diploma upon successful completion of the plan.

(c) The Secretary shall reimburse, and net cash payments where possible, a school district that has agreed to a personalized learning plan developed under this section in an amount:

(1) established by the Secretary for the development and ongoing evaluation and revision of the personalized learning plan and for other educational services typically provided by the assigned district or an approved independent school pursuant to the plan, such as counseling, health services, participation in cocurricular activities, and participation in academic or other courses; provided, however, that this amount shall not be available to a school district that provides services under this section to an enrolled student; and

(2) negotiated by the Secretary and the ~~contracting agency~~ local adult education and literacy provider, with the approved provider, for services and outcomes purchased from the approved provider on behalf of the student pursuant to the personalized learning plan.

* * * Effective Dates * * *

Sec. 23. EFFECTIVE DATES

(a) This section, Secs. 1–7, 9–13, 16, and 20–22 shall take effect on passage.

(b) Sec. 8 (State-placed students) shall take effect beginning with the 2017–2018 school year.

(c) Sec. 14 (criminal record checks) shall take effect on passage and shall apply to persons hired or contracted with after June 30, 2017 and to persons who apply for or renew child care provider license after June 30, 2017.

(d) Sec. 17 (surety bond; postsecondary institutions) shall take effect on October 1, 2017.

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 9

Rep. Buckholz of Hartford, for the committee on Agriculture & Forestry, to which had been referred Senate bill, entitled

An act relating to the preparation of poultry products

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 2, 6 V.S.A. § 3312, by striking out subdivision (c)(2) in its entirety and inserting in lieu thereof the following:

(2) As used in this subsection, “sanitary standards, practices, and procedures” means:

(A) the poultry are slaughtered in a facility that is soundly constructed, kept in good repair, and of sufficient size;

(B) rooms or compartments in which an edible product is processed, handled, or stored shall be separated from areas used for slaughter;

(C) all food-contact surfaces and nonfood-contact surfaces in the building are cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of the products;

(D) pest control shall be adequate to prevent the harborage of pests on the grounds and within the facility;

(E) substances used for sanitation and pest control shall be safe and effective under the conditions of use, and shall not be applied or stored in a manner that will result in the contamination of edible products;

(F) sewage from human waste shall be disposed of in a sewage system separate from other drainage lines or disposed of through other means sufficient to prevent backup of sewage into areas where the product is processed, handled, or stored;

(G) process wastewater should be handled in a manner to prevent the

creation of insanitary conditions, which may include through on-farm composting under the required agricultural practices;

(H) a supply of potable water of suitable temperature is provided in all areas where required for processing the product, cleaning rooms, cleaning equipment, cleaning utensils, and cleaning packaging materials;

(I) equipment and utensils used for processing or handling edible product are of a material that is cleanable and sanitizable;

(J) receptacles used for storing inedible material are of such material and construction that their use will not result in adulteration of any edible product or create insanitary conditions;

(K) a person working in contact with the poultry products, food-contact surfaces, and product-packaging material shall maintain hygienic practices; and

(L) clothing worn by persons who handle poultry products shall be of material that is cleanable or disposable; clean garments shall be worn at the start of each working day; and garments shall be changed during the day as often as necessary to prevent adulteration of poultry products or the creation of insanitary conditions.

Second: In Sec. 2, 6 V.S.A. § 3312, by adding a subsection (h) to read as follows:

(h) Approved label. Prior to selling poultry products slaughtered pursuant to the exemption in subsection (c) or (d) of this section, a poultry producer shall submit to the Secretary for approval a copy of the label that the poultry producer proposes to use for compliance with the requirements of subsection (e) of this section.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Agriculture & Forestry agreed to and third reading ordered.

Action on Bill Postponed

S. 33

House bill, entitled

An act relating to the Rozo McLaughlin Farm-to-School Program

Was taken up and pending the reading of the report of the committee on Agriculture & Forestry, on motion of **Rep. Hooper of Brookfield**, action on the bill was postponed until April 27, 2017.

Senate Proposal of Amendment Concurred in

H. 5

The Senate proposed to the House to amend House bill, entitled
An act relating to investment of town cemetery funds

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 5384 is amended to read:

§ 5384. PAYMENT TO TREASURER; RECORD; INVESTMENT

(a) Unless otherwise directed by the donor, all ~~moneys~~ monies received by a town for cemetery purposes shall be paid to the town treasurer who shall give a receipt therefor, which shall be recorded in the office of the town clerk in a book kept for that purpose. In such book shall also be stated the amount received from each donor, the time when, and the specific purpose to which the use thereof is appropriated.

(b)(1) All ~~moneys~~ monies so received by the town may be invested and reinvested by the treasurer, with the approval of the ~~selectmen~~ selectboard, by deposit in:

(A) banks chartered by the ~~state~~ State;

(B) ~~or in~~ national banks;

(C) bonds of the United States or of municipalities whose bonds are legal investment for banks chartered by the ~~state~~ State;

(D) ~~or in~~ bonds or notes legally issued in anticipation of taxes by a town, village, or city in this ~~state~~ State, or first mortgages on real estate in Vermont;

(E) ~~or in~~ the shares of an investment company, or an investment trust, ~~which~~ such as a mutual fund, closed-end fund, or unit investment trust, that is registered under the federal Investment Company Act of 1940, as amended, if such ~~mutual investment~~ fund has been in operation for at least 10 five years and has net assets of at least \$10,000,000.00 \$100,000,000.00; or

(F) ~~in~~ shares of a savings and loan association of this ~~state~~ State, or share accounts of a federal savings and loan association with its principal office in this ~~state~~ State, when and to the extent to which the withdrawal or repurchase value of such shares or accounts are insured by the Federal Savings and Loan Insurance Corporation.

(2)(A) However, in ~~towns~~ a town that ~~elect~~ elects trustees of public funds, ~~such~~ cemetery funds shall be invested by ~~such~~ the trustees in any of the

securities ~~hereinbefore~~ enumerated in this section, and the income thereof paid to the proper officers as the same falls due.

(B) ~~The Investment~~ income ~~therefrom~~ shall be expended for the purpose and in the manner designated by the donor. The provisions of this section as to future investments shall not require the liquidation or disposition of securities legally acquired and held.

(3) The treasurer, selectboard, or trustees of public funds may delegate management and investment of town cemetery funds to the extent that it is prudent under the terms of the trust or endowment, and in accordance with the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. § 3415 (delegation of investment functions). An agent exercising a delegated management or investment function may invest cemetery funds only in the securities enumerated in this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 74

The Senate proposed to the House to amend House bill, entitled
An act relating to nonconsensual sexual conduct

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 2601a is added to read:

§ 2601a. PROHIBITED CONDUCT

(a) No person shall engage in open and gross lewdness.

(b) A person who violates this section shall:

(1) be imprisoned not more than one year or fined not more than \$300.00, or both, for a first offense; and

(2) be imprisoned not more than two years or fined not more than \$1,000.00, or both, for a second or subsequent offense.

Sec. 2. 13 V.S.A. § 2632 is amended to read:

§ 2632. ~~PROHIBITED ACTS~~ PROSTITUTION

* * *

Sec. 3. 13 V.S.A. § 1030 is amended to read:

§ 1030. VIOLATION OF AN ABUSE PREVENTION ORDER, AN ORDER AGAINST STALKING OR SEXUAL ASSAULT, OR A PROTECTIVE ORDER CONCERNING CONTACT WITH A CHILD

(a) A person who intentionally commits an act prohibited by a court or who fails to perform an act ordered by a court, in violation of an abuse prevention order issued under 15 V.S.A. chapter 21 ~~of Title 15~~ or 33 V.S.A. chapter 69 ~~of Title 33~~, a protective order that concerns contact with a child and is issued under 33 V.S.A. chapter 51 ~~of Title 33~~, or an order against stalking or sexual assault issued under 12 V.S.A. chapter 178 ~~of Title 12~~, after the person has been served notice of the contents of the order as provided in those chapters; or in violation of a foreign abuse prevention order or an order against stalking or sexual assault issued by a court in any other state, federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia; shall be imprisoned not more than one year or fined not more than \$5,000.00, or both.

(b) A person who is convicted of a second or subsequent offense under this section or is convicted of an offense under this section and has previously been convicted of domestic assault under section 1042 of this title, first degree aggravated domestic assault under section 1043 of this title, or second degree aggravated domestic assault under section 1044 of this title shall be imprisoned not more than three years or fined not more than \$25,000.00, or both.

(c) Upon conviction under this section for a violation of an order issued under 15 V.S.A. chapter 21 ~~of Title 15~~, the court shall, unless the circumstances indicate that it is not appropriate or not available, order the defendant to participate in domestic abuse counseling or a domestic abuse prevention program approved by the ~~department of corrections~~ Department of Corrections. The defendant may at any time request the court to approve an alternative program. The defendant shall pay all or part of the costs of the counseling or program unless the court finds that the defendant is unable to do so.

(d) Upon conviction for a violation of an order issued under 12 V.S.A. chapter 178 ~~of Title 12~~, the court may order the defendant to participate in mental health counseling or sex offender treatment approved by the ~~department of corrections~~ Department of Corrections. The defendant shall pay all or part of the costs of the counseling unless the court finds that the defendant is unable to do so.

(e) Nothing in this section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through contempt proceedings.

(f) Prosecution for violation of an abuse prevention order or an order against stalking or sexual assault shall not bar prosecution for any other crime, including any crime that may have been committed at the time of the violation of the order.

Sec. 4. 13 V.S.A. § 3281 is added to read:

§ 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

(a) Short title. This section may be cited as the "Bill of Rights for Sexual Assault Survivors."

(b) Definition. As used in this section, "sexual assault survivor" means a person who is a victim of an alleged sexual offense.

(c) Survivors' rights. When a sexual assault survivor makes a verbal or written report to a law enforcement officer, emergency department, sexual assault nurse examiner, or victim's advocate of an alleged sexual offense, the recipient of the report shall provide written notification to the survivor that he or she has the following rights:

(1) The right to receive a medical forensic examination and any related toxicology testing at no cost to the survivor in accordance with 32 V.S.A. § 1407, irrespective of whether the survivor reports to or cooperates with law enforcement. If the survivor opts to have a medical forensic examination, he or she shall have the following additional rights:

(A) the right to have the medical forensic examination kit or its probative contents delivered to a forensics laboratory within 72 hours of collection;

(B) the right to have the sexual assault evidence collection kit or its probative contents preserved without charge for the duration of the maximum applicable statute of limitations;

(C) the right to be informed in writing of all policies governing the collection, storage, preservation, and disposal of a sexual assault evidence collection kit;

(D) the right to be informed of a DNA profile match on a kit reported to law enforcement or on a confidential kit, on a toxicology report, or on a medical record documenting a medical forensic examination, if the disclosure would not impede or compromise an ongoing investigation; and

(E) upon written request from the survivor, the right to:

(i) receive written notification from the appropriate official with custody not later than 60 days before the date of the kit's intended destruction or disposal; and

(ii) be granted further preservation of the kit or its probative contents.

(2) The right to consult with a sexual assault advocate.

(3) The right to information concerning the availability of protective orders and policies related to the enforcement of protective orders.

(4) The right to information about the availability of, and eligibility for, victim compensation and restitution.

(5) The right to information about confidentiality.

(d) Notification protocols. The Vermont Network Against Domestic and Sexual Violence and the Sexual Assault Nurse Examiner Program, in consultation with other parties referred to in this section, shall develop protocols and written materials to assist all responsible entities in providing notification to victims.

Sec. 5. 13 V.S.A. § 4501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, human trafficking, aggravated human trafficking, murder, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

(b) Prosecutions for manslaughter, ~~sexual assault~~, lewd and lascivious conduct, ~~sexual exploitation of children under chapter 64 of this title~~, sexual abuse of a vulnerable adult, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.

(c) Prosecutions for any of the following offenses ~~alleged to have been committed against a child under 18 years of age~~ shall be commenced within 40 years after the commission of the offense, and not after:

(1) sexual assault;

(2) lewd and lascivious conduct alleged to have been committed against a child under 18 years of age;

(3) sexual exploitation of a minor as defined in subsection 3258(c) of this title;

(4) lewd or lascivious conduct with a child; ~~and~~

(5) sexual exploitation of children under chapter 64 of this title; and

(6) manslaughter alleged to have been committed against a child under 18 years of age.

(d) Prosecutions for arson shall be commenced within 11 years after the commission of the offense, and not after.

(e) Prosecutions for other felonies and for misdemeanors shall be commenced within three years after the commission of the offense, and not after.

Sec. 6. 14 V.S.A. § 315 is amended to read:

§ 315. PARENT AND CHILD RELATIONSHIP

(a) For the purpose of intestate succession, an individual is the child of his or her parents, regardless of their marital status, but a parent shall not inherit from a child unless the parent has openly acknowledged the child and not refused to support the child.

(b) The parent and child relationship may be established in parentage proceedings under ~~subchapter 3A of 15 V.S.A. chapter 5 of Title 15,~~ subchapter 3A.

(c) A parent shall not inherit from a child conceived of sexual assault who is the subject of a parental rights and responsibilities order issued pursuant to 15 V.S.A. § 665(f).

Sec. 7. 15 V.S.A. § 665 is amended to read:

§ 665. RIGHTS AND RESPONSIBILITIES ORDER; BEST INTERESTS OF THE CHILD

* * *

(f) The State has a compelling interest in not forcing a victim of sexual assault or sexual exploitation to continue an ongoing relationship with the perpetrator of the abuse. Such continued interaction can have traumatic psychological effects on the victim, making recovery more difficult, and negatively affect the victim's ability to parent and to provide for the best interests of the child. Additionally, the State recognizes that a perpetrator may use the threat of pursuing parental rights and responsibilities to coerce a victim into not reporting or not assisting in the prosecution of the perpetrator for the sexual assault or sexual exploitation, or to harass, intimidate, or manipulate the victim.

(1) The Court may enter an order awarding sole parental rights and responsibilities to a parent and denying all parent-child contact with the other parent if the Court finds by clear and convincing evidence that the nonmoving parent was convicted of sexually assaulting the moving parent and the child was conceived as a result of the sexual assault. As used in this subdivision,

sexual assault shall include sexual assault as provided in 13 V.S.A. § 3252(a), (b), (d), and (e), aggravated sexual assault as provided in 13 V.S.A. § 3253, ~~and~~ aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a, lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602, and similar offenses in other jurisdictions.

~~(A) An order issued in accordance with this subdivision (f)(1) shall be permanent and shall not be subject to modification.~~

~~(B) Upon issuance of a rights and responsibilities order pursuant to this subdivision (f)(1), the Court shall not issue a parent-child contact order and shall terminate any existing parent-child contact order concerning the child and the nonmoving parent.~~

(2) The Court may enter an order awarding sole parental rights and responsibilities to one parent and denying all parent-child contact between the other parent and a child if the Court finds by clear and convincing evidence that the child was conceived as a result of the nonmoving parent sexually assaulting or sexually exploiting the moving parent and the Court finds by a preponderance of the evidence that such an order is in the best interest of the child. A conviction is not required under this subdivision, and the Court may consider other evidence of sexual assault or sexual exploitation in making its determination.

~~(A)~~ For purposes of this subdivision (f)(2):

~~(i)~~(A) sexual assault shall include sexual assault as provided in 13 V.S.A. § 3252, aggravated sexual assault as provided in 13 V.S.A. § 3253, aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a, lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602, and similar offenses in other jurisdictions; and

~~(ii)~~(B) sexual exploitation shall include sexual exploitation of an inmate as provided in 13 V.S.A. § 3257, sexual exploitation of a minor as provided in 13 V.S.A. § 3258, sexual abuse of a vulnerable adult as provided in 13 V.S.A. § 1379, and similar offenses in other jurisdictions.

~~(B) Except as provided in subdivision (f)(2)(C), the Court shall not issue a parent-child contact order in a case in which a parental rights and responsibilities order has been issued pursuant to this subdivision (f)(2) and any existing parent-child contact order concerning the child and the nonmoving parent shall be terminated.~~

~~(C) A party may file a motion for modification of the order only upon a showing of extraordinary, real, substantial, and unanticipated change of circumstances.~~

(3) Issuance of an order pursuant to this subsection shall not affect the right of the custodial parent to seek child support from the noncustodial parent.

(4) Upon issuance of a rights and responsibilities order pursuant to this subsection, the court shall not issue a parent-child contact order and shall terminate any existing parent-child contact order concerning the child and the nonmoving parent. An order issued in accordance with this subdivision shall be permanent and shall not be subject to modification.

Sec. 8. 15 V.S.A. § 1103 is amended to read:

§ 1103. REQUESTS FOR RELIEF

* * *

(c)(1) The ~~Court~~ court shall make such orders as it deems necessary to protect the plaintiff or the children, or both, if the ~~Court~~ court finds that the defendant has abused the plaintiff, and:

(A) there is a danger of further abuse; or

(B) the defendant is currently incarcerated and has been convicted of one of the following: murder, attempted murder, kidnapping, domestic assault, aggravated domestic assault, sexual assault, aggravated sexual assault, stalking, aggravated stalking, lewd or lascivious conduct with a child, use of a child in a sexual performance, or consenting to a sexual performance.

(2) The court order may include the following:

(A) an order that the defendant refrain from abusing the plaintiff, or his or her children, or both, and from interfering with their personal liberty, including restrictions on the defendant's ability to contact the plaintiff or the plaintiff's children in person, by phone, or by mail, or both, in any way, whether directly, indirectly or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication, and restrictions prohibiting the defendant from coming within a fixed distance of the plaintiff, the children, the plaintiff's residence, or other designated locations where the plaintiff or the plaintiff's children are likely to spend time;

* * *

Sec. 9. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the ~~Court~~ court that the defendant has abused the plaintiff or ~~his or her~~ the plaintiff's children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or

older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on his or her own behalf. Relief under this section shall be limited as follows:

(1) Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:

(A) to refrain from abusing the plaintiff or his or her children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household;

(B) to refrain from interfering with the plaintiff's personal liberty; or the personal liberty of the plaintiff's children, or both; and

(C) to refrain from coming within a fixed distance of the plaintiff, the plaintiff's children, the plaintiff's residence, or the plaintiff's place of employment; and

(D) to refrain from contacting the plaintiff or the plaintiff's children, or both, in any way, whether directly, indirectly or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication.

* * *

Sec. 10. EFFECTIVE DATES

(a) This section and Secs. 1 (prohibited conduct), 6 (parent and child), 7 (rights and responsibilities order; best interests of the child), 8 (request for relief), and 9 (emergency relief) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2017.

And that after passage the title of the bill be amended to read:

An act relating to domestic and sexual violence.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Conquest of Newbury** 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. Grad of Moretown

Rep. Morris of Bennington

Rep. Dickinson of St. Albans Town

Action on Bill Postponed

H. 230

House bill, entitled

An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity

Was taken up and pending the question Will the House concur in the Senate proposal of amendment? on motion of **Rep. Donahue of Northfield**, action on the bill was postponed until April 27, 2017.

Action on Bill Postponed

H. 308

House bill, entitled

An act relating to a committee to reorganize and reclassify Vermont's criminal statutes

Was taken up and pending the question Will the House concur in the Senate proposal of amendment? on motion of **Rep. Conquest of Newbury**, action on the bill was postponed until April 27, 2017.

Senate Proposal of Amendment Concurred in

H. 497

The Senate proposed to the House to amend House bill, entitled

An act relating to health requirements for animals used in agriculture

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. chapter 63 is amended to read:

CHAPTER 63. ~~LIVESTOCK DEALERS~~ LIVESTOCK-RELATED BUSINESSES, AUCTIONS, AND SALES RINGS

§ 761. DEFINITIONS

As used in this chapter:

(1) "Livestock" means cattle, horses, sheep, swine, goats, camelids, fallow deer, red deer, reindeer, and American bison.

(2) "Livestock dealer" means a person going from place to place buying, selling, or transporting livestock, or operating a livestock auction or sales ring, either on ~~their~~ the person's own account or on commission, except ~~state-breed associations recognized as such by the secretary of agriculture, food and markets;~~

(A) a federal agency, including any department, division, or authority within the agency; or

(B) a nonprofit association approved by the Secretary.

(3) "Packer" means a livestock dealer who is solely involved in the purchase of livestock for purpose of slaughter at his or her own slaughter facility.

(4) "Person" means any individual, partnership, unincorporated association, or corporation.

(5) "Transporter" means a livestock dealer who limits his or her activity to transporting livestock for remuneration. A transporter cannot buy or sell livestock and is not required to be bonded.

§ 762. LICENSE; FEE

(a) A person shall not carry on the business of a livestock dealer, packer, or transporter without first obtaining a license from the Secretary of Agriculture, Food and Markets. Before the issuance of ~~such a license, such dealer a person~~ such a license, ~~such dealer a person~~ shall file with the Secretary an application for such a license on forms provided by the Agency. Each application shall be accompanied by a fee of \$175.00 for ~~persons who buy and sell or auction livestock,~~ livestock dealers and packers and \$100.00 for ~~persons who only transport livestock commercially~~ livestock transporters.

(b) The Secretary may deny any application for a livestock ~~dealer's dealer,~~ dealer, packer, or transporter license, after notice and an opportunity for a hearing, whenever the applicant is a person or a representative of a person who has had a livestock ~~dealer's dealer, packer, or transporter~~ dealer, packer, or transporter license suspended or revoked by any state, including Vermont, or any foreign country during the preceding five years or who has been convicted of violating statutes, rules, or regulations of any state or the federal government pertaining to the sale or transportation of livestock or the control of livestock disease. The applicant shall be informed of any denial by letter, which shall include the specific reasons for the denial. The applicant shall have 15 days in which to petition the Secretary for reconsideration. The petition shall be submitted in writing, and the Secretary, in his or her discretion may hold a further hearing on the petition for reconsideration. Thereafter, the Secretary shall issue or deny the license and shall inform the applicant in writing of his or her decision and the reasons therefor.

(c) The Livestock Special Fund is established under and shall be administered pursuant to 32 V.S.A. chapter 7, subchapter 5. All funds received under this section shall be deposited in the Livestock Special Fund for use by the Agency for administration of livestock programs.

§ 763. EXEMPTIONS FROM LICENSE

The provisions of section 762 of this title relative to requiring a license shall not apply to a farmer going from place to place buying or selling livestock in

the regular operation of his or her farm business.

§ 764. BOND

~~(a) Each livestock dealer Before the Secretary issues a livestock dealer or packer license under this chapter, an applicant shall furnish the secretary Secretary with a surety bond in the amount of not less than \$10,000.00; executed by a surety company authorized to do business in this state, and a like surety bond in a like sum for each agent listed on the dealer's license application State.~~

~~(b) Before a license shall be issued to an applicant who conducts one or more livestock commission sales or auctions, such applicant shall furnish the secretary, in addition to any other bond required by this section, a surety bond, executed by a surety company authorized to do business in this state, covering all business in each location at which such applicant conducts a livestock auction or sales ring, in a principal amount to be determined by the secretary based on the volume of his purchases, but not to exceed \$150,000.00.~~ [Repealed.]

~~(c) All livestock dealers² and livestock auction bonds required under this section shall be in such the form as the secretary shall prescribe and shall be conditioned for compliance with the provisions of this chapter and for payment of all obligations of the licensee for purchases of livestock within this state. Any resident of this state injured by a harmful act of the licensee, his agents, servants, or operators shall have a cause of action in his own name on such bond for the damage sustained; provided, however, that the aggregate liability of the surety to all residents of this state shall in no event exceed the principal amount of the bond. required under 9 C.F.R. § 201.30, as amended over time. In lieu of a surety bond required under this section, the Secretary may accept a financial instrument or alternate form of surety authorized under 9 C.F.R. § 201.30.~~

~~(d) Before a license shall be issued to an applicant whose residence is outside Vermont, or to an applicant whose employer is not a resident of Vermont, such applicant shall furnish the secretary of agriculture, food and markets in addition to any other bond required by this section, a bond in the principal amount to be determined by the secretary based on the volume of his purchases, but not to exceed \$150,000.00 executed by a surety company authorized to do business in this state.~~ [Repealed.]

~~(e) The secretary may accept a livestock dealer surety bond issued under the Federal Packers and Stockyard Act instead of the bonds required under subsections (a), (b), and (c) of this section, provided that a copy of such bond is filed with the secretary and in an amount considered by the secretary to be sufficient. Where the coverage is considered insufficient the secretary may~~

~~require additional bonding to the extent authorized under subsections (a), (b), and (c) of this section. [Repealed.]~~

~~(f) The secretary may accept, in lieu of a surety bond, a federal packers and stockyards administration trust fund agreement, or a packers and stockyards administration trust agreement that includes an irrevocable letter of credit. [Repealed.]~~

~~(g) The secretary may accept a federal packers and stockyards packers surety bond in lieu of a livestock dealers bond, but only on the condition that all livestock purchased by the packer in this state shall be slaughtered at the packer's facility. [Repealed.]~~

§ 764a. CLAIMS

~~Any claims on the licensee under section 764 of this title shall be filed by the claimant with the secretary of agriculture, food and markets within 120 days of date of sale. [Repealed.]~~

§ 765. EXEMPTIONS FROM BOND

~~A nonprofit cooperative association, organized under chapter 1 or 7 of Title 11, or similar laws of other states, shall not be required to furnish a bond as required in section 764 of this title. [Repealed.]~~

§ 767. POSSESSION OF LICENSE; FEES FOR COPIES; EXPIRATION DATE; LICENSES NOT TRANSFERABLE

~~(a) A livestock dealer, packer, or transporter shall keep a copy of such the license required under this chapter in his or her possession and one number plate of suitable design which shall be issued to such dealer by the secretary at the time of the issuance of such license shall be attached to each truck or other conveyance used by such dealer for the transportation of livestock. The number plate shall be attached to the vehicle as regulated by the agency of agriculture, food and markets. At the time of the initial issuance of the license, the Secretary shall issue to the dealer, packer, or transporter a unique vehicle plate for each applicable conveyance used by the licensee to contain or transport livestock. The dealer, packer, or transporter shall attach the vehicle plate to each applicable conveyance. All such plates shall be removed from the ~~vehicles~~ conveyance immediately after expiration of the license.~~

~~(b) Copies of licenses shall be obtained from the secretary of agriculture, food and markets and he or she shall charge a fee of \$2.50 for each copy. [Repealed.]~~

~~(c) All licenses issued under section 762 of this title shall take effect July 1, and expire on June 30, following. They may A livestock dealer license, packer license, or transporter license shall not be transferred.~~

§ 768. DUTIES OF DEALERS, TRANSPORTERS, AND PACKERS

A livestock dealer, transporter, or packer licensed under section 762 of this title shall:

(1) Maintain in a clean and sanitary condition all premises, buildings, and conveyances used in the business of ~~dealing in~~ buying, selling, or transporting livestock or operating a livestock auction or sales ring;.

(2) Submit premises, buildings, and conveyances to inspection and livestock to inspection and test at any and such times as the ~~secretary~~ Secretary may deem it necessary and advisable;.

(3) Allow no livestock on livestock dealer's premises from herds or premises quarantined by the ~~secretary of agriculture, food and markets;~~ Secretary of Agriculture, Food and Markets.

(4) Maintain, subject to inspection by the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets or his or her agent, a proper record ~~in which all livestock purchased, repossessed, sold, or loaned are to be listed, giving breed, date purchased, repossessed, sold, or loaned and complete names and addresses from whom obtained and to whom delivered. Such record shall also show the individual identification of each livestock by a method prescribed for each species by rule by the secretary, except that for equine such record and method of individual identification shall be as prescribed under subchapter 2 of chapter 102 of this title compliant with applicable State and federal statutes, rules, and regulations specified by the Secretary, including the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R. part 86.~~

(5) Abide by ~~such~~ other reasonable rules ~~and regulations which that~~ may be issued adopted by the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets to prevent the spread of disease. A copy of ~~such~~ all applicable rules and regulations shall be provided to all livestock dealers, packers, and transporters licensed under the terms of section 762 of this title, at the time they first obtain a license.

(6) Pay the seller within 72 hours following the sale of the animal or animals.

(7) ~~Not simultaneously transport brucellosis free and diseased and suspect cattle, except when all the animals are being transported directly to a slaughtering facility. [Repealed.]~~

§ 769. CANCELLATION OF LICENSE

Failure of any livestock dealer, transporter, or packer to abide by the terms of this chapter, or of any of the State or federal laws, rules, or regulations

relating to livestock, or of ~~such a procedure as that the secretary of agriculture, food and markets deems~~ Secretary of Agriculture, Food and Markets adopts as necessary to prevent the spread of disease, shall be deemed sufficient cause after notice and hearing for the cancellation of a license issued under section 762 of this title.

§ 770. PENALTY

Any livestock dealer, transporter, or packer who buys, sells, or transports livestock in this ~~state~~ State or operates a livestock auction or sales ring without having a license so to do, issued either to such person or to the firm or corporation ~~which that he or she~~ represents in conducting such business, as herein required, shall be ~~fined not less than \$100.00 nor more than \$500.00 or be imprisoned not less than 30 days nor more than 90 days, or both~~ assessed an administrative penalty under section 15 of this title.

§ 772. ~~SALE OF FOALS~~

~~(a) A person shall not buy, sell, transfer ownership of, or transport any equine foal less than six months old, except with its dam, unless such foal is naturally weaned or unless for immediate slaughter. For purposes of this section, a colt shall be considered "naturally weaned" if it is capable of subsisting apart from its dam.~~

~~(b) Failure to comply with this section is a violation of 13 V.S.A. § 352(3). [Repealed.]~~

Sec. 2. 6 V.S.A. chapter 64 is amended to read:

CHAPTER 64. LIVESTOCK CARE STANDARDS ADVISORY COUNCIL

§ 791. DEFINITIONS

As used in this chapter:

(1) "Agency" means the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets.

(2) "Council" means the ~~livestock care standards advisory council~~ Livestock Care Standards Advisory Council.

(3) "Livestock" means cattle, calves, sheep, swine, horses, mules, goats, fallow deer, American bison, poultry, and any other animal that can or may be used in and for the preparation of meat, fiber, or poultry products.

(4) "Secretary" means the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets.

§ 792. ESTABLISHMENT OF LIVESTOCK CARE STANDARDS ADVISORY COUNCIL

(a) There is established a ~~livestock care standards advisory council~~ the Livestock Care Standards Advisory Council for the purposes of evaluating the laws of the ~~state~~ State and of providing policy recommendations regarding the care, handling, and well-being of livestock in the ~~state~~ State. The ~~livestock care standards advisory council~~ Livestock Care Standards Advisory Council shall be composed of the following members, all of whom shall be residents of Vermont:

(1) The ~~secretary of agriculture, food and markets~~ Secretary, who shall serve as the ~~chair~~ Chair of the ~~council~~ Council.

(2) The ~~state veterinarian~~ State Veterinarian.

(3) The following six members appointed by the ~~governor~~ Governor:

(A) A person with knowledge of food safety and food safety regulation in the ~~state~~ State.

(B) A person from a statewide organization that represents the beef industry.

(C) A Vermont licensed livestock or poultry veterinarian.

(D) A representative of an agricultural department of a Vermont college or university.

(E) A representative of the Vermont slaughter industry.

(F) A representative of the Vermont livestock dealer, hauler, or auction industry.

(4) The following three members appointed by the ~~committee on committees~~ Committee on Committees:

(A) A producer of species other than bovidae.

(B) An operator of a medium farm or large farm permitted by the ~~agency~~ Agency.

(C) A professional in the care and management of equines and equine facilities.

(5) The following three members appointed by the ~~speaker of the house~~ Speaker of the House:

(A) An operator of a small Vermont dairy farm.

(B) A representative of a local humane society ~~or organization~~ from Vermont ~~registered with the agency~~ and organized under ~~state~~ State law.

(C) A person with experience investigating charges of animal cruelty involving livestock, provided that no such person who has received or is

receiving compensation from a national humane society or organization may be appointed under this subdivision.

(b) Members of the ~~board~~ Council shall be appointed for staggered terms of three years. Except for the ~~chair~~ Chair, the ~~state veterinarian~~ State Veterinarian, and the representative of the agricultural department of a Vermont college or university, no member of the ~~council~~ Council may serve for more than ~~six~~ two consecutive ~~years~~ full terms. Eight members of the ~~council~~ Council shall constitute a quorum. If a vacancy on the Council occurs, a new member shall be appointed, in the same manner that his or her predecessor was appointed, to fill the unexpired term.

(c) With the concurrence of the ~~chair~~ Chair, the ~~council~~ Council may use the services and staff of the ~~agency~~ Agency in the performance of its duties.

§ 793. POWERS AND DUTIES OF LIVESTOCK CARE STANDARDS ADVISORY COUNCIL

(a) The Council shall:

(1) Review and evaluate the laws and rules of the State applicable to the care and handling of livestock. In conducting the evaluation required by this section, the Council shall consider the following:

- (A) the overall health and welfare of livestock species;
- (B) agricultural best management practices;
- (C) biosecurity and disease prevention;
- (D) animal morbidity and mortality data;
- (E) food safety practices;
- (F) the protection of local and affordable food supplies for consumers; and
- (G) humane transport and slaughter practices.

(2) Submit policy recommendations to the Secretary on any of the subject matter set forth under subdivision (1) of this subsection. A copy of the policy recommendations submitted to the Secretary shall be provided to the House Committee on Agriculture and ~~Forest Products~~ Forestry and the Senate Committee on Agriculture. Recommendations may be in the form of proposed legislation. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(3) Meet at least annually and at such other times as the Chair determines to be necessary.

(4) Submit minutes of the Council annually, on or before January 15, to

the House Committee on Agriculture and ~~Forest Products~~ Forestry and the Senate Committee on Agriculture. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(b) The Council may engage in education and outreach activities related to the laws and regulations for the care and handling of livestock. The Council may accept funds from public or private sources in compliance with 32 V.S.A. § 5.

Sec. 3. 6 V.S.A. chapter 102 is amended to read:

CHAPTER 102. CONTROL OF CONTAGIOUS
LIVESTOCK DISEASES

Subchapter 1. General Provisions

§ 1151. DEFINITIONS

As used in this part:

(1) “Accredited veterinarian” means a veterinarian approved by the ~~United States~~ U.S. Department of Agriculture and the ~~state veterinarian~~ State Veterinarian to perform functions specified by cooperative state-federal disease control programs.

(2) “Animal” or “domestic animal” means cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), and water buffalo. The term shall include cultured ~~trout~~ fish propagated by commercial ~~trout~~ fish farms.

(3) “Approved slaughterhouse” means an establishment maintained by a slaughterer under ~~state~~ State or federal law.

(4) “Camelids” means any animal of the family camelidae, including, ~~but not limited to,~~ guanacos, vicunas, camels, alpacas, and llamas.

(5) “Coggins test” means the agar gel immunodiffusion blood test conducted in a laboratory approved by the ~~United States~~ U.S. Department of Agriculture and the ~~secretary~~ Secretary.

(6) ~~“Secretary” means the Vermont secretary of agriculture, food and markets, or his or her designee.~~

(7) “Contagious disease,” ~~“communicable disease,”~~ “infectious disease,” or “disease” means any disease found in domestic animals ~~which~~ that is capable of directly or indirectly spreading from one domestic animal to another ~~with or without actual contact.~~ “Contagious disease” includes, ~~but is not limited to,~~ all reportable diseases.

~~(8)~~(7) “Deer” means any member of the family cervidae except for white-tailed deer and moose.

(8) “Domestic fowl” or “poultry” means all domesticated birds of all ages that may be used as human food, or which produce eggs that may be used as human food, excluding those birds protected by 10 V.S.A. part 4.

(9) “Equine animal” means any member of the family equidae, including, but not limited to, horses, ponies, mules, asses, and zebra zebras.

~~(10) “Equine infectious anemia” means swamp fever, the disease of equine animals spread by blood sucking insects and unsterile surgical instruments or equipment that produces cuts or abrasions.~~

~~(11) “Red deer” means domesticated deer of the family cervidae, subfamily cervinae, genus Cervus, species elaphus.~~

~~(12) “Fallow deer” means domesticated deer of the genus Dama, species dama.~~

~~(13) “Ferret” means only the European ferret Mustela putorius furo.~~

(11) “Red deer” means domesticated deer of the family cervidae, subfamily cervidae, genus Cervus, species elaphus.

(12) “Reactor” means an animal that tests positive to any official test required under this chapter.

~~(14)~~(13) “Reportable disease” means any disease determined included in the National List of Reportable Animal Diseases and any disease required by the secretary Secretary by rule to be a reportable disease or contained in the following list:

- ~~(A) Poultry Diseases:~~
- ~~(B) Avian Influenza~~
- ~~(C) Fowl Cholera~~
- ~~(D) Infectious laryngotracheitis~~
- ~~(E) Mycoplasma Gallisepticum~~
- ~~(F) Newcastle disease~~
- ~~(G) Mycoplasma Synoviae~~
- ~~(H) Psittacosis (Chlamydiosis)~~
- ~~(I) Salmonella:~~
 - ~~(i) pullorum~~
 - ~~(ii) typhimurium~~

- ~~(iii) other salmonellas~~
- ~~(J) Livestock Diseases:~~
- ~~(K) African Swine Fever~~
- ~~(L) Anaplasmosis~~
- ~~(M) Anthrax~~
- ~~(N) Any Vesicular Disease:~~
 - ~~(i) foot and mouth disease~~
 - ~~(ii) swine vesicular disease~~
 - ~~(iii) vesicular stomatitis~~
 - ~~(iv) vesicular exanthema~~
- ~~(O) Bluetongue~~
- ~~(P) Brucellosis~~
- ~~(Q) Cysticercosis~~
- ~~(R) Dourine~~
- ~~(S) Equine Encephalomyelitis~~
- ~~(T) Equine Infectious Anemia~~
- ~~(U) Hog Cholera~~
- ~~(V) Paratuberculosis (Johne's disease), positive organism detection~~
- ~~(W) Piroplasmosis~~
- ~~(X) Pleuropneumonia~~
- ~~(Y) Pseudorabies~~
- ~~(Z) Rabies~~
- ~~(AA) Rinderpest~~
- ~~(BB) Scabies:~~
 - ~~(i) sarcoptic (cattle)~~
 - ~~(ii) psoroptic (cattle and sheep)~~
- ~~(CC) Scrapie (sheep)~~
- ~~(DD) Screwworms~~
- ~~(EE) Bovine Tuberculosis~~
- ~~(FF) Malignant Catarrhal Fever~~

~~(GG) Transmissible spongiform encephalopathies~~

~~(15) "Deer" means any member of the family cervidae except for white-tailed deer and moose to be reportable.~~

~~(14) "Secretary" means the Secretary of Agriculture, Food and Markets or designee.~~

§ 1152. ADMINISTRATION; INSPECTION; TESTING

(a) The ~~secretary~~ Secretary shall be responsible for the administration and enforcement of the livestock disease control program. The ~~secretary~~ Secretary may appoint the ~~state veterinarian~~ State Veterinarian to manage the program, and other personnel as are necessary for the sound administration of the program.

(b) The ~~secretary~~ Secretary shall maintain a public record of all permits issued and of all animals tested by the Agency of Agriculture, Food and Markets under this chapter for a period of ~~three~~ five years.

(c) The ~~secretary~~ Secretary may conduct any inspections, investigations, tests, diagnoses, or other reasonable steps necessary to discover and eliminate contagious diseases existing in domestic animals ~~or cultured trout~~ in this ~~state~~ State. The Secretary shall investigate any reports of diseased animals, provided there are adequate resources. In carrying out the provisions of this part, the Secretary or his or her authorized agent may enter any real estate, premises, buildings, enclosures, or areas where animals may be found for the purpose of making reasonable inspections and tests. A livestock owner or the person in possession of the animal to be inspected, upon request of the Secretary, shall restrain the animal and make it available for inspection and testing.

(d) The ~~secretary~~ Secretary may contract and cooperate with the ~~United States~~ U.S. Department of Agriculture ~~and~~, other federal agencies or ~~other~~ states, and accredited veterinarians for the control and eradication of contagious diseases of animals. The ~~secretary~~ Secretary shall consult and cooperate, as appropriate, with the ~~commissioner of fish and wildlife and the commissioner of health~~ Commissioners of Fish and Wildlife and of Health regarding the control of contagious diseases.

(e) If necessary, the ~~secretary~~ Secretary shall set priorities for the use of the funds available to operate the program established by this chapter.

~~(f) The taking and possessing of an animal which is imported, possessed, or confined for the purpose of hunting shall be regulated by the fish and wildlife board and commissioner of fish and wildlife under the provisions of part 4 of Title 10. However, the secretary shall have jurisdiction over the animal for the~~

~~purposes described in section 1153 of this title~~ Records produced or acquired by the Secretary under this chapter shall be available to the public, except that the Secretary may withhold or redact a record to the extent needed to avoid disclosing directly or indirectly the identity of individual persons, households, or businesses.

§ 1153. RULES

(a) The Secretary shall adopt rules necessary for the discovery, control, and eradication of contagious diseases and for the slaughter, disposal, quarantine, vaccination, and transportation of animals found to be diseased or exposed to a contagious disease. The Secretary may also adopt rules requiring the disinfection and sanitation of real estate, buildings, vehicles, containers, and equipment ~~which~~ that have been associated with diseased livestock.

(b) The Secretary shall adopt rules establishing fencing and transportation requirements for deer.

(c) The Secretary shall adopt rules necessary for the inventory, registration, tracking, and testing of deer.

§ 1154. INSPECTION AND TESTING

~~(a) The secretary may routinely inspect all domestic animals in the state for contagious diseases.~~

~~(b) The secretary shall investigate any reports of diseased animals, provided there are adequate resources.~~

~~(c) In carrying out the provisions of this part, the secretary, or his or her authorized agent, may enter any real estate, premises, buildings, enclosures, or areas where animals may be found for the purpose of making reasonable inspections and tests.~~

~~(d) A livestock owner or the person in possession of the animal to be inspected, upon request of the secretary, shall restrain the animal and make it available for inspection and testing. [Repealed.]~~

§ 1154a. TESTING OF CULTURED FISH AND FEE FISHING BUSINESSES

~~(a)~~ Health testing of cultured fish ~~shall~~ may be provided to commercial fish farms and fee fishing businesses through an aquaculture inspection program conducted jointly by the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets and the ~~department of fish and wildlife~~ Department of Fish and Wildlife, in accordance with any memorandum of understanding between the ~~agency~~ Agency and ~~department~~ Department prepared for this purpose as required by ~~Sec. 88 of No. 50 of the Acts of 1991~~ Acts and Resolves No. 50, Sec. 88. Such testing shall be at no charge to the

commercial fish farm or fee fishing business. The testing shall be funded jointly from the operating budgets of the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets and the ~~department of fish and wildlife~~ Department of Fish and Wildlife.

~~(b) A commercial fish farm shall, before commencing operation obtain a breeder's license from the commissioner of fish and wildlife as required by 10 V.S.A. § 5207.~~

§ 1155. ~~TUBERCULOSIS TESTING~~

~~All cattle, red deer, fallow deer, and reindeer within the state shall be tested for tuberculosis on a periodic basis. The secretary shall annually designate a list of towns within which all test eligible cattle are to be tested. [Repealed.]~~

* * *

§ 1157. QUARANTINE

(a) The ~~secretary~~ Secretary may order any domestic animals, the premises upon which they are or have been located, any animal products derived from those domestic animals, and any equipment, materials, or products to which they have been exposed to be placed in quarantine if the animals:

- (1) are affected with a contagious disease;
- (2) have been exposed to a contagious disease;
- (3) may be infected with or have been exposed to a contagious disease;

(4) are suspected of having biological or chemical residues, including antibiotics, in their tissues ~~which~~ that would cause the carcasses of the animals, if slaughtered, to be adulterated within the meaning of chapter 204 of this title; or

(5) are owned or controlled by a person who has violated any provision of this part, and the ~~secretary~~ Secretary finds that a quarantine is necessary to protect the public welfare.

(b) Once a quarantine has been ordered, no animal under quarantine shall be removed from the premises where it is located. The ~~secretary~~ Secretary may limit or prevent other animals from being brought onto the same premises as the quarantined animal.

(c) A verbal quarantine order shall be effective immediately. ~~Notice~~ Written notice of quarantine shall be delivered by certified mail, registered mail, or in person to the owner of the animals or to the person in possession of the animals, or if the owner or person in possession is unknown, by publication in a newspaper of general circulation in the area. The notice shall include:

- (1) a description of the subject of the quarantine;

- (2) an explanation of why the quarantine is necessary;
- (3) the duration of the quarantine, or what condition must be met to lift the quarantine, including conditions for the repopulation of the premises and disinfection of equipment, materials, and products;
- (4) the terms of the quarantine;
- (5) the name and address of the person to be contacted for further information; and
- (6) a statement that the person may request a hearing on the quarantine order.

(d) The ~~secretary~~ Secretary may use placards or any other method deemed necessary to give notice or warning to the general public of the quarantine.

(e) Within 15 days of receiving notice, a person subject to a quarantine order may request a hearing to be held by the ~~secretary~~ Secretary. The hearing shall be held within 60 days from the date of the request unless the ~~secretary~~ Secretary has determined that a longer period is necessary because of the extent of the outbreak of disease, in which case the hearing shall be held as soon as practicable. A request for a hearing shall not stay the quarantine order.

(f) It shall be unlawful to violate the terms of a quarantine order issued pursuant to this section. Any person who knowingly violates a quarantine order shall be subject to a fine of not more than \$5,000.00; or imprisonment for not more than six months, or both. Any person who knowingly violates a quarantine order and causes the spread of a contagious disease beyond the quarantined premises shall be subject to a fine of not more than \$15,000.00; or imprisonment ~~of~~ for not more than two years, or both.

§ 1158. QUARANTINE ~~DISTRICT~~ ZONE

(a) The ~~secretary~~ Secretary may establish a quarantine ~~district~~ zone whenever it is determined that a contagious disease is widely spread throughout an area of the ~~state~~ State and that a quarantine ~~district~~ zone is necessary to contain or prevent the further spread of the disease.

(b) In establishing a quarantine ~~district~~ zone, the ~~secretary~~ Secretary may, by order:

(1) regulate, restrict, or restrain movements of animals, animal products, or vehicles and equipment associated with animals or animal products into, out of, or within the ~~district~~ zone;

(2) detain all animals within the ~~district~~ zone that might be infected with or have been exposed to the disease for examination at any place specified by the quarantine order; and

(3) take other necessary steps to prevent the spread of and eliminate the disease within the quarantine ~~district~~ zone.

(c) The ~~secretary~~ Secretary shall notify the public of the existence, location, and terms of a quarantine ~~district~~ zone, in a manner deemed appropriate under the circumstances. ~~To the extent that such notice is possible, the secretary shall~~ The Secretary may also notify by certified mail or in person, the owner or person in possession of any animal or animals which must be detained or otherwise regulated within the ~~district~~ zone.

(d) It shall be unlawful to violate the terms of a quarantine ~~district~~ zone order issued pursuant to this section. Any person who knowingly violates a quarantine ~~district~~ zone order shall be subject to a fine of not more than \$5,000.00, or imprisonment for not more than six months, or both. Any person who knowingly violates a quarantine ~~district~~ zone order and causes the spread of a contagious disease beyond the quarantine ~~district~~ zone shall be subject to a fine of not more than \$15,000.00, or imprisonment ~~of~~ for not more than two years, or both.

§ 1159. DISPOSAL OF DISEASED ANIMALS

(a) The ~~secretary~~ Secretary may condemn and order destroyed any animal that is infected with or has been exposed to a contagious disease. An order to destroy an animal shall be based on a determination that the destruction of the animal is necessary to prevent or control the spread of the disease. The ~~secretary~~ Secretary shall order any condemned animal to be destroyed and disposed of in accordance with approved methods ~~as specified by rule~~. The ~~secretary's~~ Secretary's order may extend to some or all of the animals on the affected premises.

(b) The ~~secretary~~ Secretary may order that any real property, building, vehicle, piece of equipment, container, or other article associated with a diseased animal be disinfected and sanitized. Any cost of disinfection incurred by the ~~secretary~~ Secretary shall be deducted from any compensation paid to an animal owner under this section.

(c) The ~~secretary~~ Secretary may compensate the owner of any ~~cattle~~ domestic animal destroyed pursuant to this chapter because of exposure to or infection with ~~brucellosis or tuberculosis~~ contagious disease. ~~Payment shall not exceed two-thirds of the difference between the salvage value and the appraised value of the animal, and in no event exceed \$250.00 for each purebred or \$200.00 for each grade animal~~ The Secretary, after consultation with the U.S. Department of Agriculture, shall determine the necessity for and amount of compensation on a case-by-case basis.

(d) ~~The secretary may compensate the owner of any swine destroyed~~

~~pursuant to this chapter because of exposure to or infection with brucellosis or tuberculosis. Payment shall not exceed two thirds of the difference between the salvage value and the appraised value of the animal, and in no event exceed \$40.00 for each purebred or \$20.00 for each grade swine.~~

~~(e) The secretary may compensate the owner of deer destroyed pursuant to this chapter because of exposure to or infection with brucellosis, tuberculosis, or transmissible spongiform encephalopathies. Payment shall not exceed two thirds of the difference between the salvage value and the appraised value of the animal, and in no event shall exceed \$250.00 per animal.~~

~~(f)~~ Compensation under this section shall only be paid ~~where~~ when:

~~(1) the owner of an animal destroyed for brucellosis is in compliance with the recommended uniform methods and rules of the state and federal cooperative brucellosis program;~~

~~(2) the agency Agency of Agriculture, Food and Markets has determined the origin of all animals on the premises containing the condemned animal;~~

~~(3)~~(2) all other state applicable State or federal livestock laws statutes, rules, or regulations have been complied with by the owner or person in possession of the animal;

~~(4)~~(3) there are sufficient state State funds appropriated for this purpose; and

~~(5)~~(4) in the case of a person who has made a claim for compensation under this section within the previous two years, the secretary Secretary determines that adequate measures were taken to prevent the reintroduction of contagious diseases into that person's herd or flock.

~~(g) Payments made pursuant to this section shall be in addition to any compensation paid to the owner by the federal government. The secretary may make additional payments for destroyed animals where federal regulations do not provide for compensation. Additional payments shall not exceed \$100.00 for each purebred animal and \$50.00 for each grade animal.~~

~~(h)~~(e) It shall be unlawful to violate the terms of an order issued pursuant to subsection (a) or (b) of this section. Any person who knowingly violates an order issued pursuant to subsection (a) or (b) of this section shall be subject to a fine of not more than \$5,000.00; or imprisonment for not more than six months, or both. Any person who knowingly violates an order issued pursuant to subsection (a) or (b) of this section and causes the spread of a contagious disease shall be subject to a fine of not more than \$15,000.00; or imprisonment of for not more than two years, or both.

~~(i)~~(f) A destruction order, whether verbal or written, shall take effect

immediately on notice to the owner or the person in possession of the animal or animals, if the owner or person in possession is known. The notice shall be given by certified mail or in person. Within 15 days of receiving the notice, the owner or person in possession may request a hearing to be held by the ~~secretary~~ Secretary. The hearing shall be held within 60 days from the date of the request unless the ~~secretary~~ Secretary has determined that a longer period is necessary because of the extent of the outbreak of disease, in which case the hearing shall be held as soon as practicable. A request for a hearing shall not stay the destruction order.

§ 1160. ~~APPROPRIATIONS;~~ EMERGENCY OUTBREAK OF CONTAGIOUS DISEASE

~~(a) In addition to funds appropriated to carry out the purposes of this chapter, all fees and charges collected under this chapter and any amount received by the state from the sale of condemned animals shall be used to carry out the provisions of this chapter.~~

~~(b) In case of the outbreak within this state~~ State of some contagious disease of domestic animals, or whenever there is reason to believe that there is danger of the introduction into the ~~state~~ State of any contagious disease prevailing among domestic animals outside the ~~state~~ State, the ~~secretary~~ Secretary may take ~~such~~ action and ~~issue such~~ adopt emergency rules as ~~are~~ necessary to prevent the introduction or spread of the disease.

§ 1161. FEES FOR TESTING

~~(a) The secretary~~ Secretary may assess fees necessary to cover the cost of testing ~~poultry~~ domestic animals for contagious diseases.

~~(b) The secretary may negotiate appropriate compensation with those licensed veterinarians acting at his or her request. At minimum, these fees shall be \$5.00 for each farm at which the veterinarian performs a tuberculosis test on an animal, \$.75 for each animal tested in a stanchion barn, and \$1.50 for each animal tested in a loose housing barn.~~

~~(c) The secretary may negotiate appropriate compensation with those licensed veterinarians acting at his or her request to test red deer, fallow deer, or reindeer for tuberculosis. At minimum, these fees shall be \$25.00 for each farm at which the veterinarian performs a tuberculosis test on such deer and \$5.00 for each deer tested.~~

§ 1162. REPORT OF DISEASE

~~(a) All accredited veterinarians and persons operating animal disease diagnostic laboratories shall immediately report the discovery of any domestic animal within this state~~ which State that is infected with, is suspected of being

~~infected with,~~ or has been exposed to a reportable disease as specified by this chapter. A veterinarian shall immediately report any sudden unexplained morbidity or mortality in a herd or flock located within the State. The report shall be made to the ~~state veterinarian~~ State Veterinarian and shall specify the ~~location~~ physical address where the animal is located; identification and description of the animal; the disease ~~involved,~~ or condition suspected or ~~diagnosed;~~ and the name ~~and,~~ mailing address, and telephone number of the owner or person in possession of the animal.

(b) All persons operating diagnostic laboratories shall immediately report the diagnosis of any domestic animal within this State that has a reportable disease as specified by this chapter. The report shall be made to the State Veterinarian and, in addition to the information required under subsection (a) of this section, shall include a copy of the test chart pertaining to the animal in question.

§ 1163. ADDITIONAL VIOLATIONS

(a) A person who knowingly commits any of the following acts shall be ~~imprisoned not more than six months, or fined not more than \$5,000.00, or both~~ assessed an administrative penalty under section 15 of this title for:

(1) ~~to transport~~ transporting an animal affected with, or exposed to, a contagious disease without first obtaining the permission of the ~~secretary~~ Secretary;

(2) ~~to interfere~~ interfering with any animal disease test conducted pursuant to this chapter;

(3) ~~to advertise, sell, or offer for sale as accredited tuberculosis-free or certified brucellosis-free, any cattle which do not come from herds officially accredited or certified by the secretary or the United States Department of Agriculture;~~

(4) ~~to advertise, sell, or offer~~ advertising, selling, or offering for sale as tested under ~~state~~ State or federal supervision any ~~cattle which do~~ domestic animal that does not come from herds that are under ~~state~~ State or federal supervision;

(5)(4) ~~to fail~~ failing to report the discovery of a reportable disease as required by section 1162 of this title;

(6)(5) ~~to interfere~~ interfering with or ~~hinder~~ hindering the work of the ~~secretary~~ Secretary or his or her agents pursuant to this chapter.

(b) A person who knowingly commits any of the following acts shall be imprisoned not more than two years, or fined not more than \$15,000.00, or both for:

(1) ~~to import~~ importing into this state State any animal infected with or exposed to a contagious disease;

(2) ~~to sell, or offer~~ selling or offering for sale for food purposes any animal, or animal carcass, condemned under the provisions of this chapter, unless the animal is inspected and approved for use as human food by an agent of the Secretary or the ~~United States~~ U.S. Department of Agriculture.

§ 1164. CIVIL PENALTIES

(a) A person who violates any provision of this chapter or the rules adopted under this chapter, or who commits any of the acts described in section 1163 of this title shall ~~in addition to any other penalty be subject to a civil penalty of not more than \$5,000.00~~ be assessed an administrative penalty under section 15 of this title. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct offense. ~~In no event shall the cumulative penalty exceed \$25,000.00 per occurrence.~~

(b) The ~~secretary~~ Secretary may, in the name of the ~~agency~~ Agency of Agriculture, Food and Markets, obtain a temporary or permanent injunction to restrain a violation of this chapter.

(c) After notice and opportunity for hearing, the ~~secretary~~ Secretary may suspend or revoke any license issued pursuant to chapters 63 and 65 of this title for any violation of this chapter.

§ 1165. TESTING OF CAPTIVE DEER

(a) Definitions. As used in this section:

(1) "Captive deer operation" means a place where deer are privately or publicly maintained, in an artificial manner, or held for economic or other purposes within a perimeter fence or confined space.

(2) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy.

(b) Testing. A person operating a captive deer operation under the jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the Secretary when a captive deer in his or her control dies or is sent to slaughter. The person operating the captive deer operation shall make the carcass of a deceased or slaughtered animal available to the Secretary for testing for CWD.

(c) Cost. The cost of CWD testing required under this section shall be paid by the Secretary, and shall not be assessed to the person operating the captive deer operation from which a tested captive deer originated.

§ 1181. CERTIFICATION REQUIRED

(a) Any equine animal imported into the ~~state~~ State or transported through the ~~state~~ State shall be accompanied by a ~~certificate of veterinarian inspection~~ Certificate of Veterinarian Inspection. The certificate shall state that the equine animal has been tested negative to equine infectious anemia (EIA) by an accredited veterinarian.

(b) Any equine animal purchased, sold, offered for sale, bartered, exchanged, or given away within the ~~state~~ State, or imported for one of these purposes, shall be tested by an accredited veterinarian and certified as negative to equine infectious anemia in accordance with rules adopted by the ~~secretary~~ Secretary as provided by subsection (f) of this section. A test for equine infectious anemia shall not be required ~~where~~ when:

(1) the transfer of ownership is between the owner of the animal and his or her spouse, child, or sibling and where the animal is not moved to new premises;

~~(2) the transfer of ownership is between the owner of the animal and a livestock dealer and is conducted in accordance with such rules as the secretary may adopt to ensure that an untested animal does not expose other horses to equine infectious anemia; or~~

~~(3)~~(2) the animal is consigned directly to slaughter.

(c) Whenever the ~~secretary~~ Secretary has reason to believe that any equine animal has been exposed to equine infectious anemia and that the animal may pose a threat to other equine animals, the ~~secretary~~ Secretary may require that the animal be tested for equine infectious anemia by an accredited veterinarian or ~~full-time state~~ State or federal ~~employee~~ veterinarian approved by the Secretary.

(d) The ~~secretary~~ Secretary may require by rule that any equine animal transported to any fair, show, competition, or other gathering of equine animals be accompanied by a certificate ~~which~~ that states that the equine animal has been tested and found negative to equine infectious anemia.

(e) The ~~secretary~~ Secretary shall establish by rule the form and manner of required certifications and the periods of time within which testing and certification of equine animals shall be accomplished.

(f) The ~~secretary~~ Secretary shall adopt rules pursuant to 3 V.S.A. chapter 25, for the purchase by a livestock dealer for resale or for slaughter, of equine not known to be tested for equine infectious anemia, as authorized by subsection (b) of this section. The rules shall include specifications governing equine quarantine facilities, procedures for equine animals of unknown EIA

status intended for resale to be retested, procedures for handling equine animals of unknown EIA status purchased for slaughter, and ~~record-keeping~~ record-keeping requirements for livestock dealers.

§ 1182. TESTING OF EQUINE ANIMALS

(a) Testing of equine animals for equine infectious anemia shall be done by an accredited ~~graduate~~ licensed veterinarian licensed in the State by means of a Coggins test or other test acceptable to the ~~secretary~~ Secretary, at the owner's expense.

(b) Any equine animal found to be a reactor by means of a test under subsection (a) of this section shall be administered a second test ~~within 72 hours of receipt of the results of the first test~~ in accordance with the applicable State and federal statutes, rules, or regulations.

(c) Any equine animal found to be a reactor shall be quarantined in accordance with instructions of the ~~secretary~~ Secretary between receipt of the results of the first and second tests. Any equine animal found to be a reactor to a second test shall continue to be quarantined until adequate arrangements are made for disposition of the animal in accordance with section 1183 of this title.

(d) Any veterinarian who identifies an equine animal as a reactor shall report that animal to the ~~secretary~~ Secretary in a form and manner to be prescribed by rule of the ~~secretary~~ Secretary.

~~(e) The secretary shall notify veterinarians and owners of equine animals in the immediate area of the location of the diseased animal. The immediate area shall be defined by the secretary as necessary to meet the specific circumstances created by the diseased animal.~~

§ 1183. DISPOSITION OF REACTORS

(a) Any equine animal identified as a reactor through testing as provided in subsections 1182(a) and (b) of this title shall be humanely destroyed within seven days of the second test. The destruction of the animal shall be by ~~an accredited graduate~~ a licensed veterinarian, ~~or by any other person if~~ and shall be observed by the ~~secretary~~ Secretary or an agent of the ~~United States~~ U.S. Department of Agriculture.

(b) Notwithstanding the provisions of subsection (a) of this section, a reactor may be transported to an approved slaughterhouse or research facility where authorized by written permission of the ~~secretary~~ Secretary. In granting permission, the ~~secretary~~ Secretary may specify the conditions under which the animal shall be quarantined, transported, and destroyed.

(c) Any ~~person, including an accredited graduate~~ licensed veterinarian; who destroys any equine animal in accordance with the provisions of this section shall immediately report the destruction of the animal to the ~~secretary~~ Secretary ~~within~~

~~seven days~~ Secretary.

(d) As an alternative to the destruction of animals under the provisions of subsections (a) and (b) of this section, reactors may be isolated permanently under quarantine from all other equine animals and shall be conspicuously freezebranded with the letters "EIA." In no case shall this action be delayed for more than two weeks. The quarantine shall apply to all equine animals on the premises where the reactor is located, and shall remain in effect until the reactor is destroyed or isolated under quarantine and the remaining equine animals are tested and found to be negative.

(e) The provisions of this section shall be implemented by rule of the ~~secretary~~ Secretary.

§ 1184. PENALTIES

~~Any person who violates subsection 1183(a) of this title shall be fined not less than \$500.00 nor more than \$2,500.00. Any person who violates the provisions of section 1181, 1182, or subsection 1183(b), (c), or (d) of this title shall be fined not more than \$500.00 shall be assessed an administrative penalty under section 15 of this title.~~

Sec. 4. 6 V.S.A. chapter 107 is amended to read:

CHAPTER 107. ~~IMPORTS AND EXPORTS~~ MOVEMENT OF LIVESTOCK AND POULTRY

§ 1459. DEFINITIONS

As used in this chapter:

(1) "Commercial slaughter facility" shall have the same meaning as "commercial slaughterhouse" set forth in section 3302 of this title.

(2) "Livestock" shall have the same meaning as set forth in section 3302 of this title.

(3) "Offloaded" means removed or otherwise taken off or away from the conveyance of transport.

(4) "Poultry" shall have the same meaning as set forth in section 3302 of this title.

(5) "Reactor" means livestock or poultry that test positive to a test required under this chapter.

(6) "Suspect" means livestock or poultry that are tested under a requirement in this chapter and are not classified as testing positive or negative.

§ 1460. INTERSTATE MOVEMENT; ADMINISTRATION

(a) In order to implement the requirements of this chapter and chapter 63 of this title related to the licensing of livestock businesses, the Secretary of Agriculture, Food and Markets shall require importers of livestock or poultry into the State to comply with minimum requirements of the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R. part 86, including any future amendments to the rule.

(b) In order to prevent the introduction or spread of contagious disease, or to ensure adequate animal traceability within this State, the Secretary may adopt rules to mandate stricter movement requirements than those required by the U.S. Department of Agriculture Animal Disease Traceability rule.

§ 1461. IMPORT AND EXPORT DOCUMENTATION REQUIRED

~~(a) Import permit. No person shall import, or cause~~ The Secretary of Agriculture, Food and Markets may require a person who imports or causes to be imported into this State; any domestic animal except dogs and cats, without to first obtaining obtain an import permit from the Secretary, except as the Secretary may provide by rule. Permits shall be issued on forms provided in a manner approved by the Secretary. Within ten days of importing an animal into Vermont, the importer shall return the import permit, detailing all information which the Secretary may reasonably require, to the Vermont Agency of Agriculture, Food and Markets. Persons importing horses shall not be required to obtain an import permit under this subsection unless there is a substantial danger of the introduction of a contagious disease into this State. In such case, the Secretary may require import permits for horses by emergency rule.

~~(b) Certificates of veterinary inspection. No person shall import, or cause to be imported; any domestic animal into this State without first obtaining a certificate of veterinary inspection~~ Certificate of Veterinary Inspection, except for equine imported for resale or slaughter as provided by subsection 1181(b) of this title, and except as the Secretary may provide by rule. The certificate shall be issued by an accredited and licensed veterinarian in the state; or country; of origin. The certificate shall contain a statement by the chief livestock official state animal health official for that state certifying that the veterinarian who executed the certificate is licensed to practice veterinary medicine in that state or country and is accredited by the U.S. Department of Agriculture to sign certificate of veterinary inspection a Certificate of Veterinary Inspection. The certificate shall be issued electronically or on a form prescribed by the state of origin; and declare that all of the animals listed have been inspected; or tested, or both inspected and tested, as required by the laws of Vermont applicable State and federal statutes, rules, and regulations. The certificate shall also set forth the name and address of the owner of any animal transferred pursuant to the certificate. One copy of the certificate shall

accompany the animals during transportation, and one copy shall be filed with the Secretary. A Certificate of Veterinary Inspection that is issued electronically shall meet the data standards established by the National Assembly of State Animal Health Officials in consultation with the U.S. Department of Agriculture.

(c) Exemption. The Secretary may, by rule, exempt from the provisions of this section transactions concerning domestic animals transported into this State for immediate slaughter. A person who so imports an animal without a permit and then does not immediately slaughter the animal shall be subject to the provisions of this section.

(d) Exportation. A person wishing to export domestic animals to another state or country shall comply with all the requirements of that state or country for the importation of domestic animals.

§ 1461a. INTRASTATE MOVEMENT

(a) The Secretary of Agriculture, Food and Markets shall require all livestock being transported within the State to satisfy the requirements for official identification for interstate movement under the U.S. Department of Agriculture Animal Disease Traceability rule, 9 C.F.R. part 86, including any future amendments to the rule, prior to leaving the premises of origin, regardless of the reason for movement or duration of absence from the premises.

(b) Livestock transported from the premises of origin for purposes of receiving veterinary care at a hospital in this State are exempt from the requirements of subsection (a) of this section, provided that the livestock are returned to the premises of origin immediately following the conclusion of veterinary care.

(c) Livestock and poultry that are transported to a commercial slaughter facility within the State shall not be removed from the facility without the facility's owner's first obtaining written permission from the State Veterinarian. For purposes of this section, arrival of the conveyance onto facility property constitutes transport to a slaughter facility, regardless of whether the animals have been offloaded or presented for antemortem inspection. The State Veterinarian may require inspection and testing prior to issuing consent for removal.

(d) Vermont-origin livestock and poultry that are transported to a slaughter facility outside this State shall not be removed from the facility and returned to Vermont without the facility's owner's first obtaining written permission from the State Veterinarian. For purposes of this section, arrival of the conveyance onto facility property constitutes transport to a slaughter facility, regardless of

whether the animals have been offloaded or presented for antemortem inspection. The State Veterinarian may require inspection and testing prior to issuing consent for removal.

(e) A person shall not transport out-of-state livestock or poultry into Vermont for slaughter or other purpose without written consent from the State Veterinarian if the livestock or poultry is classified as a suspect or a reactor by the U.S. Department of Agriculture or was exposed to livestock or poultry classified as a suspect or a reactor.

§ 1462. QUARANTINE

The ~~secretary~~ Secretary may require by rule in general, or order in specific cases, that any domestic ~~animals~~ animal imported into this ~~state~~ State be placed in quarantine.

§ 1463. EXAMINATION; RELEASE FROM QUARANTINE

Within a reasonable time, the ~~secretary~~ Secretary shall examine any imported domestic animal placed in quarantine, and may apply such tests or retests as the ~~secretary~~ Secretary deems necessary to determine the health of ~~such~~ the animals. After ~~test~~ tests or retests ordered by the ~~secretary~~ Secretary have been applied, any domestic animal found free from contagious or infectious disease shall be released from quarantine, unless the ~~secretary~~ Secretary determines that the animal may have been exposed to a contagious disease and that it is necessary to continue the quarantine in order to prevent the potential spread of a contagious disease. Any ~~such~~ order shall be made in the manner provided by section 1157 of this title.

§ 1464. SLAUGHTER; EXPENSES

The ~~secretary~~ Secretary may take all steps that he or she deems necessary to prevent the potential spread of a contagious or an infectious disease, including ~~but not limited to~~, continuing a quarantine order concerning imported animals found to be infected with or exposed to a contagious disease. ~~Where~~ When necessary to protect the health of other domestic animals, or to prevent or control the spread of contagious disease, the ~~secretary~~ Secretary may order any domestic animal imported into the ~~state~~ State ~~which~~ that is infected with or has been exposed to an infectious or contagious disease condemned, and destroyed, and the carcass disposed with, in accordance with the provisions of section 1159 of this title. The owner shall bear the expense of detention, examination, test, and slaughter but not the personal expenses of the ~~secretary~~ Secretary.

§ 1466. EXCEPTIONS

Nothing in sections 1461-1465 of this title shall be construed to apply to the

~~transportation of domestic animals through the state, nor shall it apply to horses that are driven into and out of the state on business or pleasure. This exemption shall not apply, however, if such animals remain in the state for more than 48 hours~~ State, provided that the animals are not offloaded within the State and the premises of the consignee are not within the State.

§ 1467. TEST AND INSPECTION IN STATE OF ORIGIN

(a) Any domestic animal brought into the ~~state~~ State shall be tested and inspected in the state of origin when testing or inspection is required by rule. Imported domestic animals may be retested at the discretion of the ~~secretary~~ Secretary.

(b) In order to prevent the spread of infections or contagious diseases, any domestic animal brought into the ~~state~~ State without having been first tested and inspected, as required by the ~~secretary's~~ Secretary's rules, may be returned to the state of origin within 48 hours of a determination by the ~~secretary~~ Secretary that the animals have been illegally imported. While in the ~~state~~ State, the illegally imported domestic animals shall be strictly quarantined. In the event that the domestic animals cannot be returned to the state of origin, the animals ~~shall~~ may be slaughtered or euthanized within 72 hours of a determination by the ~~secretary~~ Secretary that the animals have been illegally imported. The owner of the domestic animals shall bear the full expense of their removal from the ~~state~~ State, or destruction, and shall not be entitled to any compensation from the ~~state~~ State.

§ 1468. PERMITS TO PERSONS NEAR STATE LINE; SECRETARY
GRANT OF PERMISSION OF ENTRY DURING FAIR SEASON

Persons living near the ~~state~~ State line who own or occupy land in an adjoining state may procure from the ~~secretary~~ Secretary permits to drive, herd, or transport cattle, horses, or other livestock back and forth to seasonal pasture and for other purposes or housing, subject to such restrictions as the ~~secretary~~ Secretary may prescribe by rule or order. ~~The secretary may make such rules in each case as are deemed necessary.~~ The secretary Secretary may grant permission for cattle, horses, or other domestic animals to enter the state State for exhibition purposes during the fair season and between May 1 and October 31 of any year. The Secretary may make such adopt rules in connection therewith as are deemed necessary regarding entry of cattle, horses, or other domestic animals into the State for seasonal pasture, housing, or exhibition purposes.

§ 1469. PENALTIES-ILLEGAL IMPORTATION

(a) A person engaged in a commercial enterprise who violates a provision of this chapter, the rules adopted thereunder, a permit issued pursuant to this

chapter, or an order issued pursuant to this chapter ~~shall be fined not more than \$15,000.00, or imprisoned for not more than two years, or both~~ may be assessed an administrative penalty under section 15 of this title.

(b) The ~~secretary~~ Secretary may seek a temporary or permanent injunction to enforce the provisions of this chapter, the rules adopted under this chapter, a permit issued pursuant to this chapter, or an order issued pursuant to this chapter.

(c) The ~~secretary~~ Secretary may suspend or revoke a license issued under ~~chapters chapter 63 and 65~~ of this title for a violation of this chapter, the rules adopted under this chapter, a permit issued pursuant to this chapter, or an order issued pursuant to this chapter in accordance with the provisions of the Administrative Procedure Act, 3 V.S.A. chapter 25 of Title 3.

§ 1471. EXPORTATION

~~A person wishing to export domestic animals to another state or country shall comply with all the requirements of that state or country for the importation of domestic animals. [Repealed.]~~

* * *

§ 1475. RULEMAKING

The ~~secretary~~ Secretary may adopt rules to carry out the provisions of this chapter.

§ 1476. MISUSE OR REMOVAL OF OFFICIAL IDENTIFICATION DEVICES

A person who, without authority from the Secretary, removes or causes to be removed from an animal any official identification device as defined in 9 C.F.R. § 86.1, or otherwise misuses or causes an official identification device to be misused, may be imprisoned not more than one year or fined not more than \$1,000.00, or both.

§ 1477. REVOCATION OF LIVESTOCK DEALER LICENSE

The Secretary may revoke for a period of one year the license of a livestock dealer who has been convicted of a violation of the provisions of section 1476 of this chapter, and the license shall not be renewed prior to the expiration of one year from the date of conviction.

Sec. 5. 6 V.S.A. chapter 113 is amended to read:

CHAPTER 113. FEEDING PROHIBITED FOOD WASTE TO SWINE

§ 1671. DEFINITION

~~For the purpose of (a)~~ As used in this chapter, “prohibited food waste” means all the following:

(1) Pre- and postconsumer waste material derived in whole or in part from the meat of any animal (including fish and poultry), or from other animal material; or

~~(2) other than processed dairy products, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking, disposal, or consumption of food, except that such term shall not include~~ Material that, as a result of the handling, preparation, cooking, disposal, or consumption of food, has come into contact with pre- or postconsumer waste material derived in whole or in part from the meat of any animal, including fish or poultry, or from other animal material.

(b) The term “prohibited food waste” shall not include the following:

(1) waste from ordinary household operations ~~which that~~ is fed directly to swine raised exclusively for the use in the household of the owner of the swine by members of the household and nonpaying guests and employees; and

(2) processed dairy products.

§ 1672. FEEDING OF PROHIBITED FOOD WASTE

No person shall feed prohibited food waste to swine or supply prohibited food waste to others for the purpose of feeding it to swine.

§ 1675. INSPECTION AND INVESTIGATION; RECORDS

Any authorized representative of the Vermont ~~agency of agriculture, food and markets or United States~~ Agency of Agriculture, Food and Markets or U.S. Department of Agriculture is authorized to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating the allegations of feeding of prohibited food waste to swine.

§ 1676. REGULATIONS; COOPERATION WITH UNITED STATES

The ~~agency~~ Agency is charged with administration and enforcement of the provisions of this chapter, and is authorized to adopt rules and enforce all ~~rules~~ State and federal laws, rules, and regulations ~~which that~~ it deems necessary to carry out the purposes of this chapter. The ~~agency~~ Agency is authorized to cooperate with the ~~United States agency of agriculture~~ U.S. Department of Agriculture.

§ 1677. PENALTIES

A person who violates any of the provisions of; or who fails to perform any duty imposed by this chapter; or who violates any rule or regulation adopted hereunder ~~shall be fined not less than \$10.00 nor more than \$100.00 for each offense~~ shall be assessed an administrative penalty under section 15 of this

~~title. Each day upon which such violation occurs constitutes a separate offense. In addition thereto, such the person may be enjoined from further violation. The secretary may also seek administrative penalties under section 15 of this title for violations of this chapter.~~

Sec. 6. 6 V.S.A. chapter 115 is amended to read:

CHAPTER 115. VETERINARY ~~MEDICINES~~ PHARMACEUTICALS

§ 1731. SALE, DISTRIBUTION, OR USE

(a) A person, firm, or corporation other than a licensed ~~graduate~~ veterinarian shall not sell, trade, distribute, or use in this ~~state~~ State any product containing live germs, cultures, or virulent products for the treatment of any domestic animal without first obtaining ~~the approval of and a permit issued by the secretary of agriculture, food and markets~~ written authorization from the Secretary of Agriculture, Food and Markets.

(b) In no case may a person, firm, or corporation, including licensed veterinarians, use or possess virulent live virus hog cholera vaccine.

§ 1732. PENALTIES

A person, firm, or corporation who violates a provision of section 1731 of this title shall be ~~imprisoned not more than six months or fined not more than \$200.00 nor less than \$25.00, or both~~ assessed an administrative penalty under section 15 of this title.

§ 1733. ~~SALE OR USE OF TUBERCULIN; LABELS; REPORTS~~

~~All tuberculin sold, given away, or used within this state shall bear a label stating the name and address of the person, firm, or institution making it and the date of preparation. A person selling or giving away tuberculin shall report to the secretary the amount of tuberculin sold or given away, the degree of strength, the name and address of the person to whom sold or given, and the date of delivery. Such report shall include the address of and be signed by the person or firm making the report. [Repealed.]~~

§ 1734. ~~DUTIES OF BUYER OF TUBERCULIN~~

~~A person buying or procuring tuberculin shall not use or dispose of it until assured in writing by the person from whom the tuberculin is received that its delivery has been reported to the secretary or unless he has reported its receipt to such secretary with information required to be furnished by those who distribute tuberculin. The person buying or procuring tuberculin shall keep a correct record of the amount received, the amount used, and the amount on hand. He shall report these facts whenever any tuberculin is used and, if at any time unused tuberculin is not deemed fit or is not to be used, such person shall forward it to such secretary with a statement showing his name and address,~~

~~where and when such tuberculin was procured, the amount procured at the time, and the amount used. If the amount forwarded to such secretary and the amount used do not equal the amount procured, a statement shall be made as to the disposition of the remainder. [Repealed.]~~

§ 1735. ~~PENALTIES—FORFEITURE OF VETERINARY'S CERTIFICATE~~

~~A veterinary surgeon who violates a provision of sections 1733 and 1734 of this title shall forfeit his or her certificate to practice and thereafter be debarred from practicing his or her profession within the state of Vermont, until such disability is legally removed. [Repealed.]~~

§ 1736. ~~FINE OR IMPRISONMENT~~

~~A person who violates a provision of sections 1733 and 1734 of this title shall be fined not more than \$200.00 nor less than \$10.00, or be imprisoned not more than six months, or both. [Repealed.]~~

Sec. 7. REPEAL

6 V.S.A. chapter 109 (ear tags) is repealed.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 508

The Senate proposed to the House to amend House bill, entitled

An act relating to building resilience for individuals experiencing adverse childhood experiences

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

(a) It is the belief of the General Assembly that controlling health care costs requires consideration of population health, particularly adverse childhood experiences (ACEs) and adverse family experiences (AFEs).

(b) The ACE questionnaire contains ten categories of questions for adults. It is used to measure an adult's exposure to toxic stress in childhood. Based on a respondent's answers to the questionnaire, an ACE score is calculated, which is the total number of ACE categories reported as having been experienced by a respondent. ACEs include physical, emotional, and

sexual abuse; neglect; food and financial insecurity; living with a person experiencing mental illness or substance use disorder, or both; experiencing or witnessing domestic violence; and having divorced parents or an incarcerated parent.

(c) In a 1998 article entitled “Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults,” published in the *American Journal of Preventive Medicine*, evidence was cited of a “strong graded relationship between the breadth of exposure to abuse or household dysfunction during childhood and multiple risk factors for several of the leading causes of death in adults.”

(d) Physical, psychological, and emotional trauma during childhood may result in damage to multiple brain structures and functions.

(e) The greater the ACE score of a respondent, the greater the risk for many health conditions and high-risk behaviors, including alcoholism and alcohol abuse, chronic obstructive pulmonary disease, depression, obesity, illicit drug use, ischemic heart disease, liver disease, intimate-partner violence, multiple sexual partners, sexually transmitted diseases, smoking, suicide attempts, unintended pregnancies, and others.

(f) ACEs are implicated in the ten leading causes of death in the United States, and with an ACE score of six or higher, an individual has a 20-year reduction in life expectancy. In addition, the higher the ACE score, the greater the likelihood of later problems with employment and economic stability, including bankruptcy and homelessness.

(g) AFEs are common in Vermont. One in eight Vermont children has experienced three or more AFEs, the most common being divorced or separated parents, food and housing insecurity, and having lived with someone with a substance use disorder or mental health condition. Children with three or more AFEs have higher odds of failing to engage and flourish in school.

(h) The earlier in life an intervention occurs for an individual who has experienced ACEs or AFEs, the more likely that intervention is to be successful.

(i) ACEs and AFEs can be prevented when a multigenerational approach is employed to interrupt the cycle of ACEs and AFEs within a family, including both prevention and treatment throughout an individual’s lifespan.

(j) It is the belief of the General Assembly that people who have experienced adverse childhood and family experiences can build resilience and can succeed in leading happy, healthy lives.

Sec. 2. 33 V.S.A. chapter 34 is added to read:

CHAPTER 34. PROMOTION OF CHILD AND FAMILY RESILIENCE§ 3351. PRINCIPLES FOR VERMONT'S TRAUMA-INFORMED SYSTEM OF CARE

The General Assembly, to further the significant progress made in Vermont with regard to the prevention, screening, and treatment for adverse childhood and family experiences, adopts the following principles with regard to strengthening Vermont's response to trauma and toxic stress during childhood:

(1) Childhood and family trauma affects all aspects of society. Each of Vermont's systems addressing trauma, particularly social services; health care, including mental health; education; child care; and the justice system, shall collaborate to address the causes and symptoms of childhood and family trauma and to build resilience.

(2) Current efforts to address childhood trauma in Vermont shall be recognized, coordinated, and strengthened.

(3) Addressing trauma in Vermont requires building resilience in those individuals already affected and preventing childhood trauma within the next generation.

(4) Early childhood adversity and adverse family events are common and can be prevented. When adversity is not prevented, early intervention is essential to ameliorate the impacts of adversity. A statewide, community-based, public health approach is necessary to effectively address what is a chronic public health disorder. To that end, Vermont shall implement an overarching public health model based on neurobiology, resilience, epigenetics, and the science of adverse childhood and family experiences with regard to toxic stress. This model shall include training for local leaders to facilitate a cultural change around the prevention and treatment of childhood trauma.

(5) Addressing health in all policies shall be a priority of the Agency of Human Services in order to foster flourishing, self-healing communities.

(6) Service systems shall be integrated at the local and regional levels to maximize resources and simplify how systems respond to individual and family needs. All programs and services shall be evidence-informed and research-based, adhering to best practices in trauma treatment.

§ 3352. DEFINITIONS

As used in this chapter:

(1) "Adverse childhood experiences" or "ACEs" means potentially traumatic events that occur during childhood and can have negative, lasting effects on the adult's health and well-being.

(2) “Adverse family experiences” or “AFEs” means potentially traumatic events experienced by a child in his or her home or community that can have negative, lasting effects on the child’s health and well-being.

(3) “Social determinants of health” means the conditions in which people are born, grow, live, work, and age, including socioeconomic status, education, the physical environment, employment, social support networks, and access to health care.

(4) “Trauma-informed” means a type of program, organization, or system that realizes the widespread impact of trauma and understands there are potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved in a system; responds by fully integrating knowledge about trauma into policies, procedures, and practices; and seeks to actively resist retraumatization.

(5) “Toxic stress” means strong, frequent, or prolonged experience of adversity without adequate support.

§ 3353. DIRECTING TRAUMA-INFORMED SYSTEMS

(a) The Secretary of Human Services shall ensure that one or more persons within the Agency are responsible for coordinating the Agency’s response to adverse childhood and family experiences and collaborating with community partners to build trauma-informed systems, including:

(1) coordinating the Agency’s childhood trauma prevention, screening, and treatment efforts with any similar efforts occurring elsewhere in State government;

(2) disseminating training materials for early child care and learning professionals, in conjunction with the Agency of Education, regarding the identification of students exposed to adverse childhood and family experiences and of strategies for referring families to community health teams and primary care medical homes;

(3) developing and implementing programming modeled after Vermont’s Resilience Beyond Incarceration and Kids-A-Part programs to address and reduce trauma and associated health risks to children of incarcerated parents;

(4) developing a plan that builds on work completed pursuant to 2015 Acts and Resolves No. 46, especially with respect to positive behavior intervention and supports (PBIS) and full-service and trauma-informed schools, in conjunction with the Secretary of Education and other stakeholders, for creating a trauma-informed school system throughout Vermont;

(5) developing a plan that builds on work being done by early child care

and learning professionals for children ages 0–5 regarding collaboration with health care professionals in medical homes, including assisting in the screening and surveillance of young children; and

(6) support efforts to develop a framework for outreach and partnership with local community groups to build flourishing communities.

(b) The person or persons directing the Agency’s work related to adverse childhood and family experiences, in consultation with the Child and Family Trauma Committee established pursuant to section 3354 of this chapter, shall provide advice and support to the Secretary and to each of the Agency’s departments in addressing the prevention and treatment of adverse childhood and family experiences and building of trauma-informed systems. This person or persons shall also support the Secretary and departments in connecting communities and organizations with the appropriate resources for recovery when traumatic events occur.

§ 3354. CHILD AND FAMILY TRAUMA COMMITTEE

(a) Creation. There is created the Child and Family Trauma Committee within the Agency of Human Services for the purpose of providing guidance to the Agency in its efforts to mitigate childhood trauma and build resiliency in accordance with the following principles:

(1) prioritization of a multi-generational approach to support health and mitigate adversity;

(2) recognition of the importance of actively building skills, including executive functioning and self-regulation, when designing strategies to promote the healthy development of young children, adolescents, and adults;

(3) use of approaches that are centered around early childhood, including prenatal, and that focus on building adult core capabilities; and

(4) emphasis on the integration of best practice, evidence-informed practice, and evaluation to ensure accountability and to provide evidence of effectiveness and efficiency.

(b)(1) Membership. The Committee shall be composed of the following members:

(A) the person or persons directing the Agency’s work related to adverse childhood and family experiences;

(B) the Commissioner of Mental Health or designee;

(C) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(D) the Commissioner of Corrections or designee;

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- (E) the Commissioner of Health or designee;
 - (F) the Commissioner of Vermont Health Access or designee;
 - (G) a representative of the Department for Children and Families' Child Development Division;
 - (H) a representative of the Department for Children and Families' Economic Services Division;
 - (I) a representative of the Department for Children and Families' Family Services Division;
 - (J) a field services director within the Agency, appointed by the Secretary; and
 - (K) the Secretary of Education or designee.
- (2) The Secretary of Human Services shall invite at least the following representatives to serve as members of the Committee:
- (A) a representative of the Vermont Network Against Domestic and Sexual Violence;
 - (B) a representative of the Vermont Adoption Consortium;
 - (C) a representative of the Vermont Federation of Families for Children's Mental Health;
 - (D) a representative of Vermont Care Partners;
 - (E) a mental health professional, as defined in 18 V.S.A. § 7101, or a social worker, licensed pursuant to 26 V.S.A. chapter 61;
 - (F) a representative of the parent-child center network;
 - (G) a representative of Vermont Afterschool, Inc.;
 - (H) a representative of Building Bright Futures;
 - (I) a representative of Vermont's "Help Me Grow" Resource and Referral Service Program;
 - (J) a representative of trauma survivors or of family members of trauma survivors;
 - (K) a public school teacher, administrator, guidance counselor, or school nurse with knowledge about adverse childhood and family experiences;
 - (L) a private practice physician licensed pursuant to 26 V.S.A. chapter 23 or 33, a private practice nurse licensed pursuant to 26 V.S.A. chapter 38, or a private practice physician assistant licensed pursuant to 26 V.S.A. chapter 31;

(M) a representative of Prevent Child Abuse Vermont; and

(N) a representative of the field of restorative justice.

(c) Powers and duties. In light of current research and the fiscal environment, the Committee shall analyze existing resources related to building resilience in early childhood and advise the Agency on appropriate structures for advancing the most evidence-informed and cost-effective approaches to serve children experiencing trauma.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Human Services.

(e) Meetings.

(1) Meetings shall be held at the call of the Secretary of Human Services, but not more than 12 times annually.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

Sec. 3. AGENCY APPOINTMENT RELATED TO ADVERSE CHILDHOOD AND FAMILY EXPERIENCE WORK

On or before September 1, 2017, the Secretary of Human Services shall inform the chairs of the Senate Committee on Health and Welfare and House Committees on Health Care and on Human Services as to whether the Agency was able to reallocate a position within the Agency for the purpose of directing the Agency's work pursuant to 18 V.S.A. § 3353 or whether some other arrangement was implemented.

Sec. 4. ADVERSE CHILDHOOD AND FAMILY EXPERIENCES; PRESENTATION

On or before February 1, 2018, the person or persons directing the Agency's work related to adverse childhood and family experiences shall present to the House Committees on Health Care and on Human Services and to the Senate Committee on Health and Welfare findings and recommendations related to each of the following, as well as proposed legislative language where appropriate:

(1) identification of existing home visiting services and populations eligible for these services, as well as a proposal for expanding home visits to all Vermont families with a newborn infant by addressing both the financial and strategic implications of universal home visiting;

(2) identification of all existing grants administered by the Agency of Human Services for professional development related to trauma-informed

training;

(3) determination of what policies, if any, the Agency of Human Services should adopt regarding the use of evidence-informed grants with community partners that are under contract with the Agency to provide trauma-informed services;

(4) development of a proposal for measuring the outcomes of each of the initiatives created by this act, including specific quantifiable data and the amount of any savings that could be realized by the prevention and mitigation of adverse childhood and family experiences; and

(5) identification of measures to assess the long-term impacts of adverse childhood and family experiences on Vermonters and to assess the effectiveness of the initiatives created by this act in interrupting the effects of adverse childhood and family experiences.

Sec. 5. INVENTORY AND INTERIM REPORT

(a) The person or persons directing the Agency's work related to adverse childhood and family experience pursuant to 33 V.S.A. § 3353, in consultation with Vermont's "Help Me Grow" Resource and Referral Service Program, shall create an inventory of available State and community resources, program capabilities, and coordination capacity in each service area of the State with regard to the following:

(1) programs or providers currently screening patients for adverse childhood and family experiences or conducting another type of trauma assessment, including VCHIP's work integrating trauma-informed services in the delivery of health care to children and the screening and surveillance work occurring in early learning programs;

(2) regional capacity to establish integrated prevention, screening, and treatment programming and apply uniformly the Department for Children and Families' Strengthening Families Framework among service providers;

(3) availability of referral treatment programs for families and individuals who have experienced childhood trauma or are experiencing childhood trauma and whether telemedicine may be used to address shortages in service, if any; and

(4) identification of any regional or programmatic gaps in services or inconsistencies in the use of adverse childhood and family experiences screening tools.

(b) On or before November 1, 2017, the person or persons directing the Agency's work related to adverse childhood and family experiences shall submit the inventory created pursuant to subsection (a) of this section and any

preliminary recommendations related to Sec. 4 of this act to the Senate Committee on Health and Welfare and House Committees on Health Care and on Human Services.

Sec. 6. ADVERSE CHILDHOOD AND FAMILY EXPERIENCES;
RESPONSE PLAN

On or before January 15, 2019, the person or persons directing the Agency's work related to adverse childhood and family experiences pursuant to 33 V.S.A. § 3353, shall present a plan to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare regarding the integration of evidence-informed and family-focused prevention, intervention, treatment, and recovery services for individuals affected by adverse childhood and family experiences. The plan shall address the coordination of services throughout the Agency and shall propose mechanisms for improving and engaging community providers in the systematic prevention of trauma, as well as screening, case detection, and care of individuals affected by adverse childhood and family experiences.

Sec. 7. 16 V.S.A. chapter 31, subchapter 4 is added to read:

Subchapter 4. School Nurses

§ 1441. FAMILY WELLNESS COACH TRAINING

A school nurse employed by a primary or secondary school is encouraged to participate in a training program, such as trauma-informed programming approved by the Department of Health in consultation with the Department of Mental Health, which may include programming offered by Prevent Child Abuse Vermont. If a school nurse has completed a training program, he or she may provide family wellness coaching to those families with a student attending the school where the school nurse is employed.

Sec. 8. 18 V.S.A. § 705 is amended to read:

§ 705. COMMUNITY HEALTH TEAMS

* * *

(d) The Director shall implement a plan to enable community health teams to work with school nurses in a manner that enables a community health team to serve as:

(1) an educational resource for issues that may arise during the course of the school nurse's practice; and

(2) a referral resource for services available to students and families outside an educational institution in coordination with the primary care medical home.

Sec. 9. 18 V.S.A. § 710 is added to read:

§ 710. ADVERSE CHILDHOOD AND FAMILY EXPERIENCE
SCREENING TOOL

The Director of the Blueprint for Health, in coordination with the Women's Health Initiative, and in consultation with the person or persons directing the Agency of Human Service's work related to adverse childhood and family experiences pursuant to 18 V.S.A. § 3353, shall work with those health insurance plans that participate in Blueprint for Health payments to plan for an increase in the per-member per-month payments to primary care and obstetric practices for the purpose of incentivizing use of a voluntary evidence-informed screening tool. In addition, the Director of the Blueprint for Health shall work with these health insurers to plan for an increase in capacity payments to the community health teams for the purpose of providing trauma-informed care to individuals who screen positive for adverse childhood and family experiences.

Sec. 10. RECOMMENDATIONS RELATED TO BLUEPRINT FOR
HEALTH INCENTIVES

As part of the report due pursuant to 18 V.S.A. § 709, the Director of the Blueprint for Health shall submit any recommendations regarding the design of adverse childhood and family experience screening incentives required pursuant to 18 V.S.A. § 710.

Sec. 11. HOME VISITING REFERRALS

The person or persons directing the Agency of Human Services' work related to adverse childhood and family experiences pursuant to 18 V.S.A. § 3353 shall coordinate with the Director of the Blueprint for Health and the Women's Health Initiative to ensure all obstetric, midwifery, pediatric, naturopathic, and family medicine and internal medicine primary care practices participating in the Blueprint for Health receive information about regional home visiting services for the purpose of referring patients to appropriate services.

Sec. 12. GRANTS TO COMMUNITY PARTNERS

For the purpose of interrupting the widespread, multigenerational effects of adverse childhood and family experiences and their subsequent severe, related health problems, the Agency shall ensure that grants to its community partners related to children and families strive toward accountability and community resilience.

* * * Training and Coordination * * *

Sec. 13. CURRICULUM; UNIVERSITY OF VERMONT'S COLLEGE OF
MEDICINE AND COLLEGE OF NURSING AND HEALTH
SCIENCES

The General Assembly recommends that the University of Vermont's College of Medicine and College of Nursing and Health Sciences expressly include information in their curricula pertaining to adverse childhood and family experiences and their impact on short- and long-term physical and mental health outcomes.

* * * Effective Date * * *

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that after passage the title of the bill be amended to read:

An act relating to building resilience for individuals experiencing adverse childhood and family experiences.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Mrowicki of Putney** 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. Mrowicki of Putney

Rep. Rosenquist of Georgia

**Senate Proposal of Amendment to House Proposal of Amendment
Concurred in with a Further Amendment Thereto**

S. 23

The Senate concurred in House proposal of amendment with further proposal of amendment on Senate bill, entitled

An act relating to juvenile jurisdiction

The Senate has concurred in the House proposal of amendment with further proposal of amendment as follows:

First: In Sec. 5, 33 V.S.A. chapter 52A § 5283(c), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) Hearings under subsection 5284(a) of this title shall be open to the public. All other youthful offender proceedings shall be confidential.

Second: In Sec. 5, 33 V.S.A. chapter 52A § 5285(d), after the word "toward" by inserting the words or regression from

Third: In Sec. 6, 33 V.S.A. § 5291(a), after the word “injury” by inserting the following: to himself or herself, and after the word “others” by inserting the following: .

Fourth: By inserting a new section to be numbered Sec. 7a to read as follows:

Sec. 7a. 2016 Acts and Resolves No.153, Sec. 39 is amended to read:

Sec. 39. EFFECTIVE DATES

* * *

(b) Sec. 16 (powers and responsibilities of the Commissioner regarding juvenile services) shall take effect on July 1, ~~2017~~ 2018.

* * *

Pending the question, Will the House concur in the Senate proposal of amendment to the House proposal of amendment? **Rep. Willhoit of St. Johnsbury**, moved to concur in the Senate proposal of amendment to the House proposal of amendment with a further amendment thereto, as follows:

In Sec. 5, 33 V.S.A. chapter 52A § 5283(c), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) All youthful offender proceedings shall be confidential.

Which was agreed to.

Rules Suspended; Bills Messaged to Senate Forthwith

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

H. 524

House bill, entitled

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

H. 527

House bill, entitled

An act relating to approval of amendments to the charter of the Town of East Montpelier and to the merger of the Town and the East Montpelier Fire District No. 1

H. 74

House bill, entitled

An act relating to nonconsensual sexual conduct

H. 508

House bill, entitled

An act relating to building resilience for individuals experiencing adverse childhood experiences

H. 145

House bill, entitled

An act relating to establishing the Mental Health Crisis Response Commission

S. 10

Senate bill, entitled

An act relating to liability for the contamination of potable water supplies

S. 52

Senate bill, entitled

An act relating to the Public Service Board and its proceedings

S. 130

Senate bill, entitled

An act relating to miscellaneous changes to education laws

S. 23

Senate bill, entitled

An act relating to juvenile jurisdiction

Adjournment

At two o'clock and thirty-seven minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, April 27, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Ben Partridge, Bagpiper, Windham, VT.

Message from the Senate No. 51

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

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposals of amendment to Senate bill of the following title:

S. 22. An act relating to increased penalties for possession, sale, and dispensation of fentanyl.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

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

H. 167. An act relating to alternative approaches to addressing low-level illicit drug use.

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 proposals of amendment to the following Senate bills and has refused to concur therein and asks for Committees of Conference upon the disagreeing votes of the two Houses to which the President announced the appointment as members of such Committees on the part of the Senate:

S. 50. An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility.

Senator Ayer
Senator Lyons
Senator Ingram

S. 75. An act relating to aquatic nuisance species control.

Senator Rodgers
Senator Campion
Senator Bray

Message from the Senate No. 52

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

Madam Speaker:

I am directed to inform the House that:

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

H. 503. An act relating to bail.

H. 518. An act relating to making appropriations for the support of government.

H. 519. An act relating to capital construction and State bonding.

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 bill of the following title:

S. 56. An act relating to life insurance policies and the Vermont Uniform Securities Act.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered House proposals of amendment to Joint Senate Resolution of the following title:

J.R.S. 25. Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend conservation easements related to the former Hancock Lands and adjacent Averill Inholdings in Essex County and to sell the Bertha Tract in Mendon and the Burch Tract in Killington to the Trust for Public Land.

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. 42. An act relating to appointing municipal clerks and treasurers and to municipal audit penalties.

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. 74. An act relating to nonconsensual sexual conduct.

Senator Sears
Senator Flory
Senator White.

H. 508. An act relating to building resilience for individuals experiencing adverse childhood experiences.

Senator Lyons
Senator Ayer
Senator Ingram.

Joint Resolution Read and Adopted**J.R.H. 10**

Joint resolution authorizing the Green Mountain Girls State educational program to use the State House

Offered by: Representative Krowinski of Burlington

Whereas, the American Legion Auxiliary Department of Vermont sponsors the Green Mountain Girls State education program, providing a group of girls entering the 12th grade a special opportunity to study the workings of State government in Montpelier, and

Whereas, as part of their visit to the State's capital city, the girls conduct a mock legislative session in the State House, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Girls State educational program on Wednesday, June 21, 2017, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Auxiliary Department of Vermont in Montpelier.

Which was read and adopted on the part of the House.

Action on Bill Postponed**S. 33**

Senate bill, entitled

An act relating to the Rozo McLaughlin Farm-to-School Program

Was taken up and pending second reading of the bill, on motion of **Rep. Hooper of Brookfield**, action on the bill was postponed until April 27, 2017.

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto****H. 184**

The Senate proposed to the House to amend House bill, entitled
An act relating to evaluation of suicide profiles

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. EVALUATION OF SUICIDE PROFILES

(a) On or before January 15, 2018, the Secretary of Human Services or designee shall present to the Senate Committee on Health and Welfare and to the House Committee on Health Care a summary of the Agency's internal Public Health Suicide Stat process results and any analyses or reports completed in relation to the Agency's participation in the Centers for Disease Control and Prevention's National Violent Death Reporting System, including what methods the Agency currently uses or plans to use to:

(1) determine trends and patterns of suicide deaths;

(2) identify and evaluate the prevalence of risk factors for preventable deaths;

(3) evaluate high-risk factors, current practices, gaps in systematic responses, and barriers to safety and well-being for individuals at risk for suicide; and

(4) inform the implementation of suicide prevention activities and supporting the prioritization of suicide prevention resources and activities.

(b) On or before January 15, 2019, the Secretary shall present plans to the Senate Committee on Health and Welfare and to the House Committee on Health Care describing how data relevant to subdivisions (a)(1)–(4) of this section shall be collected after the National Violent Death Reporting System grant expires.

(c) On or before January 15, 2020, the Secretary shall submit a report to the Senate Committee on Health and Welfare and to the House Committee on Health Care summarizing:

(1) any information from the Agency's final National Violent Death Reporting System analysis relevant to subdivisions (a)(1)–(4) of this section; and

(2) the Agency's recommendations and action plans resulting from its final National Violent Death Reporting System analysis and any additional Agency-led initiatives.

(d) The presentation and report required by subsections (a) and (b) of this section shall not contain any personally identifying information.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Pending the question Will the House concur in the Senate proposal of amendment? **Rep. Dunn of Essex**, moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

First: In Sec. 1, in subsection (a), before the phrase “analyses or reports” by

inserting the words “Vermont-specific” and after the phrase “National Violent Death Reporting System” and before the comma, by inserting the phrase “as well as national comparative data”

Second: In Sec. 1, by striking out subsection (b) in its entirety and inserting in lieu there the following:

(b) On or before January 15, 2019, the Secretary shall present plans describing how Vermont-specific data relevant to subdivisions (a)(1)–(4) of this section shall be collected after the National Violent Death Reporting System grant expires. The plan shall be presented to the Senate Committee on Health and Welfare, the House Committee on Health Care, and the Green Mountain Care Board, in its capacity overseeing development and implementation of the All-Payer Model that includes reductions in suicide deaths among Vermont residents as a quality measure.

Third: In Sec. 1, in subsection (c), after the phrase “Health and Welfare” by striking out “and to” and by inserting a comma in lieu thereof and by inserting after “Health Care” a comma followed by “and the Green Mountain Care Board”

Fourth: In Sec. 1, in subsection (c), in subdivision (1), after “any” by inserting the words “Vermont-specific” and after the phrase “this section” by inserting the phrase “as well as national comparative data”

Which was agreed to.

Senate Proposal of Amendment Concurred in With a Further Amendment Thereto

H. 230

The Senate proposed to the House to amend House bill, entitled
An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 196 is amended to read:

CHAPTER 196. ~~CONVERSION THERAPY~~ OUTPATIENT MENTAL HEALTH TREATMENT FOR MINORS

Subchapter 1. Consent by Minors for Mental Health Care

§ 8350. CONSENT BY MINORS FOR MENTAL HEALTH TREATMENT

A minor may give consent to receive any legally authorized outpatient treatment from a mental health professional, as defined in section 7101 of this

title. Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of a parent or legal guardian shall not be necessary to authorize outpatient treatment. As used in this section, "outpatient treatment" means psychotherapy and other counseling services that are supportive, but not prescription drugs.

Subchapter 2. Prohibition of Conversion Therapy

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that after passage the title of the bill be amended to read:

An act relating to consent by minors for mental health treatment.

Pending the question Will the House concur in the Senate proposal of amendment? **Rep. Donahue of Northfield**, moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

In Sec. 2 by striking out "July 1, 2017" and inserting in lieu thereof "January 1, 2018"

Which was agreed to.

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

H. 308

The Senate proposed to the House to amend House bill, entitled
An act relating to a committee to reorganize and reclassify Vermont's criminal statutes

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 168 is added to read:

§ 168. RACIAL DISPARITIES IN THE CRIMINAL AND JUVENILE
JUSTICE SYSTEM ADVISORY PANEL

(a) The Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel is established. The Panel shall be organized and have the duties and responsibilities as provided in this section. The Panel shall be organized within the Office of the Attorney General and shall consult with the Vermont Human Rights Commission, the Vermont chapter of the ACLU, the Vermont Police Association, the Vermont Sheriffs' Association, the Vermont Association of Chiefs of Police, and others.

(b) The Panel shall comprise the following 13 members:

(1) five members, drawn from diverse backgrounds to represent the interests of communities of color throughout the State, who have had experience working to implement racial justice reform, appointed by the Attorney General;

(2) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(3) the Attorney General or designee;

(4) the Defender General or designee;

(5) the Executive Director of the State's Attorneys and Sheriffs or designee;

(6) the Chief Superior Judge or designee;

(7) the Commissioner of Corrections or designee;

(8) the Commissioner of Public Safety or designee; and

(9) the Commissioner for Children and Families or designee.

(c) The members of the Panel appointed under subdivision (b)(1) of this section shall serve staggered four-year terms. As terms of currently serving members expire, appointments of successors shall be in accord with the provisions of subsection (b) of this section. Appointments of members to fill vacancies or expired terms shall be made by the authority that made the initial appointment to the vacated or expired term. Members of the Panel shall be eligible for reappointment. Members of the Panel shall serve no more than two consecutive terms in any capacity.

(d) Members of the Panel shall elect biennially by majority vote the Chair of the Panel. Members of the Panel who are not State employees or whose participation is not supported through their employment or association shall receive per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010, to be provided by the Office of the Attorney General. The Office of the Attorney General shall provide the Panel with administrative and professional support. The Panel may meet up to ten times per year.

(e) A majority of the members of the Panel shall constitute a quorum, and all action shall be taken upon a majority vote of the members present and voting.

(f) The Panel shall review and provide recommendations to address systemic racial disparities in statewide systems of criminal and juvenile justice, including:

(1) continually reviewing the data collected pursuant to 20 V.S.A. § 2366 to measure State progress toward a fair and impartial system of law enforcement;

(2) providing recommendations to the Criminal Justice Training Council and the Vermont Bar Association, based on the latest social science research and best practices in law enforcement and criminal and juvenile justice, on data collection and model trainings and policies for law enforcement, judges, correctional officers, and attorneys, including prosecutors and public defenders, to recognize and address implicit bias;

(3) providing recommendations to the Criminal Justice Training Council, based on the latest social science research and best practices in law enforcement, on data collection and a model training and policy on de-escalation and the use of force in the criminal and juvenile justice system;

(4) educating and engaging with communities, businesses, educational institutions, State and local governments, and the general public about the nature and scope of racial discrimination in the criminal and juvenile justice system;

(5) monitoring progress on the recommendations from the 2016 report of the Attorney General's Working Group on Law Enforcement Community Interactions; and

(6) on or before January 15, 2018, and biennially thereafter, reporting to the General Assembly, and providing as a part of that report recommendations to address systemic implicit bias in Vermont's criminal and juvenile justice system, including:

(A) how to institute a public complaint process to address perceived implicit bias across all systems of State government;

(B) whether and how to prohibit racial profiling, including implementing any associated penalties; and

(C) whether to expand law enforcement race data collection practices to include data on nontraffic stops by law enforcement.

Sec. 2. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

* * *

(e)(1) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont Criminal Justice Training Council and training on the State, county, or municipal law enforcement agency's fair and impartial policing policy, adopted pursuant to subsection 2366(a) of this title.

* * *

(4) The Criminal Justice Training Council shall, on an annual basis, report to the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel regarding:

(A) the adoption and implementation of the Panel's recommended data collection methods and trainings and policies pursuant to 3 V.S.A. § 168(f)(2) and (3);

(B) the incorporation of implicit bias training into the requirements of basic training pursuant to this subsection; and

(C) the implementation of all trainings as required by this subsection.

Sec. 3. SECRETARY OF ADMINISTRATION; PROPOSAL

The Secretary of Administration shall develop a proposal to identify and address racial disparities within the State systems of education, labor and employment, access to housing and health care, and economic development. The Secretary shall report on the proposal to the House and Senate Committees on Judiciary on or before January 15, 2018.

Sec. 4. 20 V.S.A. § 2366(f) is added to read:

(f) Nothing in this section is intended to prohibit or impede any public agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and 1644. To the extent any State or local law enforcement policy or practice conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, that policy or practice is, to the extent of the conflict, abolished.

Sec. 5. CRIMINAL JUSTICE TRAINING COUNCIL; FAIR AND IMPARTIAL POLICING POLICY

(a) On or before October 1, 2017, the Criminal Justice Training Council, in consultation with the Attorney General, shall review and modify the model fair and impartial policing policy to the extent necessary to bring the policy into compliance with 8 U.S.C. §§ 1373 and 1644.

(b) On or before January 1, 2018, the Criminal Justice Training Council, in consultation with stakeholders, including the Vermont League of Cities and Towns, the Vermont Human Rights Commission, and Migrant Justice, shall update its model fair and impartial policing policy to provide one cohesive model policy for law enforcement agencies and constables to adopt as a part of the agency's or constable's own fair and impartial policing policy pursuant to 20 V.S.A. § 2366(a)(1).

Sec. 6. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL

POLICING POLICY; RACE DATA COLLECTION

(a)(1) ~~On or before January 1, 2016, the Criminal Justice Training Council, in consultation with stakeholders, including the Vermont League of Cities and Towns, the Vermont Human Rights Commission, and Migrant Justice, shall create a model fair and impartial policing policy.~~ On or before July 1, 2016 ~~March 1, 2018,~~ every State, local, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt a fair and impartial policing policy that includes, at a minimum, ~~the elements~~ each component of the Criminal Justice Training ~~Council~~ Council's model fair and impartial policing policy.

(2) On or before October 1, 2018, and every even-numbered year thereafter, the Criminal Justice Training Council, in consultation with others, including the Attorney General and the Human Rights Commission, shall review and, if necessary, update the model fair and impartial policing policy.

(b) To encourage consistent fair and impartial policing practices statewide, the Criminal Justice Training Council, in consultation with the Office of the Attorney General, shall review the policies of law enforcement agencies and constables required to adopt a policy pursuant to subsection (a) of this section, to ensure those policies establish each component of the model policy on or before April 15, 2018. If a the Council finds that a policy does not meet each component of the model policy, it shall work with the law enforcement agency or constable that is required to adopt a policy pursuant to subsection (a) of this section to bring the policy into compliance. If, after consultation with its attorney or with the Council, or with both, the law enforcement agency or constable fails to do so on or before July 1, 2016 adopt a policy that meets each component of the model policy, that agency or constable shall be deemed to have adopted, and shall follow and enforce, the model policy issued by the Criminal Justice Training Council.

(c) ~~On or before September 15, 2014, and annually thereafter~~ Annually, as part of their annual training report to the Council, every State, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall report to the Council whether the agency or officer has adopted a fair and impartial policing policy in accordance with subsections (a) and (b) of this section. The Criminal Justice Training Council shall determine, as part of the Council's annual certification of training requirements, whether current officers have received training on fair and impartial policing as required by 20 V.S.A. § 2358(e).

(d) ~~On or before October 15, 2014, and annually thereafter~~ Annually on

April 1, the Criminal Justice Training Council shall report to the House and Senate Committees on Judiciary regarding which departments and officers have adopted a fair and impartial policing policy; and whether officers have received training on fair and impartial policing.

* * *

Sec. 7. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 6 (law enforcement agencies; fair and impartial policing policy; race data collection) shall take effect on March 1, 2018.

And that after passage the title of the bill be amended to read:

An act relating to the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel.

Pending the question Will the House concur in the Senate proposal of amendment? **Rep. Morris of Bennington**, moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

First: By striking out Sec. 3 in its entirety and inserting in lieu thereof the following:

Sec. 3. OFFICE OF THE ATTORNEY GENERAL; HUMAN RIGHTS COMMISSION; REPORT

The Attorney General, together with the Human Rights Commission and interested stakeholders, shall develop a strategy to address racial disparities within the State systems of education, labor and employment, access to housing and health care, and economic development. The Attorney General and the Human Rights Commission shall jointly report on the strategy to the Justice Oversight Committee on or before November 1, 2017.

Second: By adding a new Sec. 6a to read as follows:

Sec. 6a. REPEAL

3 V.S.A. § 168 (Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel) is repealed on July 1, 2020.

Which was agreed to.

**Proposal of Amendment Agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 9

Senate bill, entitled

An act relating to the preparation of poultry products

Was taken up and pending third reading of the bill, **Rep. Buckholz of**

Hartford moved to propose to the Senate to amend the bill as follows:

First: In Sec. 2, 6 V.S.A. § 3312, in subdivision (c)(2)(C), after “nonfood-contact surfaces in the” and before “are cleaned and sanitized” by striking out “building” and inserting in lieu thereof “facility”

Second: In Sec. 2, 6 V.S.A. § 3312, in subdivision (c)(2)(G), after “process wastewater” and before “be handled” by striking out “should” and inserting in lieu thereof “shall”

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 4

Rep. Jickling of Brookfield, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to publicly accessible meetings of an accountable care organization’s governing body

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 2, in 18 V.S.A. § 9572(a), by adding a second sentence to read as follows: For purposes of this section, the term “ACO’s governing body” shall also include the governing body of any organization acting as a coordinating entity for two or more ACOs.

Second: In Sec. 2, in 18 V.S.A. § 9572(c), by striking out the word “board’s” preceding “meeting schedule” and inserting in lieu thereof the word “body’s”

Third: In Sec. 2, in 18 V.S.A. § 9572(d)(1), by striking out “made available to the public” and inserting in lieu thereof “posted on the ACO’s website within five business days following the meeting”

Fourth: In Sec. 3, effective date, by striking out “January 1, 2018” and inserting in lieu thereof “July 1, 2017”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Health Care agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 133

Rep. Lippert of Hinesburg, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to examining mental health care and care coordination

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Findings and Legislative Intent * * *

Sec. 1. FINDINGS

The General Assembly finds that:

(1) The State's mental health system has changed during the past ten years, with regard to both policy and the structural components of the system.

(2) The State's adult mental health inpatient system was disrupted after Tropical Storm Irene flooded the Vermont State Hospital in 2011. The General Assembly, in 2012 Acts and Resolves No. 79, responded by designing a system "to provide flexible and recovery-oriented treatment opportunities and to ensure that the mental health needs of Vermonters are served."

(3) Elements of Act 79 included the addition of over 50 long- and short-term residential beds to the State's mental health system, all of which are operated by the designated and specialized service agencies, increased peer support services, and replacement inpatient beds. It also was intended to strengthen existing care coordination within the Department of Mental Health to assist community providers and hospitals in the development of a system that provided rapid access to each level of support within the continuum of care as needed to ensure appropriate, high-quality, and recovery-oriented services in the least restrictive and most integrated settings for each stage of an individual's recovery.

(4) Two key elements of Act 79 were never realized: a 24-hour peer-run warm line and eight residential recovery beds. Other elements of Act 79 were fully implemented.

(5) Since Tropical Storm Irene flooded the Vermont State Hospital, Vermont has experienced a dramatic increase in the number of individuals in mental health distress experiencing long waits in emergency departments for inpatient hospital beds. Currently, hospitals average 90 percent occupancy, while crisis beds average just under 70 percent occupancy, the latter largely due to understaffing. Issues related to hospital discharge include an inadequate

staffing in community programs, insufficient community programs, and inadequate supply of housing.

(6) Individuals presenting in emergency departments reporting acute psychiatric distress often remain in that setting for many hours or days under the supervision of hospital staff, peers, crisis workers, or law enforcement officers, until a bed in a psychiatric inpatient unit becomes available. Many of these individuals do not have access to a psychiatric care provider, and the emergency department does not provide a therapeutic environment. Due to these conditions, some individuals experience trauma and worsening symptoms while waiting for an appropriate level of care. Hospitals are also strained and report that their staff is demoralized that they cannot care adequately for psychiatric patients and consequently there is a rise in turnover rates. Many hospitals are investing in special rooms for psychiatric emergencies and hiring mental health technicians to work in the emergency departments.

(7) Traumatic waits in emergency departments for children and adolescents in crisis are increasing, and there are limited resources for crisis support, hospital diversion, and inpatient care for children and adolescents in Vermont.

(8) Addressing mental health care needs within the health care system in Vermont requires appropriate data and analysis, but simultaneously the urgency created by those individuals suffering under existing circumstances must be recognized.

(9) Research has shown that there are specific factors associated with long waits, including homelessness, interhospital transfer, public insurance, use of sitters or restraint, age, comorbid medical conditions, alcohol and substance use, diagnoses of autism, intellectual disability, developmental delay, and suicidal ideation. Data have not been captured in Vermont to identify factors that may be associated with longer wait times and that could help pinpoint solutions.

(10) Vermonters in the custody of the Commissioner of Corrections often do not have access to appropriate crisis or routine mental health supports or to inpatient care when needed, and are often held in correctional facilities after being referred for inpatient care due to the lack of access to inpatient beds. The General Assembly is working to address this aspect of the crisis through parallel legislation during the 2017–2018 biennium.

(11) Care provided by the designated agencies is the cornerstone upon which the public mental health system balances. However, many Vermonters seeking help for psychiatric symptoms at emergency departments are not clients of the designated or specialized service agencies and are meeting with

the crisis response team for the first time. Some of the individuals presenting in emergency departments are able to be assessed, stabilized, and discharged to return home or to supportive programming provided by the designated and specialized service agencies.

(12) Act 79 specified that it was the intent of the General Assembly that “the [A]gency of [H]uman [S]ervices fully integrate all mental health services with all substance abuse, public health, and health care reform initiatives, consistent with the goals of parity.” However, reimbursement rates for crisis, outpatient, and inpatient care are often segregated from health care payment structures and payment reform.

(13) There is a shortage of psychiatric care professionals, both nationally and statewide. Psychiatrists working in Vermont have testified that they are distressed that individuals with psychiatric conditions remain for lengthy periods of time in emergency departments and that there is an overall lack of health care parity between mental conditions and other health conditions.

(14) In 2007, a study commissioned by the Agency of Human Services substantiated that designated and specialized service agencies face challenges in meeting the demand for services at current funding levels. It further found that keeping pace with current inflation trends, while maintaining existing caseload levels, required annual funding increases of eight percent across all payers to address unmet demand. Since that time, cost of living adjustments appropriated to designated and specialized service agencies have been raised by less than one percent annually.

(15) Designated and specialized service agencies are required by statute to provide a broad array of services, including many mandated services that are not fully funded.

(16) Evidence regarding the link between social determinants and healthy families has become increasingly clear in recent years. Improving an individual’s trajectory requires addressing the needs of children and adolescents in the context of their family and support networks. This means Vermont must work within a multi-generational framework. While these findings primarily focus on the highest acuity individuals within the adult system, it is important also to focus on children’s and adolescents’ mental health. Social determinants, when addressed, can improve an individual’s health; therefore housing, employment, food security, and natural support must be considered as part of this work as well.

(17) Before moving ahead with changes to improve mental health care and to achieve its integration with comprehensive health care reform, an analysis is necessary to take stock of how it is functioning and what resources

are necessary for evidence-based or best practice and cost-efficient improvements that best meet the mental health needs of Vermont children, adolescents, and adults in their recovery.

(18) It is essential to the development of both short- and long-term improvements to mental health care for Vermonters that a common vision be established regarding how integrated, recovery-oriented services will emerge as part of a comprehensive and holistic health care system.

Sec. 2. LEGISLATIVE INTENT

It is the intent of the General Assembly to continue to work toward a system of health care that is fully inclusive of access to mental health care and meets the principles adopted in 18 V.S.A. § 7251, including:

(1) The State of Vermont shall meet the needs of individuals with mental health conditions, including the needs of individuals in the custody of the Commissioner of Corrections, and the State's mental health system shall reflect excellence, best practices, and the highest standards of care.

(2) Long-term planning shall look beyond the foreseeable future and present needs of the mental health community. Programs shall be designed to be responsive to changes over time in levels and types of needs, service delivery practices, and sources of funding.

(3) Vermont's mental health system shall provide a coordinated continuum of care by the Departments of Mental Health and of Corrections, designated hospitals, designated agencies, and community and peer partners to ensure that individuals with mental health conditions receive care in the most integrated and least restrictive settings available. Individuals' treatment choices shall be honored to the extent possible.

(4) The mental health system shall be integrated into the overall health care system.

(5) Vermont's mental health system shall be geographically and financially accessible. Resources shall be distributed based on demographics and geography to increase the likelihood of treatment as close to the patient's home as possible. All ranges of services shall be available to individuals who need them, regardless of individuals' ability to pay.

(6) The State's mental health system shall ensure that the legal rights of individuals with mental health conditions are protected.

(7) Oversight and accountability shall be built into all aspects of the mental health system.

(8) Vermont's mental health system shall be adequately funded and financially sustainable to the same degree as other health services.

(9) Individuals with a psychiatric disability or mental condition who are in the custody or temporary custody of the Commissioner of Mental Health and who receive treatment in an acute inpatient hospital unit, intensive residential recovery facility, or a secure residential recovery facility shall be afforded rights and protections that reflect evidence-based best practices aimed at reducing the use of emergency involuntary procedures.

* * * Analysis, Action Plan, and Long-Term Vision Evaluation * * *

Sec. 3. ANALYSIS, ACTION PLAN, AND LONG-TERM VISION FOR
THE PROVISION OF MENTAL HEALTH CARE WITHIN THE
HEALTH CARE SYSTEM

(a) In order to address the present crisis that emergency departments are experiencing in treating an individual who presents with symptoms of a mental health crisis, and in recognition that this crisis is a symptom of larger systematic shortcomings in the provision of mental health services statewide, the General Assembly seeks an analysis and action plan from the Secretary of Human Services in accordance with the following specifications:

(1) On or before December 15, 2017, the Secretary of Human Services, in collaboration with the Commissioner of Mental Health, the Green Mountain Care Board, providers, and persons who are affected by current services, shall submit an action plan with recommendations and legislative proposals to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services that shall be informed by an analysis of specific issues described in this section and Sec. 4 of this act. The analysis shall be conducted in conjunction with the planned updates to the Health Resource Allocation Plan (HRAP) described in 18 V.S.A. § 9405, of which the mental health and health care integration components shall be prioritized. With regard to children, adolescents, and adults, the analysis and action plan shall:

(A) specify steps to develop a common, long-term, statewide vision of how integrated, recovery-oriented services shall emerge as part of a comprehensive and holistic health care system;

(B) identify data that are not currently gathered, and that are necessary for current and future planning, long-term evaluation of the system, and for quality measurements, including identification of any data requiring legislation to ensure their availability;

(C) identify the causes underlying increased referrals and self-referrals for emergency services;

(D) identify gaps in services that affect the ability of individuals to

access emergency psychiatric care;

(E) determine whether appropriate types of care are being made available as services in Vermont, including intensive and other outpatient services and services for transition age youths;

(F) determine the availability and regional accessibility of voluntary and involuntary hospital admissions, emergency departments, intensive residential recovery facilities, secure residential recovery facilities, crisis beds and other diversion capacities, crisis intervention services, peer respite and support services, and stable housing;

(G) identify barriers to efficient, medically necessary, recovery-oriented, patient care at levels of supports that are least restrictive and most integrated, and opportunities for improvement;

(H) incorporate existing information from research and from established quality metrics regarding emergency department wait times;

(I) incorporate anticipated demographic trends, the impact of the opiate crisis, and data that indicate short- and long-term trends; and

(J) identify the levels of resources necessary to attract and retain qualified staff to meet identified outcomes required of designated and specialized service agencies and specify a timeline for achieving those levels of support.

(2) On or before September 1, 2017, the Secretary shall submit a status report to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services describing the progress made in completing the analysis required pursuant to this subsection and producing a corresponding action plan. The status report shall include any immediate action steps that the Agency was able to take to address the emergency department crisis that did not require additional resources or legislation.

(b)(1) Data collected to inform the analysis and action plan regarding emergency services for persons with psychiatric symptoms or complaints, patients who are seeking voluntary assistance, and those under the temporary custody of the Commissioner shall include at least:

(A) the circumstances under which and reasons why a person is being referred or self-referred to emergency services;

(B) reports on the use of restraints, including chemical restraints;

(C) any criminal charges filed against an individual during emergency department waits;

(D) measurements shown by research to affect length of waits, such as homelessness, the need for an interhospital transfer, transportation arrangements, health insurance status, age, comorbid conditions, prior health history, and response time for crisis services and for the first certification of an emergency evaluation pursuant to 18 V.S.A. § 7504; and

(E) rates at which persons brought to emergency departments for emergency examinations pursuant to 18 V.S.A. §§ 7504 and 7505 are found not to be in need of inpatient hospitalization.

(2) Data to otherwise inform the action plan and preliminary analysis shall include short- and long-term trends in inpatient length of stay and readmission rates.

(3) Data for persons under 18 years of age shall be collected and analyzed separately.

(c) On or before January 15, 2019, the Secretary shall submit a comprehensive evaluation of the overarching structure for the delivery of mental health services within a sustainable, holistic health care system in Vermont to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services, including:

(1) whether the current structure is succeeding in serving Vermonters with mental health needs and meeting the goals of access, quality, and integration of services;

(2) whether quality and access to mental health services are equitable throughout Vermont;

(3) whether the current structure advances the long-term vision of an integrated, holistic health care system;

(4) how the designated and specialized service agency structure contributes to the realization of that long-term vision;

(5) how mental health care is being fully integrated into health care payment reform; and

(6) any recommendations for structural changes to the mental health system that would assist in achieving the vision of an integrated, holistic health care system.

Sec. 4. COMPONENTS OF ANALYSIS, ACTION PLAN, AND LONG-TERM VISION EVALUATION

The analysis, action plan, and long-term vision evaluation required by Sec. 3 of this act shall address the following:

(1) Care coordination. The analysis, action plan, and long-term vision evaluation shall address the potential benefits and costs of developing regional navigation and resource centers for referrals from primary care, hospital emergency departments, inpatient psychiatric units, correctional facilities, and community providers, including the designated and specialized service agencies, private counseling services, and peer-run services. The goal of regional navigation and resource centers is to foster improved access to efficient, medically necessary, and recovery-oriented patient care at levels of support that are least restrictive and most integrated for individuals with mental health conditions, substance use disorders, or co-occurring conditions. Consideration of regional navigation and resource centers shall include consideration of other coordination models identified during the preliminary analysis, including models that address the goal of an integrated health system.

(2) Accountability. The analysis, action plan, and long-term vision evaluation shall address the effectiveness of the Department's care coordination team in providing access to and adequate accountability for coordination and collaboration among hospitals and community partners for transition and ongoing care, including the judicial and corrections systems. An assessment of accountability shall include an evaluation of potential discrimination in hospital admissions at different levels of care and the extent to which individuals are served by their medical homes.

(3)(A) Crisis diversion evaluation. The analysis, action plan, and long-term vision evaluation shall evaluate:

(i) existing and potential new models, including the 23-hour bed model, that prevent or divert individuals from the need to access an emergency department;

(ii) models for children, adolescents, and adults; and

(iii) whether existing programs need to be expanded, enhanced, or reconfigured, and whether additional capacity is needed.

(B) Diversion models used for patient assessment and stabilization, involuntary holds, diversion from emergency departments, and holds while appropriate discharge plans are determined shall be considered, including the extent to which they address psychiatric oversight, nursing oversight and coordination, peer support, security, and geographic access. If the preliminary analysis identifies a need for or the benefits of additional, enhanced, expanded, or reconfigured models, the action plan shall include preliminary steps necessary to identify licensing needs, implementation, and ongoing costs.

(4) Implementation of Act 79. The analysis, action plan, and long-term

vision evaluation, in coordination with the work completed by the Department of Mental Health for its annual report pursuant to 18 V.S.A. § 7504, shall address whether those components of the system envisioned in 2012 Acts and Resolves No. 79 that have not been fully implemented remain necessary and whether those components that have been implemented are adequate to meet the needs identified in the preliminary analysis. Priority shall be given to determining whether there is a need to fund fully the 24-hour warm line and eight unutilized intensive residential recovery facility beds and whether other models of supported housing are necessary. If implementation or expansion of these components is deemed necessary in the preliminary analysis, the action plan shall identify the initial steps needed to plan, design, and fund the recommended implementation or expansion.

(5) Mental health access parity. The analysis, action plan, and long-term vision evaluation shall evaluate opportunities for and remove barriers to implementing parity in the manner that individuals presenting at hospitals are received, regardless of whether for a psychiatric or other health care condition. The evaluation shall examine: existing processes to screen and triage health emergencies; transfer and disposition planning; stabilization and admission; and criteria for transfer to specialized or long-term care services.

(6) Geriatric psychiatric support services, residential care, or skilled nursing unit or facility. The analysis, action plan, and long-term vision evaluation shall evaluate the extent to which additional support services are needed for geriatric patients in order to prevent hospital admissions or to facilitate discharges from inpatient settings, including community-based services, enhanced residential care services, enhanced supports within skilled nursing units or facilities, or new units or facilities. If the preliminary analysis concludes that the situation warrants more home- and community-based services, a geriatric nursing home unit or facility, or any combination thereof, the action plan shall include a proposal for the initial funding phases and, if appropriate, siting and design, for one or more units or facilities with a focus on the clinical best practices for these patient populations. The action plan and preliminary analysis shall also include means for improving coordination and shared care management between Choices for Care and the designated and specialized service agencies.

(7) Forensic psychiatric support services or residential care. The analysis, action plan, and long-term vision evaluation shall evaluate the extent to which additional services or facilities are needed for forensic patients in order to enable appropriate access to inpatient care, prevent hospital admissions, or facilitate discharges from inpatient settings. These services may include community-based services or enhanced residential care services. The action plan and preliminary analysis shall be completed in coordination

with other relevant assessments regarding access to mental health care for persons in the custody of the Commissioner of Corrections as required by the General Assembly during the first year of the 2017–2018 biennium.

(8) Units or facilities for use as nursing or residential homes or supportive housing. To the extent that the analysis indicates a need for additional units or facilities, it shall require consultation with the Commissioner of Buildings and General Services to determine whether there are any units or facilities that the State could be utilized for a geriatric skilled nursing or forensic psychiatric facility, an additional intensive residential recovery facility, an expanded secure residential recovery facility, or supportive housing.

(9) Designated and specialized service agencies. The analysis, action plan, and long-term vision evaluation shall estimate the levels of funding necessary to sustain the designated and specialized service agencies' workforce; enable the designated and specialized service agencies to meet their statutorily mandated responsibilities and required outcomes; identify the required outcomes; and establish recommended levels of increased funding for inclusion in the fiscal year 2019 budget.

Sec. 5. INVOLUNTARY TREATMENT AND MEDICATION REVIEW

(a) On or before December 15, 2017, the Secretary of Human Services, in collaboration with the Commissioner of Mental Health and the Chief Superior Judge, shall analyze and submit a report to the Senate Committee on Health and Welfare to the House Committee on Health Care regarding the role that involuntary treatment and psychiatric medication play in inpatient emergency department wait times, including any concerns arising from judicial timelines and processes. The analysis shall examine gaps and shortcomings in the mental health system, including the adequacy of housing and community resources available to divert patients from involuntary hospitalization; treatment modalities, including involuntary medication and non-medication alternatives available to address the needs of patients in psychiatric crises; and other characteristics of the mental health system that contribute to prolonged stays in hospital emergency departments and inpatient psychiatric units. The analysis shall also examine the interplay between the rights of staff and patients' rights and the use of involuntary treatment and medication. Additionally, to provide the General Assembly with a wide variety of options, the analysis shall examine the following, including the legal implications, the rationale or disincentives, and a cost-benefit analysis for each:

(1) a statutory directive to the Department of Mental Health to prioritize the restoration of competency where possible for all forensic patients committed to the care of the Commissioner; and

(2) enabling applications for involuntary treatment and applications for involuntary medication to be filed simultaneously or at any point that a psychiatrist believes joint filing is necessary for the restoration of the individual's competency.

(b) On or before January 15, 2018, Vermont Legal Aid, Disability Rights Vermont, and Vermont Psychiatric Survivors shall have the opportunity to submit an addendum addressing the Secretary's report completed pursuant to subsection (a) of this section.

(c)(1) On or before November 15, 2017, the Department shall issue a request for information for a longitudinal study comparing the outcomes of patients who received court-ordered medications while hospitalized with those of patients who did not receive court-order medication while hospitalized, including both patients who voluntarily received medication and those who received no medication, for a period from 1998 to the present. The request for information shall specify that the study examine the following measures:

(A) the length of an individual's involuntary hospitalization

(B) the time spent by an individual in inpatient and outpatient settings;

(C) the number of an individual's hospital admissions, including both voluntary and involuntary admissions;

(D) the number of and length of time of an individual's residential placements;

(E) an individual's success in different types of residential settings;

(F) any employment or other vocational and educational activities after hospital discharge;

(G) any criminal charges after hospital discharge; and

(H) other parameters determined in consultation with representatives of inpatient and community treatment providers and advocates for the rights of psychiatric patients.

(2) Request for information proposals shall include estimated costs, time frames for conducting the work, and any other necessary information.

* * * Payment Structures * * *

Sec. 6. INTEGRATION OF PAYMENTS; ACCOUNTABLE CARE ORGANIZATIONS

(a) Pursuant to 18 V.S.A. § 9382, the Green Mountain Care Board shall review an accountable care organization's (ACO) model of care and

integration with community providers, including designated and specialized service agencies, regarding how the model of care promotes seamless coordination across the care continuum, business or operational relationships between the entities, and any proposed investments or expansions to community-based providers. The purpose of this review is to ensure progress toward and accountability to the population health measures related to mental health and substance use disorder contained in the All Payer ACO Model Agreement.

(b) In the Board's annual report due on January 15, 2018, the Green Mountain Care Board shall include a summary of information relating to integration with community providers, as described in subsection (a) of this section, received in the first ACO budget review under 18 V.S.A. § 9382.

(c) On or before December 31, 2020, the Agency of Human Services, in collaboration with the Green Mountain Care Board, shall provide a copy of the report required by Section 11 of the All-Payer Model Accountable Care Organization Model Agreement, which outlines a plan for including the financing and delivery of community-based providers in delivery system reform, to the Senate Committee on Health and Welfare and the House Committee on Health Care.

Sec. 7. PAYMENTS TO THE DESIGNATED AND SPECIALIZED SERVICE AGENCIES

The Secretary of Human Services, in collaboration with the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living; providers; and persons who are affected by current services, shall develop a plan to integrate multiple sources of payments for mental and substance abuse services to the designated and specialized service agencies. In a manner consistent with Sec. 11 of this act, the plan shall implement a Global Funding model as a successor to the analysis and work conducted under the Medicaid Pathways and other work undertaken regarding mental health in health care reform. It shall increase efficiency and reduce the administrative burden. On or before January 1, 2018, the Secretary shall submit the plan and any related legislative proposals to the Senate Committee on Health and Welfare and the House Committees on Health Care and on Human Services.

Sec. 8. ALIGNMENT OF FUNDING WITHIN THE AGENCY OF HUMAN SERVICES

For the purpose of creating a more transparent system of public funding for mental health services, the Agency of Human Services shall continue with budget development processes enacted in legislation during the first year of the 2015–2016 biennium that unify payment for services, policies, and utilization

review of services within an appropriate department consistent with Secs. 6 and 7 of this act.

* * * Workforce Development * * *

Sec. 9. MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND
SUBSTANCE USE DISORDER WORKFORCE STUDY
COMMITTEE

(a) Creation. There is created the Mental Health, Developmental Disabilities, and Substance Use Disorder Workforce Study Committee to examine best practices for training, recruiting, and retaining health care providers and other service providers in Vermont, particularly with regard to the fields of mental health, developmental disabilities, and substance use disorders. It is the goal of the General Assembly to enhance program capacity in the State to address ongoing workforce shortages.

(b) Membership. The Committee shall be composed of the following members:

(1) the Secretary of Human Services or designee, who shall serve as the Chair;

(2) the Commissioner of Labor or designee;

(3) the Commissioner of Mental Health or designee;

(4) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(5) the Commissioner of Health or designee;

(6) a representative of the Vermont State Colleges;

(7) a representative of the Governor's Health Care Workforce Work Group created by Executive Order 07-13;

(8) a representative of persons affected by current services;

(9) a representative of the families of persons affected by current services;

(10) a representative of the designated and specialized service agencies appointed by Vermont Care Partners;

(11) the Director of Substance Abuse Prevention;

(12) a representative appointed by the Area Health Education Centers; and

(13) any other appropriate individuals by invitation of the Chair.

(c) Powers and duties. The Committee shall consider and weigh the effectiveness of loan repayment, tax abatement, long-term employment agreements, funded training models, internships, rotations, and any other evidence-based training, recruitment, and retention tools available for the purpose of attracting and retaining qualified health care providers in the State, particularly with regard to the fields of mental health, developmental disabilities, and substance use disorders.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Human Services.

(e) Report. On or before December 15, 2017, the Committee shall submit a report to the Senate Committee on Health and Welfare and the House Committees on Health Care and on Human Services regarding the results of its examination, including any legislative proposals for both long-term and immediate steps the State may take to attract and retain more health care providers in Vermont.

(f) Meetings.

(1) The Secretary of Human Services shall call the first meeting of the Committee to occur on or before July 1, 2017.

(2) A majority of the membership shall constitute a quorum.

(3) The Committee shall cease to exist on December 31, 2017.

Sec. 10. OFFICE OF PROFESSIONAL REGULATION; INTERSTATE
COMPACTS

The Director of Professional Regulation shall engage other states in a discussion of the creation of national standards for coordinating the regulation and licensing of mental health professionals, as defined in 18 V.S.A. § 7101, for the purposes of licensure reciprocity and greater interstate mobility of that workforce. On or before September 1, 2017, the Director shall report to the Senate Committee on Health and Welfare and the House Committee on Health Care regarding the results of his or her efforts and recommendations for legislative action.

* * * Designated and Specialized Service Agencies * * *

Sec. 11. 18 V.S.A. § 8914 is added to read:

§ 8914. RATES OF PAYMENTS TO DESIGNATED AND SPECIALIZED
SERVICE AGENCIES

(a) The Secretary of Human Services shall have sole responsibility for establishing the Departments of Health, of Mental Health, and of Disabilities,

Aging, and Independent Living's rates of payments for designated and specialized service agencies and the Alcohol and Drug Abuse Program's preferred providers that are reasonable and adequate to achieve the required outcomes for designated populations. When establishing rates of payment for designated and specialized service agencies, the Secretary shall adjust rates to take into account factors that include:

(1) the reasonable cost of any governmental mandate that has been enacted, adopted, or imposed by any State or federal authority; and

(2) a cost adjustment factor to reflect changes in reasonable cost of goods and services of designated and specialized service agencies, including those attributed to inflation and labor market dynamics.

(b) When establishing rates of payment for designated and specialized service agencies and the Alcohol and Drug Abuse Program's preferred providers, the Secretary may consider geographic differences in wages, benefits, housing, and real estate costs in each region of the State.

Sec. 12. HEALTH INSURANCE; DESIGNATED AND SPECIALIZED SERVICE AGENCY EMPLOYEES

On or before September 1, 2017, the Commissioner of Human Resources shall consult with Blue Cross and Blue Shield of Vermont and Vermont Care Partners regarding the operational feasibility of including the designated and specialized service agencies in the State employees' health benefit plan and submit any findings and relevant recommendations for legislative action to the Senate Committees on Health and Welfare, on Government Operations, and on Finance and the House Committees on Health Care and on Government Operations.

* * * Effective Date * * *

Sec. 13. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Hooper of Montpelier, for the committee on Appropriations, recommended that House propose to the Senate to amend the bill as recommended by the committee on Health Care

The bill having appeared on the Calendar one day for notice, was taken up, read the second time, the reports of the committee on Health Care and Appropriations were agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Lippert of Hinesburg** 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 read a third time? was decided in the affirmative. Yeas, 134.
Nays, 0.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gonzalez of Winooski	Noyes of Wolcott
Bancroft of Westford	Grad of Moretown	Ode of Burlington
Bartholomew of Hartland	Graham of Williamstown	Olsen of Londonderry
Batchelor of Derby	Greshin of Warren	O'Sullivan of Burlington
Beck of St. Johnsbury	Haas of Rochester	Parent of St. Albans Town
Belaski of Windsor	Harrison of Chittenden	Partridge of Windham
Beyor of Highgate	Head of South Burlington	Pearce of Richford
Bissonnette of Winooski	Hebert of Vernon	Potter of Clarendon
Bock of Chester	Helm of Fair Haven	Pugh of South Burlington
Botzow of Pownal	Higley of Lowell	Quimby of Concord
Briglin of Thetford	Hill of Wolcott	Rachelson of Burlington
Brumsted of Shelburne	Hooper of Montpelier	Rosenquist of Georgia
Buckholz of Hartford	Hooper of Brookfield	Savage of Swanton
Burditt of West Rutland	Houghton of Essex	Scheu of Middlebury
Burke of Brattleboro	Howard of Rutland City	Scheuermann of Stowe
Carr of Brandon	Hubert of Milton	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Jessup of Middlesex	Shaw of Pittsford
Christensen of Weathersfield	Jickling of Brookfield	Sheldon of Middlebury
Christie of Hartford	Joseph of North Hero	Sibilia of Dover
Cina of Burlington	Juskiewicz of Cambridge	Smith of Derby
Colburn of Burlington	Keenan of St. Albans City	Smith of New Haven
Conlon of Cornwall	Kimbell of Woodstock	Squirrell of Underhill
Connor of Fairfield	Kitzmiller of Montpelier	Stevens of Waterbury
Conquest of Newbury	Krowinski of Burlington	Strong of Albany
Copeland-Hanzas of Bradford	LaClair of Barre Town	Stuart of Brattleboro
Cupoli of Rutland City	Lalonde of South Burlington	Sullivan of Dorset
Dakin of Colchester	Lanpher of Vergennes	Sullivan of Burlington
Deen of Westminster	Lawrence of Lyndon	Taylor of Colchester
Devereux of Mount Holly	Lefebvre of Newark	Terenzini of Rutland Town
Dickinson of St. Albans Town	Lewis of Berlin	Till of Jericho
Donahue of Northfield	Lippert of Hinesburg	Toleno of Brattleboro
Donovan of Burlington	Long of Newfane	Toll of Danville
Dunn of Essex	Macaig of Williston	Townsend of South Burlington
Emmons of Springfield	Marcotte of Coventry	Trieber of Rockingham
Fagan of Rutland City	Martel of Waterford	Troiano of Stannard
Feltus of Lyndon	McCormack of Burlington	Turner of Milton
Fields of Bennington	McCoy of Poultney	Van Wyck of Ferrisburgh
Forguites of Springfield	McCullough of Williston	Viens of Newport City
Gage of Rutland City	McFaun of Barre Town	Walz of Barre City
Gamache of Swanton	Miller of Shaftsbury	Webb of Shelburne
Gannon of Wilmington	Morris of Bennington	Weed of Enosburgh
Gardner of Richmond	Mrowicki of Putney	Willhoit of St. Johnsbury
Giambatista of Essex	Murphy of Fairfax	Wood of Waterbury
	Myers of Essex	Yacovone of Morristown
	Nolan of Morristown	Yantachka of Charlotte
	Norris of Shoreham	

Those who voted in the negative are: none

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

Ancel of Calais	Condon of Colchester	Masland of Thetford
Baser of Bristol	Corcoran of Bennington	Morrissey of Bennington
Brennan of Colchester	Frenier of Chelsea	Poirier of Barre City
Browning of Arlington	Keefe of Manchester	Wright of Burlington
Canfield of Fair Haven	Lucke of Hartford	Young of Glover

Action on Bill Postponed

H. 513

House bill, entitled

An act relating to making miscellaneous changes to education law

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment, on motion of **Rep. Sharpe of Bristol**, action on the bill was postponed until April 27, 2017.

Message from the Senate No. 53

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

Madam Speaker:

I am directed to inform the House that:

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

H. 50. An act relating to the telecommunications siting law.

And has passed the same in concurrence.

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

H. 219. An act relating to the Vermont spaying and neutering program.

H. 516. An act relating to miscellaneous tax changes.

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; 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. 184

House bill, entitled

An act relating to evaluation of suicide profiles

H. 230

House bill, entitled

An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity

H. 308

House bill, entitled

An act relating to a committee to reorganize and reclassify Vermont's criminal statutes

S. 9

Senate bill, entitled

An act relating to the preparation of poultry products

**Rules Suspended; Read Second Time;
Bill Amended; Third Reading Ordered**

H. 529

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 City of Barre

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred the bill reported in favor of its passage when amended as follows:

In Sec. 2, 24 App. V.S.A. chapter 1, in § 202, in subsection (c), immediately following "placed on the warning shall be filed with the City Clerk" by striking out "not later than 47 days before the day of the meeting" and inserting in lieu thereof "on or before the filing deadline set forth in 17 V.S.A. § 2642(a)(3)" before the period.

Thereupon, the bill was read the second time, the report of the committee on Government Operations was agreed to and third reading was ordered.

**Rules Suspended; Second Reading;
Bill Amended; Third Reading Ordered**

H. 534

On Motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

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

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred the bill reported in favor of its passage when amended as follows:

In Sec. 2, 24 App. V.S.A. chapter 108C, in § 3 (treasurer), immediately following “The Town Treasurer shall not be Treasurer of the Town School District” by inserting “; the Town School District Treasurer shall be elected by the voters of the Town School District” before the period

Thereupon, the bill was read the second time, the report of the committee on Government Operations was agreed to and third reading was ordered.

**Rules Suspended; Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 3

On motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to mental health professionals’ duty to warn

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Conquest of Newbury, for the committee on Judiciary, to which had been referred the Senate bill reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) The overwhelming majority of people diagnosed with mental illness are not more likely to be violent than any other person; the majority of interpersonal violence in the United States is committed by people with no

diagnosable mental illness.

(2) Generally, there is no legal duty to control the conduct of another to protect a third person from harm. However, in 1985, the Vermont Supreme Court recognized an exception to this common law rule where a special relationship exists between two persons, such as between a mental health professional and a client or patient. In *Peck v. Counseling Service of Addison County, Inc.*, the Vermont Supreme Court ruled that “a mental health professional who knows or, based upon the standards of the mental health profession, should know that his or her patient poses a serious risk of danger to an identifiable victim has a duty to exercise reasonable care to protect him or her from that danger.”

(3) The *Peck* standard has been understood and applied by mental health professionals in their practices for more than 30 years.

(4) In 2016, the Vermont Supreme Court decided the case *Kuligoski v. Brattleboro Retreat and Northeast Kingdom Human Services* and created for mental health professionals a new and additional legal “duty to provide information” to caregivers to “enable [the caregivers] to fulfill their role in keeping [the patient] safe” if that patient has violent propensities and “the caregiver is himself or herself within the zone of danger of the patient’s violent propensities.”

(5) The *Kuligoski* decision has been seen by many mental health professionals as unworkable. First, unlike the *Peck* duty, the *Kuligoski* decision does not require the risk be serious or imminent. This puts providers in a position of violating the Health Insurance Portability and Accountability Act, Pub. L. 104-191, the federal law regarding the confidentiality of patient records. Second, unlike the *Peck* duty, the *Kuligoski* decision does not require that the prospective victim be identifiable. Third, the *Kuligoski* decision singles out caregivers and potentially creates a situation in which they could be held liable for the actions of the person for whom they are caring. Fourth, the *Kuligoski* decision imposes a duty on mental health facilities and professionals to protect the public from patients and clients who are no longer in their care or under their control.

Sec. 2. 18 V.S.A. § 1882 is added to read:

§ 1882. DISCLOSURES OF PROTECTED HEALTH INFORMATION TO
AVERT A SERIOUS RISK OF DANGER

(a) It is the intent of the General Assembly in this section to negate the Vermont Supreme Court’s decision in *Kuligoski v. Brattleboro Retreat and Northeast Kingdom Human Services*, 2016 VT 54A, and limit mental health professionals’ duty to that as established in common law by *Peck v.*

Counseling Service of Addison County, Inc., 146 Vt. 61 (1985).

(b) A mental health professional's duty is established in common law by Peck v. Counseling Service of Addison County, Inc. and requires that "a mental health professional who knows or, based upon the standards of the mental health profession, should know that his or her patient poses a serious risk of danger to an identifiable victim has a duty to exercise reasonable care to protect him or her from that danger." This duty shall be applied in accordance with State and federal privacy and confidentiality laws.

(c) This section does not limit or restrict claims under State or federal law related to safe patient care, including federal discharge planning regulations within the Conditions of Participation for hospitals, patient care regulations for other federally certified facilities, the Emergency Medical Treatment and Active Labor Act of 1986, Pub. Law 99-272, professional licensing standards, or facility licensing standards.

(d) To the extent permitted under federal law, this section does not affect the requirements for mental health professionals to communicate with individuals involved in a patient's care in a manner that is consistent with legal and professional standards, including section 7103 of this title.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, the bill was read the second time, the report of the committee on Judiciary was agreed to and third reading was ordered.

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 518

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 Senate proposed to the House to amend the bill as follows:

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2018 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 2018. 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, 2017. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2018 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 2018.

(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 on June 30, 2018.

Sec. A.103 DEFINITIONS

(a) As used in 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, 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 2018, 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 2018, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2017 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 2018 except for new positions authorized by the 2017 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction, nor shall positions created pursuant to the Position Pilot Program authorized in 2014 Acts and Resolves No. 179, Sec. E.100(d), as amended by 2015 Acts and Resolves No.4, Sec. 74, further amended by 2016 Acts and Resolves No. 172, Sec. E.100.2, and as further amended by Sec. E.100.1 of this act.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. 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, the D sections contain fund transfers and reserve allocations for the upcoming budget year, and the F sections contain miscellaneous technical statute corrections.

Sec. B.100 Secretary of administration - secretary's office

Personal services	777,092
Operating expenses	150,120
Total	927,212
Source of funds	
General fund	927,212
Total	927,212

Sec. B.101 Secretary of administration - finance

Personal services	1,187,190
Operating expenses	153,789
Total	1,340,979
Source of funds	

Interdepartmental transfers	<u>1,340,979</u>
Total	1,340,979
Sec. B.102 Secretary of administration - workers' compensation insurance	
Personal services	566,009
Operating expenses	<u>226,235</u>
Total	792,244
Source of funds	
Internal service funds	<u>792,244</u>
Total	792,244
Sec. B.103 Secretary of administration - general liability insurance	
Personal services	445,807
Operating expenses	<u>43,958</u>
Total	489,765
Source of funds	
Internal service funds	<u>489,765</u>
Total	489,765
Sec. B.104 Secretary of administration - all other insurance	
Personal services	22,513
Operating expenses	<u>11,382</u>
Total	33,895
Source of funds	
Internal service funds	<u>33,895</u>
Total	33,895
Sec. B.105 Information and innovation - communications and information technology	
Personal services	24,540,424
Operating expenses	<u>15,675,832</u>
Total	40,216,256
Source of funds	
Internal service funds	<u>40,216,256</u>
Total	40,216,256
Sec. B.106 Finance and management - budget and management	
Personal services	1,471,321
Operating expenses	<u>202,003</u>
Total	1,673,324
Source of funds	
General fund	1,309,469
Interdepartmental transfers	<u>363,855</u>

Total	1,673,324
Sec. B.107 Finance and management - financial operations	
Personal services	2,374,631
Operating expenses	<u>619,703</u>
Total	2,994,334
Source of funds	
Internal service funds	<u>2,994,334</u>
Total	2,994,334
Sec. B.108 Human resources - operations	
Personal services	7,612,746
Operating expenses	<u>1,377,239</u>
Total	8,989,985
Source of funds	
General fund	1,968,777
Special funds	277,462
Internal service funds	6,206,438
Interdepartmental transfers	<u>537,308</u>
Total	8,989,985
Sec. B.108.1 Human Resources - VTHR Operations	
Personal services	1,802,885
Operating expenses	<u>765,629</u>
Total	2,568,514
Source of funds	
Internal service funds	<u>2,568,514</u>
Total	2,568,514
Sec. B.109 Human resources - employee benefits & wellness	
Personal services	1,070,140
Operating expenses	<u>581,803</u>
Total	1,651,943
Source of funds	
Internal service funds	<u>1,651,943</u>
Total	1,651,943
Sec. B.110 Libraries	
Personal services	1,759,682
Operating expenses	1,463,407
Grants	<u>148,400</u>
Total	3,371,489
Source of funds	

General fund	2,329,975
Special funds	123,998
Federal funds	820,514
Interdepartmental transfers	<u>97,002</u>
Total	3,371,489
Sec. B.111 Tax - administration/collection	
Personal services	14,471,939
Operating expenses	<u>5,117,491</u>
Total	19,589,430
Source of funds	
General fund	18,075,976
Special funds	1,370,888
Interdepartmental transfers	<u>142,566</u>
Total	19,589,430
Sec. B.112 Buildings and general services - administration	
Personal services	659,538
Operating expenses	<u>103,275</u>
Total	762,813
Source of funds	
Interdepartmental transfers	<u>762,813</u>
Total	762,813
Sec. B.113 Buildings and general services - engineering	
Personal services	2,725,021
Operating expenses	<u>812,504</u>
Total	3,537,525
Source of funds	
Interdepartmental transfers	<u>3,537,525</u>
Total	3,537,525
Sec. B.114 Buildings and general services - information centers	
Personal services	3,247,710
Operating expenses	1,560,479
Grants	<u>35,750</u>
Total	4,843,939
Source of funds	
General fund	632,642
Transportation fund	3,886,230
Special funds	<u>325,067</u>
Total	4,843,939

Sec. B.115 Buildings and general services - purchasing	
Personal services	1,052,452
Operating expenses	<u>197,598</u>
Total	1,250,050
Source of funds	
General fund	<u>1,250,050</u>
Total	1,250,050
Sec. B.116 Buildings and general services - postal services	
Personal services	741,125
Operating expenses	<u>116,121</u>
Total	857,246
Source of funds	
General fund	85,063
Internal service funds	<u>772,183</u>
Total	857,246
Sec. B.117 Buildings and general services - copy center	
Personal services	708,890
Operating expenses	<u>162,809</u>
Total	871,699
Source of funds	
Internal service funds	<u>871,699</u>
Total	871,699
Sec. B.118 Buildings and general services - fleet management services	
Personal services	759,471
Operating expenses	<u>239,611</u>
Total	999,082
Source of funds	
Internal service funds	<u>999,082</u>
Total	999,082
Sec. B.119 Buildings and general services - federal surplus property	
Personal services	32,667
Operating expenses	<u>5,760</u>
Total	38,427
Source of funds	
Enterprise funds	<u>38,427</u>
Total	38,427
Sec. B.120 Buildings and general services - state surplus property	
Personal services	142,751

Operating expenses	<u>109,881</u>
Total	252,632
Source of funds	
Internal service funds	<u>252,632</u>
Total	252,632
Sec. B.121 Buildings and general services - property management	
Personal services	1,025,441
Operating expenses	<u>864,228</u>
Total	1,889,669
Source of funds	
Internal service funds	<u>1,889,669</u>
Total	1,889,669
Sec. B.122 Buildings and general services - fee for space	
Personal services	15,282,330
Operating expenses	<u>14,081,331</u>
Total	29,363,661
Source of funds	
Internal service funds	<u>29,363,661</u>
Total	29,363,661
Sec. B.124 Executive office - governor's office	
Personal services	1,412,803
Operating expenses	<u>468,873</u>
Total	1,881,676
Source of funds	
General fund	1,695,176
Interdepartmental transfers	<u>186,500</u>
Total	1,881,676
Sec. B.125 Legislative council	
Personal services	3,812,245
Operating expenses	<u>866,666</u>
Total	4,678,911
Source of funds	
General fund	<u>4,678,911</u>
Total	4,678,911
Sec. B.126 Legislature	
Personal services	3,932,539
Operating expenses	<u>3,649,343</u>
Total	7,581,882

Source of funds	
General fund	<u>7,581,882</u>
Total	7,581,882
Sec. B.127 Joint fiscal committee	
Personal services	1,603,075
Operating expenses	<u>154,661</u>
Total	1,757,736
Source of funds	
General fund	<u>1,757,736</u>
Total	1,757,736
Sec. B.128 Sergeant at arms	
Personal services	667,093
Operating expenses	<u>74,252</u>
Total	741,345
Source of funds	
General fund	<u>741,345</u>
Total	741,345
Sec. B.129 Lieutenant governor	
Personal services	208,858
Operating expenses	<u>30,097</u>
Total	238,955
Source of funds	
General fund	<u>238,955</u>
Total	238,955
Sec. B.130 Auditor of accounts	
Personal services	3,689,915
Operating expenses	<u>158,765</u>
Total	3,848,680
Source of funds	
General fund	400,371
Special funds	53,145
Internal service funds	<u>3,395,164</u>
Total	3,848,680
Sec. B.131 State treasurer	
Personal services	3,443,785
Operating expenses	<u>267,689</u>
Total	3,711,474
Source of funds	

General fund	1,006,452
Special funds	2,604,257
Interdepartmental transfers	<u>100,765</u>
Total	3,711,474
Sec. B.132 State treasurer - unclaimed property	
Personal services	827,048
Operating expenses	<u>298,653</u>
Total	1,125,701
Source of funds	
Private purpose trust funds	<u>1,125,701</u>
Total	1,125,701
Sec. B.133 Vermont state retirement system	
Personal services	5,984,464
Operating expenses	<u>1,314,760</u>
Total	7,299,224
Source of funds	
Pension trust funds	<u>7,299,224</u>
Total	7,299,224
Sec. B.134 Municipal employees' retirement system	
Personal services	2,096,238
Operating expenses	<u>751,569</u>
Total	2,847,807
Source of funds	
Pension trust funds	<u>2,847,807</u>
Total	2,847,807
Sec. B.135 State labor relations board	
Personal services	208,856
Operating expenses	<u>47,734</u>
Total	256,590
Source of funds	
General fund	247,014
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	256,590
Sec. B.136 VOSHA review board	
Personal services	74,662
Operating expenses	<u>13,543</u>
Total	88,205

Source of funds	
General fund	44,103
Interdepartmental transfers	<u>44,102</u>
Total	88,205
Sec. B.137 Homeowner rebate	
Grants	<u>16,600,000</u>
Total	16,600,000
Source of funds	
General fund	<u>16,600,000</u>
Total	16,600,000
Sec. B.138 Renter rebate	
Grants	<u>10,500,000</u>
Total	10,500,000
Source of funds	
General fund	3,150,000
Education fund	<u>7,350,000</u>
Total	10,500,000
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	<u>3,460,000</u>
Total	3,460,000
Source of funds	
Education fund	<u>3,460,000</u>
Total	3,460,000
Sec. B.140 Municipal current use	
Grants	<u>15,283,643</u>
Total	15,283,643
Source of funds	
General fund	<u>15,283,643</u>
Total	15,283,643
Sec. B.141 Lottery commission	
Personal services	1,950,778
Operating expenses	1,321,236
Grants	<u>150,000</u>
Total	3,422,014
Source of funds	
Enterprise funds	<u>3,422,014</u>
Total	3,422,014
Sec. B.142 Payments in lieu of taxes	

Grants	<u>7,600,000</u>
Total	7,600,000
Source of funds	
Special funds	<u>7,600,000</u>
Total	7,600,000
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	80,004,752
Transportation fund	3,886,230
Special funds	12,585,605
Education fund	10,810,000
Federal funds	820,514
Internal service funds	92,497,479
Interdepartmental transfers	7,116,203
Enterprise funds	3,460,441
Pension trust funds	10,147,031
Private purpose trust funds	<u>1,125,701</u>
Total	222,453,956
Sec. B.200 Attorney general	
Personal services	9,315,374
Operating expenses	1,382,078
Grants	<u>26,894</u>
Total	10,724,346
Source of funds	
General fund	4,931,409
Special funds	1,774,350
Tobacco fund	348,000

Federal funds	1,113,091
Interdepartmental transfers	<u>2,557,496</u>
Total	10,724,346
Sec. B.201 Vermont court diversion	
Personal services	823,550
Operating expenses	500
Grants	<u>1,996,483</u>
Total	2,820,533
Source of funds	
General fund	2,156,486
Special funds	<u>664,047</u>
Total	3,820,533
Sec. B.202 Defender general - public defense	
Personal services	10,815,479
Operating expenses	<u>1,058,134</u>
Total	11,873,613
Source of funds	
General fund	11,283,960
Special funds	<u>589,653</u>
Total	11,873,613
Sec. B.203 Defender general - assigned counsel	
Personal services	5,631,235
Operating expenses	<u>49,819</u>
Total	5,681,054
Source of funds	
General fund	<u>5,681,054</u>
Total	5,681,054
Sec. B.204 Judiciary	
Personal services	38,415,672
Operating expenses	9,358,344
Grants	<u>76,030</u>
Total	47,850,046
Source of funds	
General fund	42,300,859
Special funds	2,667,460
Federal funds	556,455
Interdepartmental transfers	<u>2,325,272</u>
Total	47,850,046

Sec. B.205 State's attorneys	
Personal services	12,520,142
Operating expenses	<u>2,158,949</u>
Total	14,679,091
Source of funds	
General fund	11,813,829
Special funds	123,480
Federal funds	31,000
Interdepartmental transfers	<u>2,710,782</u>
Total	14,679,091
Sec. B.206 Special investigative unit	
Personal services	85,000
Operating expenses	1,100
Grants	<u>1,913,000</u>
Total	1,999,100
Source of funds	
General fund	<u>1,999,100</u>
Total	1,999,100
Sec. B.207 Sheriffs	
Personal services	4,061,398
Operating expenses	<u>433,009</u>
Total	4,494,407
Source of funds	
General fund	<u>4,494,407</u>
Total	4,494,407
Sec. B.208 Public safety - administration	
Personal services	2,624,989
Operating expenses	<u>2,661,095</u>
Total	5,286,084
Source of funds	
General fund	2,896,171
Federal funds	279,160
Interdepartmental transfers	<u>2,110,753</u>
Total	5,286,084
Sec. B.209 Public safety - state police	
Personal services	52,941,680
Operating expenses	9,656,601
Grants	<u>759,635</u>

Total	63,357,916
Source of funds	
General fund	35,799,847
Transportation fund	20,250,000
Special funds	3,190,202
Federal funds	2,334,001
Interdepartmental transfers	<u>1,783,866</u>
Total	63,357,916
Sec. B.210 Public safety - criminal justice services	
Personal services	9,015,234
Operating expenses	2,346,270
Grants	<u>191,650</u>
Total	11,553,154
Source of funds	
General fund	7,006,967
Special funds	2,134,552
Federal funds	1,516,096
Interdepartmental transfers	<u>895,539</u>
Total	11,553,154
Sec. B.211 Public safety - emergency management and homeland security	
Personal services	3,398,216
Operating expenses	1,401,401
Grants	<u>10,100,000</u>
Total	14,899,617
Source of funds	
General fund	516,797
Special funds	300,000
Federal funds	13,798,597
Interdepartmental transfers	<u>284,223</u>
Total	14,899,617
Sec. B.212 Public safety - fire safety	
Personal services	6,442,511
Operating expenses	3,083,185
Grants	<u>107,000</u>
Total	9,632,696
Source of funds	
General fund	426,712
Special funds	8,309,126
Federal funds	851,858
Interdepartmental transfers	<u>45,000</u>

Total	9,632,696
Sec. B.215 Military - administration	
Personal services	712,974
Operating expenses	359,195
Grants	<u>100,000</u>
Total	1,172,169
Source of funds	
General fund	<u>1,172,169</u>
Total	1,172,169
Sec. B.216 Military - air service contract	
Personal services	5,527,805
Operating expenses	<u>1,073,275</u>
Total	6,601,080
Source of funds	
General fund	583,733
Federal funds	<u>6,017,347</u>
Total	6,601,080
Sec. B.217 Military - army service contract	
Personal services	7,325,373
Operating expenses	<u>6,008,750</u>
Total	13,334,123
Source of funds	
Federal funds	<u>13,334,123</u>
Total	13,334,123
Sec. B.218 Military - building maintenance	
Personal services	884,161
Operating expenses	<u>696,659</u>
Total	1,580,820
Source of funds	
General fund	1,520,820
Special funds	<u>60,000</u>
Total	1,580,820
Sec. B.219 Military - veterans' affairs	
Personal services	762,092
Operating expenses	163,245
Grants	<u>94,380</u>
Total	1,019,717
Source of funds	

General fund	794,678
Special funds	125,310
Federal funds	<u>99,729</u>
Total	1,019,717
Sec. B.220 Center for crime victim services	
Personal services	1,788,731
Operating expenses	312,067
Grants	<u>11,663,697</u>
Total	13,764,495
Source of funds	
General fund	1,264,140
Special funds	5,132,559
Federal funds	<u>7,367,796</u>
Total	13,764,495
Sec. B.221 Criminal justice training council	
Personal services	1,061,527
Operating expenses	<u>1,277,414</u>
Total	2,338,941
Source of funds	
General fund	2,298,555
Interdepartmental transfers	<u>40,386</u>
Total	2,338,941
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,654,766
Operating expenses	288,742
Grants	<u>307,972</u>
Total	2,251,480
Source of funds	
General fund	1,133,695
Special funds	630,066
Federal funds	<u>487,719</u>
Total	2,251,480
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	3,939,183
Operating expenses	726,671
Grants	<u>2,750,000</u>
Total	7,415,854
Source of funds	

General fund	2,661,332
Special funds	3,672,807
Federal funds	1,074,715
Interdepartmental transfers	<u>7,000</u>
Total	7,415,854
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	1,665,008
Operating expenses	1,016,357
Grants	<u>1,170,875</u>
Total	3,852,240
Source of funds	
General fund	1,953,127
Special funds	625,830
Federal funds	1,233,783
Interdepartmental transfers	<u>39,500</u>
Total	3,852,240
Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship	
Personal services	3,344,918
Operating expenses	563,044
Grants	<u>587,000</u>
Total	4,494,962
Source of funds	
General fund	1,852,119
Special funds	1,958,384
Federal funds	477,028
Interdepartmental transfers	<u>207,431</u>
Total	4,494,962
Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab	
Personal services	1,356,637
Operating expenses	<u>757,396</u>
Total	2,114,033
Source of funds	
General fund	848,119
Special funds	1,207,787
Interdepartmental transfers	<u>58,127</u>
Total	2,114,033
Sec. B.225.2 Agriculture, Food and Markets - Clean Water	

Personal services	1,070,182
Operating expenses	266,190
Grants	<u>850,000</u>
Total	2,186,372
Source of funds	
Special funds	<u>2,186,372</u>
Total	2,186,372
Sec. B.226 Financial regulation - administration	
Personal services	1,998,578
Operating expenses	<u>198,577</u>
Total	2,197,155
Source of funds	
Special funds	<u>2,197,155</u>
Total	2,197,155
Sec. B.227 Financial regulation - banking	
Personal services	1,668,222
Operating expenses	<u>394,337</u>
Total	2,062,559
Source of funds	
Special funds	<u>2,062,559</u>
Total	2,062,559
Sec. B.228 Financial regulation - insurance	
Personal services	4,436,994
Operating expenses	<u>555,765</u>
Total	4,992,759
Source of funds	
Special funds	4,921,496
Interdepartmental transfers	<u>71,263</u>
Total	4,992,759
Sec. B.229 Financial regulation - captive insurance	
Personal services	4,476,171
Operating expenses	<u>566,984</u>
Total	5,043,155
Source of funds	
Special funds	<u>5,043,155</u>
Total	5,043,155
Sec. B.230 Financial regulation - securities	
Personal services	863,956

Operating expenses	<u>185,402</u>
Total	1,049,358
Source of funds	
Special funds	<u>1,049,358</u>
Total	1,049,358
Sec. B.232 Secretary of state	
Personal services	9,750,435
Operating expenses	<u>2,538,565</u>
Total	12,289,000
Source of funds	
Special funds	11,007,000
Federal funds	1,207,000
Interdepartmental transfers	<u>75,000</u>
Total	12,289,000
Sec. B.233 Public service - regulation and energy	
Personal services	10,273,714
Operating expenses	2,111,355
Grants	<u>3,883,867</u>
Total	16,268,936
Source of funds	
Special funds	13,856,417
Federal funds	1,234,279
ARRA funds	1,120,000
Interdepartmental transfers	41,667
Enterprise funds	<u>16,573</u>
Total	16,268,936
Sec. B.234 Public service board	
Personal services	3,166,727
Operating expenses	<u>481,111</u>
Total	3,647,838
Source of funds	
Special funds	<u>3,647,838</u>
Total	3,647,838
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	3,759,427
Operating expenses	362,937
Grants	<u>720,000</u>
Total	4,842,364
Source of funds	

Special funds	<u>4,842,364</u>
Total	4,842,364
Sec. B.236 Human rights commission	
Personal services	481,533
Operating expenses	<u>79,095</u>
Total	560,628
Source of funds	
General fund	490,527
Federal funds	<u>70,101</u>
Total	560,628
Sec. B.237 Liquor control - administration	
Personal services	3,864,134
Operating expenses	<u>600,485</u>
Total	4,464,619
Source of funds	
Enterprise funds	<u>4,464,619</u>
Total	4,464,619
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	2,660,717
Operating expenses	<u>560,506</u>
Total	3,221,223
Source of funds	
Special funds	20,000
Tobacco fund	213,843
Federal funds	312,503
Enterprise funds	<u>2,674,877</u>
Total	3,221,223
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	990,624
Operating expenses	<u>522,578</u>
Total	1,513,202
Source of funds	
Enterprise funds	<u>1,513,202</u>
Total	1,513,202
Sec. B.240 Total protection to persons and property	
Source of funds	
General fund	147,805,612
Transportation fund	20,250,000

Special funds	83,999,327
Tobacco fund	561,843
Federal funds	53,396,381
ARRA funds	1,120,000
Interdepartmental transfers	13,253,305
Enterprise funds	<u>8,669,271</u>
Total	329,055,739
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	19,186,112
Operating expenses	5,427,146
Grants	<u>7,444,843</u>
Total	32,058,101
Source of funds	
General fund	10,014,889
Special funds	91,017
Tobacco fund	25,000
Federal funds	19,149,640
Global Commitment fund	453,000
Interdepartmental transfers	<u>2,324,555</u>
Total	32,058,101
Sec. B.301 Secretary's office - global commitment	
Operating expenses	846,057
Grants	<u>1,582,593,210</u>
Total	1,583,439,267
Source of funds	
General fund	263,072,810
Special funds	31,496,422
Tobacco fund	21,269,352
State health care resources fund	293,176,780
Federal funds	956,383,903
Interdepartmental transfers	<u>18,040,000</u>
Total	1,583,439,267
Sec. B.302 Rate setting	
Personal services	864,718
Operating expenses	<u>97,142</u>
Total	961,860
Source of funds	
General fund	480,930
Federal funds	<u>480,930</u>
Total	961,860

Sec. B.303 Developmental disabilities council

Personal services	290,325
Operating expenses	67,012
Grants	<u>248,388</u>
Total	605,725
Source of funds	
Federal funds	<u>605,725</u>
Total	605,725

Sec. B.304 Human services board

Personal services	682,525
Operating expenses	<u>88,308</u>
Total	770,833
Source of funds	
General fund	409,989
Federal funds	314,044
Interdepartmental transfers	<u>46,800</u>
Total	770,833

Sec. B.305 AHS - administrative fund

Personal services	350,000
Operating expenses	<u>10,150,000</u>
Total	10,500,000
Source of funds	
Interdepartmental transfers	<u>10,500,000</u>
Total	10,500,000

Sec. B.306 Department of Vermont health access - administration

Personal services	177,240,484
Operating expenses	5,542,033
Grants	<u>7,264,742</u>
Total	190,047,259
Source of funds	
General fund	31,518,780
Special funds	3,577,938
Federal funds	139,552,196
Global Commitment fund	7,915,736
Interdepartmental transfers	<u>7,482,609</u>
Total	190,047,259

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Grants	<u>752,555,668</u>
Total	752,555,668
Source of funds	
Global Commitment fund	<u>752,555,668</u>
Total	752,555,668
Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver	
Grants	<u>196,483,201</u>
Total	196,483,201
Source of funds	
General fund	753,720
Federal funds	896,280
Global Commitment fund	<u>194,833,201</u>
Total	196,483,201
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	<u>50,175,082</u>
Total	50,175,082
Source of funds	
General fund	40,507,054
Global Commitment fund	<u>9,668,028</u>
Total	50,175,082
Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched	
Grants	<u>37,213,898</u>
Total	37,213,898
Source of funds	
General fund	13,685,694
Federal funds	<u>23,528,204</u>
Total	37,213,898
Sec. B.311 Health - administration and support	
Personal services	7,692,836
Operating expenses	2,999,965
Grants	<u>3,725,000</u>
Total	14,417,801
Source of funds	
General fund	2,646,995
Special funds	1,640,781
Federal funds	6,606,306

Global Commitment fund	3,478,719
Interdepartmental transfers	<u>45,000</u>
Total	14,417,801
Sec. B.312 Health - public health	
Personal services	41,822,394
Operating expenses	7,579,809
Grants	<u>36,081,485</u>
Total	85,483,688
Source of funds	
General fund	8,567,428
Special funds	17,443,570
Tobacco fund	1,063,918
Federal funds	44,857,697
Global Commitment fund	12,551,629
Interdepartmental transfers	974,446
Permanent trust funds	<u>25,000</u>
Total	85,483,688
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	3,763,900
Operating expenses	208,810
Grants	<u>49,363,212</u>
Total	53,335,922
Source of funds	
General fund	2,908,535
Special funds	1,084,761
Tobacco fund	949,917
Federal funds	13,197,694
Global Commitment fund	<u>35,195,015</u>
Total	53,335,922
Sec. B.314 Mental health - mental health	
Personal services	29,838,587
Operating expenses	3,666,056
Grants	<u>199,368,140</u>
Total	232,872,783
Source of funds	
General fund	4,864,021
Special funds	434,904
Federal funds	6,691,092
Global Commitment fund	220,862,766
Interdepartmental transfers	<u>20,000</u>

Total	232,872,783
Sec. B.316 Department for children and families - administration & support services	
Personal services	41,307,378
Operating expenses	10,464,802
Grants	<u>3,678,688</u>
Total	55,450,868
Source of funds	
General fund	30,639,729
Special funds	655,548
Federal funds	23,274,906
Global Commitment fund	664,660
Interdepartmental transfers	<u>216,025</u>
Total	55,450,868
Sec. B.317 Department for children and families - family services	
Personal services	31,887,814
Operating expenses	4,723,500
Grants	<u>75,838,377</u>
Total	112,449,691
Source of funds	
General fund	33,280,421
Special funds	1,691,637
Federal funds	26,151,771
Global Commitment fund	51,191,608
Interdepartmental transfers	<u>134,254</u>
Total	112,449,691
Sec. B.318 Department for children and families - child development	
Personal services	6,405,300
Operating expenses	802,146
Grants	<u>77,455,662</u>
Total	84,663,108
Source of funds	
General fund	35,216,782
Special funds	1,820,000
Federal funds	36,142,431
Global Commitment fund	<u>11,483,895</u>
Total	84,663,108
Sec. B.319 Department for children and families - office of child support	
Personal services	10,242,836

Operating expenses	<u>3,632,098</u>
Total	13,874,934
Source of funds	
General fund	3,478,675
Special funds	455,719
Federal funds	9,552,940
Interdepartmental transfers	<u>387,600</u>
Total	13,874,934
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	2,182,805
Grants	<u>11,367,424</u>
Total	13,550,229
Source of funds	
General fund	9,649,899
Global Commitment fund	<u>3,900,330</u>
Total	13,550,229
Sec. B.321 Department for children and families - general assistance	
Grants	<u>6,977,360</u>
Total	6,977,360
Source of funds	
General fund	5,580,025
Federal funds	1,111,320
Global Commitment fund	<u>286,015</u>
Total	6,977,360
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>29,827,906</u>
Total	29,827,906
Source of funds	
Federal funds	<u>29,827,906</u>
Total	29,827,906
Sec. B.323 Department for children and families - reach up	
Operating expenses	95,202
Grants	<u>33,735,219</u>
Total	33,830,421
Source of funds	
General fund	6,717,098
Special funds	21,806,288
Federal funds	2,674,594

Global Commitment fund	<u>2,632,441</u>
Total	33,830,421
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Grants	<u>17,351,664</u>
Total	17,351,664
Source of funds	
Federal funds	<u>17,351,664</u>
Total	17,351,664
Sec. B.325 Department for children and families - office of economic opportunity	
Personal services	452,430
Operating expenses	33,444
Grants	<u>9,673,747</u>
Total	10,159,621
Source of funds	
General fund	4,483,212
Special funds	57,990
Federal funds	4,350,903
Global Commitment fund	<u>1,267,516</u>
Total	10,159,621
Sec. B.326 Department for children and families - OEO - weatherization assistance	
Personal services	333,097
Operating expenses	56,878
Grants	<u>10,529,067</u>
Total	10,919,042
Source of funds	
Special funds	9,690,895
Federal funds	<u>1,228,147</u>
Total	10,919,042
Sec. B.327 Department for children and families - Woodside rehabilitation center	
Personal services	5,515,892
Operating expenses	<u>697,584</u>
Total	6,213,476
Source of funds	
General fund	1,142,720
Global Commitment fund	4,973,756

Interdepartmental transfers	<u>97,000</u>
Total	6,213,476
Sec. B.328 Department for children and families - disability determination services	
Personal services	6,023,192
Operating expenses	<u>507,294</u>
Total	6,530,486
Source of funds	
General fund	82,500
Federal funds	6,338,219
Global Commitment fund	<u>109,767</u>
Total	6,530,486
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	31,147,704
Operating expenses	<u>5,194,746</u>
Total	36,342,450
Source of funds	
General fund	15,894,860
Special funds	1,390,457
Federal funds	17,990,849
Interdepartmental transfers	<u>1,066,284</u>
Total	36,342,450
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>21,162,885</u>
Total	21,162,885
Source of funds	
General fund	8,403,232
Federal funds	7,148,466
Global Commitment fund	<u>5,611,187</u>
Total	21,162,885
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,451,457</u>
Total	1,451,457
Source of funds	
General fund	389,154
Special funds	223,450

Federal funds	593,853
Global Commitment fund	<u>245,000</u>
Total	1,451,457
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>8,972,255</u>
Total	8,972,255
Source of funds	
General fund	1,371,845
Special funds	70,000
Federal funds	4,552,523
Global Commitment fund	7,500
Interdepartmental transfers	<u>2,970,387</u>
Total	8,972,255
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>209,279,068</u>
Total	209,279,068
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	<u>208,748,623</u>
Total	209,279,068
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	<u>5,647,336</u>
Total	5,647,336
Source of funds	
Global Commitment fund	<u>5,647,336</u>
Total	5,647,336
Sec. B.335 Corrections - administration	
Personal services	2,761,226
Operating expenses	<u>238,644</u>
Total	2,999,870
Source of funds	
General fund	<u>2,999,870</u>
Total	2,999,870
Sec. B.336 Corrections - parole board	

Personal services	259,000
Operating expenses	<u>81,081</u>
Total	340,081
Source of funds	
General fund	<u>340,081</u>
Total	340,081
Sec. B.337 Corrections - correctional education	
Personal services	3,001,014
Operating expenses	<u>510,128</u>
Total	3,511,142
Source of funds	
Education fund	3,362,358
Interdepartmental transfers	<u>148,784</u>
Total	3,511,142
Sec. B.338 Corrections - correctional services	
Personal services	108,272,207
Operating expenses	22,048,934
Grants	<u>9,426,638</u>
Total	139,747,779
Source of funds	
General fund	132,862,670
Special funds	629,963
Federal funds	470,962
Global Commitment fund	5,387,869
Interdepartmental transfers	<u>396,315</u>
Total	139,747,779
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>7,410,632</u>
Total	7,410,632
Source of funds	
General fund	<u>7,410,632</u>
Total	7,410,632
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	447,785
Operating expenses	<u>455,845</u>
Total	903,630
Source of funds	
Special funds	<u>903,630</u>
Total	903,630

Sec. B.341 Corrections - Vermont offender work program	
Personal services	1,375,777
Operating expenses	<u>565,784</u>
Total	1,941,561
Source of funds	
Internal service funds	<u>1,941,561</u>
Total	1,941,561
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	18,740,073
Operating expenses	<u>4,687,334</u>
Total	23,427,407
Source of funds	
General fund	6,365,116
Special funds	8,474,443
Federal funds	8,176,862
Global Commitment fund	<u>410,986</u>
Total	23,427,407
Sec. B.343 Commission on women	
Personal services	300,078
Operating expenses	<u>70,983</u>
Total	371,061
Source of funds	
General fund	<u>371,061</u>
Total	371,061
Sec. B.344 Retired senior volunteer program	
Grants	<u>151,096</u>
Total	151,096
Source of funds	
General fund	<u>151,096</u>
Total	151,096
Sec. B.345 Green Mountain Care Board	
Personal services	7,312,099
Operating expenses	<u>1,407,428</u>
Total	8,719,527
Source of funds	
General fund	2,119,482
Special funds	3,587,883
Federal funds	226,574

Global Commitment fund	2,567,518
Interdepartmental transfers	<u>218,070</u>
Total	8,719,527
Sec. B.346 Total human services	
Source of funds	
General fund	688,536,130
Special funds	107,242,759
Tobacco fund	23,308,187
State health care resources fund	293,176,780
Education fund	3,362,358
Federal funds	1,409,788,458
Global Commitment fund	1,542,649,771
Internal service funds	1,941,561
Interdepartmental transfers	45,068,129
Permanent trust funds	<u>25,000</u>
Total	4,115,099,133
Sec. B.400 Labor - programs	
Personal services	30,803,543
Operating expenses	8,195,159
Grants	<u>1,500,000</u>
Total	40,498,702
Source of funds	
General fund	3,282,129
Special funds	3,616,477
Federal funds	31,891,593
Interdepartmental transfers	<u>1,708,503</u>
Total	40,498,702
Sec. B.401 Total labor	
Source of funds	
General fund	3,282,129
Special funds	3,616,477
Federal funds	31,891,593
Interdepartmental transfers	<u>1,708,503</u>
Total	40,498,702
Sec. B.500 Education - finance and administration	
Personal services	8,778,194
Operating expenses	2,475,753
Grants	<u>17,087,879</u>
Total	28,341,826

Source of funds	
General fund	3,475,789
Special funds	18,330,173
Education fund	1,015,606
Federal funds	2,714,811
Global Commitment fund	260,000
Interdepartmental transfers	<u>2,545,447</u>
Total	28,341,826
Sec. B.501 Education - education services	
Personal services	18,581,101
Operating expenses	1,604,659
Grants	<u>125,444,492</u>
Total	145,635,252
Source of funds	
General fund	5,530,968
Special funds	3,808,374
Tobacco fund	750,388
Federal funds	133,477,859
Interdepartmental transfers	<u>2,062,663</u>
Total	145,635,252
Sec. B.502 Education - special education: formula grants	
Grants	<u>180,749,796</u>
Total	180,749,796
Source of funds	
Education fund	<u>180,749,796</u>
Total	180,749,796
Sec. B.503 Education - state-placed students	
Grants	<u>16,700,000</u>
Total	16,700,000
Source of funds	
Education fund	<u>16,700,000</u>
Total	16,700,000
Sec. B.504 Education - adult education and literacy	
Grants	<u>4,254,045</u>
Total	4,254,045
Source of funds	
General fund	787,995
Education fund	2,700,000
Federal funds	<u>766,050</u>

Total	4,254,045
Sec. B.504.1 Education - Flexible Pathways	
Grants	<u>7,200,000</u>
Total	7,200,000
Source of funds	
Education fund	<u>7,200,000</u>
Total	7,200,000
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,352,200,000</u>
Total	1,352,200,000
Source of funds	
Education fund	<u>1,352,200,000</u>
Total	1,352,200,000
Sec. B.506 Education - transportation	
Grants	<u>18,745,381</u>
Total	18,745,381
Source of funds	
Education fund	<u>18,745,381</u>
Total	18,745,381
Sec. B.507 Education - small school grants	
Grants	<u>7,600,000</u>
Total	7,600,000
Source of funds	
Education fund	<u>7,600,000</u>
Total	7,600,000
Sec. B.508 Education - capital debt service aid	
Grants	<u>25,000</u>
Total	25,000
Source of funds	
Education fund	<u>25,000</u>
Total	25,000
Sec. B.510 Education - essential early education grant	
Grants	<u>6,442,927</u>
Total	6,442,927
Source of funds	
Education fund	<u>6,442,927</u>
Total	6,442,927

 Sec. B.511 Education - technical education

Grants	<u>13,613,512</u>
Total	13,613,512
Source of funds	
Education fund	<u>13,613,512</u>
Total	13,613,512

Sec. B.513 Appropriation and transfer to education fund

Grants	<u>314,695,753</u>
Total	314,695,753
Source of funds	
General fund	<u>314,695,753</u>
Total	314,695,753

Sec. B.514 State teachers' retirement system

Grants	<u>83,809,437</u>
Total	83,809,437
Source of funds	
General fund	75,912,816
Education fund	<u>7,896,621</u>
Total	83,809,437

Sec. B.514.1 State teachers' retirement system

Personal services	6,192,879
Operating expenses	<u>1,494,552</u>
Total	7,687,431
Source of funds	
Pension trust funds	<u>7,687,431</u>
Total	7,687,431

Sec. B.515 Retired teachers' health care and medical benefits

Grants	<u>27,560,966</u>
Total	27,560,966
Source of funds	
General fund	<u>27,560,966</u>
Total	27,560,966

Sec. B.516 Total general education

Source of funds	
General fund	428,039,287
Special funds	22,138,547
Tobacco fund	750,388
Education fund	1,614,888,843

Federal funds	136,958,720
Global Commitment fund	260,000
Interdepartmental transfers	4,608,110
Pension trust funds	<u>7,687,431</u>
Total	2,215,331,326
Sec. B.600 University of Vermont	
Grants	<u>42,509,093</u>
Total	42,509,093
Source of funds	
General fund	38,462,876
Global Commitment fund	<u>4,046,217</u>
Total	42,509,093
Sec. B.601 Vermont Public Television	
Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1
Sec. B.602 Vermont state colleges	
Grants	<u>28,300,464</u>
Total	28,300,464
Source of funds	
General fund	<u>28,300,464</u>
Total	28,300,464
Sec. B.602.1 Vermont state colleges - Supplemental Aid	
Grants	<u>700,000</u>
Total	700,000
Source of funds	
General fund	<u>700,000</u>
Total	700,000
Sec. B.603 Vermont state colleges - allied health	
Grants	<u>1,157,775</u>
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>
Total	1,157,775
Sec. B.605 Vermont student assistance corporation	

Grants	<u>19,414,588</u>
Total	19,414,588
Source of funds	
General fund	<u>19,414,588</u>
Total	19,414,588
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	87,710,244
Global Commitment fund	<u>4,455,678</u>
Total	92,165,922
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	3,930,773
Operating expenses	1,090,586
Grants	<u>34,960</u>
Total	5,056,319
Source of funds	
General fund	4,231,479
Special funds	554,112
Federal funds	15,000
Interdepartmental transfers	<u>255,728</u>
Total	5,056,319
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	<u>2,493,229</u>
Total	2,493,229
Source of funds	
General fund	2,071,729

Interdepartmental transfers	<u>421,500</u>
Total	2,493,229
Sec. B.702 Fish and wildlife - support and field services	
Personal services	16,627,558
Operating expenses	5,223,271
Grants	<u>860,000</u>
Total	22,710,829
Source of funds	
General fund	5,120,337
Special funds	266,350
Fish and wildlife fund	9,329,826
Federal funds	7,865,515
Interdepartmental transfers	127,801
Permanent trust funds	<u>1,000</u>
Total	22,710,829
Sec. B.703 Forests, parks and recreation - administration	
Personal services	1,353,932
Operating expenses	785,612
Grants	<u>2,061,750</u>
Total	4,201,294
Source of funds	
General fund	1,480,709
Special funds	1,447,050
Federal funds	1,263,535
Interdepartmental transfers	<u>10,000</u>
Total	4,201,294
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	5,345,642
Operating expenses	772,756
Grants	<u>500,000</u>
Total	6,618,398
Source of funds	
General fund	4,638,604
Special funds	347,174
Federal funds	1,362,000
Interdepartmental transfers	195,999
Permanent trust funds	<u>74,621</u>
Total	6,618,398
Sec. B.705 Forests, parks and recreation - state parks	

Personal services	7,999,465
Operating expenses	<u>2,603,498</u>
Total	10,602,963
Source of funds	
General fund	555,654
Special funds	<u>10,047,309</u>
Total	10,602,963
Sec. B.706 Forests, parks and recreation - lands administration	
Personal services	536,620
Operating expenses	<u>1,201,508</u>
Total	1,738,128
Source of funds	
General fund	501,609
Special funds	144,769
Federal funds	1,073,000
Interdepartmental transfers	<u>18,750</u>
Total	1,738,128
Sec. B.707 Forests, parks and recreation - youth conservation corps	
Grants	<u>326,689</u>
Total	326,689
Source of funds	
General fund	48,307
Special funds	188,382
Interdepartmental transfers	<u>90,000</u>
Total	326,689
Sec. B.708 Forests, parks and recreation - forest highway maintenance	
Personal services	94,000
Operating expenses	<u>85,925</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	5,671,296
Operating expenses	1,510,008
Grants	<u>187,442</u>
Total	7,368,746
Source of funds	
General fund	931,187

Special funds	351,935
Federal funds	702,230
Interdepartmental transfers	<u>5,383,394</u>
Total	7,368,746
Sec. B.710 Environmental conservation - air and waste management	
Personal services	12,163,522
Operating expenses	8,258,175
Grants	<u>2,061,047</u>
Total	22,482,744
Source of funds	
General fund	95,050
Special funds	18,252,862
Federal funds	3,944,591
Interdepartmental transfers	<u>190,241</u>
Total	22,482,744
Sec. B.711 Environmental conservation - office of water programs	
Personal services	18,132,902
Operating expenses	5,531,907
Grants	<u>24,284,028</u>
Total	47,948,837
Source of funds	
General fund	7,564,123
Special funds	10,876,060
Federal funds	28,447,666
Interdepartmental transfers	<u>1,060,988</u>
Total	47,948,837
Sec. B.713 Natural resources board	
Personal services	2,556,391
Operating expenses	410,259
Grants	<u>100,000</u>
Total	3,066,650
Source of funds	
General fund	607,606
Special funds	<u>2,459,044</u>
Total	3,066,650
Sec. B.714 Total natural resources	
Source of funds	
General fund	28,026,319
Special funds	44,935,047

Fish and wildlife fund	9,329,826
Federal funds	44,673,537
Interdepartmental transfers	7,754,401
Permanent trust funds	<u>75,621</u>
Total	134,794,751
Sec. B.800 Commerce and community development - agency of commerce and community development - administration	
Personal services	3,175,456
Operating expenses	1,206,988
Grants	<u>3,537,627</u>
Total	7,920,071
Source of funds	
General fund	3,707,045
Special funds	4,059,800
Interdepartmental transfers	<u>153,226</u>
Total	7,920,071
Sec. B.801 Economic development	
Personal services	2,104,952
Operating expenses	930,788
Grants	<u>3,679,403</u>
Total	6,715,143
Source of funds	
General fund	4,602,224
Special funds	555,350
Federal funds	<u>1,557,569</u>
Total	6,715,143
Sec. B.802 Housing & community development	
Personal services	3,643,631
Operating expenses	786,231
Grants	<u>4,258,021</u>
Total	8,687,883
Source of funds	
General fund	2,627,105
Special funds	4,490,916
Federal funds	1,468,739
Interdepartmental transfers	<u>101,123</u>
Total	8,687,883
Sec. B.804 Community development block grants	
Grants	<u>6,326,320</u>

Total	6,326,320
Source of funds	
Federal funds	<u>6,326,320</u>
Total	6,326,320
Sec. B.805 Downtown transportation and capital improvement fund	
Personal services	98,581
Grants	<u>335,151</u>
Total	433,732
Source of funds	
Special funds	<u>433,732</u>
Total	433,732
Sec. B.806 Tourism and marketing	
Personal services	1,191,303
Operating expenses	1,792,070
Grants	<u>121,880</u>
Total	3,105,253
Source of funds	
General fund	3,075,253
Interdepartmental transfers	<u>30,000</u>
Total	3,105,253
Sec. B.807 Vermont life	
Personal services	715,174
Operating expenses	<u>47,849</u>
Total	763,023
Source of funds	
Enterprise funds	<u>763,023</u>
Total	763,023
Sec. B.808 Vermont council on the arts	
Grants	<u>675,307</u>
Total	675,307
Source of funds	
General fund	<u>675,307</u>
Total	675,307
Sec. B.809 Vermont symphony orchestra	
Grants	<u>149,687</u>
Total	149,687
Source of funds	
General fund	<u>149,687</u>

Total	149,687
Sec. B.810 Vermont historical society	
Grants	<u>996,945</u>
Total	996,945
Source of funds	
General fund	<u>996,945</u>
Total	996,945
Sec. B.811 Vermont housing and conservation board	
Grants	<u>30,839,032</u>
Total	30,839,032
Source of funds	
Special funds	12,150,447
Federal funds	<u>18,688,585</u>
Total	30,839,032
Sec. B.812 Vermont humanities council	
Grants	<u>225,959</u>
Total	225,959
Source of funds	
General fund	<u>225,959</u>
Total	225,959
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	16,059,525
Special funds	21,690,245
Federal funds	28,041,213
Interdepartmental transfers	284,349
Enterprise funds	<u>763,023</u>
Total	66,838,355
Sec. B.900 Transportation - finance and administration	
Personal services	11,835,039
Operating expenses	2,732,631
Grants	<u>55,000</u>
Total	14,622,670
Source of funds	
Transportation fund	13,520,910
Federal funds	<u>1,101,760</u>
Total	14,622,670
Sec. B.901 Transportation - aviation	

Personal services	3,502,776
Operating expenses	14,029,319
Grants	<u>204,000</u>
Total	17,736,095
Source of funds	
Transportation fund	4,929,552
Federal funds	<u>12,806,543</u>
Total	17,736,095
Sec. B.902 Transportation - buildings	
Operating expenses	<u>1,900,000</u>
Total	1,900,000
Source of funds	
Transportation fund	<u>1,900,000</u>
Total	1,900,000
Sec. B.903 Transportation - program development	
Personal services	53,313,749
Operating expenses	193,926,320
Grants	<u>40,242,156</u>
Total	287,482,225
Source of funds	
Transportation fund	39,895,056
TIB fund	8,198,136
Federal funds	238,291,275
Interdepartmental transfers	239,345
Local match	<u>858,413</u>
Total	287,482,225
Sec. B.904 Transportation - rest areas construction	
Personal services	42,274
Operating expenses	<u>620,726</u>
Total	663,000
Source of funds	
Transportation fund	79,774
Federal funds	<u>583,226</u>
Total	663,000
Sec. B.905 Transportation - maintenance state system	
Personal services	43,638,652
Operating expenses	45,265,393
Grants	<u>421,780</u>
Total	89,325,825

Source of funds	
Transportation fund	87,376,083
Federal funds	1,849,742
Interdepartmental transfers	<u>100,000</u>
Total	89,325,825
Sec. B.906 Transportation - policy and planning	
Personal services	3,804,950
Operating expenses	707,135
Grants	<u>6,084,347</u>
Total	10,596,432
Source of funds	
Transportation fund	2,706,491
Federal funds	7,755,912
Interdepartmental transfers	<u>134,029</u>
Total	10,596,432
Sec. B.907 Transportation - rail	
Personal services	6,410,380
Operating expenses	<u>30,670,870</u>
Total	37,081,250
Source of funds	
Transportation fund	18,935,869
TIB fund	2,840,249
Federal funds	15,269,507
Interdepartmental transfers	<u>35,625</u>
Total	37,081,250
Sec. B.908 Transportation - public transit	
Personal services	1,137,749
Operating expenses	120,263
Grants	<u>30,874,145</u>
Total	32,132,157
Source of funds	
Transportation fund	7,955,199
Federal funds	<u>24,176,958</u>
Total	32,132,157
Sec. B.909 Transportation - central garage	
Personal services	4,459,194
Operating expenses	<u>15,595,717</u>
Total	20,054,911
Source of funds	

Internal service funds	<u>20,054,911</u>
Total	20,054,911
Sec. B.910 Department of motor vehicles	
Personal services	18,395,579
Operating expenses	<u>10,906,337</u>
Total	29,301,916
Source of funds	
Transportation fund	27,773,478
Federal funds	1,423,438
Interdepartmental transfers	<u>105,000</u>
Total	29,301,916
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 local technical assistance program	
Operating expenses	71,627
Grants	<u>329,066</u>
Total	400,693
Source of funds	
Transportation fund	100,693
Federal funds	<u>300,000</u>
Total	400,693
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>7,848,750</u>
Total	7,848,750
Source of funds	
Transportation fund	<u>7,848,750</u>
Total	7,848,750
Sec. B.914 Transportation - town highway bridges	
Personal services	3,349,613
Operating expenses	13,074,396
Grants	<u>100,000</u>
Total	16,524,009
Source of funds	
Transportation fund	1,111,449

TIB fund	1,156,927
Federal funds	13,488,269
Local match	<u>767,364</u>
Total	16,524,009
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.918 Transportation - town highway: state aid for federal disasters	
Grants	<u>180,000</u>
Total	180,000
Source of funds	
Transportation fund	20,000
Federal funds	<u>160,000</u>
Total	180,000
Sec. B.919 Transportation - municipal mitigation assistance program	
Operating expenses	150,000
Grants	<u>7,632,342</u>
Total	7,782,342
Source of funds	
Transportation fund	1,240,000
Special funds	1,100,000
Federal funds	<u>5,442,342</u>
Total	7,782,342

 Sec. B.920 Transportation - public assistance grant program

Operating expenses	640,000
Grants	<u>5,000,000</u>
Total	5,640,000
Source of funds	
Transportation fund	160,000
Special funds	2,000,000
Federal funds	3,000,000
Interdepartmental transfers	<u>480,000</u>
Total	5,640,000

Sec. B.921 Transportation board

Personal services	205,657
Operating expenses	<u>28,093</u>
Total	233,750
Source of funds	
Transportation fund	<u>233,750</u>
Total	233,750

Sec. B.922 Total transportation

Source of funds	
Transportation fund	249,382,048
TIB fund	12,195,312
Special funds	3,100,000
Federal funds	325,648,972
Internal service funds	20,054,911
Interdepartmental transfers	1,093,999
Local match	<u>1,625,777</u>
Total	613,101,019

Sec. B.1000 Debt service

Operating expenses	<u>80,833,039</u>
Total	80,833,039
Source of funds	
General fund	75,489,703
Transportation fund	1,709,452
ARRA funds	1,130,146
TIB debt service fund	<u>2,503,738</u>
Total	80,833,039

Sec. B.1001 Total debt service

Source of funds	
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General fund	75,489,703
Transportation fund	1,709,452
ARRA funds	1,130,146
TIB debt service fund	<u>2,503,738</u>
Total	80,833,039

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND
TRANSFERS

(a) In fiscal year 2018, \$2,909,900 is appropriated or transferred from the Next Generation Initiative Fund created in 16 V.S.A. § 2887 as prescribed:

(1) Workforce education and training. The amount of \$1,605,400 as follows:

(A) Workforce Education and Training Fund (WETF). The amount of \$1,045,400 is transferred to the Workforce Education and Training Fund created in 10 V.S.A. § 543 and subsequently appropriated to the Department of Labor for workforce education and training. Up to seven percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for competitive grants for internships through the Vermont Strong Internship Program pursuant to 10 V.S.A. § 544.

(B) Adult Career Technical Education Programs. The amount of \$360,000 is appropriated to the Department of Labor in consultation with the State Workforce Development Board. This appropriation is for the purpose of awarding competitive grants to regional technical centers and high schools to provide adult career 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 \$30,000 as follows:

(A) Large animal veterinarians' loan forgiveness. The amount of \$30,000 is appropriated to the Agency of Agriculture, Food and Markets for a loan repayment program for large animal veterinarians pursuant to 6 V.S.A. § 20.

(3) Scholarships and grants. The amount of \$1,274,500 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) Dual enrollment programs and need-based stipend. The amount of \$600,000 is appropriated to the Agency of Education for dual enrollment programs consistent with 16 V.S.A. § 944(f)(2), and \$30,000 is appropriated to the Agency of Education to be transferred to the Vermont Student Assistance Corporation for need-based stipends pursuant to Sec. E.605.1 of this act.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR
FISCAL YEAR 2019 NEXT GENERATION FUND
DISTRIBUTION

(a) The Department of Labor, in coordination with the Agencies of Commerce and Community Development, of Human Services, and of Education, and in consultation with the State Workforce Development Board, shall recommend to the Governor on or before December 1, 2017 how \$2,909,900 from the Next Generation Initiative Fund should be allocated or appropriated in fiscal year 2019 to provide maximum benefit to workforce education and training, participation in secondary or postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The State agencies and departments listed herein shall promote actively and publicly the availability of the funds to eligible entities.

Sec. B.1101 FISCAL YEAR 2018 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) Agency of Commerce and Community Development: The sum of \$500,000 is appropriated to the Secretary of Commerce and Community Development for economic development initiatives.

(1) The funds appropriated in this subsection shall be used as follows:

(A) The sum of \$150,000.00 to the Vermont Small Business Development Center for the purpose of increasing the number of business advisors in the State, with priority for underserved regions.

(B) The sum of \$100,000.00 shall be transferred to the Office of Economic Opportunity for pass-through grants to the Community Action Agencies to provide funding for the regional Microbusiness Development Programs pursuant to 3 V.S.A. § 3722.

(C) The sum of \$250,000 to expand Vermont's coordinated marketing efforts to implement the Department of Economic Development's economic development marketing plan.

(b) Department for Children and Families: The sum of \$600,000 is appropriated to the Department for Children and Families to be used to facilitate the development of two seasonal warming shelters, one in Rutland and one in Barre to be in place for the 2017-2018 heating season. The Secretary of Human Services and the Commissioner for Children and Families shall work with hospitals and community organizations to access additional funding, matching funds, and in-kind contributions, and to facilitate siting to expand shelter availability throughout other regions of the State. A report on projected shelter availability for the 2017-2018 heating season shall be submitted to the Legislative Joint Fiscal Committee on or before November 15, 2017.

(c) Vermont State Colleges: The sum of \$880,000 is appropriated to the Vermont State Colleges to pay the second of three installments to support the unification of Johnson and Lyndon State Colleges into the new Northern Vermont University.

(d) Agency of Agriculture, Food and Markets: The sum of \$25,000 is appropriated to the Agency of Agriculture, Food and Markets to support the Farms 2+2 Program.

(e) Agency of Agriculture, Food and Markets: The sum of \$75,000 is appropriated to the Agency of Agriculture, Food and Markets for a grant to the Vermont Housing and Conservation Board for federal rural development grant writing assistance.

(f) Department of Buildings and General Services: The sum of \$27,000 is appropriated to the Department of Buildings and General Services to support the operating expenses of the Bennington Welcome Center. For subsequent fiscal years, operating expenses of the Bennington Welcome Center shall not be supported with supplemental appropriations in addition to the amounts requested by the Department of Buildings and General Services and approved by the General Assembly in the annual appropriations bill.

Sec. B.1102 FISCAL YEAR 2018 MANAGEMENT SAVINGS

(a) The Secretary of Administration shall reduce fiscal year 2018 appropriations and make transfers to the General Fund for a total of

\$5,000,000. The Administration is not limited to the following proposals to achieve this target, but shall analyze the following for fiscal year 2018 budgetary savings:

(1) the elimination of exempt positions;

(2) savings identified through improved business processes and administrative efficiencies;

(3) administrative or contractual reductions, including savings from improved systems of procurement;

(4) savings in State employee health care costs through increased price awareness as specified in the pilot project in Sec. E.108 of this act;

(5) the Agency of Human Services shall review and quantify savings from improved oversight and fiscal controls in order to prevent fraud and overpayment related to personal care services reimbursed by the Departments;

(6) review of statewide operating expenses that include:

(A) physical space needs statewide for potential reduction of leased space or divestment of owned real estate where appropriate,

(B) examination of the alignment of the cost control incentives or disincentives in the State's largest internal service fund programs, including fee for space, and innovation and information charges.

(C) telecommunication services, postage equipment, and other equipment rentals.

(b) The Department of Corrections shall be held harmless from the savings target above due to Corrections specific existing savings targets contained elsewhere in this act.

(c) Savings proposals identified by the Administration to meet the target in subsection (a) of this section shall be multi-year in nature to the greatest extent possible. The Administration shall provide the fully annualized savings for any proposals that require more time to be fully implemented:

(d) The Secretary shall submit a written report of the appropriations reductions and transfers to the Joint Fiscal Committee in November 2017. The report shall include:

(1) the proposed budgetary changes by agency and department and funding source,

(2) the short- and long-term implications to individuals, organizations, or State systems of each proposed change;

(3) if any identified savings are only one-time in nature, the associated

longer term actions that the Secretary recommends to make the savings continue into future years or become permanent; and

(4) if any recommendations include specific statutory changes, these shall be summarized in the report and presented in full to the House and Senate Committees on Appropriations and other relevant standing committees during the 2018 legislative session.

Sec. B.1103 [DELETED]

Sec. B.1104 [DELETED]

Sec. B.1105 [DELETED]

Sec. B.1106 [DELETED]

Sec. B.1107 [DELETED]

Sec. C.100 FISCAL YEAR 2017 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2017, the sum of \$1,930,000 in general funds is appropriated to the Secretary of Administration to be carried forward into fiscal year 2018 for distribution to departments to provide funding for changes in employee classification occurring in fiscal year 2017 that are approved in accordance with the collective bargaining agreements.

(b) In fiscal year 2017, the sum of \$323,826 in general funds is appropriated to the Judiciary for retroactive docket clerk reclassification.

(c) In fiscal year 2017, the sum of \$245,246 in general funds is appropriated to the Attorney General to be carried forward into fiscal year 2018 for tobacco master settlement arbitration or litigation.

(d) In fiscal year 2017, the sum of \$100,000 is appropriated to the Agency of Agriculture, Food and Markets to be carried forward for fiscal year 2018 one-time expenditure by the Vermont Working Lands Enterprise Board established in 6 V.S.A. § 4606 for investments in food and forest system businesses and service providers pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, as amended by 2014 Acts and Resolves No. 179, Sec. E.224.1.

(e) In fiscal year 2017, the Agency of Human Services shall reserve and carry forward to fiscal year 2018 \$1,250,000 of the general funds appropriated in 2016 Acts and Resolves No. 172, Sec. B.301 as amended by 2017 Acts and Resolves No. 3, Sec. 18. The Commissioner of Finance and Management is authorized to adjust fiscal year 2017 Federal Fund and Global Commitment Fund appropriations in the Agency of Human Services and Department of Health Access to comport with this requirement.

(f) In fiscal year 2017, the sum of \$1,800,000 in general funds is

appropriated to the Department of Public Safety to provide upfront funding to purchase police cameras as part of the Vermont State Police Camera Project. The full project will include equipment, maintenance, and warranty costs.

(g) In fiscal year 2017, the sum of \$300,000 in general funds is appropriated to the Department of Buildings and General Services to provide funds for activities to repurpose the Southeast State Correctional Facility located in Windsor, Vermont as presented in Sec. E. 35.1 of this act.

(h) In fiscal year 2017, the sum of \$250,000 in general funds to the Secretary of Administration for a one-time grant to the Vermont Law School. This grant will provide a State match toward the \$5,000,000 hybrid residential and online program designed to attract new groups of national and international students to enroll in Vermont-based programs.

Sec. C.101 2017 Acts and Resolves No. 3, Sec. 60 is amended to read

Sec. 60. FUND TRANSFERS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2017:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

21054	Misc. Fines & Penalties	442,849.77
21065	Financial Institute Supervision	728,499.86
21405	Bond Investment Earnings Fund	161,100.90
21550	Land & Facilities Trust Fund	450,000.00
21641	AG – Administrative Special Fund	30,848.02
21638	AG – Fees & Reimbursements -Court Order	(est.) 2,400,000.00
22005	AHS Central Office earned federal receipts	28,040,542.00
50300	Liquor Control Fund	955,000.00
	Caledonia Fair	5,000.00
	North Country Hospital Loan	24,250.00

(2) All or a portion of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), and the Securities Regulatory and Supervision Fund (Fund Number 21080) expected to be approximately ~~\$22,452,048~~ \$22,732,018 shall be transferred to the General Fund, provided that on or before July 1, 2017, the Commissioner of Financial Regulation certifies to the Joint Fiscal Committee that the transfer of such balances, or any smaller portion deemed proper by the Commissioner, will not impair the ability of the Department in fiscal year 2018 to provide thorough, competent, fair, and effective regulatory services, or maintain accreditation by the National Association of Insurance Commissioners; and that the Joint Fiscal

Committee does not reject such certification.

(3) The following amounts shall be transferred from the General Fund to the funds indicated:

21275	Environmental Contingency Fund		500,000.00
21555	Emergency Relief and Assistance Fund	1,176,226.00	<u>2,632,014.00</u>
59500	Single Audit Revolving Fund		196,169.00

* * *

C.101.1 VOLKSWAGEN SETTLEMENT

(a) The multi-state settlement from Volkswagen of \$4,200,000 received by the State of Vermont in fiscal year 2017, or in a subsequent year, shall be transferred to the Environmental Fund (account 21275).

Sec. C.102 2017 Acts and Resolves No. 3, Sec. 62 is amended to read:

Sec. 62. EXPENDITURE OF HUMAN SERVICES CASELOAD MANAGEMENT RESERVE

~~(a) In fiscal year 2017, \$3,738,117 from the General Fund is appropriated to the Commissioner of Finance and Management for transfer to the Agency of Human Services — Global Commitment to ensure sufficient funding for Global Commitment during fiscal year 2017. Prior to the close of fiscal year 2017, the Commissioner shall determine the amount needed for transfer, and shall provide a written report to the Joint Fiscal Committee of the determination and the amount transferred. Any funds remaining in this appropriation and not transferred shall revert to the General Fund in fiscal year 2017.~~

~~(b) The amount of funds appropriated in subsection (a) of this section shall be unreserved from the Human Services Caseload Reserve established in 32 V.S.A. § 308b. The funds reverted in subsection (a) of this section shall be reserved in the Human Services Caseload Reserve.~~

(a) The amount of \$3,738,117 general funds shall be unreserved from the Human Services Caseload Management reserve established in 32 V.S.A. § 308b.

(b) At the close of fiscal year 2017 and after meeting the requirements of Sec. C.100(e) of this act, an amount up to \$3,738,117 of any unencumbered General Fund appropriation in Sec. B.301 of this act that would otherwise be authorized to carry forward shall revert to the General Fund and be reserved in the Human Services Caseload Management Reserve established in 32 V.S.A. § 308b.

Sec. C.103 FISCAL YEAR 2017 27/53 RESERVE FUNDING SOURCE TRANSFER

(a) Notwithstanding 2016 Acts and Resolves No. 172, Sec. B.1104 or any

other provision of law to the contrary, any General Fund amount to be reserved in fiscal year 2017 in the 27/53 Reserve created in 32 V.S.A. § 308e shall be unreserved.

(b) In fiscal year 2017, \$5,287,591 shall be transferred from the Global Commitment Fund to the General Fund to be reserved in the 27/53 Reserve created in 32 V.S.A. § 308e.

Sec. C.103.1 2016 Acts and Resolves No. 172, Sec. B.301 as amended by 2017 Acts and Resolves No. 3, Sec. 18 is further amended to read:

Sec. B.301 Secretary's office - global commitment

Operating expenses	5,529,495	5,529,495
Grants	<u>1,596,194,550</u>	<u>1,605,462,162</u>
Total		<u>1,601,724,045</u>
1,605,462,162		
Source of funds		
General fund	<u>284,257,664</u>	287,995,781
Special funds	28,263,866	28,263,866
Tobacco fund	29,716,875	29,716,875
State health care resources fund	297,599,293	297,599,293
Federal funds	961,846,347	961,846,347
Interdepartmental transfers	<u>40,000</u>	<u>40,000</u>
Total		<u>1,601,724,045</u>
1,605,462,162		

Sec. C.104 2016 Acts and Resolves No. 172, Sec. B.345 as amended by 2017 Acts and Resolves No. 3, Sec. 45 is further amended to read:

Sec. B.345 Green Mountain Care Board

Personal services	<u>8,736,409</u>	9,131,409
Operating expenses	<u>1,230,995</u>	<u>835,995</u>
Total		9,967,404
9,967,404		
Source of funds		
General fund	1,401,276	1,401,276
Special funds	2,342,927	2,342,927
Federal funds	448,808	448,808
Global Commitment fund	4,281,832	4,281,832
Interdepartmental transfers	<u>1,492,561</u>	<u>1,492,561</u>
Total		9,967,404
9,967,404		

Sec. C.104.1 2016 Acts and Resolves No. 172, Sec. B.346 as amended by 2017 Acts and Resolves No. 3, Sec. 46 is further amended to read:

Sec. B.346 Total human services

Source of funds

General fund	693,886,463	697,624,580
Special funds	99,545,755	99,545,755
Tobacco fund	33,550,914	33,550,914
State health care resources fund	297,599,293	297,599,293
Education fund	3,109,463	3,109,463
Federal funds	1,391,826,777	1,391,826,777
Global Commitment fund	1,540,769,628	1,540,769,628
Internal service funds	1,908,035	1,908,035
Interdepartmental transfers	24,664,768	24,664,768
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total		<u>4,086,886,096</u>
4,090,624,213		

Sec. C.105 2016 Acts and Resolves No. 172, Sec. B.1000 as amended by 2017 Acts and Resolves No. 3, Sec. 58 is further amended to read:

Sec. B.1000 Debt service

Operating expenses	<u>76,991,491</u>	<u>76,991,491</u>
Total	76,991,491	76,991,491

Source of funds

General fund	71,120,080	71,120,080
Transportation fund	1,884,089	1,884,089
Special funds	336,000	336,000
ARRA funds	1,149,919	1,149,909
TIB debt service fund	<u>2,501,413</u>	<u>2,501,413</u>
Total		76,991,491
76,991,491		

Sec. C.106 2016 Acts and Resolves No. 172, Sec. B.1001 as amended by 2017 Acts and Resolves No. 3, Sec. 59 is further amended to read:

Sec. B.1001 Total debt service

Source of funds

General fund	71,120,080	71,120,080
Transportation fund	1,884,089	1,884,089
Special funds	336,000	336,000
ARRA funds	1,149,919	1,149,909
TIB debt service fund	<u>2,501,413</u>	<u>2,501,413</u>
Total		76,991,491
76,991,491		

Sec. C.107 2016 Acts and Resolves No. 172, Sec. B.514 is amended to read:

Sec. B.514 State teachers' retirement system		
Grants	<u>78,959,576</u>	<u>78,659,576</u>
Total	<u>78,959,576</u>	<u>78,659,576</u>
Source of funds		
General fund	<u>78,959,576</u>	<u>78,659,576</u>
Total	<u>78,959,576</u>	<u>78,659,576</u>

Sec. C.108 2016 Acts and Resolves No. 172, Sec. B.515 is amended to read:

Sec. B.515 Retired teachers' health care and medical benefits		
Grants	<u>22,022,584</u>	<u>22,322,584</u>
Total	<u>22,022,584</u>	<u>22,322,584</u>
Source of funds		
General fund	<u>22,022,584</u>	<u>22,322,584</u>
Total	<u>22,022,584</u>	<u>22,322,584</u>

Sec. C.109 2016 Acts and Resolves No. 172, Sec. E.514 is amended to read:

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$82,659,576, of which ~~\$78,959,576~~ \$78,659,576 shall be the State's contribution and ~~\$3,700,000~~ \$4,000,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

Sec. C.110 2016 Acts and Resolves No. 172, Sec. E.515 is amended to read:

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), ~~\$22,022,584~~ \$22,322,584 will be contributed to the Retired Teachers' Health and Medical Benefits plan.

Sec. C.111 32 V.S.A. § 131 is amended to read:

§ 131. COMPOSITION

There shall be an Emergency Board to consist of the Governor, the Chair of the Senate Committee on Finance, the Chair of the Senate Committee on Appropriations, the Chair of the House Committee on Ways and Means, and the Chair of the House Committee on Appropriations; but the Chair of any one of such committees may designate a member of his or her committee who shall be a member of such Board in lieu of the Chair. The Board shall meet at the call of the Governor or a majority of the legislative members of the Board.

Sec. C.112 32 V.S.A. § 306 is amended to read:

§ 306. BUDGET REPORT

(a) The Governor shall submit to the General Assembly, not later than the

third Tuesday of every annual session, a budget which shall embody his or her estimates, requests, and recommendations for appropriations or other authorizations for expenditures from the State Treasury. In the first year of the biennium, the budget shall relate to the two succeeding fiscal years. In the second year of the biennium, it shall relate to the succeeding fiscal year. The budget shall be based upon the official State revenue estimates, including the Medicaid estimated caseloads and per-member per-month expenditures, adopted by the Emergency Board pursuant to section 305a of this title.

* * *

Sec. C.113 2017 Acts and Resolves No. 3, Sec. 68(a) is amended to read:

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, ~~and~~ Education Fund, Clean Water Fund (Fund 21932), and Agricultural Water Quality Fund (Fund 21933) appropriations remaining unexpended on June 30, 2017 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

Sec. C.114 2016 Acts and Resolves No. 172, Sec. B.1106(b) as amended by 2017 Acts and Resolves No. 3, Sec. 70 is further amended to read:

(b) The Secretary of Administration shall reduce fiscal year 2017 appropriations and make transfers to the General Fund for a total of \$343,369. Savings in the amount of \$206,631 are included in the fiscal year 2017 budget adjustment for a total savings of \$550,000. The remaining appropriations and transfers for savings ~~associated with positions abolished in subsection (a) of this section~~ shall be made prior to close out of fiscal year 2017 and be reported to the Joint Fiscal Committee at the July 2017 meeting.

Sec. C 115 GENERAL FUND YEAR END CLOSE OUT

(a) In fiscal years 2017 and 2018, after satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met, the provisions of 32 V.S.A. § 308c(a)(1)-(3) shall not be applied, and any remaining unreserved and undesignated end of fiscal year General Fund surplus shall be reserved in the General Fund Balance Reserve.

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 \$518,000 is appropriated from the Current Use 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 \$518,000 from the property transfer tax that are deposited into

the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$11,304,840 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$11,304,840 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 \$3,760,599 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,760,599 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,760,599 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$457,482 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) \$378,700 to the Agency of Commerce and Community Development for the Vermont Center for Geographic Information, established in 10 V.S.A. § 122.

Sec. D.100.1 REPEAL

(a) 2011 Acts and Resolves No. 45, Secs. 35 (repeal of change in allocation of property transfer tax revenue) and 37(10), as amended by 2016 Acts and Resolves No. 172, Sec. D.100.1 (effective date of change in allocation of property transfer tax revenue) are repealed.

Sec. D.100.2 CONTINGENT BOND AUTHORITY

(a) If a housing bond is authorized based on appropriate revenue, then specific language may be presented to the Joint Fiscal Committee for review prior to budget adjustment.

Sec. D.101 FISCAL YEAR 2018 FUND TRANSFERS, REVERSIONS, 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 Next Generation Initiative Fund established by 16 V.S.A. § 2887: \$2,909,900.

(2) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund created under 6 V.S.A. § 4803: \$1,225,000.

(3) 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: \$423,966.

(4) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund established by 32 V.S.A. § 951a for the purpose of funding fiscal year 2019 transportation infrastructure bonds debt service: \$2,504,688.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2018:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>21550</u>	<u>Land & Facilities Trust Fund</u>	<u>429,000.00</u>
<u>21638</u>	<u>AG-Fees & Reimbursements-Court Order</u>	<u>2,000,000.00</u>
<u>21909</u>	<u>Tax Computer System Modernization</u>	<u>798,808.00</u>
<u>21937</u>	<u>GMCB Regulatory and Admin Fund</u>	<u>850,000.00</u>
<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>32,165,542.00</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>955,000.00</u>
	<u>Caledonia Fair</u>	<u>5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>24,250.00</u>

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2018:

(1) The following amounts shall revert to the General Fund from the accounts indicated:

<u>1210001000</u>	<u>Legislative Council</u>	<u>150,000.00</u>
<u>1210002000</u>	<u>Legislature</u>	<u>385,000.00</u>
<u>1230001000</u>	<u>Sergeant at Arms</u>	<u>19,000.00</u>
<u>7120890704</u>	<u>International Trade Commission</u>	<u>7,711.88</u>

Sec. D.102 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

(a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2017 in the Tobacco Litigation Settlement Fund established by 32 V.S.A. § 435a shall remain for appropriation in fiscal year 2018.

Sec. D.103 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 2018 and any additional amount necessary to ensure the balance in the Tobacco Litigation Settlement Fund at the close of fiscal year 2018 is not negative shall be transferred in fiscal year 2018 from the Tobacco Trust Fund established by

18 V.S.A. § 9502(a) to the Tobacco Litigation Settlement Fund established by 32 V.S.A. § 435a.

Sec. D.104 HUMAN SERVICES CASELOAD MANAGEMENT RESERVE

(a) The sum of \$12,000,000 shall be reserved from the General Fund in the Human Services Caseload Management Reserve established in 32 V.S.A. § 308b.

Sec. D.105 [DELETED]

Sec. D.106 USE OF HEALTH IT FUND BALANCE

(a) Notwithstanding 32 V.S.A. § 10301(a), the Agency of Human Services may expend \$2,000,000 of Health IT-Funds as State match for Global Commitment program expenditures in fiscal year 2018 and the sum of \$500,000 is transferred from the Health IT-Fund to the Rainy Day Reserve. It is the intent of the General Assembly to expend an additional \$2,000,000 from the Health IT-Fund as State match for Global Commitment program expenditures in fiscal year 2019.

Sec. D.107 FISCAL YEAR 2018 TRANSFER TO THE 27/53 RESERVE

(a) In fiscal year 2018, notwithstanding any other provision of law to the contrary, in order to meet the Medicaid 53rd week reserve requirement of the 27/53 Reserve, the sum of \$1,700,000 shall be transferred from the Global Commitment Fund to the General Fund to be reserved in the 27/53 Reserve created in 32 V.S.A. § 308e.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH POSITION AUTHORIZATIONS

(a) The establishment of the following new permanent classified positions is authorized in fiscal year 2018:

(1) In the Agency of Agriculture, Food and Markets – one (1) Microbiologist.

(2) In the Department of Taxes – two (2) Tax Examiner.

(b) The establishment of the following new permanent exempt position is authorized in fiscal year 2017 as follows:

(1) In the Department of State's Attorneys – one (1) Labor Relations Manager. This position shall be transferred and converted from existing vacant position number 267186 within the Department of State's Attorneys.

(c) The establishment of the following new classified limited services positions is authorized in fiscal year 2017:

(1) In the Department of Military – three (3) Security Guard.

(d) The positions established in this section shall be transferred and converted from existing vacant positions in the Executive Branch, and shall not increase the total number of authorized State positions, as defined in Sec. A.107 of this act.

Sec. E.100.1 2014 Acts and Resolves No. 179, Sec. E.100(d), as amended by 2015 Acts and Resolves No.4, Sec. 74, and 2016 Acts and Resolves No.172, Sec. E.100.2, is further amended to read:

(d) Position Pilot Program. A Position Pilot is hereby created to assist participating departments in more effectively managing costs of overtime, compensatory time, temporary employees, and contractual work by removing the position cap with the goal of maximizing resources to the greatest benefit of Vermont taxpayers.

(1) Notwithstanding Sec. A.107 of this act, the Agency of Transportation, the Department for Children and Families, the Agency of Natural Resources, the Department of Buildings and General Services, the Department of Labor, ~~and~~ the Department of Corrections, and the Department of Public Safety shall not be subject to the cap on positions for the duration of the Pilot. The Department of Corrections is authorized to add only Correctional Officer I and II positions.

(7) This Pilot shall sunset on July 1, ~~2017~~ 2018, unless extended or modified by the General Assembly.

(8) On or before January 15, 2018 the Commissioner of Human Resources shall provide a report by department on the total number of positions created under the authority of this section to the House and Senate Committees on Appropriations. The Commissioner shall include in the report a recommendation on whether this program should be expanded and continue and, if so, should it be extended but remain in session law or be made permanent by codification in statute.

Sec. E.100.2 REPEAL

(a) 3 V.S.A. § 2222a is repealed.

Sec. E.108 PILOT PROGRAM FOR HIGH-QUALITY, LOWER-COST HEALTH CARE SERVICES; STATE EMPLOYEES' HEALTH BENEFIT PLAN

(a) The Department of Human Resources, in consultation with the Vermont State Employees' Association, shall establish a pilot program in calendar year 2018 to encourage State employees and their dependents who are enrolled in

the State employees' health benefit plan to use high-quality, lower-cost health care providers. The pilot program shall:

(1) identify 10 nonemergency health care services for which members of the State employees' health benefit plan have high utilization rates and for which there are significant variations in prices among high-quality providers in Vermont and neighboring states;

(2) provide financial incentives to encourage State employees and their dependents to voluntarily select health care providers for the identified health care services that are located within a reasonable driving distance of the employee's or dependent's home or office and that offer high-quality services at a lower cost than other providers in the same geographic region; and

(3) use tools available through the administrator of the State employees' health benefit plan to assist employees and their dependents in selecting high-quality providers located within a reasonable driving distance that offer the relevant services at lower costs.

(b) On or before January 15, 2019, the Commissioner of Human Resources shall report the results of the pilot program and recommendations for further study or implementation to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance.

Sec. E.108.1 CLASSIFICATION SYSTEM PLANNING

(a) As a continuation of classification system analysis begun pursuant to 2015 Acts and Resolves No. 58, Sec. E.100.1, the Department of Human Resources shall issue an RFI for consultant services to assist the Department with needs assessment, expertise, and project planning necessary to procure a new Classification and Compensation system.

(b) A new Classification and Compensation system shall allow the State to:

(1) develop a broader classification system, utilizing fewer job classifications;

(2) utilize a more modern, flexible, transparent system for managing job evaluation and placement within the classified system; and

(3) provide a contemporary, flexible, easy to understand system for managing pay that effectively combines recognition of competencies, experience or longevity, or both, market parity, and excellence in performance.

(c) The Department shall submit a status report to the General Assembly not later than January 31, 2018 that identifies progress in planning for the development and implementation of a new Classification and Compensation system.

Sec. E.108.2 3 V.S.A. § 310(a) is amended to read:

(a) The Department of Human Resources shall adopt a uniform and equitable plan of classification for each position within State service, now or hereafter created, including positions within the Department of Public Safety, except those positions expressly excluded by section 311 of this title or by other provisions of law. For purposes of internal position alignment and assignment of positions to salary ranges, the plan shall be based upon a ~~point factor~~ job content comparison method of job evaluation. As used in this section, “~~point factor~~ job content comparison method” means a system under which positions are assigned to salary ranges based on a scale of values against which job evaluations of individual positions are compared.

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$15,000 is from the Current Use Administration Special Fund established by 32 V.S.A. § 9610(c) and shall be appropriated for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

Sec. E.111.1 [DELETED]

Sec. E.113 Buildings and general services – engineering

(a) The \$3,537,525 interdepartmental transfer in this appropriation shall be from the General Bond Fund appropriation in the Capital Bill of the 2017 legislative session.

Sec. E.126 [DELETED]

Sec. E.126.1 [DELETED]

Sec. E.127 [DELETED]

Sec. E.127.1 [DELETED]

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2018, investment fees shall be paid from the corpus of the Fund.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$26,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. in the State of

Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

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. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

(b) Total payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, in fiscal year 2018 to be paid from the PILOT Special Fund under 32 V.S.A. § 3709 include the appropriation of \$7,211,000 in Sec. B.142 of this act, the appropriation of \$184,000 for the City of Montpelier in Sec. B.143 of this act, the appropriation of \$40,000 for correctional facilities in Sec. B.144 of this act, and the appropriation of \$146,000 for the supplemental facility payments from the Department of Corrections to the City of Newport and the Town of Springfield in Sec. B.338 of this act.

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), \$1,115,500 is appropriated in Sec. B.200 of this act.

Sec. E.204 REPEAL; EXTENSION

(a) 2016 Acts and Resolves No.167, Sec. 2 is amended to read:

Sec. 2. REPEAL

4 V.S.A. § 38 (Judicial Masters) shall be repealed on July 1, ~~2019~~ 2020.

Sec. E.204.1 Vermont Rule of Criminal Procedure 43(a) is amended to read:

(a) Presence Required.

(1) The defendant shall be present at the arraignment, at any subsequent time at which a plea is offered, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by this rule.

(2) Arraignments shall be in person and shall be on the record and shall not be performed by video conferencing or other electronic means unless the defendant consents. Notwithstanding this subdivision, video conferencing may be used to effect the appearance of the defendant at status conferences, calendar calls, and other proceedings where the presence of the defendant is not required by this rule.

Sec. E.204.2 JUDICIAL BRANCH POSITION AUTHORIZATIONS

(a) In the Judiciary, there is established the following new permanent classified positions:

(1) Two (2) Docket Clerk B.

(b) In the Judiciary there is established the following new permanent exempt position:

(1) One (1) Judicial Master pursuant to 4 V.S.A. § 38.

Sec. E.207 SHERIFFS' HOURLY PAYMENT PILOT

(a) Notwithstanding 32 V.S.A. § 1591(2)(A), during fiscal years 2018 and 2019 the Executive Director of the Department of State's Attorneys and Sheriffs may negotiate reimbursement rates for necessary assistance in arresting or transporting prisoners, juveniles, or persons with mental illness above \$18 per hour, but not to exceed \$22 per hour, provided that the fiscal year 2018 and 2019 budget amount for these expenses shall not exceed \$441,688 each year. This shall include the full actual costs of per diem deputies, including the hourly rate, Social Security expense, FICA, worker compensation, retirement, related unemployment costs, and other indirect expenses.

(b) On or before January 12, 2019, the Executive Director of the Department of State's Attorneys and Sheriffs shall submit a report to the House and Senate Committees on Judiciary and on Appropriations as to the actual monies spent, the impact on prison transport and the Departmental budget, and specific recommendations for proposed statutory changes and

budgeted expenditures for the following fiscal years.

Sec. E.208 Public safety – administration

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the Essex County Sheriff's Department 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 this appropriation, \$405,000 is allocated for grants in support of the Drug Task Force and the Gang Task Force. Of this amount, \$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.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.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, \$1,000 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 used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys'

State and Girls' State programs.

(b) Of this General Fund appropriation, \$39,484 shall be deposited into the Armed Services Scholarship Fund established in 16 V.S.A. § 2541.

Sec. E.220 Center for crime victim services

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victim Services shall transfer \$39,895 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half of the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

Sec. E.224 Agriculture, food and markets – agricultural development

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$805,352 in general funds is appropriated for expenditure by the Vermont Working Lands Enterprise Board established in 6 V.S.A. § 4606 for administrative expenses, and investments in food and forest system businesses and service providers pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, as amended by 2014 Acts and Resolves No. 179, Sec. E.224.1.

Sec. E.233 ENERGY PLANNING SUPPORT; ALLOCATION OF COSTS

(a) During fiscal year 2018, the Commissioner of Public Service, in consultation with the Commissioner of Housing and Community Development, shall award the amount of \$300,000 to regional planning commissions established under 24 V.S.A. chapter 117 and to municipalities for the purpose of providing training under 2016 Acts and Resolves No. 174.

(b) In awarding funds under this section, the Commissioners shall consider the need and size of a municipality or region and the availability, if any, of other assistance, expertise, or funds to a municipality or region to implement 2016 Acts and Resolves No. 174.

(c) The Commissioner of Public Service shall allocate costs under subsection (a) of this section to the electric distribution utilities subject to its supervision under Title 30 of the Vermont Statutes Annotated based on their pro rata share of total Vermont retail kilowatt-hour sales for the previous fiscal year. Each of these utilities shall pay its allocation into the State Treasury at such time and in such manner as the Commissioner may direct.

Sec. E.234 [DELETED]

Sec. E.237 LIQUOR CONTROL WAREHOUSE; PRIVATIZATION;
MORATORIUM

(a) Notwithstanding any provision of law to the contrary, the Liquor Control Board and the Commissioner of Liquor Control shall not, prior to fiscal year 2019, enter into a privatization contract, as defined in 3 V.S.A. § 341, for the operation of the Liquor Control warehouse.

* * * HUMAN SERVICES * * *

Sec. E.300 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2018 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.1 POSITION TRANSFER

(a) The Director of Health Care Reform established in 2011 Acts and Resolves No. 48 Sec. 3b(e) is transferred from the Agency of Administration to the Agency of Human Services.

Sec. E.300.2 3 V.S.A. § 3027 is added to read:

§ 3027. HEALTH CARE SYSTEM REFORM; IMPROVING QUALITY AND AFFORDABILITY

The Director of Health Care Reform in the Agency of Human Services shall be responsible for the coordination of health care system reform efforts among Executive Branch agencies, departments, and offices, and for coordinating with the Green Mountain Care Board established in 18 V.S.A. chapter 220.

Sec. E.300.3 18 V.S.A. § 9491(a) is amended to read:

(a) ~~The director of health care reform~~ Director of Health Care Reform in the ~~agency of administration~~ Agency of Human Services shall oversee the development of a current health care workforce development strategic plan that continues efforts to ensure that Vermont has the health care workforce necessary to provide care to all Vermont residents. ~~The director of health care reform~~ Director of Health Care Reform may designate an entity responsible for convening meetings and for preparing the draft strategic plan. The Green Mountain Care ~~board~~ Board established in chapter 220 of this title shall review the draft strategic plan and shall approve the final plan and any subsequent modifications.

Sec. E.300.4 18 V.S.A. § 9602(a) is amended to read:

(a) The Agency of ~~Administration~~ Human Services shall ~~establish~~ maintain the Office of the Health Care Advocate by contract with any nonprofit organization.

Sec. E. 300.5 18 V.S.A. § 9607(b)(3) is amended to read:

(3) The Green Mountain Care Board shall administer the bill back authority created in this subsection on behalf of the Agency of ~~Administration~~ Human Services in support of the Agency's contract with the Office of the Health Care Advocate pursuant to section 9602 of this title to carry out the duties set forth in this chapter.

Sec. E.300.6 18 V.S.A. § 9603(c) is amended to read:

(c) The Office of the Health Care Advocate shall be able to speak on behalf of the interests of health care and health insurance consumers and to carry out all duties prescribed in this chapter without being subject to any retaliatory action; provided, however, that nothing in this subsection shall limit the authority of the Agency of ~~Administration~~ Human Services to enforce the terms of the contract.

Sec. E.300.7 18 V.S.A. § 9604 is amended to read:

§ 9604. DUTIES OF STATE AGENCIES

All State agencies shall comply with reasonable requests from the Office of the Health Care Advocate for information and assistance. The Agency of ~~Administration~~ Human Services may adopt rules necessary to ensure the cooperation of State agencies under this section.

Sec. E.300.8 FUNDING FOR THE OFFICE OF THE HEALTH CARE ADVOCATE

(a) Of the funds appropriated in Sec. B.300 of this act, \$1,457,406 shall be used for the contract with the Office of the Health Care Advocate.

Sec. E.300.9 [DELETED]

Sec. E.300.10 [DELETED]

Sec. E.300.11 [DELETED]

Sec. E.300.12 [DELETED]

Sec. E.300.13 [DELETED]

Sec. E.300.14 REPEALS

(a) 2014 Acts and Resolves No. 158, Secs. 1–12 (relating to commitment of criminal defendant who is incompetent to stand trial because of traumatic brain injury) are repealed on July 1, 2017.

(b) 2016 Acts and Resolves No. 172, Sec. E.300.3.1 (delaying effective date for 2014 Acts and Resolves No. 158, Secs. 1-12 until July 1, 2018) is repealed on July 1, 2017.

Sec. E.300.15 COMMISSION ON OFFENDERS WITH MENTAL

ILLNESS; REPORT

(a) On or before September 15, 2018, the Commission on Offenders with Mental Illness shall report to the Justice Oversight Committee recommendations regarding how to define traumatic brain injury for purposes of determining whether as the result of such an injury a criminal defendant was insane at the time of the offense or is incompetent to stand trial. The Commission's report shall identify appropriate treatment options and venues for criminal defendants with traumatic brain injury and shall include the amount of funding required to implement the Commission's recommendations.

Sec. E.300.16 AGENCY OF HUMAN SERVICES; ALIGNMENT OF CARE COORDINATION EFFORTS

(a) The Secretary of Human Services shall conduct a comprehensive review of the Agency's care coordination efforts, including the Vermont Chronic Care Initiative, the Blueprint for Health, the pediatric High Tech Home Care program, and Community Rehabilitation and Treatment, in order to align care coordination services across the Agency's programs and initiatives, reduce duplication of efforts, and ensure that care coordination services are delivered in a consistent manner in order to achieve the best results for Vermonters and to use resources efficiently.

Sec. E.301 Secretary's office – Global Commitment

(a) The Agency of Human Services shall use the funds appropriated in Sec. B.301 of this act for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, 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 \$27,258,791 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$23,371,400 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$27,128,600 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$50,500,000. 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) \$2,387,391 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(3) \$1,500,000 certified State match available from local designated mental health and developmental services agencies for costs consistent with S.133 of 2017, An Act Relating to Examining Mental Health Care and Care Coordination.

Sec. E.301.1 FISCAL YEAR 2018 UNENCUMBERED GENERAL FUND
APPROPRIATION

(a) At the close of fiscal year 2018, an amount up to \$10,000,000 of any unencumbered General Fund appropriation in Sec. B.301 of this act that would otherwise be authorized to carryforward shall revert to the General Fund and be reserved in the Human Services Caseload Management Reserve established in 32 V.S.A. § 308b.

Sec. E.306 VERMONT HEALTH BENEFIT EXCHANGE RULES

(a) The Agency of Human Services may adopt rules pursuant to 3 V.S.A. chapter 25 to conform Vermont's rules regarding health care eligibility and enrollment and the operation of the Vermont Health Benefit Exchange to federal guidance and regulations. The Agency may use the emergency rules process pursuant to 3 V.S.A. § 844 prior to June 30, 2018, but only in the event that new federal guidance or regulations require Vermont to amend or adopt its rules in a time frame that cannot be accomplished under the traditional rule-making process. An emergency rule adopted under these exigent circumstances shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.306.1 33 V.S.A. § 1998(f)(3) is amended to read:

(3) To the extent feasible, the Board shall review all drug classes included in the preferred drug list at least every ~~12~~ 24 months and may recommend that the Commissioner make additions to or deletions from the preferred drug list.

Sec. E.306.2 MEDICAID PAYMENT ALIGNMENT

(a) It is the intent of the General Assembly that alignment of the various Medicaid provider payments, as funded in this act, support access to primary care, including access to independent primary care practices and appropriate mental health services statewide.

(b) In order to accomplish this, the Department of Vermont Health Access is authorized to make adjustments and transfers within the related appropriated amounts of fiscal year 2018 general funds for these line items in the aggregate

as follows:

(1) Adjust the total DSH amount to a level no lower than \$27,488,781.

(2) Set a specific limit for annual DSH payments to an in-state academic postgraduate teaching facility within the DSH formula.

(3) Review and adjust current facility-based payments, and specifically evaluate any Medicaid payments that are above the payment from Medicare for the same service in order to further enhance primary care payments in fiscal year 2018.

(c) The Department of Vermont Health Care Access shall report to the Joint Fiscal Committee in September and November 2017 on any adjustments and transfers made under this authority.

Sec. E.307 2013 Acts and Resolves No. 79, Sec. 53(d), as amended by 2014 Acts and Resolves No. 179, Sec. E.307, as amended by 2015 Acts and Resolves No. 58, Sec. E.307, as amended by 2016 Acts and Resolves No. 172, Sec. E.307.3, is further amended to read:

(d) Secs. 31 (Healthy Vermonters) and 32 (VPharm) shall take effect on January 1, 2014, except that the Agency of Human Services may continue to calculate household income under the rules of the Vermont Health Access Plan after that date if the system for calculating modified adjusted gross income for the Healthy Vermonters and VPharm programs is not operational by that date, but ~~no~~ not later than December 31, ~~2017~~ 2018.

Sec. E.308 NURSING HOME MEDICAID RATES; CASE-MIX SCORES

(a) In order to ensure that eligible Vermont Medicaid beneficiaries have access to high-quality care nursing home services, the Commissioner of Disabilities, Aging, and Independent Living and the Director of the Division of Rate Setting in the Agency of Human Services shall review the Medicaid case-mix scores of nursing homes in Vermont in order to:

(1) determine their overall effectiveness in allocating Medicaid funds to nursing homes fairly; and

(2) assess the extent to which the case-mix scores adequately and appropriately reimburse nursing homes for caring for patients who exhibit challenging behaviors but who have little or no need for assistance with activities of daily living.

(b) The Commissioner and Director shall provide the findings from their assessment and any recommended changes to nursing home rate calculations to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare as part of the Agency of Human Services' fiscal year 2019 budget.

Sec. E.308.1 CHOICES FOR CARE

(a) In the Choices for Care program, “savings” means the difference remaining at the conclusion of fiscal year 2017 between the amount of funds appropriated for Choices for Care, excluding allocations for the provision of acute care services, and the sum of expended and obligated funds, less an amount equal to one percent of the fiscal year 2017 total Choices for Care expenditure. The one percent shall function as a reserve to be used in the event of a fiscal need to freeze Moderate Needs Group enrollment. Savings shall be calculated by the Department of Disabilities, Aging, and Independent Living and reported to the Joint Fiscal Office.

(1) It is the intent of the General Assembly that the Department of Disabilities, Aging, and Independent Living only obligate funds for expenditures approved under current law.

(b)(1) Any funds appropriated for long-term care under the Choices for Care program shall be used for long-term services and supports to recipients. In using these funds, the Department of Disabilities, Aging, and Independent Living shall give priority for services to individuals assessed as having high and highest needs and meeting the terms and conditions of the Choices for Care program within the Global Commitment waiver.

(2)(A) First priority for the use of any savings from the long-term care appropriation after the needs of all individuals meeting the terms and conditions of the waiver have been met shall be given to home- and community-based services.

(B) Savings either shall be one-time investments or shall be used in ways that are sustainable into the future. Any unexpended and unobligated State General Fund or Special Fund appropriation remaining at the close of a fiscal year shall be carried forward to the next fiscal year.

(C) As part of its fiscal year 2018 budget adjustment presentation, the Department shall make recommendations regarding the allocation of any savings between home- and community-based provider rates, base funding to expand capacity to accommodate additional enrollees in home- and community-based services, and equitable funding of adult day providers, including whether some amount, up to 20 percent of the total savings, should be used to increase provider rates.

(D) Savings may also be used for quality improvement purposes in nursing homes but shall not be used to increase nursing home rates under 33 V.S.A. § 905.

(E) The Department of Disabilities, Aging, and Independent Living shall not reduce the base funding needed in a subsequent fiscal year prior to

calculating savings for the current fiscal year.

(c) The Department, in collaboration with Choices for Care participants, participants' families, and long-term care providers, shall conduct an assessment of the adequacy of the provider system for delivery of home- and community-based services and nursing home services. On or before October 1, 2017, the Department of Disabilities, Aging, and Independent Living shall report the results of this assessment to the House Committees on Appropriations and on Human Services and the Senate Committees on Appropriations and on Health and Welfare in order to inform the reinvestment of savings during the budget adjustment process.

(d) The Commissioner shall determine how to allocate any Choices for Care program savings available at the end of fiscal year 2017 and shall report to the Joint Fiscal Committee at the regularly scheduled September 2017 meeting on these allocations.

(e) Concurrent with the procedures set forth in 32 V.S.A. § 305a, the Joint Fiscal Office and the Secretary of Administration shall provide to the Emergency Board their respective estimates of caseloads and expenditures for programs under the Choices for Care program.

Sec. E.308.2 [DELETED]

Sec. E.310 [DELETED]

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2018 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. 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 according to an RFP process.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) 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 VMAP 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 VMAP 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 VMAP Advisory Committee, which shall be composed of not 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 2018, 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 syringe exchange programs; 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; and anti-stigma campaigns. Not 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.

(5) In fiscal year 2018, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2018. Grant reporting shall include outcomes and results.

(b) Improving outcomes for pregnant women:

(1) Statistics from the Department of Health indicate that rates of women who smoke during pregnancy in Vermont are approximately twice the national average. Although the rates of pregnant women who smoke in Vermont decreased slightly between 2009 and 2014, there is opportunity to make additional progress on this very important health indicator. The Commissioner shall prioritize funding for tobacco cessation to address the rates of smoking among pregnant women by utilizing evidence-based best practices. Not less than \$50,000 of the funding for tobacco cessation and prevention activities in fiscal year 2018 shall be used to implement or expand evidence-based interventions intended to reduce tobacco use among pregnant women. The Commissioner shall report on the specific expenditure of this allocation by functional activity as part of the fiscal year 2019 budget

presentation to the General Assembly.

(2) In consultation with Hunger Free Vermont, and representatives from community food shelf or nutrition focused organizations, prenatal and postnatal health care providers, and child care providers, the Commissioner of Health shall develop and implement an outreach plan to Vermonters who are eligible but not enrolled in the Women, Infant and Children (WIC) program.

(3) The Commissioner shall report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare during fiscal year 2019 budget testimony on the progress made toward reducing the rates of pregnant women who smoke during pregnancy and improving the number of eligible WIC clients who enroll for services.

Sec. E.314 TRANSPORTING PATIENTS

(a) Beginning on July 1, 2017, any new or renewed contracts entered into by the Agency of Human Services with designated professionals or law enforcement officers for transport of persons pursuant to 18 V.S.A. § 7511 or the transport of children pursuant to 33 V.S.A. § 5123 shall include the requirement to comply with the Agency's policies on the use of restraints.

Sec. E.314.1 FISCAL YEAR 2018 INCREASED FUNDING SPECIFICATION

(a) The addition of \$9,800,000 is made consistent with S.133 of 2017 and shall be allocated to the Designated and Specialized Service Agencies (DA/SSA) to help stabilize the care delivery system and workforce employed by the DA/SSA, with \$2,784,000 allocated for crisis response. Funding shall be directed to the DA/SSA workforce, including those DAs that are preferred providers.

(b) The intent of the additional funding is to:

(1) improve access to services and utilization of programs when fully resourced;

(2) reduce reliance on emergency department use for nonemergent care;

(3) appropriately divert lower levels of care to community-based service programs that can effectively meet individual needs if fully resourced; and

(4) support improved outcomes for individuals and populations served.

(c) There is recognition that distinct populations served may present with co-occurring diagnoses and complex service needs that cross programs or departments within the Agency of Human Services. It is the expectation that the Departments of Mental Health (DMH); Disabilities, Aging, and

Independent Living (DAIL); and Health - Division of Alcohol and Drug Abuse Programs (VDH/ADAP) will work, within a co-occurring treatment framework, to collaboratively coordinate the delivery of mental health, developmental, or substance abuse treatment services where and when appropriate.

Sec. E.314.2 DESIGNATED AND SPECIALIZED SERVICES AGENCY
MASTER GRANTS FOR MENTAL HEALTH SERVICES

(a) The Department of Mental Health shall use a portion of the additional funds appropriated by this act to develop new funding agreements with the designated and specialized service agencies or to modify existing funding agreements with those agencies to establish the parties' expectations with respect to the delivery of high-quality mental health services to Vermont residents and to identify measurable outcomes that the agencies shall be expected to achieve. Master grant agreements with the designated and specialized service agencies and all additional funding directed toward mental health treatment shall address the following:

(1) improving individual and population outcomes based on the Centers of Excellence framework developed by the designated and specialized service agencies, pending approval of the framework by the Agency of Human Services;

(2) training in and delivery of high-quality evidence-based, evidence-informed, and best practice clinical services and practices known to enhance professional development and that are intended to reduce overreliance on service delivery systems and on a paraprofessional workforce;

(3) increasing the focus on rehabilitation, recovery, and resilience-building for individuals and families, including wellness activities proven to improve health outcomes;

(4) developing and promoting training and competency expectations for the paraprofessional workforce and clinical staff who provide direct care services, as well as establishing clinical supervision thresholds for supervisory staff that support those expectations;

(5) expanding the integration of funding and service delivery for children's mental health and developmental disabilities among the designated and specialized service agencies and between the Departments of Mental Health and of Disabilities, Aging, and Independent Living;

(6) reducing direct care staff turnover in order to enhance programmatic stability for individuals receiving services;

(7) tracking turnover rates for direct care, clinical, and administrative

staff using benchmark data to the extent available and establishing reliable trend analyses to inform future workforce development; and

(8) establishing benchmarks measuring progress toward integrating the designated and specialized service agencies and their services into health care reform efforts.

Sec. E.314.3 FUNDING OF DESIGNATED AGENCIES' EMERGENCY SERVICES

(a) On or before January 15, 2018, the Commissioners of Mental Health, Vermont Health Access, and Disabilities, Aging, and Independent Living shall submit a report to the House Committees on Appropriations and on Health Care and to the Senate Committees on Appropriations and on Health and Welfare addressing how designated agencies fund emergency services for the purpose of ensuring that designated agencies' emergency services achieve maximum efficiency and are available to all individuals within a specific designated agency's catchment area. The report shall identify:

- (1) any funding gaps, including methodologies of payment;
- (2) capacity of payment;
- (3) third party payers; and
- (4) unfunded services.

Sec. E.314.4 [DELETED]

Sec. E.316 ECONOMIC SERVICES DIVISION; INNOVATION IN DELIVERY OF SERVICES

(a) For the purpose of exploring innovative approaches to the administration of programs within the Department for Children and Families' Economic Services Division, the Commissioner may authorize pilot programs within specific regions of the State that waive Division rules adopted pursuant to 3 V.S.A. chapter 25 in a manner that does not impact program eligibility or benefits. Temporarily waiving some existing rules for a prescribed period of time shall enable the Division to test innovative ideas for improving the delivery of services with the specific goal of achieving more responsive client services and operational efficiencies.

(b) During fiscal year 2018, the Division may propose pilot programs in accordance with the goals described in subsection (a) of this section to the Commissioner for approval. Each proposal shall outline the targeted service area, efficiencies sought, rules to be waived, duration of the program, and evaluation criteria. Notice shall be given to clients affected by a pilot program prior to the commencement of the pilot program, including a description of how benefit delivery will be affected, length of the program, and right to a fair

hearing.

(c) On or before January 15, 2019, the Commissioner shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare summarizing the pilot programs implemented pursuant to this section and any findings and recommendations. In the event a particular pilot program is successful at improving the delivery of services to clients, the Commissioner may seek to amend the Division's rules in conformity with the approach used by the pilot program pursuant to 3 V.S.A. chapter 25.

Sec. E.317 USE OF RESIDENTIAL CARE FACILITIES

(a) At the November 2017 scheduled meeting of the Joint Justice Oversight Committee, the Commissioner for Children and Families with the assistance of the Departments of Mental Health, and of Disabilities, Aging and Independent Living, and the Agency of Education shall present a report on the use of out-of-state and in-state residential placements, including Woodside. The report shall include the following:

(1) Utilization for fiscal years 2015, 2016, and 2017 including the number and age of children placed by facility and the total bed days utilized.

(2) For each facility, the average daily costs for specific levels of service or treatment acuity in fiscal years 2015, 2016, and 2017 and the total amount paid to each facility by department and by funding source in fiscal years 2015, 2016 and 2017.

(3) Measures used by the Department to determine outcomes for the children placed in these facilities and the cost effectiveness of these facilities, including length of stay, intensity of services provided, reunification of children with their family or home community, or both, relapse or readmittance rates, or subsequent involvement with the criminal justice system or both.

(4) The specific steps taken over the past three years by the Departments and the Agency to increase community-based supports for youths in custody while reducing use of residential care.

(b) The report shall also be provided to the House Committees on Appropriations, on Judiciary, on Human Services, and on Corrections and Institutions and to the Senate Committees on Appropriations, on Judiciary, on Health and Welfare, and on Institutions.

Sec. E.318 EARLY CARE AND DEVELOPMENT PROGRAM FUNDING

(a) Of the additional \$3,000,000 in general funds appropriated in Sec. B.318 of this act:

(1) an amount shall be allocated as needed to bring the baseline year used to determine eligibility for the Child Care Financial Assistance Program

from the Federal Poverty Level (FPL) that was in place in 2016 to the 2017 FPL, which is the most current FPL for State fiscal year 2018; and

(2) the remaining amount shall be used for the Early Care and Development program as specified in Sec. E.318.1 of this act.

Sec. E.318.1 EARLY CARE AND DEVELOPMENT PROGRAM GRANT

(a) In fiscal year 2018, and thereafter, the Department for Children and Families shall award 70 percent of funds designated for the Early Care and Development Program Grants to center-based child care and preschool programs participating in the Step Ahead Recognition System (STARS) and 30 percent of the designated funds to family child care homes participating in STARS in accordance with the formula described in subsection (b) of this section.

(b) The Department's Child Development Division shall calculate eligibility for Early Care and Development Program Grants on a quarterly basis. In determining eligibility, the Division shall consider:

(1) the percent of enrollees receiving a Child Care Financial Assistance Program (CCFAP) subsidy as compared to a center-based child care and preschool program of a family child care home's licensed capacity at a weight of 70 percent;

(2) the average number of enrollees at a center-based child care and preschool program or family child care home receiving a CCFAP subsidy at a weigh of 15 percent; and

(3) the average number of infants and toddlers enrolled in a center-based child care and preschool program or family child care home at a weight of 15 percent.

(c) The Division shall provide Early Care and Development Program Grants to eligible child care and preschool programs or family child care homes as funds allow. Center-based child care and preschool programs or family child care homes receiving Early Care and Development Program Grants shall remain in compliance with the Department's rules, continue participation in STARS, and maintain high enrollment of children receiving a CCFAP subsidy.

Sec. E.321 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM; COMMUNITY BASED ALTERNATIVES TO GENERAL ASSISTANCE TEMPORARY HOUSING

(a) For fiscal year 2018, the Agency of Human Services may continue to fund housing assistance programs within the General Assistance program to create flexibility to provide General Assistance benefits, as well as grants to

support the establishment of community-based alternatives for temporary housing as part of the effort to reduce the number of individuals temporarily housed by the General Assistance program. The purpose of these housing assistance programs and community-based alternatives is to mitigate poverty and serve applicants more effectively than they are currently being served with General Assistance funds. Eligible activities shall include, among other things, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The Agency may award grants to homeless and housing service providers for eligible activities. Where such housing assistance programs and grants are provided and community-based programs are established, the General Assistance rules will not apply. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The housing assistance and community-based programs may operate in up to 12 districts designated by the Secretary of Human Services. The Agency shall establish goals and procedures for evaluating the program overall, including performance measures that demonstrate program results, and for each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of housing assistance programs and community-based alternatives to General Assistance temporary housing.

Sec. E.321.1 GENERAL ASSISTANCE HOUSING

(a) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2018 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules adopted by the Agency. The cold weather exception policy issued by the Department for Children and Families' Economic Services Division dated October 25, 2012, and any succeeding amendments to it, shall remain in effect.

Sec. E.321.2 33 V.S.A. § 2115 is amended to read:

§ 2115. GENERAL ASSISTANCE PROGRAM REPORT

On or before ~~January 15~~ September 1 of each year, the Commissioner for Children and Families shall submit a written report to the Joint Fiscal Committee; the House Committees on Appropriations, on General, Housing and Military Affairs, and on Human Services; and the Senate Committees on Appropriations and on Health and Welfare ~~containing~~. The report will contain

the following:

- (1) an evaluation of the General Assistance program during the previous fiscal year;
- (2) any recommendations for changes to the program; ~~and~~
- (3) a plan for continued implementation of the program;
- (4) statewide statistics using deidentified data related to the use of emergency housing vouchers during the preceding State fiscal year, including demographic information, client data, shelter and motel usage rates, clients' primary stated cause of homelessness, average lengths of stay in emergency housing by demographic group and by type of housing; and
- (5) other information the Commissioner deems appropriate.

Sec. E.324 LIHEAP AND WEATHERIZATION

(a) Notwithstanding 33 V.S.A. § 2501, in fiscal year 2018, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer up to 15 percent of the federal fiscal year 2018 federal Low Income Home Energy Assistance Program (LIHEAP) block grant from the federal funds appropriation in Sec. B.324 of this act to the Home Weatherization Assistance appropriation in Sec. B.326 of this act to be used for weatherization in State fiscal year 2018. An equivalent appropriation transfer shall be made to Sec. B.324 of this act, Low Income Home Energy Assistance Program, from the Home Weatherization Assistance Fund in Sec. B.326 of this act to provide home heating fuel benefits in State fiscal year 2018. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next meeting.

Sec. E.324.1 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it, if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$1,092,000 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 Emergency Solutions Grants funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.327 WOODSIDE GLOBAL COMMITMENT FUNDING

(a) Upon any notification by the Centers for Medicare and Medicaid Services or upon determination by the Agency of Human Services that Medicaid funding will not be available to the State for the operation of Woodside Juvenile Rehabilitation Center in fiscal year 2018, the Secretary of Human Services and the Commissioner for Children and Families shall:

(1) immediately inform the Joint Fiscal Committee, the House and Senate Committees on Judiciary, the House Committee on Corrections and Institutions, and the Senate Committee on Institutions of such notification or determination; and

(2) within 30 days of such notification or determination, develop and submit a proposal to the Committees named in subdivision (1) of this subsection that includes:

(A) a plan to suspend operations at the Woodside facility while ensuring alternative placements are made that meet the service needs for the delinquent youths currently placed there; and

(B) a fiscal impact analysis that includes fiscal year 2018 and long term fiscal cost estimates.

Sec. E.335 [DELETED]

Sec. E.335.1 REPURPOSING OF SOUTHEAST STATE CORRECTIONAL FACILITY

(a) Plan. Funding for the Department of Corrections reflects the cessation of operation of the Southeast State Correctional Facility, and it is the intent of the General Assembly that, on or before January 2, 2018, the facility be repurposed to provide secure transitional housing for inmates preparing to reenter the community, and be at full capacity on or before July 1, 2018.

(b) Population. It is the intent of the General Assembly that the repurposed facility be available for the following populations:

(1) inmates on the Lack of Housing (B1) list;

(2) moderate to high risk inmates who are either past their minimum release date or within 90 days of their release date;

(3) inmates who are eligible for reintegration furlough; and

(4) inmates who have served a significant sentence and are within six months of their release date.

(c) Services. It is the intent of the General Assembly that the repurposed facility provide the following prerelease services:

(1) acquisition of identification;

(2) housing identification;

(3) employment readiness and retention;

(4) planning to address transportation barriers;

(5) money management;

(6) transition and reentry case planning;

(7) substance abuse treatment;

(8) work release; and

(9) information technology skills development.

(d) Coordination of services. The Department of Corrections shall coordinate with the community justice centers statewide and the Department of Labor to ensure inmates successfully transition back to society.

(e) Report. The Department of Corrections shall provide a report on the plan to the Joint Legislative Justice Oversight Committee on or before November 1, 2017.

Sec. E.338 Corrections - correctional services

(a) The special funds appropriation of \$146,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.338.1 2008 Acts and Resolves No. 179, Sec. 22(a), as amended by 2010 Acts and Resolves No. 157, Sec. 14, by 2012 Acts and Resolves No. 104, Sec. 38, by 2013 Acts and Resolves No. 41, Sec. 1a, and by 2014 Acts and Resolves No. 194, Sec. 15, is further amended to read:

(a) Secs. 11 and 12 shall take effect on July 1, ~~2017~~ 2021.

Sec. E.342 Vermont veterans' home – care and support services

(a) The Vermont Veterans' Home shall 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.

Sec. E.342.1 [DELETED]

Sec. E.345 Green mountain care board

(a) The Green Mountain Care Board shall use the Global Commitment Funds appropriated in Sec. B.345 of this act to encourage the formation and maintenance of public-private partnerships in health care, including initiatives to support and improve the health care delivery system.

Sec. E.345.1 FAIR REIMBURSEMENT REPORT

(a) Utilizing funds appropriated in Section B.345 of this act, the Green Mountain Care Board shall report to the Health Reform Oversight Committee by October 1, 2017 describing what substantial changes have been put into effect to achieve the site-neutral, fair reimbursements for medical services as envisioned in 2014 Acts and Resolves No. 144, Sec. 19, 2015 Acts and Resolves No. 54, Sec. 23, and 2016 Acts and Resolves No. 143, Sec. 5.

* * * LABOR * * *

Sec. E.400 DEPARTMENT OF LABOR; RESTRICTION ON TRANSFER OF AUTHORIZED POSITIONS

(a) Notwithstanding any other provision of law to the contrary, no authorized positions in the Department of Labor or appropriations for authorized positions in the Department of Labor shall be transferred to the Agency of Commerce and Community Development without the approval of the General Assembly or, if the General Assembly is not in session, of the Joint Fiscal Committee.

Sec. E.400.1 APPRENTICESHIP AND YOUTH MENTORING PROGRAM

(a) On or before October 1, 2017, the Department of Labor shall design and begin implementation of the Apprenticeship and Youth Mentoring Program, the purpose of which shall be to provide paid work experiences and paid or unpaid internships for Vermont youths, working with mentoring professionals, that have academic and occupational education as a component, including:

(1) a summer youth employment program for high school juniors and seniors; and

(2) nonseasonal employment, preapprenticeship programs, and on-the-job training, for an at-risk youth employment program targeted for at-risk individuals 18 to 24 years of age.

(b) The Department shall implement the Program using funds from the State's Workforce Innovation and Opportunity Act grant from the U.S.

Department of Labor, and other State and federal sources, to the extent allowed under applicable law.

(c) The Department shall design the Program to serve 150 individual Vermonters.

* * * K-12 EDUCATION * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in this section will be used for physician claims for determining medical necessity of Individualized Education Program (IEPs). It is the goal of these services to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.500.1 [DELETED]

Sec. E.500.2 16 V.S.A. § 4025(b)(4) is added to read:

(4) To make payments to the Vermont Teachers' Retirement Fund for normal contribution in accordance with subsection 1944(c) of this title.

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 \$3,566,029 shall be used by the Agency of Education in fiscal year 2018 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary 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 \$192,805 may be used by the Agency 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.504.1 Education – flexible pathways

(a) Of this appropriation, \$4,120,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$600,000 is available for dual enrollment programs consistent with 16 V.S.A. § 944(f)(2), and the amount of \$30,000 is available for use pursuant to Sec. E.605.1(a)(2) of this act;

(2) \$100,000 is available to support the Vermont Virtual Learning Cooperative at the River Valley Technical Center School District;

(3) \$200,000 is available for secondary school reform grants; and

(4) \$450,000 is available for the Vermont Academy of Science and Technology and \$1,700,000 for Early College pursuant to 16 V.S.A. § 4011(e).

E.504.2 ADULT DIPLOMA FUNDING

(a) Payments amounts made in section B.504 for the adult diploma program are made notwithstanding 16 V.S.A. § 40119(f).

Sec. E.505 EXCESS SPENDING PENALTY WAIVER

(a) Notwithstanding any other provision of law, for fiscal year 2018 only, a qualifying school district shall not incur an excess spending penalty under 32 V.S.A. § 5401(12) and 16 V.S.A. § 4001(6).

(b) As used in this section, a “qualifying school district” means a school district that:

(1) has entered into a contract or contracts with another school district to jointly operate kindergarten through grade 12; and

(2) on or before July 1, 2017, received approval by its electorate to consolidate with another school district under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended.

Sec. E.513 Appropriation and transfer to education

(a) Pursuant to Sec. B.513 of this act and 16 V.S.A. § 4025(a)(2), there is appropriated in fiscal year 2018 from the General Fund for transfer to the Education Fund the amount of \$314,695,753.

Sec. E.514 State teachers’ retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers’ Retirement System (STRS) shall be \$88,409,437 of which \$83,809,437 shall be the State’s contribution and \$4,600,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$8,346,261 is the “normal contribution,” and \$80,063,176 is the “accrued liability contribution.”

Sec. E.515 Retired teachers’ health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$27,560,966 will be

contributed to the Retired Teachers' Health and Medical Benefits plan.

Sec. E.515.1 16 V.S.A. § 1944b is amended to read:

§ 1944b. RETIRED TEACHERS' HEALTH AND MEDICAL BENEFITS
FUND

(a) There is established a Retired Teachers' Health and Medical Benefits Fund (Benefits Fund) to pay retired teacher health and medical benefits, including prescription drug benefits, when due in accordance with the terms established by the Board of Trustees of the State Teachers' Retirement System of Vermont pursuant to subsection 1942(p) and subdivision 1944(c)(12) of this title. The Benefits Fund shall be administered by the Treasurer.

(b) The Benefits Fund shall consist of:

(1) all monies remitted to the State on behalf of the members of the State Teachers' Retirement System of Vermont for prescription drug plans pursuant to the Employer Group Waiver Plan with Wrap pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003;

(2) any monies appropriated by the General Assembly for the purpose of paying the health and medical benefits for retired members and their dependents provided by subsection 1942(p) and subdivision 1944(c)(12) of this title;

(3) any monies pursuant to subsection (e) of this section; and

(4) ~~any monies the General Assembly transfers from the Supplemental Property Tax Relief Fund pursuant to 32 V.S.A. § 6075; and [Repealed.]~~

(5) any monies pursuant to section 1944d of this title.

(c) No employee contributions shall be deposited in the Benefits Fund.

(d) Interest earned shall remain in the Benefits Fund, and all balances remaining at the end of a fiscal year shall be carried over to the following year; provided, however, that any amounts received in repayment of interfund loans established under subsection (e) of this section may be reinvested by the State Treasurer.

(e)(1) Notwithstanding any provision to the contrary, the State Treasurer is authorized to use interfund loans from the General Fund for payment into the Benefits Fund, which monies shall be identified exclusively for the purposes of payments of retired teacher health and medical benefits pursuant to this section. Any monies borrowed through an interfund loan pursuant to this section shall be paid from monies in the Benefits Fund or from other funds legally available for this purpose. It is the intent of the General Assembly to appropriate sufficient General Fund revenue, after consideration of all other

revenue and disbursements, such that the interfund loan shall be paid in full on or before June 30, 2023. The Governor shall include in the annual budget request an amount sufficient to repay any interfund borrowing according to a schedule developed by the State Treasurer. The State Treasurer shall pay the interest and principal as due in accordance with authority granted under 32 V.S.A. § 902(b). The State Treasurer shall assess a rate of interest on the outstanding balance of the interfund loan comparable to the rate paid by private depositories of the State's monies, or to the yield available on investments made pursuant to 32 V.S.A. § 433. No interfund loans made under this authority shall, in the aggregate, exceed ~~\$30,000,000.00~~ \$28,500,000.00.

(2) For the purposes of this chapter, calculation of the interfund loan limit shall include long-term receivables and payables but shall not include accruals for federal reimbursement of employer group waiver plan receivables pursuant to 16 V.S.A. § 1944b(b)(1), receivables due from local school systems pursuant to 16 V.S.A. § 1944d, or any short-term accruals.

(f) It is the intent of the General Assembly to appropriate the required contributions necessary to pay retired teacher health and medical benefits by combining annual increases in base appropriations, but not from the Education Fund, and surplus revenues as they become available, so that the full cost of retired teacher health and medical benefits payments shall be met in base appropriations by fiscal year ~~2024~~ 2023. To the extent that other revenue sources are identified, the General Fund obligation shall not be reduced, until all annual disbursements to repay the interfund loan in subsection (e) of this section are satisfied. Contributions to the Benefits Fund shall be irrevocable and it shall be impossible at any time prior to the satisfaction of all liabilities, with respect to employees and their beneficiaries, for any part of the corpus or income of the Benefits Fund to be used for, or diverted to, purposes other than the payment of retiree postemployment benefits to members and their beneficiaries and reasonable expenses of administering the Benefits Fund and related benefit plans.

(g) The Treasurer shall report on the status of the interfund loan balance allowed under this section as part of the annual budget presentation to the General Assembly.

* * * 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 uninsured or underinsured persons, or both, in Vermont and across the nation.

Sec. E.600.1 INCREASING VERMONT'S PRIMARY CARE WORKFORCE

(a) Of the Global Commitment funds allocated to the University of Vermont College of Medicine pursuant to this act, at least \$750,000.00 shall be used to support the College of Medicine's new rural medicine health track, which embeds medical students in a rural community for a year-long longitudinal integrated clerkship during which they will be trained in clinical care while engaging with the local community and conducting population health studies. The goal of the rural medicine health track is to encourage more students to choose careers in primary care in underserved areas of Vermont.

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.

(c) Of the appropriation in Sec. B.602 of this act, up to \$200,000 shall be used in partnership with the Vermont Student Assistance Corporation for the purpose of counseling and advising Vermont students in order to support retention and the graduation of students in the Vermont State College System.

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 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons, or both.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the Education Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of the appropriated amount remaining after accounting for subsections (a) and (d) of this section, not less than 93 percent of this appropriation 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.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) The sum of \$60,000 shall be transferred to the Vermont Student Assistance Corporation (VSAC) as follows:

(1) \$30,000 from Sec. B.1100(a)(3)(C) (Next Generation funds appropriated for dual enrollment and need-based stipend purposes).

(2) \$30,000 pursuant to Sec. E.504.1(a)(1) (flexible pathways funds appropriated for dual enrollment and need-based stipend purposes).

(b) The sums transferred to VSAC in this section shall be used to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 4011(e) to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(c) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the

Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2018.

Sec. E.608 [DELETED]

Sec. E.608.1 [DELETED]

* * * NATURAL RESOURCES * * *

Sec. E.700 32 V.S.A. § 5(a)(3)(A) is amended to read:

(3)(A) This section shall not apply to the following items, if the acceptance of those items will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities:

(i) the acceptance of grants, gifts, donations, loans, or other things of value with a value of \$5,000.00 or less;

(ii) the acceptance by the Department of Forests, Parks and Recreation and the Department of Fish and Wildlife of grants, gifts, donations, loans, or other things of value with a value of \$15,000.00 or less; or

(iii) the acceptance by the Vermont Veterans' Home of grants, gifts, donations, loans, or other things of value with a value of \$10,000.00 or less.

Sec. E.700.1 10 V.S.A. § 1389a is amended to read:

§ 1389a. CLEAN WATER INVESTMENT REPORT

(a) Beginning on January 15, 2017, and annually thereafter, the ~~Clean Water Fund Board~~ Secretary of Administration shall publish a Clean Water Investment Report. The Report shall summarize all investments, including their cost-effectiveness, made by the Clean Water Fund Board and other State agencies for clean water restoration over the ~~past~~ prior calendar year. The Report shall include expenditures from the Clean Water Fund, the General Fund, the Transportation Fund, and any other State expenditures for clean water restoration, regardless of funding source.

(b) The Report shall ~~document progress or shortcomings in meeting established indicators for clean water restoration.~~ The Report shall include;

(1) Documentation of progress or shortcomings in meeting established indicators for clean water restoration.

(2) a summary of additional funding sources pursued by the Board, including whether those funding sources were attained; if it was not attained, why it was not attained; and where the money was allocated from the Fund.

(3) A summary of water quality problems or concerns in each watershed basin of the State, a list of water quality projects identified as necessary in each

basin of the State, and how identified projects have been prioritized for implementation. The water quality problems and projects identified under this subdivision shall include programs or projects identified across State government and shall not be limited to projects listed by the Agency of Natural Resources in its watershed projects database.

(4) A summary of any changes to applicable federal law or policy related to the State's water quality improvement efforts, including any changes to requirements to implement total maximum daily load plans in the State;

(5) A summary of available federal funding related to or for water quality improvement efforts in the State.

(c) The Report may also provide an overview of additional funding necessary to meet objectives established for clean water restoration and recommendations for additional revenue to meet those restoration objectives. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report required by this section.

~~(b)~~(d)(1) The Board Secretary of Administration shall develop and use a results-based accountability process in publishing the annual report required by subsection (a) of this section.

(2) The Secretary of Administration shall develop user-friendly issue briefs, tables, or executive summaries that make the information required under subdivision (b)(3) available to the public separately from the report required by this section.

(3) On or before September 1 of each year, the Secretary of Administration shall submit to the Joint Fiscal Committee an interim report regarding the information required under subdivision (b)(5) of this section relating to available federal funding.

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec. E.800 VERMONT LIFE MAGAZINE

(a) The Secretary of Administration with the assistance of the Secretary of Commerce and Community Development shall issue an RFP by June 30, 2017 that seeks bids from interested media parties by September 30, 2017 to maximize the State benefit of Vermont Life magazine by:

(1) sale of Vermont Life magazine as an operating enterprise, or sale of any identifiable Vermont Life assets after the suspension of publication by the state to offset in whole or in part the magazine's existing debt, or

(2) licensing arrangements with entities that would result in payments to the State that reduce over time the magazine's existing debt, or

(3) partnership or operating proposals that continue publication without

additional State support and have a high likelihood of eventual positive revenue streams to the State that reduce over time the magazine's existing debt or would result in a future sale of the enterprise sufficient to offset the debt, or both; or

(4) other media and publishing proposals that offset in whole or in part the magazine's existing debt.

(b) Departments of the State are not precluded from submitting bids, but the primary determination of the proposals will be the financial benefit to the State.

(c) The Secretary of Administration in consultation with the Secretary of Commerce and Community Development will analyze the bids received and make a determination of acceptance. The Secretary of Administration, with the approval of the Emergency Board, is authorized to execute a contract regarding the sale, licensing, partnership, or other proposal for Vermont Life to maximize the State benefit.

(d) If no acceptable bids are identified, the Secretary of Administration is authorized to specify a date certain for the orderly suspension of publishing operations, notwithstanding 3 V.S.A. § 2473a or any other provision of law to the contrary.

(e) Any remaining outstanding financial obligation after the actions taken in this section shall be presented to the General Assembly as part of the report required under 2016 Acts and Resolves No. 172, Sec. E.100.9.

Sec. E.800.1 VERMONT EB-5 REGIONAL CENTER; PLAN FOR
REORGANIZATION; REPORT; BUDGET PROPOSAL

(a) On or before December 15, 2017, the Agency of Commerce and Community Development shall consider and adopt and plan for the reorganization and operation of the Vermont EB-5 Regional Center.

(b) The plan shall address specific steps the Agency will take to ensure the Center successfully connects Vermont businesses with investors, and effectively markets and promotes economic development opportunities in Vermont.

(c) The Agency shall include in the Governor's budget proposal for fiscal year 2019 a detailed assessment and request for the funding necessary to implement the plan of reorganization required by this section.

Sec. E.804 Community development block grants

(a) Community Development Block Grants shall carry forward until expended.

* * * TRANSPORTATION * * *

Sec. E.904 [DELETED]

Sec. E.909 Transportation – central garage

(a) Of this appropriation, \$7,904,353 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).

* * * MISCELLANEOUS TECHNICAL CORRECTIONS* * *

Sec. F.1 33 V.S.A. § 2604(b) is amended to read:

(b) Fuel cost requirements. The Secretary of Human Services or designee shall by procedure establish a table that contains amounts that will function as a proxy for applicant households' annual heating fuel cost for the previous year. The seasonal fuel expenditure estimates contained within the table shall closely approximate the actual home heating costs experienced by participants in the Home Heating Fuel Assistance Program. ~~Data on actual heating costs collected pursuant to subsection 2602(d) of this title shall be used in lieu of the proxy table when available.~~ The table shall be revised no less frequently than every three years based on data supplied by certified fuel suppliers, the Department of Public Service, and other industry sources to the Office of Home Heating Fuel Assistance. The Secretary or designee shall provide a draft of the table to the Home Energy Assistance Task Force established pursuant to subsection 2602a(c) of this title and solicit input from the Task Force prior to finalizing the table.

Sec. F.2 33 V.S.A. § 2605(a) is amended to read:

(a) The Secretary of Human Services or designee shall by rule establish a table that specifies maximum percentages of applicant households' annual heating fuel costs, based on the proxy table established pursuant to subsection 2604(b) of this title ~~and, when available, the data collected pursuant to subsection 2602(d) of this title~~, that can be authorized for payment as annual home heating fuel assistance benefits for the following year. The maximum percentages contained within this table shall vary by household size and annual household income. In no instance shall the percentage exceed 90 percent.

Sec. F.3 33 V.S.A. § 2608 is amended to read:

§ 2608. WEATHERIZATION PROGRAM AGREEMENTS

The Director of the Home Energy Assistance Program shall inform the Administrator of the Home Weatherization Assistance Program, established

under chapter 25 of this title, of all participants in the Home Heating Fuel Assistance Program ~~and of the information required by subsection 2602(d) of this title.~~ The Agency of Human Services shall provide all participants in the Home Heating Fuel Assistance Program with information regarding the efficiency utility established under 30 V.S.A. § 209. All participants in the Home Heating Fuel Assistance Program shall be deemed to comply with any income requirements of the Home Weatherization Program, but to receive weatherization services, recipients shall be required to meet any other eligibility requirements of the Home Weatherization Program. As a condition of receipt of benefits under the Home Heating Fuel Assistance Program, a recipient shall consent to receive services of the Home Weatherization Assistance Program. ~~The Home Weatherization Assistance Program shall use the information required by subsection 2602(d) of this title to determine the number of British thermal units (Btus) needed to heat a square foot of space for each participant in the Home Energy Assistance Program.~~ The Home Weatherization Assistance Program shall give the highest priority to providing services to participants within the Home Heating Fuel Assistance Program and, among those participants, to those who require the ~~most BTUs to heat a square foot of space~~ highest energy usage.

Sec. F.4 33 V.S.A. § 2502(b)(3)(C) is amended to read:

(C) Establishing Program eligibility levels at 80 percent of the area median income, or 80 percent of the State median income, whichever is higher. Subject to the priority under section 2608 of this title given to participants in the Home Heating Fuel Assistance Program, the State program shall, when weighing factors to assign priority to buildings or units eligible for weatherization assistance, assign the greatest weight to those buildings and units that require the ~~most Btus to heat a square foot of space~~ highest energy usage.

Sec. F.5 33 V.S.A. § 2609(a) is amended to read:

(a) Annually, the Secretary of Human Services or designee shall determine an appropriate amount of funds ~~in the Home Heating Fuel Assistance fund~~ to be set aside for expenditure for the crisis fuel assistance component of the Home Heating Fuel Program. The Secretary or designee shall also adopt rules to define crisis situations for the expenditure of the home heating fuel crisis funds, and to establish the income ~~and asset~~ eligibility requirements of households for receipt of crisis Home Heating Fuel Assistance, provided that no household shall be eligible whose gross household income is greater than 200 percent of the federal poverty level ~~or is in excess of income maximums established by LIHEAP~~ based on the income of all persons residing in the household. To the extent allowed by federal law, the Secretary or designee shall establish by rule a calculation of gross income based on the same rules

used in 3SquaresVT, except that the Secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

Sec. F.6 33 V.S.A. § 2502(d) is amended to read:

(d) Subject to budgetary approval by the General Assembly, or approval by the Emergency Board, amounts in the Home Weatherization Assistance Fund created by section 2501 of this title may be transferred to the Home Heating Fuel Assistance ~~Fund created by section 2603 of this title~~ program, and used for energy assistance to low income persons, provided that such transfer does not reduce the fiscal capacity of the State Office of Economic Opportunity to meet the budgetary obligations of the Weatherization Program as set forth in this chapter, and that in the event of approval by the Emergency Board, the Emergency Board so certifies.

Sec. F.7 33 V.S.A. § 2502(c) is amended to read:

(c) The Secretary of Human Services shall by rule establish rent stabilization agreements and provisions to recapture amounts expended for weatherization of a rental unit which exceed the amount of energy cost reductions projected to be obtained by eligible tenants of the unit. The time periods established for rent stabilization and recapture shall be set taking into account the size of benefits received by tenants and landlords as well as the effect on program participation. Funds recaptured under this section shall be deposited into the Home Weatherization Assistance ~~Trust~~ Fund established under section 2501 of this title.

*** EFFECTIVE DATES ***

Sec. G.100 EFFECTIVE DATES

(a) This section and Secs. C.100 (fiscal year 2017 carry forward appropriations), C.101 (fiscal year 2017 fund transfers), C.101.1 (Volkswagen settlement), C.102 (expenditure of Human Services Caseload Management Reserve), C.103 (fiscal year 2017 27/53 Reserve, transfer), C.103.1 (fiscal year 2017 Secretary' office, Global Commitment adjustment), C.104 (fiscal year 2017 Green Mountain Care Board adjustment), C.104.1 (fiscal year 2017 Human Services function total adjustment), C.105–C.106 (fiscal year 2017 Debt service adjustments), C.107–C.110 (fiscal year 2017 teachers' retirement system and health care and medical benefits adjustments) C.111 (Emergency Board composition) C.112 (budget report), C.113 (fiscal year 2017 carry forward authority), C.114 (fiscal year 2017 cost savings), C. 115 (General Fund year end close out), E.100(b)(1) (Labor Relations Manager position), E.100(c)(1) (Security Guard positions), E.100.1(d)(7) (position pilot program, extension), E.100.2, and E.300.1–E.300.8 (transfer Director of Health Care Reform and duties to the Agency of Human Services), E.327 (Woodside

Global Commitment funding), and F.1-F.7 (miscellaneous technical statute corrections) shall take effect on passage.

(b) All remaining sections shall take effect on July 1, 2017.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Toll of Danville** 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. Toll of Danville
Rep. Fagan of Rutland City
Rep. Hooper of Montpelier

Committee of Conference Appointed

S. 50

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 insurance coverage for telemedicine services delivered in or outside a health care facility

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Briglin of Thetford
Rep. Copeland-Hanzas of Bradford
Rep. Christensen of Weathersfield

Committee of Conference Appointed

S. 75

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 aquatic nuisance species control

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Sullivan of Burlington
Rep. Deen of Westminster
Rep. Squirrell of Underhill

Rules Suspended; Bill Messaged to Senate Forthwith**H. 518**

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

House bill, entitled

An act relating to making appropriations for the support of government

Adjournment

At three o'clock and twenty-three 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.

Friday, April 28, 2017

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

Devotional Exercises

Devotional exercises were conducted by State House Singers, Dona Nobis Pacem (Grant Us Peace).

Remarks Journalized

On motion of **Rep. McCoy of Poultney**, the following remarks by **Rep. Scheuermann of Stowe** were ordered printed in the Journal:

“Thank you Madam Speaker:

The first resolution read today was honoring my good friend and former Stowe Town Clerk, Alison Kaiser.

Alison grew up in Stowe and shortly after finishing school there, she was hired by the Town of Stowe. By the time I returned to Stowe in 2001, my old friend Alison – the one with whom I had gone to school, had been in Girls Scouts, played softball, played field hockey under the stern eye of Miss O, and celebrated graduations – was now an elected official in Stowe.

For over two decades Alison served the people and community of Stowe with honesty and integrity, and with the hard work and dedication that she demonstrated throughout her life.

She was so well-respected that she was chosen by her peers to serve on the Vermont League of Cities and Towns Board for many years, and as Vice-Chair of the New England Association of City and Town Clerks. Many of you here will also remember Alison for her work in this building through the years as she lobbied on behalf of our local Town Clerks and local governments.

Alison is now facing an incredible challenge, as her career as Town Clerk was tragically cut short by a car accident. Through no fault of her own, Alison was no longer able to continue her duties as Town Clerk, and was forced to resign this past March.

Knowing Alison as I do, I know she is facing this recovery with the same determination she has always faced challenges. And, I for one, look forward to her next chapter.

Thank you, Alison, for your lifetime of service to the people and Town of Stowe, and to the State of Vermont.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 61

Rep. Taylor of Colchester, for the committee on Corrections and Institutions, to which had been referred Senate bill, entitled

An act relating to offenders with mental illness

Reported in favor of its passage in concurrence with proposal of amendment as follows:

Sec. 1. 13 V.S.A. § 4820(5) is added to read:

(5) When a person who is found to be incompetent to stand trial pursuant to subdivision (2) of this section, the court shall appoint counsel from Vermont Legal Aid to represent the person who is the subject of the proceedings and from the Office of the Attorney General to represent the State in the proceedings.

Sec. 2. 13 V.S.A. § 4821 is amended to read:

§ 4821. NOTICE OF HEARING; PROCEDURES

The person who is the subject of the proceedings, his or her attorney, the legal guardian, if any, the Commissioner of Mental Health or the Commissioner of Disabilities, Aging, and Independent Living, and the ~~State's Attorney or other prosecuting officer representing~~ counsel appointed pursuant to subsection 4820(5) of this title to represent the State in the case, shall be given notice of the time and place of a hearing under section 4820 of this title. Procedures for hearings for persons with a mental illness shall be as provided in 18 V.S.A. chapter 181. Procedures for hearings for persons with an intellectual disability shall be as provided in 18 V.S.A. chapter 206, subchapter 3.

Sec. 3. 28 V.S.A. § 3 is amended to read:

 § 3. GENERAL DEFINITIONS

As used in this title:

* * *

(12) Despite other names this concept has been given in the past or may be given in the future, “segregation” means a form of separation from the general population that may or may not include placement in a single-occupancy cell and that is used for disciplinary, administrative, or other reasons, but shall not mean confinement to an infirmary or a residential treatment setting for purposes of evaluation, treatment, or provision of services.

Sec. 4. 28 V.S.A. § 701a(b) is amended to read:

~~(b) For purposes of this title, and despite other names this concept has been given in the past or may be given in the future, “segregation” means a form of separation from the general population which may or may not include placement in a single occupancy cell and which is used for disciplinary, administrative, or other reasons~~ As used in this section, “segregation” shall have the same meaning as in subdivision 3(12) of this title.

Sec. 5. 28 V.S.A. § 907 is amended to read:

§ 907. MENTAL HEALTH SERVICE FOR INMATES; POWERS AND
RESPONSIBILITIES OF COMMISSIONER

The Commissioner shall administer a program of trauma-informed mental health services ~~which~~ that shall be available to all inmates and shall provide adequate staff to support the program. The program shall provide the following services:

(1)(A) Within 24 hours of admittance to a correctional facility, all inmates shall be screened for any signs of mental illness, mental condition ~~or~~, psychiatric disability or disorder, or serious functional impairment. If as a result of the screening it is determined that the inmate is receiving services under the developmental disabilities home and ~~community based~~ community-based services waiver or is currently receiving community rehabilitation and treatment services, he or she will automatically be designated as having a serious functional impairment.

(B) Every inmate who is identified as a result of screening by a mental health professional as requiring inpatient evaluation, treatment, or services shall, within 24 hours of the screening, be referred for such treatment, evaluation, or services in a setting appropriate to the clinical needs of the inmate.

* * *

Sec. 6. 28 V.S.A. § 907 is amended to read:

§ 907. MENTAL HEALTH SERVICE FOR INMATES; POWERS AND
RESPONSIBILITIES OF COMMISSIONER

* * *

(1)(A) Within 24 hours of admittance to a correctional facility, all inmates shall be screened for any signs of mental illness, mental condition or, psychiatric disability or disorder, or serious functional impairment. If as a result of the screening it is determined that the inmate is receiving services under the developmental disabilities home and community-based services waiver or is currently receiving community rehabilitation and treatment services, he or she will automatically be designated as having a serious functional impairment.

(B) Every inmate who is identified as a result of screening by a mental health professional as requiring inpatient evaluation, treatment, or services shall, within ~~24~~ 48 hours of the screening, be ~~referred for~~ provided with such treatment, evaluation, or services in a setting appropriate to the clinical needs of the inmate.

* * *

Sec. 7. AGENCY OF HUMAN SERVICES; OFFICE OF THE ATTORNEY
GENERAL; REPORT TO STANDING COMMITTEES

On or before January 18, 2018:

(1) the Secretary of Human Services shall report to the House and Senate Committees on Judiciary, the House Committee on Corrections and Institutions, the Senate Committee on Health and Welfare, and the House Committee on Health Care on how best to provide mental health treatment and services to inmates and detainees housed in a correctional facility, including recommendations on whether those services should be provided by a classified State employee working within the Agency of Human Services, by designated agencies, or by other professionals contracted for professional mental health care services within the Department; and

(2) the Secretary of Human Services, in consultation with the Attorney General, shall report to the House and Senate Committees on Judiciary and the House and Senate Committees on Appropriations on the resources necessary to comply with the requirements set forth in 13 V.S.A. § 4820(5). The Committees on Appropriations shall consider the report during their FY 2019 budget deliberations in determining the appropriate funding for the State to meet the requirements of 13 V.S.A. § 4820(c).

Sec. 8. LEGISLATIVE INTENT; DEPARTMENT OF CORRECTIONS;
USE OF SEGREGATION

It is the intent of the General Assembly that the Department of Corrections continue to house inmates in the least restrictive setting necessary to ensure their own safety as well as the safety of staff and other inmates, and to use segregation only in instances when it serves a specific disciplinary or administrative purpose, pursuant to 28 V.S.A. § 3, and to ensure that inmates designated as seriously functionally impaired or inmates with a serious mental illness receive the support and rehabilitative services they need.

Sec. 9. DEPARTMENT OF CORRECTIONS; DEPARTMENT OF
MENTAL HEALTH; FORENSIC MENTAL HEALTH CENTER;
MEMORANDUM OF UNDERSTANDING FOR MENTAL
HEALTH SERVICES; REPORTS

(a)(1) On or before July 1, 2017, the Department of Corrections shall, jointly with the Department of Mental Health, execute a memorandum of understanding regarding mental health services for inmates prior to the establishment of a forensic mental health center as required by subdivision (c) of this section. The memorandum of understanding shall:

(A) establish that when an inmate is identified by the Department of Corrections as requiring a level of care that cannot be adequately provided by the Department of Corrections, then the Department of Mental Health and the Department of Corrections will work together to determine how to augment the inmate's existing treatment plan until the augmented treatment plan is no longer clinically necessary; and

(B) formally outline the role of the Department of Mental Health Care Management Team in facilitating the clinical placement of inmates coming into the custody of the Commissioner of Mental Health pursuant to Title 13 or Title 18 and inmates voluntarily seeking hospitalization who meet inpatient criteria.

(2) On or before July 1, 2017, the Departments shall jointly report on the memorandum of understanding to the Joint Legislative Justice Oversight Committee.

(b) On or before January 18, 2018, the Department of Corrections shall, in consultation with the Department of Mental Health and the designated agencies, and in accordance with the principles set forth in 18 V.S.A. § 7251, develop a plan to create or establish access to a forensic mental health center pursuant to subsection (c) of this section. On or before January 18, 2018, the Departments shall jointly report on the plan to the House and Senate

Committees on Judiciary, the House Committee on Corrections and Institutions, the House Committee on Health Care, and the Senate Committee on Health and Welfare.

(c) On or before July 1, 2019, pursuant to the plan set forth in subsection (b) of this section, a forensic mental health center shall be available to provide comprehensive assessment, evaluation, and treatment for detainees and inmates with mental illness, while preventing inappropriate segregation.

Sec. 10. 2016 Acts and Resolves No. 137, Sec. 7 is amended to read:

Sec. 7. EFFECTIVE DATE; TRANSITION PROVISION

(a) This act shall take effect on passage.

(b) Except as provided in subsection (c) of this section, the Commissioner of Corrections may only release or permit inspection of offender or inmate records in reliance upon an exception to the confidentiality of offender and inmate records if the exception is created by law, including an exception created by rule adopted in accordance with the Administrative Procedure Act under the mandate in Sec. 5, 28 V.S.A. § 107(b)(5).

(c) The Department of Corrections may rely upon exceptions to the confidentiality of offender and inmate files under directives adopted by the Department prior to the effective date of this act until the Commissioner adopts rules pursuant to the rulemaking mandates of Sec. 5, 28 V.S.A. § 107(a) and (b)(5). On or before September 1, 2016, the Commissioner shall prefile rules with the Interagency Committee on Administrative Rules in accordance with these mandates. The Commissioner shall update the Joint Legislative Justice Oversight Committee on the status of its efforts to adopt the rules at the Oversight Committee's first meeting on or after September 1, 2016.

(d)(1) On August 30, 2016, to implement the rulemaking requirements of 28 V.S.A. § 107, the Commissioner prefiled a proposed rule entitled "inmate/offender records and access to information" with the Interagency Committee on Administrative Rules. The Commissioner filed the proposed rule, as corrected, with the Secretary of State on October 13, 2016 and the final proposed rule, as revised, with the Legislative Committee on Administrative Rules (LCAR) on January 31, 2017. After reviewing and receiving testimony on the final proposed rule, as revised, the House Committee on Corrections and Institutions found that it was not consistent with legislative intent because the rule would potentially cause significant costs and disruptions to the Department.

(2) The Commissioner shall:

(A) withdraw the proposed final rule filed with LCAR on January 31,

2017; and

(B) redraft the proposed rule so that it reflects legislative intent as described in subsection (e) of this section.

(3) The Department of Corrections may continue to rely upon exceptions to the confidentiality of offender and inmate files under directives adopted by the Department prior to May 26, 2016 until the Commissioner adopts final rules as required under 28 V.S.A. § 107.

(e) The General Assembly intends that, in either of the following situations, 28 V.S.A. § 107 shall be interpreted not to require the Department to provide an inmate or offender a copy of records:

(1) Previously provided by the Department to the inmate or offender, if the inmate or offender has custody of or the right to access the copy.

(2) If the inmate or offender is responsible for the loss or destruction of a previously provided copy. In the case of such loss or destruction, the inmate or offender may—subject to the limitations of 28 V.S.A. § 107—be entitled to a replacement copy, but the Department may charge him or her for the replacement copy in accordance with law.

(f) On or before October 1, 2017, the Commissioner shall:

(1) develop a plan to implement and use modern records management technology and practices in order to minimize the costs of reviewing, redacting, and furnishing such records in accordance with law; and

(2) send to the members of the House Committee on Corrections and Institutions and of the Senate Committee on Institutions a copy of the plan required under subdivision (1) of this subsection, and a written report that:

(A) summarizes the status of the Department's efforts to redraft the rules as required under subsection (d) of this section; and

(B) outlines the implementation steps, expected benefits and costs to the State of Vermont, and time line associated with transitioning to digital delivery of inmate and offender records.

(g) On or before January 15, 2018, the Commissioner shall submit a copy of the redrafted rules to the House Committee on Corrections and Institutions and to the Senate Committee on Institutions. On or before July 1, 2018, the Commissioner shall prefile the redrafted rules, as may be revised, with the Interagency Committee on Administrative Rules.

Sec. 11. SUBSTANCE ABUSE RECOVERY SERVICES AT
CORRECTIONAL FACILITIES; STUDY

(a) The Commissioner of Corrections, in consultation with the Division of

Alcohol and Drug Abuse, the Judiciary, and the Vermont State Employees Association, shall study approaches to substance abuse recovery services in State and out-of-state correctional facilities for inmates who are in need of substance abuse recovery in order to provide a holistic approach to their recovery. The study shall include:

(1) a review of recovery regimens for inmates, including:

(A) screening by a medical and mental health professional upon initial entry into a correctional facility;

(B) continuing preexisting prescriptions and medication treatments during an inmate's incarceration;

(C) providing supportive and treatment-enhancing activities throughout the inmate's incarceration, including recovery coaching, certified drug and alcohol counselors, and technology-enabled substance abuse recovery programs; and

(D) developing relationships with community providers once an inmate approaches release;

(2) ways to link recovery programs with increased secondary and postsecondary educational opportunities and job skills and training opportunities;

(3) opportunities to develop and use self-help peer groups to assist in recovery and in maintaining abstinence;

(4) opportunities for mandatory and voluntary services;

(5) the estimated number of inmates impacted and costs associated with providing recovery services;

(6) any operational challenges associated with providing recovery services; and

(7) the feasibility of using classified State employees for delivery of services.

(b) On or before December 1, 2017, the Commissioner of Corrections shall submit a report to the House Committees on Corrections and Institutions, on Human Services, and on Judiciary and the Senate Committees on Institutions, on Health and Welfare, and on Judiciary on the findings of the study described in subsection (a) of this section. The report shall include recommendations for legislative action to implement new recovery services based on the findings of the study.

Sec. 12. EFFECTIVE DATES

(a) This section, Sec. 9 (Department of Corrections; Department of Mental Health; forensic mental health center; memorandum of understanding for provision of mental health services; report to standing committees), and Sec. 10 (2016 Acts and Resolves No. 137, Sec. 7) shall take effect on passage.

(b) Secs. 3 (general definitions), 4 (28 V.S.A. § 701a(b)), 5 (mental health service for inmates; powers and responsibilities of commissioner), 7 (Agency of Human Services; Office of the Attorney General report to standing committees), 8 (legislative intent, Department of Corrections; use of segregation), and 11 (substance abuse recovery services at correctional facilities; study) shall take effect on July 1, 2017.

(c) Sec. 6 (mental health service for inmates; powers and responsibilities of Commissioner) shall take effect on July 1, 2019.

(d) Secs. 1 (hearing regarding commitment) and 2 (notice of hearing; procedures) shall take effect on July 1, 2018.

And that after passage the title of the bill be amended to read: “An act relating to offenders with mental illness, inmate records, and inmate services”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Corrections and Institutions agreed to and third reading ordered.

Action on Bill Postponed

S. 33

House bill, entitled

An act relating to the Rozo McLaughlin Farm-to-School Program

Was taken up and pending the reading of the report of the committee on Agriculture & Forestry, on motion of **Rep. Hooper of Brookfield**, action on the bill was postponed until April 29, 2017.

Third Reading; Bill Passed

H. 529

House bill, entitled

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

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 534

House bill, entitled

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

Was taken up, read the third time and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 3

Senate bill, entitled

An act relating to mental health professionals' duty to warn

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 4

Senate bill, entitled

An act relating to publicly accessible meetings of an accountable care organization's governing body

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Second Reading; Bill Amended; Third Reading Ordered

H. 241

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to the charter of the Central Vermont Solid Waste Management District

Reported in favor of its passage when amended as follows:

First: In Sec. 1, 24 App. V.S.A. chapter 403, in section 5, by striking out subdivision (15) in its entirety and inserting in lieu thereof the following:

(15) To exercise the power of eminent domain upon the approval of a majority of the legislative bodies of the member municipalities.

Second: In Sec. 1, 24 App. V.S.A. chapter 403, in section 5, in subdivision (18), after "To levy" and before ", surcharges", by striking out "taxes" and inserting in lieu thereof "assessments"

Third: In Sec. 1, 24 App. V.S.A. chapter 403, in section 5, by striking out subdivision (26) in its entirety and inserting in lieu thereof the following:

(26) To grant nonexclusive franchises or establish collection districts for the purposes of: the collection of recyclable materials; composting; resource recovery; or disposal of solid waste.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

**Favorable Report; Second Reading;
Bill Amended; Third Reading Ordered**

H. 154

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its 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 bill be read a third time? **Rep. Hubert of Milton** moved to amend the bill as follows:

By adding a new section to be Sec. 2A to read:

Sec. 2A. 17 V.S.A. § 2645 is amended to read:

§ 2645. CHARTERS; ADOPTION, REPEAL, OR AMENDMENT;
PROCEDURE

(a) A municipality may propose to the ~~general assembly~~ General Assembly to adopt, repeal, or amend its charter by majority vote of the legal voters of the municipality present and voting at any annual or special meeting warned for that purpose in accordance with the following procedure:

(1) A proposal to adopt, repeal, or amend a municipal charter (charter proposal) may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality.

(2) An official copy of the ~~proposed charter amendments~~ proposal shall be filed as a public record in the office of the clerk of the municipality at least 10 days before the first public hearing. The clerk shall certify the date on which he or she received the official copy, and the dated copies thereof shall be made available to members of the public upon request.

(3)(A) The legislative body of the municipality shall hold at least two public hearings prior to the meeting to vote on the ~~proposed~~ charter amendments proposal.

(B) The first public hearing shall be held in accordance with subdivision (a)(2) of this section and at least 30 days before the ~~annual or special meeting~~ vote.

(4)(A) If the ~~proposals to amend the charter are~~ proposal is made by the legislative body, the legislative body may revise the ~~amendments~~ proposal as a result of suggestions and recommendations made at a public hearing, but in no event shall such revisions be made less than 20 days before the date of the meeting to vote on the charter proposal.

(B) If revisions are made, the legislative body shall post a notice of these revisions in the same places as the warning for the meeting not less than 20 days before the date of the meeting and shall attach such revisions to the official copy kept on file for public inspection in the office of the clerk of the municipality.

(5)(A) If the ~~proposals to amend the charter are~~ proposal is made by petition, the second public hearing shall be held no later than 10 days after the first public hearing. The legislative body shall not have the authority to revise ~~proposals to amend the~~ a charter proposal made by petition.

(B) After the warning and hearing requirements of this section are satisfied, ~~proposals by petition~~ the petitioned charter proposal shall be submitted to the voters at the next annual meeting, primary, or general election in the form in which ~~they were~~ it was filed, except that the legislative body may make technical corrections.

(6)(A) Notice of ~~the each~~ public ~~hearings~~ hearing and of the annual or special meeting shall be given ~~in the same way and time as for annual meetings of the municipality~~ accordance with section 2641 of this chapter.

(B)(i) ~~Such~~ Each notice shall specify the charter sections to be adopted, repealed, or amended, setting out those sections ~~to be amended~~ in the amended form, with deleted matter ~~in brackets~~ struck through and new matter underlined ~~or in italics~~.

(ii) If the legislative body of the municipality determines that the ~~proposed~~ charter ~~amendments are~~ proposal is too long or unwieldy to set out in amended form, the notice shall include a concise summary of the ~~proposed~~ charter ~~amendments~~ proposal and shall state that an official copy of the ~~proposed~~ charter ~~amendments~~ proposal is on file for public inspection in the office of the clerk of the municipality and that copies thereof shall be made available to members of the public upon request.

(7)(A) Voting on a charter amendments proposal shall be by Australian ballot.

(B)(i) The ballot shall show each charter section to be adopted, repealed, or amended in the amended form, with deleted matter in brackets struck through and new matter underlined or in italics, and shall permit the voter to vote on each separate proposal of amendment separately contained within the charter proposal.

(ii) If the legislative body determines that the proposed charter amendments are proposal is too long or unwieldy to be shown in the amended form, an official copy of the proposed charter amendments shall be maintained conspicuously in each ballot booth for inspection by the voters during the balloting and voters shall be permitted to vote upon the charter amendments each separate proposal in their its entirety in the form of a yes or no proposition.

(C) An official copy of the charter proposal shall be posted conspicuously in each ballot booth for inspection by the voters during the balloting.

(b)(1) The clerk of the municipality, under the direction of the legislative body, shall announce and post the results of the vote immediately after the vote is counted.

(2) The clerk, within 10 days after the day of the ~~election meeting~~, shall certify to the ~~secretary of state~~ Secretary of State each separate proposal of amendment contained within the charter proposal, showing the facts as to its origin and the procedure followed, which shall include:

(A)(i) If the charter proposal was made by the legislative body, the minutes recorded by the legislative body that detail the origins and intent of each separate proposal;

(ii) If the charter proposal was made by voter petition, the body of the petition and evidence of the required number of petition signatures;

(B) A copy of the official certified copy of the charter proposal filed with the clerk of the municipality pursuant to subdivision (a)(2) of this section;

(C) Copies of the warnings and published notices for each of the public hearings held pursuant to subdivision (a)(3) of this section;

(D) Minutes recorded by the legislative body that detail each of the public hearings held pursuant to subdivision (a)(3) of this section;

(E) Copies of warnings and published notices for the meeting to vote on the charter proposal; and

(F) A copy of the ballot and the results of the vote or votes on the charter proposal.

(c) ~~The secretary of state~~ After confirming that the clerk of the municipality has certified each of the documents listed in subdivision (b)(2) of this section, the Secretary of State shall file the certificate and deliver copies of it to the attorney general and clerk of the house of representatives Attorney General, the Clerk of the House, the secretary of the senate Secretary of the Senate, and the chairman chairs of the committees concerned with municipal charters of both houses of the ~~general assembly~~ General Assembly.

(d) The ~~amendment~~ charter proposal shall become effective upon affirmative enactment of the proposal, either as proposed or as amended by the ~~general assembly~~ General Assembly. ~~A proposal for a charter amendment may be enacted by reference to the amendment as approved by the voters of the municipality.~~

Which was agreed to. Thereupon third reading was ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 522

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

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

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.

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

H. 513

The Senate proposed to the House to amend House bill, entitled
An act relating to making miscellaneous changes to education law

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Approved Independent Schools Study Committee * * *

Sec. 1. APPROVED INDEPENDENT SCHOOLS STUDY COMMITTEE

(a) Legislative intent. It is the intent of the General Assembly to resolve the issues raised by the State Board of Education's proposed amendments to the 2200 Series of the Rules and Practices of the State Board of Education, initiated by the State Board on November 13, 2015, after taking into account

the report of the Approved Independent Schools Study Committee required under subsection (f) of this section.

(b) Creation. There is created the Approved Independent Schools Study Committee to consider and make recommendations on the criteria to be used by the State Board of Education for designation as an “approved” independent school.

(c) Membership. The Committee shall be composed of the following ten members:

(1) one current member of the House of Representatives who shall be appointed by the Speaker of the House;

(2) one current member of the Senate who shall be appointed by the Committee on Committees;

(3) the Chair of the State Board of Education or designee;

(4) the Secretary of Education or designee;

(5) the Executive Director of the Vermont Superintendent’s Association or designee;

(6) the Executive Director of the Vermont School Boards Association or designee;

(7) the Executive Director of the Vermont Independent Schools Association or designee;

(8) two representatives of approved independent schools, who shall be chosen by the Executive Director of the Vermont Independent Schools Association; and

(9) the Executive Director of the Vermont Council of Special Education Administrators or designee.

(d) Powers and duties. The Committee shall consider and make recommendations on the criteria to be used by the State Board of Education for designation as an “approved” independent school, including the following criteria:

(1) the school’s enrollment policy and any limitation on a student’s ability to enroll;

(2) how the school should be required to deliver special education services and which categories of these services; and

(3) the scope and nature of financial information and special education information that should be required to be reported by the school to the State Board or Agency of Education.

(e) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Education.

(f) Report. On or before December 1, 2017, the Committee shall submit a written report to the House and Senate Committees on Education and the State Board of Education with its findings and any recommendations, including recommendations for any amendments to legislation.

(g) Initiation of Rulemaking. Notwithstanding any provision to the contrary under 16 V.S.A. § 164, the State Board of Education's proposed amendments to the 2200 Series of the Rules and Practices of the State Board of Education, initiated by the State Board on November 13, 2015, shall be null, void, and of no effect. On or before March 1, 2018, and prior to prefiling of rule amendments under 3 V.S.A. § 837, the State Board shall consider the Committee's report required under subsection (f) of this section and submit to the House and Senate Committees on Education new draft amendments to the 2200 Series of its Rules and Practices.

(h) Meetings.

(1) The Secretary of Education shall call the first meeting of the Committee to occur on or before May 30, 2017.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Committee shall cease to exist on January 16, 2018.

(i) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than seven meetings.

(2) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than seven meetings.

* * * Educational and Training Programs for College Credit * * *

Sec. 2. APPROPRIATION TO THE VERMONT STATE COLLEGES
TO EXPAND EDUCATION AND TRAINING EVALUATION
SERVICES PROGRAM

The sum of \$20,000.00 is appropriated from the Next Generation Initiative Fund created pursuant to 16 V.S.A. § 2887 to the Vermont State Colleges for

the purpose of providing funding for the Colleges' Education and Training Evaluation Services Program. The Vermont State Colleges shall use the appropriation to evaluate or reevaluate educational and training programs for college credit at no cost or at a reduced cost to the programs being evaluated. The Vermont State Colleges shall identify training programs in the skilled trades, including the plumbing and electrical trades, to receive these evaluation services. The Vermont State Colleges shall, on or before January 15, 2018, issue a report to the House and Senate Committees on Education describing how the funds appropriated pursuant to this section have been spent, how any remaining funds appropriated pursuant to this section will be spent, and the number and nature of the programs evaluated or reevaluated and the results of the evaluations.

* * * Student Enrollment; Small School Grant * * *

Sec. 3. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

(1) "Eligible school district" means a school district that operates at least one school; and

(A) has a two-year average combined enrollment of fewer than 100 students in all the schools operated by the district; or

(B) has an average grade size of 20 or fewer.

(2) "Enrollment" means the number of students who are enrolled in a school operated by the district on October 1. A student shall be counted as one whether the student is enrolled as a full-time or part-time student. Students enrolled in prekindergarten programs shall not be counted.

(3) "Two-year average enrollment" means the average enrollment of the two most recently completed school years.

(4) "Average grade size" means two-year average enrollment divided by the number of grades taught in the district on October 1. For purposes of this calculation, kindergarten and prekindergarten programs shall be counted together as one grade.

* * *

* * * Vermont Standards Board for Professional Educators * * *

Sec. 4. 16 V.S.A. § 1693 is amended to read:

§ 1693. STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

(a) There is hereby established the Vermont Standards Board for Professional Educators comprising 13 members as follows: seven teachers,

two administrators, one of whom shall be a school superintendent, one public member, one school board member, one representative of educator preparation programs from a public institution of higher education, and one representative of educator preparation programs from a private institution of higher education.

* * *

Sec. 5. TRANSITIONAL PROVISION

A superintendent shall be appointed to the Vermont Standards Board for Professional Educators upon the next expiration of the term of a member who is serving on the Board as an administrator.

Sec. 6. [Deleted.]

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

* * * Renewal of Principal's Contracts * * *

Sec. 9. 16 V.S.A. § 243(c) is amended to read:

(c) Renewal and nonrenewal. A principal who has been continuously employed for more than two years in the same position has the right either to have his or her contract renewed, or to receive written notice of nonrenewal ~~at least 90 days before~~ on or before February 1 of the year in which the existing contract expires. Nonrenewal may be based upon elimination of the position, performance deficiencies, or other reasons. The written notice shall recite the grounds for nonrenewal. If nonrenewal is based on performance deficiencies, the written notice shall be accompanied by an evaluation performed by the superintendent. At its discretion, the school board may allow a period of remediation of performance deficiencies prior to issuance of the written notice. After receiving such a notice, the principal may request in writing, and shall be granted, a meeting with the school board. Such request shall be delivered within 15 days of delivery of notice of nonrenewal, and the meeting shall be held within 15 days of delivery of the request for a meeting. At the meeting, the school board shall explain its position, and the principal shall be allowed to respond. The principal and any member of the board may present written information or oral information through statements of others, and the principal and the board may be represented by counsel. The meeting shall be in executive session unless both parties agree in writing that it be open to the public. After the meeting, the school board shall decide whether or not to offer the principal an opportunity to renew his or her contract. The school board shall issue its decision in writing within five days. The decision of the school board shall be final.

* * * Postsecondary Schools * * *

Sec. 10. 16 V.S.A § 176(d) is amended to read:

(d) Exemptions. The following are exempt from the requirements of this section except for the requirements of subdivision (c)(1)(C) of this section:

* * *

(4) Postsecondary schools that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate: Bennington College, ~~Burlington College~~, Champlain College, College of St. Joseph, Goddard College, Green Mountain College, Landmark College, Marlboro College, Middlebury College, New England Culinary Institute, Norwich University, Saint Michael's College, SIT Graduate Institute, Southern Vermont College, Sterling College, Vermont College of Fine Arts, and Vermont Law School. This authorization is provided solely to the extent necessary to ensure institutional compliance with federal financial aid-related regulations, and it does not affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.

* * *

* * * Educational Opportunities * * *

Sec. 11. 16 V.S.A § 165(b) is amended to read:

(b) ~~Every two years~~ Annually, the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the education quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance set forth in subdivision 164(9) of this title, he or she shall describe in writing actions that a district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient progress ~~by the end of the next two year period~~ within two years of the determination, the Secretary shall recommend to the State Board one or more of the following actions:

* * *

* * * Local Education Agency * * *

Sec. 12. 16 V.S.A. § 563 is amended to read:

§ 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

The school board of a school district, in addition to other duties and authority specifically assigned by law:

* * *

(26) ~~Shall carry out the duties of a local education agency, as that term~~

~~is defined in 20 U.S.C. § 7801(26), for purposes of determining student performance and application of consequences for failure to meet standards and for provision of compensatory and remedial services pursuant to 20 U.S.C. §§ 6311-6318. [Repealed.]~~

* * *

* * * State-placed and Homeless Students * * *

Sec. 13. 16 V.S.A § 1075 is amended to read:

§ 1075. LEGAL RESIDENCE DEFINED; RESPONSIBILITY AND
PAYMENT OF EDUCATION OF STUDENT

* * *

(c) State-placed students.

(1) A State-placed student in the legal custody of the Commissioner for Children and Families, other than one placed in a 24-hour residential facility and except as otherwise provided in this subsection, shall be educated by the school district in which the student is living the student's school of origin, unless an alternative plan or facility for the education of the student is agreed upon by Secretary the student's education team determines that it is not in the student's best interest to attend the school of origin. The student's education team shall include, as applicable, the student, the student's parents and foster parents, the student's guardian ad litem and educational surrogate parent, representatives of both the school of origin and potential new school, and a representative of the Family Services Division of the Department for Children and Families. In the case of a dispute as to where a State placed student is living, the Secretary shall conduct a hearing to determine which school district is responsible for educating the student. The Secretary's decision shall be final about whether it is in the student's best interest to attend the school of origin, the Commissioner for Children and Families shall make the final decision. As used in this section, "school of origin" means the school in which the child was enrolled at the time of placement into custody of the Commissioner for Children and Families, or in the case of a student already in the custody of the Commissioner for Children and Families, the school the student most recently attended.

(2) If a student is a State-placed student pursuant to subdivision 11(a)(28)(D)(i)(I) of this title, then the Department for Children and Families shall ~~assume responsibility~~ be responsible for the student's transportation to and from school, unless the receiving district chooses to provide transportation.

(3) A State-placed student not in the legal custody of the Commissioner for Children and Families, other than one placed in a 24-hour residential facility and except as otherwise provided in this subsection, shall be educated by the school district in which the student is living unless an alternative plan or

facility for the education of the student is agreed upon by the Secretary. In the case of dispute as to where a State-placed student is living, the Secretary shall conduct a hearing to determine which school district is responsible for educating the student. The Secretary's decision shall be final.

(4) A student who is in temporary legal custody pursuant to 33 V.S.A. § 5308(b)(3) or (4) and is a State-placed student pursuant to subdivision 11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary legal custodian's discretion, in the district in which the student's parents reside, the district in which either parent resides if the parents live in different districts, the district in which the student's legal guardian resides, or the district in which the temporary legal custodian resides. If the student enrolls in the district in which the temporary legal custodian resides, the district shall provide transportation in the same manner and to the same extent it is provided to other students in the district. In all other cases, the temporary legal custodian is responsible for the student's transportation to and from school, unless the receiving district chooses to provide transportation.

~~(4)~~(5) If a student who had been a State-placed student pursuant to subdivision 11(a)(28) of this title is returned to live in the district in which one or more of the student's parents or legal guardians reside, then, at the request of the student's parent or legal guardian, the Secretary may order the student to continue his or her enrollment for the remainder of the academic year in the district in which the student resided prior to returning to the parent's or guardian's district and the student will continue to be funded as a State-placed student. Unless the receiving district chooses to provide transportation:

* * *

(e) For the purposes of this title, the legal residence or residence of a child of homeless parents is ~~where the child temporarily resides~~ the child's school of origin, as defined in subdivision (c)(1) of this section, unless the parents and another school district agree that the child's attendance in school in that school district will be in the best interests of the child ~~in that continuity of education will be provided and transportation will not be unduly burdensome to the school district.~~ A "child of homeless parents" means a child whose parents:

* * *

* * * Early College * * *

Sec. 14. REPEAL

16 V.S.A § 4011(e) (early college) is repealed.

Sec. 15. 16 V.S.A § 946 is added to read:

§ 946. EARLY COLLEGE

(a) For each grade 12 Vermont student enrolled, the Secretary shall pay an

amount equal to 87 percent of the base education amount to:

(1) the Vermont Academy of Science and Technology (VAST); and

(2) an early college program other than the VAST program that is developed and operated or overseen by the University of Vermont, by one of the Vermont State Colleges, or by an accredited private postsecondary school located in Vermont and that is approved for operation by the Secretary; provided, however, when making a payment under this subdivision (2), the Secretary shall not pay more than the tuition charged by the institution.

(b) The Secretary shall make the payment pursuant to subsection (a) of this section directly to the postsecondary institution, which shall accept the amount as full payment of the student's tuition.

(c) A student on whose behalf the Secretary makes a payment pursuant to subsection (a) of this subsection:

(1) shall be enrolled as a full-time student in the institution receiving the payment for the academic year for which payment is made;

(2) shall not be enrolled concurrently in a secondary school operated by the student's district of residence or to which the district pays tuition on the student's behalf; and

(3) shall not be included in the average daily membership of any school district for the academic year for which payment is made; provided, however, that if more than five percent of the grade 12 students residing in a district enroll in an early college program, then the district may include the number of students in excess of five percent in its average daily membership; but further provided that a student in grade 12 enrolled in a college program shall be included in the percentage calculation only if, for the previous academic year, the student was enrolled in a school maintained by the district or was a student for whom the district paid tuition to a public or approved independent school.

(d) A postsecondary institution shall not accept a student into an early college program unless enrollment in an early college program was an element of the student's personalized learning plan.

Sec. 16. REPEAL

16 V.S.A § 4011a (early college program; report; appropriations) is repealed.

Sec. 17. 16 V.S.A § 947 is added to read:

§ 947. EARLY COLLEGE PROGRAM; REPORT; APPROPRIATION

(a) Notwithstanding 2 V.S.A. § 20(d), any postsecondary institution receiving funds pursuant to section 946 of this title shall report annually in

January to the Senate and House Committees on Education regarding the level of participation in the institution's early college program, the success in achieving the stated goals of the program to enhance secondary students' educational experiences and prepare them for success in college and beyond, and the specific results for participating students relating to programmatic goals.

(b) In the budget submitted annually to the General Assembly pursuant to 32 V.S.A. chapter 5, the Governor shall include the recommended appropriation for all early college programs to be funded pursuant to section 946 of this title, including the VAST program, as a distinct amount.

* * * Advisory Council on Special Education * * *

Sec. 18. 16 V.S.A § 2945(c) is amended to read:

(c) The members of the Council who are employees of the State shall receive no additional compensation for their services, but actual and necessary expenses shall be allowed State employees, and shall be charged to their departments or institutions. The members of the Council who are not employees of the State shall receive a per diem compensation ~~of \$30.00 per day~~ as provided under 32 V.S.A. § 1010 for each day of official business and reimbursement for actual and necessary expenses at the rate allowed State employees.

* * *

* * * Criminal Record Checks * * *

Sec. 19. 16 V.S.A. § 255(k) is added to read:

(k) The requirements of this section shall not apply to superintendents and headmasters with respect to persons operating or employed by a child care facility, as defined under 33 V.S.A. § 3511, that provides prekindergarten education pursuant to section 829 of this title and that is required to be licensed by the Department for Children and Families pursuant to 33 V.S.A. § 3502. Superintendents and headmasters are not prohibited from conducting a criminal record check as a condition of hiring an employee to work in a child care facility that provides prekindergarten education operated by the school.

* * * Agency Of Education Report; English Language Learners * * *

Sec. 20. AGENCY OF EDUCATION REPORT; ENGLISH LANGUAGE LEARNERS

As part of the management of federal funds for students for whom English is not the primary language, the Agency of Education shall convene at least one meeting of representatives from the supervisory unions and supervisory districts that receive these funds, including those responsible for the

administration of these funds, which shall take place prior to the creation of budgets for the next school year. The meeting participants shall explore ways to reduce barriers to the use of funds available under the federal Elementary and Secondary Education Act and help the supervisory unions and supervisory districts develop strategies for best meeting the needs of students for whom English is not the primary language as permitted under federal and State law. In addition, the meeting participants shall discuss the weighting formulas for students from economically deprived backgrounds and students for whom English is not the primary language, and whether these formulas should be revised. The Agency of Education shall report the results of these discussions to the Senate and House Committees on Education on or before January 15, 2018.

* * * Prekindergarten Programs; STARS ratings * * *

Sec. 21. 16 V.S.A. § 829(c) is amended to read:

(c) Prequalification. Pursuant to rules jointly developed and overseen by the Secretaries of Education and of Human Services and adopted by the State Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine that a private or public provider of prekindergarten education is qualified for purposes of this section and include the provider in a publicly accessible database of prequalified providers. At a minimum, the rules shall define the process by which a provider applies for and maintains prequalification status, shall identify the minimum quality standards for prequalification, and shall include the following requirements:

(1) A program of prekindergarten education, whether provided by a school district or a private provider, shall have received:

(A) National Association for the Education of Young Children (NAEYC) accreditation; or

(B) at least four stars in the Department for Children and Families' STARS system ~~with at least two points in each of the five arenas~~; or

(C) three stars in the STARS system if the provider has developed a plan, approved by the Commissioner for Children and Families and the Secretary of Education, to achieve four or more stars in no more than two years ~~with at least two points in each of the five arenas~~, and the provider has met intermediate milestones.

* * *

* * * Act 46 Findings * * *

Sec. 22. ACT 46 FINDINGS

(a) 2015 Acts and Resolves No. 46 established a multi-year, phased process that provides multiple opportunities for school districts to unify existing

governance units into more “sustainable governance structures” designed to meet the General Assembly’s identified educational and fiscal goals while recognizing and reflecting local priorities. It has been the General Assembly’s intent to revitalize Vermont’s small schools – to promote equity in their offerings and stability in their finances – through these changes in governance.

(b) As of Town Meeting Day 2017, voters in 96 Vermont towns have voted to merge 104 school districts into these slightly larger, more sustainable governance structures, resulting in the creation of 20 new unified union districts (serving prekindergarten–grade 12 students). As a result, approximately 60 percent of Vermont’s school-age children live or will soon live in districts that satisfy the goals of Act 46.

(c) These slightly larger, more flexible unified union districts have begun to realize distinct benefits, including the ability to offer kindergarten–grade 8 choice among elementary schools within the new district boundaries; greater flexibility in sharing students, staff, and resources among individual schools; the elimination of bureaucratic redundancies; and the flexibility to create magnet academies, focusing on a particular area of specialization by school.

(d) Significant areas of the State, however, have experienced difficulty satisfying the goals of Act 46. The range of complications is varied, including operating or tuitioning models that differ among adjoining districts, geographic isolation due to lengthy driving times or inhospitable travel routes between proposed merger partners, and greatly differing levels of debt per equalized pupil between districts involved in merger study committees. This act is designed to make useful changes to the merger time lines and allowable governance structures under Act 46 without weakening or eliminating the Act’s fundamental phased merger and incentive structures and requirements.

* * * Side-by-Side Structures * * *

Sec. 23. 2012 Acts and Resolves No. 156, Sec. 15 is amended to read:

Sec. 15. TWO OR MORE MERGERS; REGIONAL EDUCATION
DISTRICT INCENTIVES

(a) Notwithstanding 2010 Acts and Resolves No. 153, 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, Sec. 4 if:

* * *

(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; each new district has a model of operating schools or paying tuition that is different from the model of the other, which may include:

(A) operating a school or schools for all resident students in prekindergarten through grade 12;

(B) operating a school or schools for all resident students in some grades and paying tuition for resident students in the other grades; or

(C) operating no schools and paying tuition for all resident students in prekindergarten through grade 12;

* * *

(b) This section is repealed on July 1, ~~2017~~ 2019.

Sec. 24. **THREE-BY-ONE SIDE-BY-SIDE STRUCTURE; REGIONAL EDUCATION DISTRICT INCENTIVES**

(a) Notwithstanding 2010 Acts and Resolves No. 153, Sec. 3(a)(1) 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, a new district shall be eligible for the incentives provided in No. 153, Sec. 4 as amended by 2012 Acts and Resolves No. 156 and 2015 Acts and Resolves No. 46 if:

(1) The new district is formed by the merger of at least three existing districts (Merged District) and, together with an existing district (Existing District), are members of the same supervisory union following the merger (Three-by-One Side-by-Side Structure).

(2) As of March 7, 2017 (Town Meeting Day), the Existing District is either:

(A) geographically isolated, due to lengthy driving times or inhospitable travel routes between the Existing District's school or schools and the nearest school in which there is excess capacity as determined by the State Board of Education;

(B) structurally isolated, because all adjoining school districts have operating or tuitioning models that differ from the Existing District; or

(C) unable to reach agreement to consolidate with one or more other adjoining school districts because the school districts that adjoin the Existing District have greatly differing levels of indebtedness per equalized pupil, as defined in 16 V.S.A. § 4001(3), from that of the Existing District as determined by the State Board of Education.

(3) The Merged District and the Existing District each has a model of operating schools or paying tuition that is different from the model of the

other. These models are:

(A) operating a school or schools for all resident students in prekindergarten through grade 12;

(B) operating a school or schools for all resident students in some grades and paying tuition for resident students in the other grades; or

(C) operating no schools and paying tuition for all resident students in prekindergarten through grade 12.

(4) The Three-by-One Side-by-Side Structure meets all criteria for RED formation other than the size criterion of 2010 Acts and Resolves No. 153, Sec. 3(a)(1) (average daily membership of at least 1,250) and otherwise as provided in this section.

(5) The districts seeking approval of their proposed Three-by-One Side-by-Side Structure demonstrate in their report presented to the State Board that this structure is better suited to them than a governance structure described in 2015 Acts and Resolves No. 46, Sec. 6, and will meet the goals set forth in Sec. 2 of that Act.

(6) The districts proposing to merge into the Merged District receive final approval from their electorate for the merger proposal on or before November 30, 2017, and the Merged District becomes fully operational on or before July 1, 2019.

(b) The incentives provided in 2010 Acts and Resolves No. 153, Sec. 4 shall be available to the Merged District and shall not be available to the Existing District.

(c) The Existing District shall be exempt from the requirement under 2015 Acts and Resolves No. 46, Secs. 9 and 10 to self-evaluate and make a proposal to the Secretary of Education and State Board of Education and from the State Board's plan.

**Sec. 25. TWO-BY-TWO-BY-ONE SIDE-BY-SIDE STRUCTURE;
REGIONAL EDUCATION DISTRICT INCENTIVES**

(a) Notwithstanding 2010 Acts and Resolves No. 153, Sec. 3(a)(1) 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 for the incentives provided in No. 153, Sec. 4 as amended by 2012 Acts and Resolves No. 156 and 2015 Acts and Resolves No. 46 if:

(1) Each new district is formed by the merger of at least two existing districts (each a Merged District) and, together with an existing (Existing District), are members of the same supervisory union following the merger

(Two-by-Two-by-One Side-by-Side Structure).

(2) As of March 7, 2017 (Town Meeting Day), the Existing District is either:

(A) geographically isolated, due to lengthy driving times or inhospitable travel routes between the Existing District's school or schools and the nearest school in which there is excess capacity as determined by the State Board of Education;

(B) structurally isolated, because all adjoining school districts have operating or tuitioning models that differ from the Existing District; or

(C) unable to reach agreement to consolidate with one or more other adjoining school districts because the school districts that adjoin the Existing District have greatly differing levels of indebtedness per equalized pupil, as defined in 16 V.S.A. § 4001(3), from that of the Existing District as determined by the State Board of Education.

(3) Each Merged District and the Existing District has a model of operating schools or paying tuition that is different from the model of each other. These models are:

(A) operating a school or schools for all resident students in prekindergarten through grade 12;

(B) operating a school or schools for all resident students in some grades and paying tuition for resident students in the other grades; or

(C) operating no schools and paying tuition for all resident students in prekindergarten through grade 12.

(4) The Two-by-Two-by-One Side-by-Side Structure meets all criteria for RED formation other than the size criterion of 2010 Acts and Resolves No. 153, Sec. 3(a)(1) (average daily membership of at least 1,250) and otherwise as provided in this section.

(5) The districts seeking approval of their proposed Two-by-Two-by-One Side-by-Side Structure demonstrate in their report presented to the State Board that this structure is better suited to them than a governance structure described in 2015 Acts and Resolves No. 46, Sec. 6, and will meet the goals set forth in Sec. 2 of that act.

(6) Each Merged District has the same effective date of merger.

(7) The districts proposing to merge into each Merged District receive final approval from their electorate for the merger proposal on or before November 30, 2017, and each Merged District becomes fully operational on or before July 1, 2019.

(b) The incentives provided in 2010 Acts and Resolves No. 153, Sec. 4 shall be available to each Merged District and shall not be available to the Existing District.

(c) The Existing District shall be exempt from the requirement under 2015 Acts and Resolves No. 46, Secs. 9 and 10 to self-evaluate and make a proposal to the Secretary of Education and State Board of Education and from the State Board's plan.

* * * Withdrawal from Union School District * * *

Sec. 26. TEMPORARY AUTHORITY TO WITHDRAW FROM UNION SCHOOL DISTRICT

(a) Notwithstanding any provision of 16 V.S.A. § 721a to the contrary, a school district may withdraw from a union high school district without approval by the remaining members of the union high school district upon the following conditions:

(1) The school district proposing to withdraw from the union high school district operates a school or schools for all resident students in prekindergarten through grade 6 and pays tuition for resident students in grade 7 through grade 12.

(2) At least one year has elapsed since the union high school district became a body politic and corporate as provided in 16 V.S.A. § 706g.

(3) A majority of the voters of the school district proposing to withdraw from the union high school district present and voting at a school district meeting duly warned for that purpose votes to withdraw from the union high school district. The clerk of the school district shall certify the vote to the Secretary of State, who shall record the certificate in his or her office and shall give notice of the vote to the Secretary of Education and to the other members of the union high school district.

(4) The State Board approves the withdrawal based on a recommendation from the Secretary of Education.

(5) The withdrawal process is completed on or before July 1, 2019.

(b) In making his or her recommendation, the Secretary of Education shall assess whether:

(1) students in the withdrawing school district would attend a school that complies with the rules adopted by the State Board pertaining to educational programs; and

(2) it is in the best interests of the State, the students, and the districts remaining in the union high school district for the union to continue to exist.

(c) The State Board shall:

(1) consider the recommendation of the Secretary and any other information it deems appropriate;

(2) hold a public meeting within 60 days of receiving the recommendation of the Secretary, and provide due notice of this meeting to the Secretary and all members of the union high school district;

(3) within 10 days of the meeting, notify the Secretary and all members of the union high school district of its decision;

(4) if it approves the withdrawal, declare the membership of the withdrawing school district in the union high school district terminated as of July 1 immediately following, or as soon after July 1 as the financial obligations of the withdrawing school district have been paid to, or an agreement has been made with, the union high school district in an amount to satisfy those obligations; and

(5) file the declaration with the Secretary of State, the clerk of the withdrawing school district, and the clerk of the union high school district concerned.

Sec. 27. REPEAL

Sec. 26 of this act is repealed on July 2, 2019.

* * * Time Extension for Qualifying Districts * * *

Sec. 28. 2015 Acts and Resolves No. 46, Sec. 9 is amended to read:

Sec. 9. SELF-EVALUATION, MEETINGS, AND PROPOSAL

(a) ~~On~~ Subject to subsection (b) of this section, on or before November 30, 2017, the board of each school district in the State that:

(1) has a governance structure different from the preferred structure identified in Sec. 5(b) of this act (Education District), or that does not expect to become or will not become an Education District on or before July 1, 2019; or

(2) does not qualify for an exemption under Sec. 10(c) of this act, shall perform each of the following actions-;

~~(1)(A)~~ Self-evaluation. The board shall evaluate its current ability to meet or exceed each of the goals set forth in Sec. 2 of this act.

~~(2)(B)~~ Meetings.

~~(A)(i)~~ The board shall meet with the boards of one or more other districts, including those representing districts that have similar patterns of school operation and tuition payment, to discuss ways to promote

improvement throughout the region in connection with the goals set forth in Sec. 2 of this act.

~~(B)~~(ii) The districts do not need to be contiguous and do not need to be within the same supervisory union.

~~(3)~~(C) Proposal. The board of the district, solely on behalf of its own district or jointly with the boards of other districts, shall submit a proposal to the Secretary of Education and the State Board of Education in which the district:

~~(A)~~(i) proposes to retain its current governance structure, to work with other districts to form a different governance structure, or to enter into another model of joint activity;

~~(B)~~(ii) demonstrates, through reference to enrollment projections, student-to-staff ratios, the comprehensive data collected pursuant to 16 V.S.A. § 165, and otherwise, how the proposal in subdivision ~~(A)~~(i) of this subdivision ~~(3)~~(C) supports the district's or districts' ability to meet or exceed each of the goals set forth in Sec. 2 of this act; ~~and~~

~~(C)~~(iii) identifies detailed actions it proposes to take to continue to improve its performance in connection with each of the goals set forth in Sec. 2 of this act; ~~and~~

(iv) describes its history of merger, consolidation, or other models of joint activity with other school districts before the enactment of this act, and its consideration of merger, consolidation, or other models of joint activity with other school districts on or after the enactment of this act.

(b) The date by which a qualifying district must take the actions required by subsection (a) of this section is extended from November 30, 2017 to January 31, 2018. A qualifying district is a district that:

(1) proposed a school district consolidation plan under 2010 Acts and Resolves No. 153, as amended, or 2012 Acts and Resolves No. 156, as amended, which was rejected by voters;

(2) is a member of a study committee formed under 16 V.S.A. § 706 that provides to the Secretary a declaration that another school district wants to join the district's study committee, signed by each member of the study committee and the district that proposes to join the study committee; or

(3) is a member of a supervisory union that, on or after July 1, 2010, combined with another supervisory union.

Sec. 29. TIME EXTENSION FOR VOTE OF ELECTORATE

Notwithstanding any provision of law to the contrary, the date by which a

qualifying district must receive final approval from the electorate for its merger proposal is extended from July 1, 2017 to November 30, 2017. A qualifying district is a district that:

(1) proposed a school district consolidation plan under 2010 Acts and Resolves No. 153, as amended, or 2012 Acts and Resolves No. 156, as amended, which was rejected by voters;

(2) is a member of a study committee formed under 16 V.S.A. § 706 that provides to the Secretary a declaration that another school district wants to join the district's study committee, signed by each member of the study committee and the district that proposes to join the study committee; or

(3) is a member of a supervisory union that, on or after July 1, 2010, combined with another supervisory union.

* * * Grants and Fee Reimbursement * * *

Sec. 30. 2015 Acts and Resolves No. 46, Sec. 7 is amended to read:

Sec. 7. SCHOOL DISTRICTS CREATED AFTER DEADLINE FOR ACCELERATED ACTIVITY; TAX INCENTIVES; SMALL SCHOOL SUPPORT; JOINT CONTRACT SCHOOLS

* * *

(b) A newly formed school district that meets the criteria set forth in subsection (a) of this section shall receive the following:

* * *

(3) Transition Facilitation Grant.

(A) After voter approval of the plan of merger, notwithstanding any provision to the contrary in 16 V.S.A. § 4025, the Secretary of Education shall pay the transitional board of the new district a Transition Facilitation Grant from the Education Fund equal to the lesser of:

(i) 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

(ii) \$150,000.00.

(B) A Transition Facilitation Grant awarded under this subdivision (3) shall be reduced by the total amount of reimbursement paid for consulting services, analysis, and transition costs pursuant to 2012 Acts and Resolves No. 156, Secs. 2, 4, and 9.

* * *

(e) Notwithstanding the requirement in subdivision (a)(3) of this section that the newly formed school district be its own supervisory district, the newly

formed school district shall qualify for the incentives under this section even if it is assigned to a supervisory union by the State Board of Education and that assignment by the State Board is not made at the request of the school district.

Sec. 31. 2012 Acts and Resolves No. 156, Sec. 9 is amended to read:

Sec. 9. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;
MERGER; SCHOOL DISTRICTS; SUNSET

(a) From the ~~education fund~~ Education Fund, the ~~commissioner of education~~ Secretary 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, and to conduct community outreach, including communications with voters. Community outreach materials shall be limited to those that are reasonably designed to inform and educate. Not more than 30 percent of the reimbursement amount provided by the Secretary under this section shall be used for the purpose of community outreach.

* * *

Sec. 32. 2015 Acts and Resolves No. 46, Sec. 10 is amended to read:

Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE
STRUCTURES; PROPOSAL; FINAL PLAN

* * *

(d)(1) The Secretary of Education shall make a supplemental Transitional Facilitation Grant of \$10,000.00 to a school district that:

(A) has received or is eligible to receive tax incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended (a qualifying school district); and

(B) either on its own initiative or at the request of the State Board, agrees by vote of its electorate to merge with another school district (a qualifying merger).

(2) A qualifying school district shall use the grant funding to defray the cost of integration. The Secretary shall pay the grant amount to a qualifying school district for each qualifying merger with a school district even if multiple qualifying mergers are effective on the same date. The Secretary shall pay the grant amount not later than 30 days after all required approvals are obtained.

(3) Notwithstanding any provision to the contrary in 16 V.S.A. § 4025, the Secretary of Education shall pay the supplemental Transition Facilitation Grant from the Education Fund.

(4) The supplemental Transition Facilitation Grant shall be available for a

qualifying merger initiated by a qualifying school district only if the merger is scheduled to take effect on or before November 30, 2018.

* * * Applications for Adjustments to Supervisory Union Boundaries * * *

Sec. 33. 16 V.S.A. § 261 is amended to read:

§ 261. ORGANIZATION AND ADJUSTMENT OF SUPERVISORY
UNIONS

(a) The State Board shall review on its own initiative or when requested as per subsection (b) of this section and may regroup the supervisory unions of the State or create new supervisory unions in such manner as to afford increased efficiency or greater convenience and economy and to facilitate prekindergarten through grade 12 curriculum planning and coordination as changed conditions may seem to require.

(b)(1) Any school district that has so voted at its annual school district meeting, if said meeting has been properly warned regarding such a vote, may request that the State Board adjust the existing boundaries of the supervisory union of which it is a member district.

(2) Any group of school districts that have so voted at their respective annual school district meeting, regardless of whether the districts are members of the same supervisory union, may request that the State Board adjust existing supervisory union boundaries and move one or more nonrequesting districts to a different supervisory union if such adjustment would assist the requesting districts to realign their governance structures into a unified union school district pursuant to chapter 11 of this title.

(3) The State Board shall ~~give timely consideration to requests~~ act on a request made pursuant to this subsection within 75 days of receipt of the request and may regroup the school districts of the area so as to ensure reasonable supervision of all public schools therein.

* * *

* * * Technical Corrections; Clarifications * * *

Sec. 34. 2012 Acts and Resolves No. 156, Sec. 16 is amended to read:

Sec. 16. UNION ELEMENTARY SCHOOL DISTRICTS; REGIONAL
EDUCATION DISTRICT INCENTIVES

* * *

(b) This section is repealed on July 1, ~~2017~~ 2019.

Sec. 35. 2012 Acts and Resolves No. 156, Sec. 17 is amended to read:

Sec. 17. MODIFIED UNIFIED UNION SCHOOL DISTRICT

* * *

(d) This section is repealed on July 1, ~~2017~~ 2019.

Sec. 36. AVAILABILITY OF TAX AND OTHER INCENTIVES

The tax and other incentives under 2010 Acts and Resolves No. 153, as amended, and 2012 Acts and Resolves No. 156, as amended, shall be available only if the new governance structure formed under those acts becomes fully operational on or before July 1, 2019.

Sec. 37. 2015 Acts and Resolves No. 46, Sec. 23 is amended to read:

Sec. 23. DECLINING ENROLLMENT; TRANSITION

(a) If a district's equalized pupils in fiscal year 2016 do not reflect any adjustment pursuant to 16 V.S.A. § 4010(f), then Sec. 22 of this act shall apply to the district in fiscal year 2017 and after.

(b) If a district's equalized pupils in fiscal year 2016 reflect adjustment pursuant to 16 V.S.A. § 4010(f), then, notwithstanding the provisions of § 4010(f) as amended by this act:

(1) in fiscal year 2017, the district's equalized pupils shall in no case be less than 90 percent of the district's equalized pupils in the previous year; and

(2) in fiscal year 2018, the district's equalized pupils shall in no case be less than 80 percent of the district's equalized pupils in the previous year.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, if a district is actively engaged in merger discussions with one or more other districts regarding the formation of a regional education district (RED) or other form of unified union school district pursuant to 16 V.S.A. chapter 11, then Sec. 22 of this act shall apply to the district in fiscal year 2018 and after, and each of the dates in subsection (b) of this section shall be adjusted accordingly. A district shall be "actively engaged in merger discussions" pursuant to this subsection (c) if on or before July 1, 2016, it has formed a study committee pursuant to 16 V.S.A. chapter 11. Until such time as Sec. 22 of this act shall apply to the district, the district's equalized pupil count shall be calculated under 16 V.S.A. § 4010(f), as in effect on June 30, 2016.

* * * Student Rights; Freedom of Expression * * *

Sec. 38. 16 V.S.A. chapter 42 is added to read:

CHAPTER 42. STUDENT RIGHTS

§ 1623. FREEDOM OF EXPRESSION

(a) Findings.

(1) The General Assembly finds that freedom of expression and freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the

U.S. Constitution and to every resident of this State by Vt. Const. Ch. I, Art. 13.

(2) These freedoms provide all citizens, including students, with the right to engage in robust and uninhibited discussion of issues.

(3) The General Assembly intends to ensure free speech and free press protections for both public school students and students at public institutions of higher education in this State in order to encourage students to become educated, informed, and responsible members of society.

(b) Definitions. As used in this chapter:

(1) "Media adviser" means an individual employed, appointed, or designated by a school or its governing body to supervise or provide instruction relating to school-sponsored media.

(2) "School" means a public school operating in the State.

(3) "School-sponsored media" means any material that is prepared, written, published, or broadcast as part of a school-supported program or activity by a student journalist and is distributed or generally made available as part of a school-supported program or activity to an audience beyond the classroom in which the material is produced.

(4) "Student journalist" means a student enrolled at a school who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(5) "Student supervisor" is a student who is responsible for editing school-sponsored media.

(c)(1) Subject to subsection (e) of this section, a student journalist may exercise freedom of speech and freedom of the press in school-sponsored media.

(2) Subdivision (1) of this subsection shall not be construed to be limited by the fact that the school-sponsored media are:

(A) supported financially by a school or its governing body, or by use of facilities owned by the school; or

(B) produced in conjunction with a class in which the student journalist is enrolled.

(d)(1) Subject to subsection (e) of this section, the student supervisors of school-sponsored media are responsible for determining the content of their respective media.

(2) Subject to subdivision (1) of this subsection, a media adviser may

teach professional standards of English and journalism to student journalists.

(e) This section shall not be construed to authorize or protect content of school-sponsored media that:

(1) is libelous or slanderous;

(2) constitutes an unwarranted invasion of privacy;

(3) may be defined as obscene, gratuitously profane, threatening, or intimidating;

(4) may be defined as harassment, hazing, or bullying under section 11 of this title;

(5) violates federal or State law; or

(6) creates the imminent danger of materially or substantially disrupting the ability of the school to perform its educational mission.

(f) A school is prohibited from subjecting school-sponsored media, other than that listed in subsection (e) of this section, to prior restraint. A school may restrain the distribution of content in student media described in subsection (e), provided that the school's administration shall have the burden of providing lawful justification without undue delay. Content shall not be suppressed solely because it involves political or controversial subject matter, or is critical of the school or its administration.

(g) A student journalist may not be disciplined for acting in accordance with this section.

(h) A media adviser may not be dismissed, suspended, disciplined, reassigned, or transferred for:

(1) taking reasonable and appropriate action to protect a student journalist for engaging in conduct protected by this section; or

(2) refusing to infringe on conduct that is protected by this section, by the first amendment to the U.S. Constitution, or by the Vermont Constitution.

(i) Each school or its governing body shall adopt a written policy consistent with the provisions of this section.

(j) No expression made by students in school-sponsored media shall be deemed to be an expression of school policy.

Sec. 39. 16 V.S.A. § 180 is added to read:

§ 180. STUDENT RIGHTS—FREEDOM OF EXPRESSION

(a) Findings.

(1) The General Assembly finds that freedom of expression and

freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the U.S. Constitution and to every resident of this State by Vt. Const. Ch. I, Art. 13.

(2) These freedoms provide all citizens, including students, with the right to engage in robust and uninhibited discussion of issues.

(3) The General Assembly intends to ensure free speech and free press protections for both public school students and students at public institutions of higher education in this State in order to encourage students to become educated, informed, and responsible members of society.

(b) Definitions. As used in this chapter:

(1) "Media adviser" means an individual employed, appointed, or designated by a school or its governing body to supervise or provide instruction relating to school-sponsored media.

(2) "School" means a public postsecondary school operating in the State.

(3) "School-sponsored media" means any material that is prepared, written, published, or broadcast as part of a school-supported program or activity by a student journalist and is distributed or generally made available as part of a school-supported program or activity to an audience beyond the classroom in which the material is produced.

(4) "Student journalist" means a student enrolled at a school who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(5) "Student supervisor" is a student who is responsible for editing school-sponsored media.

(c)(1) Subject to subsection (e) of this section, a student journalist may exercise freedom of speech and freedom of the press in school-sponsored media.

(2) Subdivision (1) of this subsection shall not be construed to be limited by the fact that the school-sponsored media are:

(A) supported financially by a school or its governing body, or by use of facilities owned by the school; or

(B) produced in conjunction with a class in which the student journalist is enrolled.

(d)(1) Subject to subsection (e) of this section, the student supervisors of school-sponsored media are responsible for determining the content of their

respective media.

(2) Subject to subdivision (1) of this subsection, a media adviser may teach professional standards of English and journalism to student journalists.

(e) This section shall not be construed to authorize or protect content of school-sponsored media that:

(1) is libelous or slanderous;

(2) constitutes an unwarranted invasion of privacy;

(3) may be defined as obscene, gratuitously profane, threatening, or intimidating;

(4) may be defined as harassment, hazing, or bullying under section 11 of this title;

(5) violates federal or State law; or

(6) creates the imminent danger of materially or substantially disrupting the ability of the school to perform its educational mission.

(f) Absent a showing that a particular publication will cause direct, immediate, and irreparable harm that would warrant the issuance of a prior restraint order against the private media, school officials are not authorized to censor or subject to prior restraint the content of school-sponsored media. Content shall not be suppressed solely because it involves political or controversial subject matter, or is critical of the school or its administration.

(g) A student journalist may not be disciplined for acting in accordance with this section.

(h) A media adviser may not be dismissed, suspended, disciplined, reassigned, or transferred for:

(1) taking reasonable and appropriate action to protect a student journalist for engaging in conduct protected by this section; or

(2) refusing to infringe on conduct that is protected by this section, by the first amendment to the U.S. Constitution, or by the Vermont Constitution.

(i) Each school or its governing body shall adopt a written policy consistent with the provisions of this section.

(j) No expression made by students in school-sponsored media shall be deemed to be an expression of school policy.

* * * Effective Dates * * *

Sec. 40. EFFECTIVE DATES

(a) This section and Secs. 1–5, 9–12, and 14–39 shall take effect on

passage.

(b) Sec. 13 (State-placed students) shall take effect beginning with the 2017–2018 school year.

Pending the question Will the House concur in the Senate proposal of amendment? **Rep. Conlon of Cornwall**, moved to concur in the Senate proposal of amendment with a further amendment thereto by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Criminal Record Checks * * *

Sec. 1. 16 V.S.A. § 255(k) and (l) are added to read:

(k) The requirements of this section shall not apply to persons operating or employed by a child care facility that is prequalified to provide prekindergarten education pursuant to section 829 of this title and that is required to be licensed by the Department for Children and Families pursuant to 33 V.S.A § 3502.

(l) The requirements of this section shall not apply with respect to a school district's partners in any program authorized or student placement created by chapter 23, subchapter 2 of this title. It is provided, however, that superintendents are not prohibited from requiring a fingerprint supported record check pursuant to district policy with respect to its partners in such programs.

* * * Education Weighting Report * * *

Sec. 2. EDUCATION WEIGHTING REPORT

(a) The Agency of Education, the Joint Fiscal Office, and the Office of Legislative Council, in consultation with the Secretary of Human Services, the Vermont Superintendent's Association, the Vermont School Boards Association, and the Vermont National Education Association, shall consider and make recommendations on the criteria used for determining weighted long-term membership of a school district under 16 V.S.A. § 4010, including the following.

(1) The current weighting factors and any supporting evidence or basis in the historical record for these factors.

(2) The relationship between each of the current weighting factors and the quality and equity of educational outcomes for students.

(3) Whether any of the weighting factors, including the weighting factors for students from economically deprived backgrounds and for students for whom English is not the primary language, should be modified, and if so, how the weighting factors should be modified and if the modification would further the quality and equity of educational outcomes for students.

(4) Whether to add any weighting factors, including a school district population density factor, and if so, why the weighting factor should be added and if the weighting factor would further the quality and equity of educational outcomes for students. In considering whether to recommend the addition of a school district population density factor, the Agency of Education shall consider the practices of other states, information from the National Council for State Legislatures, and research conducted by higher education institutions working on identifying rural or urban education financing factors.

(b) In addition to considering and making recommendations on the criteria used for the determining weighted long-term membership of a school district under subsection (a) of this section, the Agency of Education may consider and make recommendations on other methods that would further the quality and equity of educational outcomes for students.

(c) Report. On or before December 15, 2017, the Agency of Education shall submit a written report to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance with its findings and any recommendations.

* * * Surety Bond; Postsecondary Institutions * * *

Sec. 3. 16 V.S.A. § 175 is amended to read:

§ 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

(a) When an institution of higher education, whether or not chartered in this State, proposes to discontinue the regular course of instruction, either permanently or for a temporary period other than a customary vacation period, the institution shall:

(1) promptly inform the State Board;

(2) prepare the academic record of each current and former student in a form satisfactory to the State Board and including interpretive information required by the Board; and

(3) deliver the records to a person designated by the State Board to act as permanent repository for the institution's records, together with the reasonable cost of entering and maintaining the records.

* * *

(e) When an institution of higher education is unable or unwilling to comply with the requirements of subsection (a) of this section, the State Board may expend State funds necessary to ensure the proper storage and availability of the institution's records. The Attorney General shall then seek recovery under this subsection, in the name of the State, of all of the State's incurred costs and expenses, including attorney's fees, arising from the failure to

comply. Claims under this subsection shall be a lien on all the property of a defaulting institution, until all claims under this subsection are satisfied. The lien shall take effect from the date of filing notice thereof in the records of the town or towns where property of the defaulting institution is located.

* * *

(g)(1) Each institution of higher education accredited in Vermont, except institutions that are members of the Association of Vermont Independent Colleges (AVIC), the University of Vermont, and the Vermont State Colleges, shall acquire and maintain a bond from a corporate surety licensed to do business in Vermont in the amount of \$50,000.00 to cover costs that may be incurred by the State under subsection (e) of this section due to the institution's failure to comply with the requirements of subsection (a) of this section, and the institution shall provide evidence of the bond to the Secretary within 30 days of receipt. The State shall be entitled to recover up to the full amount of the bond in addition to the other remedies provided in subsection (e) of this section.

(2) AVIC shall maintain a memorandum of understanding with each of its member colleges under which each member college agrees to:

(A) upon the request of AVIC, properly administer the student records of a member college that fails to comply with the requirements of subsection (a) of this section; and

(B) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another AVIC member or other entity selected by AVIC maintaining the records of a member college that fails to comply with the requirements of subsection (a) of this section.

* * * Prekindergarten Education Recommendations * * *

Sec. 4. PREKINDERGARTEN EDUCATION RECOMMENDATIONS

On or before November 1, 2017, the Secretaries of Human Services and of Education shall jointly present recommendations to the House and Senate Committees on Education, House Committee on Human Services, and Senate Committee on Health and Welfare that will ensure equity, quality, and affordability, and reduce duplication and complexity, in the current delivery of prekindergarten services.

* * * High School Completion Program * * *

Sec. 5. 16 V.S.A. § 942(6) is amended to read:

(6) "~~Contracting agency~~" "Local adult education and literacy provider" means an entity that ~~enters into a contract with the Agency to provide~~ "flexible pathways to graduation" ~~services itself or in conjunction with one or more~~

approved providers in Vermont is awarded Federal or State grant funds to conduct adult education and literacy activities.

Sec. 6. 16 V.S.A. § 943 is amended to read:

§ 943. HIGH SCHOOL COMPLETION PROGRAM

(a) There is created a High School Completion Program to be a potential component of a flexible pathway for any Vermont student who is at least 16 years ~~old~~ of age, who has not received a high school diploma, and who may or may not be enrolled in a public or approved independent school.

(b) If a person who wishes to work on a personalized learning plan leading to graduation through the High School Completion Program is not enrolled in a public or approved independent school, then the Secretary shall assign the prospective student to a high school district, which shall be the district of residence whenever possible. The school district in which a student is enrolled or to which a nonenrolled student is assigned shall work with the ~~contracting agency~~ local adult education and literacy provider that serves the high school district and the student to develop a personalized learning plan. The school district shall award a high school diploma upon successful completion of the plan.

(c) The Secretary shall reimburse, and net cash payments where possible, a school district that has agreed to a personalized learning plan developed under this section in an amount:

(1) established by the Secretary for the development and ongoing evaluation and revision of the personalized learning plan and for other educational services typically provided by the assigned district or an approved independent school pursuant to the plan, such as counseling, health services, participation in cocurricular activities, and participation in academic or other courses; provided, however, that this amount shall not be available to a school district that provides services under this section to an enrolled student; and

(2) negotiated by the Secretary and the ~~contracting agency~~ local adult education and literacy provider, with the approved provider, for services and outcomes purchased from the approved provider on behalf of the student pursuant to the personalized learning plan.

* * * Effective Dates * * *

Sec. 7. EFFECTIVE DATES

(a) This section and Secs. 2 and 4–6 shall take effect on passage.

(b) Sec. 1 (criminal record checks) shall take effect on passage and shall apply to persons hired or contracted with after June 30, 2017 and to persons who apply for or renew child care provider license after June 30, 2017.

(c) Sec. 3 (surety bond; postsecondary institutions) shall take effect on October 1, 2017.

Pending the question, Will the House concur in the Senate proposal of amendment with a further amendment thereto as offered by Rep. Conlon of Cornwall? **Rep. Sharpe of Bristol** moved to amend the amendment offered by Rep. Conlon of Cornwall as follows:

First: By striking Sec. 7 (Effective Dates), with its reader assistance, in its entirety.

Second: By adding 25 new sections, to be Secs. 7–31, with reader assistances, to read:

* * * Act 46 Findings and Purpose * * *

Sec. 7. FINDINGS AND PURPOSE

(a) 2015 Acts and Resolves No. 46 established a multi-year, phased process that provides multiple opportunities for school districts to unify existing governance units into more “sustainable governance structures” designed to meet the General Assembly’s identified educational and fiscal goals while recognizing and reflecting local priorities. It has been the General Assembly’s intent to revitalize Vermont’s small schools – to promote equity in their offerings and stability in their finances – through these changes in governance.

(b) While Vermont generally does an excellent job educating our children, we fall short in two critical areas. First, we are not as successful as we need to be in educating children from families with low income, and second, while we have a very high graduation rate from our high schools, not enough of our graduates continue their education. Fulfilling the goals of Act 46 is a critical step in addressing these shortcomings.

(c) As of Town Meeting Day 2017, voters in 96 Vermont towns have voted to merge 104 school districts into these slightly larger, more sustainable governance structures, resulting in the creation of 20 new unified union districts (serving prekindergarten–grade 12 students). As a result, approximately 60 percent of Vermont’s school-age children live or will soon live in districts that satisfy the goals of Act 46.

(d) These slightly larger, more flexible unified union districts have begun to realize distinct benefits, including the ability to offer kindergarten–grade 8 choice among elementary schools within the new district boundaries; greater flexibility in sharing students, staff, and resources among individual schools; the elimination of bureaucratic redundancies; and the flexibility to create magnet academies, focusing on a particular area of specialization by school.

(e) Significant areas of the State, however, have experienced difficulty

satisfying the goals of Act 46. The range of complications is varied, including operating or tuitioning models that differ among adjoining districts, geographic isolation due to lengthy driving times or inhospitable travel routes between proposed merger partners, and greatly differing levels of debt per equalized pupil between districts involved in merger study committees.

(f) This act is designed to make useful changes to the merger time lines and allowable governance structures under Act 46 without weakening or eliminating the Act's fundamental phased merger and incentive structures and requirements. Nothing in this act should suggest that it is acceptable for a school district to fail to take reasonable and robust action to seek to meet the goals of Act 46.

* * * Side-by-Side Structures * * *

Sec. 8. 2012 Acts and Resolves No. 156, Sec. 15 is amended to read:

Sec. 15. TWO OR MORE MERGERS; REGIONAL EDUCATION DISTRICT INCENTIVES

(a) ~~Notwithstanding 2010 Acts and Resolves No. 153, 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, Sec. 4~~ if:

* * *

~~(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; each new district has a model of operating schools or paying tuition that is different from the model of the other, which may include:~~

(A) operating a school or schools for all resident students in prekindergarten through grade 12;

(B) operating a school or schools for all resident students in some grades and paying tuition for resident students in the other grades; or

(C) operating no schools and paying tuition for all resident students in prekindergarten through grade 12;

* * *

(b) The incentives provided under this act shall be available only if the new districts receive final approval of their electorate on or before November 30, 2017. This section is repealed on July 1, 2017 2019.

Sec. 9. THREE-BY-ONE SIDE-BY-SIDE STRUCTURE; EXEMPTION FROM STATEWIDE PLAN

(a) If the conditions of this section are met, the Merged District and the Existing District or Districts shall be exempt from the requirement under 2015 Acts and Resolves No. 46, Secs. 9 and 10, to self-evaluate and make a proposal to the Secretary of Education and State Board of Education and from the State Board's statewide plan.

(1) The new district is formed by the merger of at least three existing districts (Merged District) and, together with one or two existing districts (each an Existing District), are, following the receipt of all approvals required under this section, members of the same supervisory union (Three-by-One Side-by-Side Structure).

(2) As of March 7, 2017, town meeting day, each Existing District is either:

(A) geographically isolated, due to lengthy driving times or inhospitable travel routes between the Existing District's school or schools and the nearest school in which there is excess capacity as determined by the State Board of Education; or

(B) structurally isolated, because all adjoining school districts have operating or tuitioning models that differ from the Existing District.

(3) The Merged District and each Existing District have, following the receipt of all approvals required under this section, a model of operating schools or paying tuition that is different from the model of each other; provided, however, that if two Existing Districts are members of the Three-by-One Side-by-Side Structure, the Existing Districts may have the same model of operating schools or paying tuition if they are geographically isolated from each other, within the meaning of subdivision (2)(A) of this subsection. These models are:

(A) operating a school or schools for all resident students in prekindergarten through grade 12;

(B) operating a school or schools for all resident students in some grades and paying tuition for resident students in the other grades; or

(C) operating no schools and paying tuition for all resident students in prekindergarten through grade 12.

(4) Each Existing District and the districts proposing to merge into the Merged District jointly submit a proposal to the State Board after the effective date of this section and demonstrate in their proposal that:

(A) the Three-by-One Side-by-Side Structure is better suited to them than a governance structure described in 2015 Acts and Resolves No. 46, Sec. 6 and will meet the goals set forth in Sec. 2 of that act;

(B) each Existing District meets one or more of the criteria set forth in subdivision (2) of this subsection (a);

(C) each Existing District has a detailed action plan it proposes to take to continue to improve its performance in connection with each of the goals set forth in 2015 Acts and Resolves No. 46, Sec. 2.

(5) Each Existing District and the districts proposing to merge into the Merged District obtain State Board approval of their proposal to form the proposed Three-by-One Side-by-Side Structure.

(6) Each Existing District obtains the approval of its electorate to be an Existing District in the proposed Three-by-One Side-by-Side Structure on or before November 30, 2017.

(7) The districts proposing to merge into the Merged District receive final approval from their electorate for the merger proposal on or before November 30, 2017, and the Merged District becomes fully operational on or before July 1, 2019.

(8) The Three-by-One Side-by-Side Structure is formed on or before November 30, 2019 in the manner approved by the State Board.

(b) The districts that are proposing to merge into the Merged District may include:

(1) districts that have not received, as of the effective date of this section, approval from their electorate to merge, regardless of whether the Merged District will be eligible to receive incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended; and

(2) districts that received, on or after July 1, 2010 but prior to the effective date of this section, approval from their electorate to merge but are not operational as a Merged District as of the effective date of this section, regardless of whether the Merged District is eligible to receive incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended.

(c) The formation of a Three-by-One Side-by-Side Structure shall not entitle the Merged District or an Existing District to qualify for the incentives provided in 2010 Acts and Resolves No. 153, Sec. 4. However, a Merged District that is otherwise entitled to incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended, shall not lose these incentives due to its participation as a member of a Three-by-One Side-by-Side Structure.

Sec. 10. TWO-BY-TWO-BY-ONE SIDE-BY-SIDE STRUCTURE;
REGIONAL EDUCATION DISTRICT INCENTIVES

(a) Notwithstanding 2010 Acts and Resolves No. 153, Sec. 3(a)(1) 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 for the incentives provided in No. 153, Sec. 4 as amended by 2012 Acts and Resolves No. 156 and 2015 Acts and Resolves No. 46 if:

(1) Each new district is formed by the merger of at least two existing districts (each a Merged District) and, together with an Existing District, are, following the receipt of all approvals required under this section, members of the same supervisory union (Two-by-Two-by-One Side-by-Side Structure).

(2) As of March 7, 2017, town meeting day, the Existing District is either:

(A) geographically isolated, due to lengthy driving times or inhospitable travel routes between the Existing District's school or schools and the nearest school in which there is excess capacity as determined by the State Board of Education; or

(B) structurally isolated, because all adjoining school districts have operating or tuitioning models that differ from the Existing District.

(3) Each Merged District and the Existing District, following the receipt of all approvals required under this section, have a model of operating schools or paying tuition that is different from the model of each other. These models are:

(A) operating a school or schools for all resident students in prekindergarten through grade 12;

(B) operating a school or schools for all resident students in some grades and paying tuition for resident students in the other grades; or

(C) operating no schools and paying tuition for all resident students in prekindergarten through grade 12.

(4) The Two-by-Two-by-One Side-by-Side Structure meets all criteria for RED formation other than the size criterion of 2010 Acts and Resolves No. 153, Sec. 3(a)(1) (average daily membership of at least 1,250) and otherwise as provided in this section.

(5) The Existing District and the districts proposing to merge into the Merged Districts jointly submit a proposal to the State Board after the effective date of this section and demonstrate in their proposal that:

(A) the Two-by-Two-by-One Side-by-Side Structure is better suited to them than a governance structure described in 2015 Acts and Resolves No. 46, Sec. 6 and will meet the goals set forth in Sec. 2 of that act;

(B) the Existing District meets one or more of the criteria set forth in subdivision (2) of this subsection (a); and

(C) the Existing District has a detailed action plan it proposes to take to continue to improve its performance in connection with each of the goals set forth in 2015 Acts and Resolves No. 46, Sec. 2.

(6) The Existing District and the districts proposing to merge into the Merged Districts obtain State Board approval of their proposal to form the proposed Two-by-Two-by-One Side-by-Side Structure.

(7) The Existing District obtains the approval of its electorate to be an Existing District in the proposed Two-by-Two-by-One Side-by-Side Structure on or before November 30, 2017.

(8) The districts proposing to merge into each Merged District receive final approval from their electorate for the merger proposal on or before November 30, 2017, and each Merged District becomes fully operational on or before July 1, 2019.

(9) Each Merged District has the same effective date of merger.

(10) The Two-by-Two-by-One Side-by-Side Structure is formed on or before November 30, 2019 in the manner approved by the State Board.

(b) The districts that are proposing to merge into the Merged Districts may include:

(1) districts that have not received, as of the effective date of this section, approval from their electorate to merge, regardless of whether the Merged District will be eligible to receive incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended; and

(2) districts that received, on or after July 1, 2010 but prior to the effective date of this section, approval from their electorate to merge but are not operational as a Merged District as of the effective date of this section, regardless of whether the Merged District is eligible to receive incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended.

(c) If the conditions of this section are met, the incentives provided in 2010 Acts and Resolves No. 153, Sec. 4 shall be available to each Merged District, unless the Merged District has already received incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and

Resolves No. 46, each as amended. These incentives shall not be available to the Existing District.

(d) If the conditions of this section are met, the Existing District shall be exempt from the requirement under 2015 Acts and Resolves No. 46, Secs. 9 and 10, to self-evaluate and make a proposal to the Secretary of Education and State Board of Education and exempt from the State Board's statewide plan.

* * * Withdrawal from Union School District * * *

Sec. 11. TEMPORARY AUTHORITY TO WITHDRAW FROM UNION SCHOOL DISTRICT

(a) Notwithstanding any provision of 16 V.S.A. § 721a to the contrary, a school district may withdraw from a union high school district without approval by the remaining members of the union high school district upon the following conditions:

(1) The school district proposing to withdraw from the union high school district operates a school or schools for all resident students in prekindergarten through grade 6 and pays tuition for resident students in grade 7 through grade 12.

(2) At least one year has elapsed since the union high school district became a body politic and corporate as provided in 16 V.S.A. § 706g.

(3) A majority of the voters of the school district proposing to withdraw from the union high school district present and voting at a school district meeting duly warned for that purpose votes to withdraw from the union high school district. The clerk of the school district shall certify the vote to the Secretary of State, who shall record the certificate in his or her office and shall give notice of the vote to the Secretary of Education and to the other members of the union high school district.

(4) The State Board approves the withdrawal based on a recommendation from the Secretary of Education.

(5) The withdrawal process is completed on or before July 1, 2019.

(b) In making his or her recommendation, the Secretary of Education shall assess whether:

(1) students in the withdrawing school district would attend a school that complies with the rules adopted by the State Board pertaining to educational programs; and

(2) it is in the best interests of the State, the students, and the districts remaining in the union high school district for the union to continue to exist.

(c) The State Board shall:

(1) consider the recommendation of the Secretary and any other information it deems appropriate;

(2) hold a public meeting within 60 days of receiving the recommendation of the Secretary, and provide due notice of this meeting to the Secretary and all members of the union high school district;

(3) within 10 days of the meeting, notify the Secretary and all members of the union high school district of its decision;

(4) if it approves the withdrawal, declare the membership of the withdrawing school district in the union high school district terminated as of July 1 immediately following, or as soon after July 1 as the financial obligations of the withdrawing school district have been paid to, or an agreement has been made with, the union high school district in an amount to satisfy those obligations; and

(5) file the declaration with the Secretary of State, the clerk of the withdrawing school district, and the clerk of the union high school district concerned.

Sec. 12. REPEAL

Sec. 11 of this act is repealed on July 2, 2019.

* * * Reduction of Average Daily Membership; Guidelines for Alternative Structures * * *

Sec. 13. 2015 Acts and Resolves No. 46, Sec. 5 is amended to read:

Sec. 5. PREFERRED EDUCATION GOVERNANCE STRUCTURE;

ALTERNATIVE STRUCTURE GUIDELINES

* * *

(c) Alternative structure: supervisory union with member districts. An Education District as envisioned in subsection (b) of this section may not be possible or the best model to achieve Vermont's education goals in all regions of the State. In such situations, a supervisory union composed of multiple member districts, each with its separate school board, ~~can~~ may meet the State's goals, particularly if:

(1) the member districts consider themselves to be collectively responsible for the education of all prekindergarten through grade 12 students residing in the supervisory union;

(2) the supervisory union operates in a manner that complies with its obligations under 16 V.S.A. § 261a and that maximizes efficiencies through economies of scale and the flexible management, transfer, and sharing of nonfinancial resources among the member districts, which may include a

common personnel system, with the goal of increasing the ratio of students to full-time equivalent staff;

(3) the supervisory union has the smallest number of member school districts practicable, achieved wherever possible by the merger of districts with similar operating and tuitioning patterns; and

(4) the supervisory union has the smallest number of member school districts practicable after consideration of greatly differing levels of indebtedness among the member districts; and

~~(4)~~(5) the combined average daily membership of all member districts is not less than ~~1,100~~ 900.

* * * Secretary and State Board; Consideration of Alternative Structure Proposals * * *

Sec. 14. 2015 Acts and Resolves No. 46, Sec. 10 is amended to read:

Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE

STRUCTURES; PROPOSAL; FINAL PLAN

* * *

(c) Process. On and after October 1, 2017, the Secretary and State Board shall consider any proposals submitted by districts or groups of districts under Sec. 9 of this act. Districts that submit such a proposal shall have the opportunity to add to or otherwise amend their proposal in connection with the Secretary's consideration of the proposal and conversations with the district or districts under subsection (a) of this section, and in connection with testimony presented to the State Board under subsection (b) of this section. The State Board may, in its discretion, approve an alternative governance proposal at any time on or before November 30, 2018.

(d) The statewide plan required by subsection (b) of this section shall include default Articles of Agreement to be used by all new unified union school districts created under the plan until the board of the new district votes to approve new or amended articles.

(e) After the State Board of Education issues the statewide plan under subsection (b) of this section, districts subject to merger shall have 90 days to form a study committee under 16 V.S.A. § 706b and to draft Articles of Agreement for the new district. During this period, the study committee shall hold at least one public hearing to consider and take comments on the draft Articles of Agreement.

(f) If the study committee formed under subsection (e) of this section does not approve Articles of Agreement within the 90-day period provided in that subsection, the provisions in the default Articles of Agreement included in the

statewide plan shall apply to the new district.

~~(e)~~(g) Applicability. This section shall not apply to:

- (1) an interstate school district;
- (2) a regional career technical center school district formed under 16 V.S.A. chapter 37, subchapter 5A; or
- (3) a district that, between June 30, 2013 and July 2, 2019, began to operate as a unified union school district and:

(A) voluntarily merged into the preferred education governance structure, an Education District, as set forth Sec. 5(b) of this act; or

(B) is a regional education district or any other district eligible to receive incentives pursuant to 2010 Acts and Resolves No. 153, as amended by 2012 Acts and Resolves No. 156.

* * * Deadline for Small School Support Metrics * * *

Sec. 15. 2015 Acts and Resolves No. 46, Sec. 21 is amended to read:

Sec. 21. SMALL SCHOOL SUPPORT; METRICS

On or before July 1, 2018, the State Board of Education shall adopt and publish metrics by which it will make determinations whether to award small school support grants pursuant to 16 V.S.A. § 4015 on and after July 1, 2019, as amended by Sec. 20 of this act; provided, however, that on or before September 30, 2017, the State Board shall publish a list of districts that it determines to be geographically isolated pursuant to that section as amended by Sec. 20 of this act.

* * * Time Extension for Qualifying Districts * * *

Sec. 16. 2015 Acts and Resolves No. 46, Sec. 9 is amended to read:

Sec. 9. SELF-EVALUATION, MEETINGS, AND PROPOSAL

(a) On or before ~~November 30, 2017~~ the date that is the earlier of six months after the date the State Board's rules on the process for submitting alternative governance proposals take effect or January 31, 2018, the board of each school district in the State that has a governance structure different from the preferred structure identified in Sec. 5(b) of this act (Education District), or that does not expect to become or will not become an Education District on or before July 1, 2019, shall perform each of the following actions, unless the district qualifies for an exemption under Sec. 10(g) of this act.

Sec. 17. TIME EXTENSION FOR VOTE OF ELECTORATE

Notwithstanding any provision of law to the contrary, the date by which a

qualifying district must receive final approval from the electorate for its merger proposal is extended from July 1, 2017 to November 30, 2017. A qualifying district is a district that:

(1) proposed a school district consolidation plan under 2010 Acts and Resolves No. 153, as amended, or 2012 Acts and Resolves No. 156, as amended, which was rejected by voters;

(2) is a member of a study committee formed under 16 V.S.A. § 706 that provides to the Secretary a declaration that another school district wants to join the district's study committee, signed by each member of the study committee and the district that proposes to join the study committee; or

(3) is a member of a supervisory union that, on or after July 1, 2010, combined with another supervisory union.

* * * Grants and Fee Reimbursement * * *

Sec. 18. 2015 Acts and Resolves No. 46, Sec. 7 is amended to read:

Sec. 7. SCHOOL DISTRICTS CREATED AFTER DEADLINE FOR ACCELERATED ACTIVITY; TAX INCENTIVES; SMALL SCHOOL SUPPORT; JOINT CONTRACT SCHOOLS

* * *

(b) A newly formed school district that meets the criteria set forth in subsection (a) of this section shall receive the following:

* * *

(3) Transition Facilitation Grant.

(A) After voter approval of the plan of merger, notwithstanding any provision to the contrary in 16 V.S.A. § 4025, the Secretary of Education shall pay the transitional board of the new district a Transition Facilitation Grant from the Education Fund equal to the lesser of:

(i) 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

(ii) \$150,000.00.

(B) A Transition Facilitation Grant awarded under this subdivision (3) shall be reduced by the total amount of reimbursement paid for consulting services, analysis, and transition costs pursuant to 2012 Acts and Resolves No. 156, Secs. 2, 4, and 9.

* * *

Sec. 19. 2012 Acts and Resolves No. 156, Sec. 9 is amended to read:

Sec. 9. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;
MERGER; SCHOOL DISTRICTS; SUNSET

(a) From the ~~education fund~~ Education Fund, the ~~commissioner of education~~ Secretary 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, and to conduct community outreach, including communications with voters. Community outreach materials shall be limited to those that are reasonably designed to inform and educate. Not more than 30 percent of the reimbursement amount provided by the Secretary under this section shall be used for the purpose of community outreach.

* * *

Sec. 20. 2015 Acts and Resolves No. 46, Sec. 10 is amended to read:

Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE
STRUCTURES; PROPOSAL; FINAL PLAN

* * *

(d)(1) The Secretary of Education shall make a supplemental Transitional Facilitation Grant of \$10,000.00 to a school district that:

(A) has received or is eligible to receive tax incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended (a qualifying school district); and

(B) either on its own initiative or at the request of the State Board, agrees by vote of its electorate to merge with another school district (a qualifying merger).

(2) A qualifying school district shall use the grant funding to defray the cost of integration. The Secretary shall pay the grant amount to a qualifying school district for each qualifying merger with a school district even if multiple qualifying mergers are effective on the same date. The Secretary shall pay the grant amount not later than 30 days after all required approvals are obtained.

(3) Notwithstanding any provision to the contrary in 16 V.S.A. § 4025, the Secretary of Education shall pay the supplemental Transition Facilitation Grant from the Education Fund.

(4) The supplemental Transition Facilitation Grant shall be available for a qualifying merger initiated by a qualifying school district only if the merger is scheduled to take effect on or before November 30, 2018.

* * * Applications for Adjustments to Supervisory Union Boundaries * * *

Sec. 21. 16 V.S.A. § 261 is amended to read:

§ 261. ORGANIZATION AND ADJUSTMENT OF SUPERVISORY UNIONS

(a) The State Board shall review on its own initiative or when requested as per subsection (b) of this section and may regroup the supervisory unions of the State or create new supervisory unions in such manner as to afford increased efficiency or greater convenience and economy and to facilitate prekindergarten through grade 12 curriculum planning and coordination as changed conditions may seem to require.

(b)(1) Any school district that has so voted at its annual school district meeting, if said meeting has been properly warned regarding such a vote, may request that the State Board adjust the existing boundaries of the supervisory union of which it is a member district.

(2) Any group of school districts that have so voted at their respective annual school district meeting, regardless of whether the districts are members of the same supervisory union, may request that the State Board adjust existing supervisory union boundaries and move one or more nonrequesting districts to a different supervisory union if such adjustment would assist the requesting districts to realign their governance structures into a unified union school district pursuant to chapter 11 of this title.

(3) The State Board shall ~~give timely consideration to requests~~ act on a request made pursuant to this subsection within 75 days of receipt of the request and may regroup the school districts of the area so as to ensure reasonable supervision of all public schools therein.

* * *

* * * Technical Corrections; Clarifications * * *

Sec. 22. 2012 Acts and Resolves No. 156, Sec. 16 is amended to read:

Sec. 16. UNION ELEMENTARY SCHOOL DISTRICTS; REGIONAL EDUCATION DISTRICT INCENTIVES

* * *

(b) This section is repealed on July 1, ~~2017~~ 2019.

Sec. 23. 2012 Acts and Resolves No. 156, Sec. 17 is amended to read:

Sec. 17. MODIFIED UNIFIED UNION SCHOOL DISTRICT

* * *

(d) This section is repealed on July 1, ~~2017~~ 2019.

Sec. 24. AVAILABILITY OF TAX AND OTHER INCENTIVES

The tax and other incentives under 2010 Acts and Resolves No. 153, as amended, and 2012 Acts and Resolves No. 156, as amended, shall be available only if the new governance structure formed under those acts becomes fully

operational on or before July 1, 2019.

Sec. 25. 2015 Acts and Resolves No. 46, Sec. 23 is amended to read:

Sec. 23. DECLINING ENROLLMENT; TRANSITION

(a) If a district's equalized pupils in fiscal year 2016 do not reflect any adjustment pursuant to 16 V.S.A. § 4010(f), then Sec. 22 of this act shall apply to the district in fiscal year 2017 and after.

(b) If a district's equalized pupils in fiscal year 2016 reflect adjustment pursuant to 16 V.S.A. § 4010(f), then, notwithstanding the provisions of § 4010(f) as amended by this act:

(1) in fiscal year 2017, the district's equalized pupils shall in no case be less than 90 percent of the district's equalized pupils in the previous year; and

(2) in fiscal year 2018, the district's equalized pupils shall in no case be less than 80 percent of the district's equalized pupils in the previous year.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, if a district is actively engaged in merger discussions with one or more other districts regarding the formation of a regional education district (RED) or other form of unified union school district pursuant to 16 V.S.A. chapter 11, then Sec. 22 of this act shall apply to the district in fiscal year 2018 and after, and each of the dates in subsection (b) of this section shall be adjusted accordingly. A district shall be "actively engaged in merger discussions" pursuant to this subsection (c) if on or before July 1, 2016, it has formed a study committee pursuant to 16 V.S.A. chapter 11. Until such time as Sec. 22 of this act shall apply to the district, the district's equalized pupil count shall be calculated under 16 V.S.A. § 4010(f), as in effect on June 30, 2016.

Sec. 26. QUALIFICATION FOR INCENTIVES; ASSIGNMENT TO A
SUPERVISORY UNION BY THE STATE BOARD

Notwithstanding any requirement under 2015 Acts and Resolves No. 46, Secs. 6 and 7 that the newly formed school district be its own supervisory district, the newly formed school district shall qualify for the incentives under this section even if it is assigned to a supervisory union by the State Board of Education and that assignment by the State Board is not made at the request of the school district.

* * * State Board Rulemaking Authority * * *

Sec. 27. 2015 Acts and Resolves No. 46, Sec. 8 is amended to read:

Sec. 8. EVALUATION BY THE STATE BOARD OF EDUCATION

* * *

(c) The State Board may adopt rules designed to assist districts in

submitting alternative structure proposals, but shall not by rule or otherwise impose more stringent requirements than those in this act.

* * * Tax Provisions * * *

Sec. 28. CALCULATION OF EDUCATION PROPERTY TAX SPENDING
ADJUSTMENT AND EDUCATION INCOME TAX SPENDING
ADJUSTMENT FOR CERTAIN SCHOOL DISTRICTS

(a) Under this section, a qualifying school district is a school district:

(1) that operates no schools and pays tuition for all resident students in prekindergarten through grade 12;

(2) that, on or before November 15, 2017, obtains final approval from its electorate to consolidate with an existing unified union school district that is eligible to receive incentives under 2010 Acts and Resolves No. 153 (consolidated district), as amended; and

(3) for which either:

(A) the education property tax spending adjustment under 32 V.S.A. § 5401(13)(A) for the district's fiscal year 2017 exceeded the district's education property tax spending adjustment for the district's 2015 fiscal year by more than 100 percent; or

(B) the education income tax spending adjustment under 32 V.S.A. § 5401(13)(B) for the district's fiscal year 2017 exceeded the district's education income tax spending adjustment for the district's 2015 fiscal year by more than 100 percent.

(b) Notwithstanding any provision of law to the contrary:

(1) for the first year in which the consolidated district's equalized homestead tax rate or household income percentage is reduced under 2010 Acts and Resolves No. 153, as amended, the equalized homestead tax rate and household income percentage for the town associated with the qualifying district shall be set at the average equalized homestead tax rate and household income percentage of the towns associated with the other districts that merge into the consolidated district; and

(2) 2010 Acts and Resolves No. 153, Sec. 4(a)(2), which limits the amount by which tax rates are permitted to change, shall not apply to the town associated with the qualifying district for the first year for which the consolidated district's equalized homestead tax rate or household income percentage is reduced under that act.

Sec. 29. MODIFIED UNIFIED UNION SCHOOL DISTRICTS; TAX RATE
CALCULATIONS

The tax rate provisions in 2010 Acts and Resolves No. 155, Sec. 13(a)(1), as amended, shall not apply to the calculation of tax rates in a member of a modified unified union school district (MUUSD) formed under 2012 Acts and Resolves No. 156, Sec. 17, as amended, if that member is a member for fewer than all grades, prekindergarten through grade 12. This section shall apply to the calculation of taxes in any MUUSD that began full operation after July 1, 2015.

* * * Elections to Unified Union School District Board * * *

Sec. 30. ELECTIONS TO UNIFIED UNION SCHOOL DISTRICT BOARD

(a) Notwithstanding any provision to the contrary under 16 V.S.A. § 706k, the election of a director on the board of a unified union school district who is to serve on the board after expiration of the term for an initial director shall be held at the unified union school district's annual meeting in accordance with the district's articles of agreement.

(b) Notwithstanding any provision to the contrary under 16 V.S.A. § 706l, if a vacancy occurs on the board of a unified union school district and the vacancy is in a seat that is allocated to a specific town, the clerk shall immediately notify the selectboard of the town. Within 30 days of the receipt of that notice, the unified union school district board, in consultation with the selectboard, shall appoint a person who is otherwise eligible to serve as a member of the unified union school district board to fill the vacancy until an election is held in accordance with the unified union school district's articles of agreement.

(c) This section is repealed on July 1, 2018.

* * * Effective Dates * * *

Sec. 31. EFFECTIVE DATES

(a) This section and Secs. 2 and 4–30 shall take effect on passage.

(b) Sec. 1 (criminal record checks) shall take effect on passage and shall apply to persons hired or contracted with after June 30, 2017 and to persons who apply for or renew child care provider license after June 30, 2017.

(c) Sec. 3 (surety bond; postsecondary institutions) shall take effect on October 1, 2017.

Pending the question, Shall the proposal of amendment offered by Rep. Conlon of Cornwall be amended as offered by Rep. Sharpe of Bristol? **Rep. Giambatista of Essex** 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 proposal of amendment offered by Rep. Conlon of

Cornwall be amended as offered by Rep. Sharpe of Bristol? was decided in the affirmative. Yeas, 136. Nays, 0.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gonzalez of Winooski	Ode of Burlington
Ancel of Calais	Grad of Moretown	Olsen of Londonderry
Bancroft of Westford	Graham of Williamstown	O'Sullivan of Burlington
Bartholomew of Hartland	Greshin of Warren	Parent of St. Albans Town
Baser of Bristol	Haas of Rochester	Partridge of Windham
Batchelor of Derby	Harrison of Chittenden	Pearce of Richford
Beck of St. Johnsbury	Head of South Burlington	Potter of Clarendon
Belaski of Windsor	Hebert of Vernon	Pugh of South Burlington
Beyor of Highgate	Helm of Fair Haven	Quimby of Concord
Bissonnette of Winooski	Higley of Lowell	Rachelson of Burlington
Bock of Chester	Hill of Wolcott	Rosenquist of Georgia
Botzow of Pownal	Hooper of Montpelier	Scheu of Middlebury
Browning of Arlington	Hooper of Brookfield	Scheuermann of Stowe
Brumsted of Shelburne	Howard of Rutland City	Sharpe of Bristol
Buckholz of Hartford	Hubert of Milton	Shaw of Pittsford
Burditt of West Rutland	Jessup of Middlesex	Sheldon of Middlebury
Burke of Brattleboro	Jickling of Brookfield	Sibilia of Dover
Canfield of Fair Haven	Joseph of North Hero	Smith of Derby
Carr of Brandon	Juskiewicz of Cambridge	Smith of New Haven
Chesnut-Tangerman of Middletown Springs	Keenan of St. Albans City	Squirrell of Underhill
Christensen of Weathersfield	Kimbell of Woodstock	Stevens of Waterbury
Christie of Hartford	Kitzmiller of Montpelier	Strong of Albany
Cina of Burlington	Krowinski of Burlington	Stuart of Brattleboro
Colburn of Burlington	LaClair of Barre Town	Sullivan of Dorset
Conlon of Cornwall	Lalonde of South Burlington	Sullivan of Burlington
Connor of Fairfield	Lanpher of Vergennes	Taylor of Colchester
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Terenzini of Rutland Town
Corcoran of Bennington	Lefebvre of Newark	Till of Jericho
Cupoli of Rutland City	Lewis of Berlin	Toleno of Brattleboro
Dakin of Colchester	Long of Newfane	Toll of Danville
Deen of Westminster	Lucke of Hartford	Townsend of South Burlington
Devereux of Mount Holly	Macaig of Williston	Trieber of Rockingham
Donahue of Northfield	Marcotte of Coventry	Turner of Milton
Donovan of Burlington	Martel of Waterford	Van Wyck of Ferrisburgh
Dunn of Essex	Masland of Thetford	Viens of Newport City
Emmons of Springfield	McCormack of Burlington	Walz of Barre City
Fagan of Rutland City	McCoy of Poultney	Webb of Shelburne
Feltus of Lyndon	McCullough of Williston	Weed of Enosburgh
Forguites of Springfield	McFaun of Barre Town	Willhoit of St. Johnsbury
Frenier of Chelsea	Miller of Shaftsbury	Wood of Waterbury
Gage of Rutland City	Morris of Bennington	Wright of Burlington
Gamache of Swanton	Morrissey of Bennington	Yacovone of Morristown
Gannon of Wilmington	Mrowicki of Putney	Yantachka of Charlotte
Gardner of Richmond	Murphy of Fairfax	Young of Glover
	Myers of Essex	
	Norris of Shoreham	

Giambatista of Essex

Noyes of Wolcott

Those who voted in the negative are: none

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

Brennan of Colchester

Town

Nolan of Morristown

Briglin of Thetford

Fields of Bennington

Poirier of Barre City

Condon of Colchester

Houghton of Essex

Savage of Swanton

Conquest of Newbury

Keefe of Manchester

Troiano of Stannard

Dickinson of St. Albans

Lippert of Hinesburg

Pending the question, Will the House concur in Senate proposal of amendment with a further proposal of amendment as offered by Rep. Conlon of Cornwall, as amended? **Rep. Sibilia of Dover** moved to amend the amendment as offered by Rep. Conlon of Cornwall, as amended, as follows:

By striking out Sec. 31 in its entirety and adding two new sections, to be Secs. 31–32, with reader assistances, to read:

* * * Extraordinary Small School Grants * * *

Sec. 31. EXTRAORDINARY SMALL SCHOOL GRANTS

(a) Findings.

(1) Vermont's kindergarten through grade 12 student population has declined from 103,000 in fiscal year 1997 to 76,300 in fiscal year 2017.

(2) Vermont recognizes the important role that a small school plays in the social and educational fabric of its community. However, rural school districts have found it particularly challenging to maintain their small schools and provide high quality education to their students because of the decline in Vermont's student population.

(3) The General Assembly has encouraged, through incentive programs established in 2010, 2012, and 2015, school districts to unify existing governance units into more "sustainable governance structures" designed to meet the General Assembly's identified educational and fiscal goals.

(4) Certain rural districts were early in recognizing their challenges and, on their own initiative and without receiving incentives from the State, joined with other districts to form joint contract schools or to become members of union school districts. As a consequence, these districts received less in small school grant support than they would have received had they not taken these actions.

(b) Definition. As used in this section, a "qualifying merger" means the merger of a school district identified in subsection (c) of this section with one or more other school districts that results in a newly merged district that is

eligible to receive incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended, provided, however, that all merging districts receive final approval of their electorate for the merger on or before November 30, 2017, and the newly merged district becomes fully operational on or before July 1, 2019.

(c) Merger support grants. Notwithstanding any provision of law to the contrary, if a school district identified in this subsection (qualifying district) merges in a qualifying merger, the Secretary shall award an annual merger support grant to the newly merged district in an amount equal to the small school support grant the qualifying district received in the fiscal year immediately prior to the year in which the qualifying district formed a joint contract school or became a member of a union school district. The amount of annual merger support grants for the qualifying districts, if a qualifying district merges in a qualifying merger, shall be:

- (1) Elmore: \$40,000.00
- (2) Fairlee: \$69,885.00
- (3) Newfane: \$72,466.00
- (4) Pomfret: \$85,525.00
- (5) West Fairlee: \$56,355.00
- (6) Whitingham: \$54,900.00

(d) Combined grants. If more than one qualifying district is part of a qualifying merger, then the merger support grant shall be in an amount equal to the total combined small school support grants each qualifying district received in the fiscal year immediately prior to the year in which the qualifying district formed a joint contract school or became a member of a union school district.

(e) Continuation of grants. Payment of the merger support grants under this section shall continue annually unless explicitly repealed by the General Assembly; provided, however, that the Secretary shall discontinue payment of a grant in the fiscal year following closure by a merged district of a school located in what had been a “qualifying district” prior to merger; and further provided that if a school building located in a formerly “qualifying district” is closed in order to consolidate with another school into a renovated or new school building, then the Secretary shall continue to pay the grant during the repayment term of any bonded indebtedness incurred in connection with the consolidation-related renovation or construction.

(f) Funding. Notwithstanding any provision to the contrary of 16 V.S.A. § 4025(d), the merger support grants awarded under this section shall be funded by appropriations from the Education Fund, which shall be paid to the

Secretary of Education for administration under this section.

* * * Effective Dates * * *

Sec. 32. EFFECTIVE DATES

(a) This section and Secs. 2 and 4–31 shall take effect on passage.(b) Sec. 1 (criminal record checks) shall take effect on passage and shall apply to persons hired or contracted with after June 30, 2017 and to persons who apply for or renew child care provider license after June 30, 2017.(c) Sec. 3 (surety bond; postsecondary institutions) shall take effect on October 1, 2017.

Pending the question, Shall the proposal of amendment offered by Rep. Conlon of Cornwall be amended as recommended by Rep. Sibilia of Dover? **Rep. Yacovone of Morristown** 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 proposal of amendment offered by Rep. Conlon of Cornwall be amended as recommended by Rep. Sibilia of Dover? was decided in the negative. Yeas, 24. Nays, 107.

Those who voted in the affirmative are:

Buckholz of Hartford	Donahue of Northfield	Lucke of Hartford
Burke of Brattleboro	Dunn of Essex	McCormack of Burlington
Chesnut-Tangerman of Middletown Springs	Feltus of Lyndon	Morris of Bennington
Cina of Burlington	Gannon of Wilmington	Noyes of Wolcott
Colburn of Burlington	Gardner of Richmond	Olsen of Londonderry
Copeland-Hanzas of Bradford	Gonzalez of Winooski	Sibilia of Dover
Devereux of Mount Holly	Haas of Rochester	Yacovone of Morristown
	Harrison of Chittenden	Young of Glover
	Long of Newfane	

Those who voted in the negative are:

Ainsworth of Royalton	Greshin of Warren	Partridge of Windham
Ancel of Calais	Head of South Burlington	Pearce of Richford
Bancroft of Westford	Hebert of Vernon	Potter of Clarendon
Bartholomew of Hartland	Helm of Fair Haven	Pugh of South Burlington
Baser of Bristol	Higley of Lowell	Quimby of Concord
Batchelor of Derby	Hill of Wolcott	Rachelson of Burlington
Beck of St. Johnsbury	Hooper of Montpelier	Rosenquist of Georgia
Belaski of Windsor	Hooper of Brookfield	Scheu of Middlebury
Beyor of Highgate	Howard of Rutland City	Scheuermann of Stowe
Bock of Chester	Hubert of Milton	Sharpe of Bristol
Botzow of Pownal	Jickling of Brookfield	Shaw of Pittsford
Browning of Arlington	Joseph of North Hero	Sheldon of Middlebury
Brumsted of Shelburne	Juskiewicz of Cambridge	Smith of Derby
Burditt of West Rutland	Keenan of St. Albans City	Smith of New Haven
Canfield of Fair Haven	Kitzmiller of Montpelier	Squirrell of Underhill

Carr of Brandon	Krowinski of Burlington	Strong of Albany
Christensen of Weathersfield	LaClair of Barre Town	Stuart of Brattleboro
Christie of Hartford	Lalonde of South Burlington	Sullivan of Dorset
Condon of Colchester	Lanpher of Vergennes	Sullivan of Burlington
Conlon of Cornwall	Lawrence of Lyndon	Taylor of Colchester
Connor of Fairfield	Lefebvre of Newark	Terenzini of Rutland Town
Corcoran of Bennington	Lewis of Berlin	Toleno of Brattleboro
Cupoli of Rutland City	Lippert of Hinesburg	Toll of Danville
Dakin of Colchester	Macaig of Williston	Townsend of South Burlington
Deen of Westminster	Marcotte of Coventry	Trieber of Rockingham
Dickinson of St. Albans Town	Martel of Waterford	Turner of Milton
Donovan of Burlington	Masland of Thetford	Van Wyck of Ferrisburgh
Emmons of Springfield	McCoy of Poultney	Viens of Newport City
Fagan of Rutland City	McCullough of Williston	Walz of Barre City
Forguites of Springfield	McFaun of Barre Town	Webb of Shelburne
Frenier of Chelsea	Miller of Shaftsbury	Weed of Enosburgh
Gage of Rutland City	Morrissey of Bennington	Wood of Waterbury
Gamache of Swanton	Murphy of Fairfax	Wright of Burlington
Giambatista of Essex	Myers of Essex	Yantachka of Charlotte
Grad of Moretown	Norris of Shoreham	
Graham of Williamstown	Ode of Burlington	
	Parent of St. Albans Town	

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

Bissonnette of Winooski	Jessup of Middlesex	Poirier of Barre City
Brennan of Colchester	Keefe of Manchester	Savage of Swanton
Briglin of Thetford	Kimbell of Woodstock	Stevens of Waterbury
Conquest of Newbury	Mrowicki of Putney	Till of Jericho
Fields of Bennington	Nolan of Morristown	Troiano of Stannard
Houghton of Essex	O'Sullivan of Burlington	Willhoit of St. Johnsbury

Pending the question, Will the House concur in the Senate proposal with a further proposal of amendment as offered by Rep. Conlon of Cornwall, as amended? **Rep. Haas of Rochester** moved to amend the amendment as offered by Rep. Conlon of Cornwall, as amended, as follows:

By striking out Sec. 25 in its entirety and adding two new sections, to be Secs. 25 and 25a, to read:

Sec. 25. 2015 Acts and Resolves No. 46, Sec. 23 is amended to read:

Sec. 23. DECLINING ENROLLMENT; TRANSITION

(a) If a district's equalized pupils in fiscal year 2016 do not reflect any adjustment pursuant to 16 V.S.A. § 4010(f), then Sec. 22 of this act shall apply to the district in fiscal year 2017 and after.

(b) If a district's equalized pupils in fiscal year 2016 reflect adjustment pursuant to 16 V.S.A. § 4010(f), then, notwithstanding the provisions of § 4010(f) as amended by this act:

(1) in fiscal year 2017, the district's equalized pupils shall in no case be less than 90 percent of the district's equalized pupils in the previous year; and

(2) in fiscal year 2018, the district's equalized pupils shall in no case be less than 80 percent of the district's equalized pupils in the previous year.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, if a district is actively engaged in merger discussions with one or more other districts regarding the formation of a regional education district (RED) or other form of unified union school district pursuant to 16 V.S.A. chapter 11, then Sec. 22 of this act shall apply to the district in fiscal year ~~2018~~ 2019 and after, and each of the dates in subsection (b) of this section shall be adjusted accordingly. A district shall be "actively engaged in merger discussions" pursuant to this subsection ~~(e)~~ if, on or before July 1, 2016, it has formed a study committee pursuant to 16 V.S.A. chapter 11; provided, however, that a district shall also considered to be "actively engaged in merger discussions" pursuant to this subsection if, on or before July 1, 2017, it has formed a study committee pursuant to 16 V.S.A. chapter 11 and is a member of a supervisory union that was formed by the combination of two or more supervisory unions on July 1, 2016. Until such time as Sec. 22 of this act shall apply to the district, the district's equalized pupil count shall be calculated under 16 V.S.A. § 4010(f), as in effect on June 30, 2016.

Sec. 25a. 2015 Acts and Resolves No. 46, Sec. 24 is amended to read:

Sec. 24. REPEAL

16 V.S.A. § 4010(f) (declining enrollment; hold-harmless provision) is repealed on July 1, ~~2020~~ 2021.

Which was disagreed to.

Pending the question, Shall the House concur with the Senate proposal of amendment with further amendment thereto, as offered by Rep. Conlon of Cornwall, as amended? **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 concur with the Senate proposal of amendment with further amendment thereto, as offered by Rep. Conlon of Cornwall as amended? was decided in the affirmative. Yeas, 128. Nays, 1.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gardner of Richmond	Murphy of Fairfax
Ancel of Calais	Giambatista of Essex	Myers of Essex
Bancroft of Westford	Gonzalez of Winooski	Norris of Shoreham
Bartholomew of Hartland	Grad of Moretown	Noyes of Wolcott
Baser of Bristol	Graham of Williamstown	Ode of Burlington

Batchelor of Derby	Greshin of Warren	Parent of St. Albans Town
Beck of St. Johnsbury	Haas of Rochester	Partridge of Windham
Belaski of Windsor	Harrison of Chittenden	Pearce of Richford
Beyor of Highgate	Head of South Burlington	Potter of Clarendon
Bock of Chester	Hebert of Vernon	Pugh of South Burlington
Botzow of Pownal	Helm of Fair Haven	Quimby of Concord
Browning of Arlington	Higley of Lowell	Rachelson of Burlington
Brumsted of Shelburne	Hill of Wolcott	Rosenquist of Georgia
Buckholz of Hartford	Hooper of Montpelier	Scheu of Middlebury
Burditt of West Rutland	Hooper of Brookfield	Scheuermann of Stowe
Burke of Brattleboro	Howard of Rutland City	Sharpe of Bristol *
Canfield of Fair Haven	Hubert of Milton	Shaw of Pittsford
Carr of Brandon	Jessup of Middlesex	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Jickling of Brookfield	Sibilia of Dover *
Christensen of Weathersfield	Joseph of North Hero	Smith of Derby
Cina of Burlington	Juskiewicz of Cambridge	Smith of New Haven
Colburn of Burlington	Keenan of St. Albans City	Squirrell of Underhill
Conlon of Cornwall	Kitzmiller of Montpelier	Strong of Albany
Connor of Fairfield	LaClair of Barre Town	Stuart of Brattleboro
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Sullivan of Dorset
Corcoran of Bennington	Lanpher of Vergennes	Sullivan of Burlington
Cupoli of Rutland City	Lawrence of Lyndon	Taylor of Colchester
Dakin of Colchester	Lefebvre of Newark	Terenzini of Rutland Town
Deen of Westminster	Lewis of Berlin	Toleno of Brattleboro
Devereux of Mount Holly	Lippert of Hinesburg	Toll of Danville
Dickinson of St. Albans Town	Long of Newfane	Townsend of South Burlington
Donahue of Northfield	Lucke of Hartford	Trieber of Rockingham
Dunn of Essex	Macaig of Williston	Turner of Milton
Emmons of Springfield	Marcotte of Coventry	Van Wyck of Ferrisburgh
Fagan of Rutland City	Martel of Waterford	Viens of Newport City
Feltus of Lyndon	Masland of Thetford	Walz of Barre City
Forguites of Springfield	McCormack of Burlington	Webb of Shelburne
Frenier of Chelsea	McCoy of Poultney	Weed of Enosburgh
Gage of Rutland City	McCullough of Williston	Wood of Waterbury
Gamache of Swanton	McFaun of Barre Town	Wright of Burlington
Gannon of Wilmington	Miller of Shaftsbury	Yacovone of Morristown
	Morris of Bennington	Yantachka of Charlotte
	Morrissey of Bennington	Young of Glover
	Mrowicki of Putney	

Those who voted in the negative are:

Olsen of Londonderry

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

Bissonnette of Winooski	Fields of Bennington	Poirier of Barre City
Brennan of Colchester	Houghton of Essex	Savage of Swanton
Briglin of Thetford	Johnson of South Hero	Stevens of Waterbury
Christie of Hartford	Keefe of Manchester	Till of Jericho
Condon of Colchester	Kimbell of Woodstock	Troiano of Stannard
Conquest of Newbury	Nolan of Morristown	Willhoit of St. Johnsbury

Donovan of Burlington

O'Sullivan of Burlington

Rep. Sharpe of Bristol explained his vote as follows:

“Madam Speaker:

I want to thank the body for their strong support of the work your Education Committee has put in to modernize our school system in order to protect our small community elementary schools and improve opportunities for students as they move to high school graduation and beyond, all within property taxes that Vermont communities support in response to declining student populations.”

Rep. Sibilia of Dover explained her vote as follows:

“Madam Speaker:

I appreciate the significant efforts of both bodies to provide more flexibility in complying with Act 46. There is much more work to be done. We will need to maintain that sense of flexibility in the coming years as we seek to right size and right finance education in Vermont, while not abandoning students in rural Vermont.”

Recess

At one o'clock and five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At three o'clock and twenty-five minutes in the afternoon, the Speaker called the House to order.

Message from the Senate No. 54

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

Madam Speaker:

I am directed to inform the House that:

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

H. 509. An act relating to calculating statewide education tax rates.

H. 515. An act relating to Executive Branch and Judiciary fees.

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:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 127. An act relating to miscellaneous changes to laws related to vehicles and vessels.

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 Mazza
Senator Flory
Senator Degree

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. 518. 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 Westman

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. 494. An act relating to the Transportation Program and miscellaneous changes to transportation-related law.

And has accepted and adopted the same on its part.

Action on Bill Postponed

S. 122

House bill, entitled

An act relating to increased flexibility for school district mergers

Was taken up and pending the reading of the report of the committee on Education, on motion of **Rep. Sharpe of Bristol**, action on the bill was postponed until April 29, 2017.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 134

Rep. Colburn of Burlington, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to court diversion and pretrial services

Reported in favor of its passage in concurrence with proposal of amendment as follows by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS; INTENT

(a) The General Assembly finds:

(1) According to numerous studies over many years, pretrial diversion programs result in outcomes for participants that are better than incarceration, including reducing the likelihood that participants commit future crimes and improving substance abuse and mental health outcomes. For example, according to a study of the New York City Jail Diversion Project, 12 months after their offense, offenders who go through a diversion program are less likely to reoffend, spend less time in prison, have received more treatment, and are less likely to suffer drug relapses. In addition, a study in the Journal of the American Academy of Psychiatry and the Law indicates that diversion programs reduce the amount of time participants spend in jail for future offenses from an average of 173 days to an average of 40 days during the year after the offense. Research also demonstrates that offenders who have participated in diversion programs are better able to find employment.

(2) Diversion programs benefit the criminal justice system by reducing costs and allowing resources to be allocated more efficiently for more serious offenders. According to studies by the Urban Institute and the National Alliance on Mental Illness, diversion programs reduce costs and improve outcomes by allowing offenders with mental illness to receive more appropriate treatment outside the criminal justice system. As reported in the Psychiatric Rehabilitation Journal, diversion programs reduce costs by decreasing the need for and use of hospitalization and crisis services by offenders.

(b) It is the intent of the General Assembly that:

(1) Sec. 2 of this act result in an increased use of the Diversion Program throughout the State and a more consistent use of the program between different regions of the State;

(2) the Office of the Attorney General collect data pursuant to 3 V.S.A.

§ 164(d) on Diversion Program use, including the effect of this act on use of the Program statewide and in particular regions of the State; and

(3) consideration be given to further amending the Diversion Program statutes before Sec. 2 of this act sunsets on July 1, 2020, if it is determined that Sec. 2 of this act did not produce the intended increases in Diversion Program usage.

Sec. 2. 3 V.S.A. § 164 is amended to read:

§ 164. ADULT COURT DIVERSION ~~PROJECT~~ PROGRAM

(a) The Attorney General shall develop and administer an adult court diversion ~~project program~~ in all counties. The ~~project program~~ shall be operated through the juvenile diversion project ~~and shall be designed to assist adults who have been charged with a first or second misdemeanor or a first nonviolent felony~~. The Attorney General shall adopt only such rules as are necessary to establish an adult court diversion ~~project program~~ for adults, in compliance with this section.

(b) The program shall be designed for two purposes:

(1) To assist adults who have been charged with a first or a second misdemeanor or a first nonviolent felony.

(2) To assist adults with substance abuse or mental health treatment needs regardless of the person's prior criminal history record. Programming for these persons is intended to support access to appropriate treatment or other resources with the aim of improving the person's health and reducing future adverse involvement in the justice system. A person charged with a felony offense that is a listed crime pursuant to 13 V.S.A. § 5301 shall not be eligible under this section.

(c) The ~~adult court diversion project administered by the Attorney General program~~ shall encourage the development of diversion ~~projects programs~~ in local communities through grants of financial assistance to municipalities, private groups or other local organizations. The Attorney General may require local financial contributions as a condition of receipt of ~~project program~~ grants.

(d) The Office of the Attorney General shall develop program outcomes following the designated State of Vermont performance accountability framework and, in consultation with the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Center for Crime Victim Services, and the Judiciary, report annually on or before December 1 to the General Assembly on services provided and outcome indicators.

~~(e)~~(e) All adult court diversion ~~projects programs~~ receiving financial assistance from the Attorney General shall adhere to the following provisions:

(1) The diversion ~~project~~ program 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 may refer a person to diversion either before or after arraignment and shall notify in writing the diversion program and the court of his or her intention to refer the person to diversion. If a person is charged with a qualifying crime as defined in 13 V.S.A. § 7601(4)(A), the prosecutor shall provide the person with the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record at arraignment or a subsequent hearing why a referral to the Program would not serve the ends of justice. If the prosecuting attorney refers a case to diversion, the 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;
- (C) the Board accepts the case, but the person does not successfully complete diversion;
- (D) the prosecuting attorney recalls the referral to diversion.

(2) Alleged offenders shall be informed of their right to the advice and assistance of private counsel or the public defender at all stages of the diversion process, including the initial decision to participate, and the decision to accept the adult diversion contract, so that the candidate may give informed consent.

(3) The participant shall be informed that his or her selection of the adult diversion contract is voluntary.

(4) Each State's Attorney, in cooperation with the Office of the Attorney General and the adult court diversion ~~project~~ program, shall develop clear criteria for deciding what types of offenses and offenders will be eligible for diversion; however, the State's Attorney shall retain final discretion over the referral of each case for diversion.

(5) All information gathered in the course of the adult diversion process shall be held strictly confidential and shall not be released without the participant's prior consent (except that research and reports that do not require or establish the identity of individual participants are allowed).

(6) Information related to the present offense that is divulged during the adult diversion program shall not be used ~~in the prosecutor's case against the person in the person's criminal or juvenile case for any purpose, including impeachment or cross-examination.~~ However, the fact of participation and success, or reasons for failure may become part of the prosecutor's records.

(7)(A) The adult court diversion ~~project~~ program shall maintain sufficient records so that the reasons for success or failure of the program in particular cases and overall can be investigated by program staff. These records shall include a centralized statewide filing system that will include the following information about individuals who have successfully completed an adult court diversion program:

- (i) name and date of birth;
- (ii) offense charged and date of offense;
- (iii) place of residence;
- (iv) county where diversion process took place; and
- (v) date of completion of diversion process.

(B) These records shall not be available to anyone other than the participant and his or her attorney, State's Attorneys, the Attorney General and directors of adult court diversion projects.

(8) Adult court diversion ~~projects~~ programs shall be set up to respect the rights of participants.

(9) Each participant shall pay a fee to the local adult court diversion project. The amount of the fee shall be determined by project officers or employees based upon the financial capabilities of the participant. The fee shall not exceed \$300.00. The fee shall be a debt due from the participant, and payment of such shall be required for successful completion of the program. Notwithstanding 32 V.S.A. § 502(a), fees collected under this subdivision shall be retained and used solely for the purpose of the court diversion program.

~~(d)~~(f) The Attorney General is authorized to accept grants and gifts for the purposes of this section, such acceptance being pursuant to 32 V.S.A. § 5.

~~(e)~~(g) Within 30 days of the two-year anniversary of a successful completion of adult diversion, the court shall provide notice to all parties of record of the court's intention to order the sealing of all court files and records, law enforcement records other than entries in the adult court diversion project's centralized filing system, fingerprints, and photographs applicable to the proceeding. The court shall give the State's Attorney an opportunity for a hearing to contest the sealing of the records. The court shall seal the records if it finds:

(1) two years have elapsed since the successful completion of the adult diversion program by the participant and the dismissal of the case by the State's Attorney; and

(2) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction; and

(3) rehabilitation of the participant has been attained to the satisfaction of the court.

~~(f)~~(h) Upon the entry of an order sealing such files and records under this section, the proceedings in the matter under this section shall be considered never to have occurred, all index references thereto shall be deleted, and the participant, the court, and law enforcement officers and departments shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the order shall be sent to each agency or official named therein.

~~(g)~~(i) Inspection of the files and records included in the order may thereafter be permitted by the court only upon petition by the participant who is the subject of such records, and only to those persons named therein.

~~(h)~~(j) The process of automatically sealing records as provided in this section shall only apply to those persons who completed diversion on or after July 1, 2002. Any person who completed diversion prior to July 1, 2002 must apply to the court to have his or her records sealed. Sealing shall occur if the requirements of subsection ~~(e)~~(g) of this section are met.

~~(i)~~(k) Subject to the approval of the Attorney General, the Vermont Association of Court Diversion Programs may develop and administer programs to assist persons under this section charged with delinquent, criminal, and civil offenses.

Sec. 3. 13 V.S.A. § 7554c is amended to read:

§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

(a)(1) The objective of a pretrial risk assessment is to provide information to the ~~Court~~ court for the purpose of determining whether a person presents a risk of nonappearance ~~or a threat to public safety~~ or a risk of re-offense so the ~~Court~~ court can make an appropriate order concerning bail and conditions of pretrial release. The assessment shall not assess victim safety or risk of lethality in domestic assaults.

(2) The objective of a pretrial needs screening is to obtain a preliminary indication of whether a person has a substantial substance abuse or mental health issue that would warrant a subsequent court order for a more detailed

clinical assessment.

(3) Participation in a risk assessment or needs screening pursuant to this section does not create any entitlement for the assessed or screened person.

~~(b)(1) A~~ Except as provided in subdivision (2) of this subsection, a person whose offense or status falls into any of the following categories shall be offered a risk assessment and, if deemed appropriate by the pretrial monitor, a needs screening prior to arraignment:

~~(A) misdemeanors and felonies, excluding listed crimes and drug trafficking, cited into court; and~~

~~(B) persons who are arrested and lodged and unable to post bail within 24 hours of lodging, excluding persons who are charged with an offense for which registration as a sex offender is required upon conviction pursuant to subchapter 3 of chapter 167 of this title or an offense punishable by up to life imprisonment who is arrested, lodged, and unable to post bail within 24 hours of lodging shall be offered a risk assessment and, if deemed appropriate by the pretrial services coordinator, a needs screening prior to arraignment.~~

~~(2) As used in this section, "listed crime" shall have the same meaning as provided in section 5301 of this title and "drug trafficking" means offenses listed as such in Title 18. A person charged with an offense for which registration as a sex offender is required pursuant to subchapter 3 of chapter 167 of this title or an offense punishable by a term of life imprisonment shall not be eligible under this section.~~

~~(3) Unless ordered as a condition of release under section 7554 of this title, participation~~ Participation in risk assessment or needs screening shall be voluntary and a person's refusal to participate shall not result in any criminal legal liability to the person.

(4) In the event an assessment or screening cannot be obtained prior to arraignment, the risk assessment and needs screening shall be conducted as soon as practicable.

(5) A person who qualifies pursuant to ~~subdivisions (1)(A)-(D)~~ subdivision (1) of this subsection and who has an additional pending charge or a violation of probation shall not be excluded from being offered a risk assessment or needs screening unless the other charge is a listed crime.

~~(6)(A) The Administrative Judge and Court Administrator, in consultation with the Secretary of Human Services and the Commissioner of Corrections, shall develop a statewide plan for the phased, consistent rollout of the categories identified in subdivisions (1)(A) through (D) of this subsection, in the order in which they appear in this subsection. The Administrative Judge~~

~~and Court Administrator shall present the plan to the Joint Legislative Corrections Oversight Committee on or before October 15, 2014~~ Any person charged with a criminal offense, except those persons identified in subdivision (b)(2) of this section, may choose to engage with a pretrial services coordinator.

~~(B) All persons whose offense or status falls into one of the categories shall be eligible for a risk assessment or needs screening on or after October 15, 2015. Prior to that date, a person shall not be guaranteed the offer of a risk assessment or needs screening solely because the person's offense or status falls into one of the categories. Criminal justice professionals charged with implementation shall adhere to the plan.~~

(c) The results of the risk assessment and needs screening shall be provided to the person and his or her attorney, the prosecutor, and the ~~Court~~ court. Pretrial services coordinators may share information only within the limitations of subsection (e) of this section.

(d)(1) At arraignment, ~~in consideration of the risk assessment and needs screening,~~ the ~~Court~~ court may order the a person to ~~comply with~~ do the following ~~conditions~~:

(A) meet with a pretrial ~~monitor~~ services coordinator on a schedule set by the ~~Court~~ court; and

(B) participate in a needs screening with a pretrial services coordinator; and

(C) participate in a clinical assessment by a substance abuse or mental health treatment provider and follow the recommendations of the provider.

(2) The ~~Court~~ court may order the person to ~~follow the recommendation of the pretrial monitor if the person has completed a risk assessment or needs screening~~ engage in pretrial services. Pretrial services may include the pretrial services coordinator:

(A) supporting the person in meeting conditions of release imposed by the court, including the condition to appear for judicial proceedings; and

(B) connecting the person with community-based treatment programs, rehabilitative services, recovery supports, and restorative justice programs.

(3) If possible, the ~~Court~~ court shall set the date and time for the clinical assessment at arraignment. In the alternative, the pretrial ~~monitor~~ services coordinator shall coordinate the date, time, and location of the clinical assessment and advise the ~~Court~~ court, the person and his or her attorney, and

the prosecutor.

(4) ~~The conditions~~ An order authorized in subdivision (1) or (2) of this subsection shall be in addition to any ~~other~~ conditions of release permitted by law and shall not limit the ~~Court~~ court in any way. Failure to comply with a court order authorized by subdivision (1) or (2) of this subsection shall not constitute a violation of section 7559 of this title.

(5) This section shall not be construed to limit a court's authority to impose conditions pursuant to section 7554 of this title.

(e)(1) Information obtained from the person during the risk assessment or needs screening shall be exempt from public inspection and copying under the Public Records Act and, except as provided in subdivision (2) of this subsection, only may be used for determining bail, conditions of release, and appropriate programming for the person in the pending case. The information a pretrial services coordinator may report is limited to whether a risk assessment indicates risk of nonappearance, whether further substance use assessment or treatment is indicated, whether mental health assessment or treatment is indicated, whether a person participated in a clinical assessment, and whether further engagement with pretrial services is recommended unless the person provides written permission to release additional information. Information related to the present offense directly or indirectly derived from the risk assessment, needs screening, or other conversation with the pretrial services coordinator shall not be used against the person in the person's criminal or juvenile case for any purpose, including impeachment or cross-examination. However, the fact of participation or nonparticipation in risk assessment or needs screening may be used in subsequent proceedings. The immunity provisions of this subsection apply only to the use and derivative use of information gained as a proximate result of the risk assessment or needs screening, or other conversation with the pretrial services coordinator.

(2) The person shall retain all of his or her due process rights throughout the risk assessment and needs screening process and may release his or her records at his or her discretion.

(3) ~~The Vermont Supreme Court in accordance with judicial rulemaking as provided in 12 V.S.A. § 1 shall promulgate and the Department of Corrections in accordance with the Vermont Administrative Procedure Act pursuant to 3 V.S.A. chapter 25 shall adopt rules related to the custody, control, and preservation of information consistent with the confidentiality requirements of this section. Emergency rules adopted prior to January 1, 2015 pursuant to this section shall be considered to meet the "imminent peril" standard under 3 V.S.A. § 844(a)~~ All records of information obtained during risk assessment or needs screening shall be stored in a manner making them

accessible only to the Director of Pretrial Services and Pretrial Service Coordinators for a period of three years, after which the records shall be maintained as required by sections 117 and 218 of this title and any other State law. The Director of Pretrial Services shall be responsible for the destruction of records when ordered by the court.

(f) The Attorney General's Office shall:

(1) contract for or otherwise provide the pretrial services described in this section, including performance of risk assessments, needs screenings, and pretrial monitoring services, and

(2) develop pretrial services outcomes following the designated State of Vermont performance accountability framework and, in consultation with the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Center for Crime Victim Services, and the Judiciary, report annually on or before December 1 to the General Assembly on services provided and outcome indicators.

Sec. 4. MISDEMEANOR POSSESSION OF DRUGS; PRETRIAL SERVICES

(a) It is the intent of the General Assembly to encourage persons cited or arrested for a misdemeanor drug possession charge the opportunity to engage with pretrial services, and, if appropriate, enter treatment, and that, in turn, a person who complies with such conditions will be eligible for dismissal of the charge.

(b) The Attorney General, the Defender General, and the Executive Director of the Department of State's Attorneys and Sheriffs shall work collaboratively to develop a specific legislative proposal to accomplish this intent with an implementation date of July 1, 2018 and report to the Senate and House Committees on Judiciary and on Appropriations, the Senate Committee on Health and Welfare, and the House Committee on Human Services on or before November 1, 2017.

Sec. 5. 13 V.S.A. § 7041 is amended to read:

§ 7041. DEFERRED SENTENCE

(a) Upon an adjudication of guilt and after the filing of a presentence investigation report, the court may defer sentencing and place the respondent on probation upon such terms and conditions as it may require if a written agreement concerning the deferring of sentence is entered into between the ~~state's attorney~~ State's Attorney and the respondent and filed with the clerk of the court.

(b) Notwithstanding subsection (a) of this section, the court may defer

sentencing and place the respondent on probation without a written agreement between the ~~state's attorney~~ State's Attorney and the respondent if the following conditions are met:

(1)(A) the respondent is 28 years ~~old~~ of age or younger; or

(B) the respondent is 29 years of age or older and has not previously been convicted of a crime;

(2) the crime for which the respondent is being sentenced is not a listed crime as defined in subdivision 5301(7) of this title;

(3) the court orders, unless waived by the State's Attorney:

(A) a presentence investigation in accordance with the procedures set forth in Rule 32 of the Vermont Rules of Criminal Procedure, ~~unless the state's attorney agrees to waive the presentence investigation;~~ or

(B) an abbreviated presentence investigation in a form approved by the Commissioner of Corrections;

(4) the court permits the victim to submit a written or oral statement concerning the consideration of deferment of sentence;

(5) the court reviews the presentence investigation and the victim's impact statement with the parties; and

(6) the court determines that deferring sentence is in the interest of justice.

(c) Notwithstanding subsections (a) and (b) of this section, the court may not defer a sentence for a violation of section 3253a (aggravated sexual assault of a child), section 2602 (lewd and lascivious conduct with a child unless the victim and the defendant were within five years of age and the act was consensual), 3252(c) (sexual assault of a child under 16 years of age unless the victim and the defendant were within five years of age and the act was consensual), 3252(d) or (e) (sexual assault of a child), 3253(a)(8) (aggravated sexual assault), or 3253a (aggravated sexual assault of a child) of this title.

* * *

Sec. 6. 13 V.S.A. § 5231 is amended to read:

§ 5231. RIGHT TO REPRESENTATION, SERVICES AND FACILITIES

(a) A needy person who is being detained by a law enforcement officer without charge or judicial process, ~~or~~ who is charged with having committed or is being detained under a conviction of a serious crime, or who is charged with having committed or is being detained under a conviction of any criminal offense if the person was 25 years of age or less at the time the alleged offense was committed, is entitled:

(1) To be represented by an attorney to the same extent as a person having his or her own counsel;~~and.~~

(2) To be provided with the necessary services and facilities of representation. Any such necessary services and facilities of representation that exceed \$1,500.00 per item must receive prior approval from the court after a hearing involving the parties. The court may conduct the hearing outside the presence of the ~~state~~ State, but only to the extent necessary to preserve privileged or confidential information. This obligation and requirement to obtain prior court approval shall also be imposed in like manner upon the ~~attorney general~~ Attorney General or a ~~state's attorney~~ State's Attorney prosecuting a violation of the law.

(b) The attorney, services and facilities, and court costs shall be provided at public expense to the extent that the person, at the time the court determines need, is unable to provide for the person's payment without undue hardship.

Sec. 7. 13 V.S.A. § 5232 is amended to read:

§ 5232. PARTICULAR PROCEEDINGS

Counsel shall be assigned under section 5231 of this title to represent needy persons in any of the following:

* * *

(3) ~~Proceedings~~ For proceedings arising out of a petition brought in a juvenile court, including any subsequent proceedings arising from an order issued in the juvenile proceeding:

(A) the child; and

(B) when the court deems the interests of justice require representation, of either the child or his or her the child's parents or guardian, or both, including any subsequent proceedings arising from an order therein.

Sec. 8. 13 V.S.A. § 5234 is amended to read:

§ 5234. NOTICE OF RIGHTS; REPRESENTATION PROVIDED

(a) If a person who is being detained by a law enforcement officer without charge or judicial process, ~~or~~ who is charged with having committed or is being detained under a conviction of a serious crime, or who is charged with having committed or is being detained under a conviction of any criminal offense if the person was 25 years of age or less at the time the alleged offense was committed, is not represented by an attorney under conditions in which a person having his or her own counsel would be entitled to be so represented, the law enforcement officer, magistrate, or court concerned shall:

(1) Clearly inform him or her of the right of a person to be represented by an attorney and of a needy person to be represented at public expense;~~and.~~

(2) If the person detained or charged does not have an attorney and does not knowingly, voluntarily and intelligently waive his or her right to have an attorney when detained or charged, notify the appropriate public defender that he or she is not so represented. This shall be done upon commencement of detention, formal charge, or post-conviction proceeding, as the case may be. As used in this subsection, the term “commencement of detention” includes the taking into custody of a probationer or parolee.

(b) Upon commencement of any later judicial proceeding relating to the same matter, the presiding officer shall clearly inform the person so detained or charged of the right of a needy person to be represented by an attorney at public expense.

(c) Information given to a person by a law enforcement officer under this section is effective only if it is communicated to a person in a manner meeting standards under the ~~constitution~~ Constitution of the United States relating to admissibility in evidence against him or her of statements of a detained person.

(d) Information meeting the standards of subsection (c) of this section and given to a person by a law enforcement officer under this section gives rise to a rebuttable presumption that the information was effectively communicated if:

(1) ~~It~~ it is in writing or otherwise recorded;

(2) ~~The~~ the recipient records his or her acknowledgment of receipt and time of receipt of the information; and

(3) ~~The~~ the material so recorded under subdivisions (1) and (2) of this subsection is filed with the court next concerned.

Sec. 9. LEGISLATIVE FINDINGS

The General Assembly finds that:

(1) According to Michael Botticelli, former Director of the Office of National Drug Control Policy, the National Drug Control Strategy recommends treating “addiction as a public health issue, not a crime.” Further, the strategy “rejects the notion that we can arrest and incarcerate our way out of the nation’s drug problem.”

(2) Vermont Chief Justice Paul Reiber has declared that “the classic approach of ‘tough on crime’ is not working in [the] area of drug policy” and that treatment-based models are proving to be a more effective approach for dealing with crime associated with substance abuse.

(3) A felony conviction record is a significant impediment to gaining and maintaining employment and housing, yet we know that stable employment and housing are an essential element to recovery from substance abuse and desistance of criminal activity that often accompanies addiction.

(4) In a 2014 study by the PEW Research Center, 67 percent of people polled said government should focus more on providing treatment to people who use illicit drugs and less on punishment. The Center later reported that states are leading the way in reforming drug laws to reflect this opinion: State-level actions have included lowering penalties for possession and use of illegal drugs, shortening mandatory minimums or curbing their applicability, removing automatic sentence enhancements, and establishing or extending the jurisdiction of drug courts and other alternatives to the regular criminal justice system.

(5) Vermont must look at alternative approaches to the traditional criminal justice model for addressing low-level illicit drug use if it is going to reduce the effects of addiction and addiction-related crime in this State.

Sec. 10. STUDY

(a) The Office of Legislative Council shall examine the issue of a public health approach to low-level possession and use of illicit drugs in Vermont as an alternative to the traditional criminal justice model, looking to trends both nationally and internationally, with a goal of providing policymakers a range of approaches to consider during the 2018 legislative session.

(b) The Office of Legislative Council shall report its findings to the General Assembly on or before November 15, 2017.

Sec. 11. SUNSET

Sec. 2 of this act shall be repealed on July 1, 2020.

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Judiciary agreed to and third reading ordered.

Action on Bill Postponed

H. 167

House bill, entitled

An act relating to alternative approaches to addressing low-level illicit drug use

Was taken up and pending the question Will the House concur in the Senate proposal of amendment? on motion of **Rep. Grad of Moretown**, action on the bill was postponed until April 29, 2017.

**Senate Proposal of Amendment to House Proposal of Amendment
Concurred in with Further Amendment Thereto**

S. 22

The Senate concurred in House proposal of amendment with further proposal of amendment on Senate bill, entitled

An act relating to increased penalties for possession, sale, and dispensation of fentanyl

The Senate has concurred in the House proposal of amendment with further proposal of amendment as follows:

By striking out Secs. 1 and 2 in their entirety and inserting in lieu thereof four new sections to be Secs. 1a, 1b, 2a, and 2b to read as follows:

Sec. 1a. 18 V.S.A. § 4233a is added to read:

§ 4233a. FENTANYL

(a) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing fentanyl shall be imprisoned not more than three years or fined not more than \$75,000.00, or both. A person knowingly and unlawfully selling fentanyl shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

(2) A person knowingly and unlawfully selling or dispensing fentanyl in an amount consisting of four milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl shall be imprisoned not more than 10 years or fined not more than \$250,000.00, or both.

(3) A person knowingly and unlawfully selling or dispensing fentanyl in an amount consisting of 20 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl shall be imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both.

(4) In lieu of a charge under this subsection, but in addition to any other penalties provided by law, a person knowingly and unlawfully selling or dispensing any regulated drug containing a detectable amount of fentanyl shall be imprisoned not more than five years or fined not more than \$250,000.00, or both.

(b) Trafficking. A person knowingly and unlawfully possessing fentanyl in an amount consisting of 70 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl with the intent to sell or dispense the fentanyl shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses fentanyl in an amount of 70 milligrams or more of

one or more preparations, compounds, mixtures, or substances containing fentanyl intends to sell or dispense the fentanyl. The amount of possessed fentanyl under this subsection to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be not less than 70 milligrams in the aggregate.

(c) Transportation into the State. In addition to any other penalties provided by law, a person knowingly and unlawfully transporting more than 20 milligrams of fentanyl into Vermont with the intent to sell or dispense the fentanyl shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both.

Sec. 1b. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

* * *

(b) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing a depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, shall be imprisoned not more than three years or fined not more than \$75,000.00, or both. A person knowingly and unlawfully selling a depressant, stimulant, or narcotic drug, other than fentanyl, cocaine, or heroin, shall be imprisoned not more than five years or fined not more than \$25,000.00, or both.

(2) A person knowingly and unlawfully selling or dispensing a depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, consisting of 100 times a benchmark unlawful dosage or its equivalent as determined by the ~~board of health~~ Board of Health by rule shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both.

(3) A person knowingly and unlawfully selling or dispensing a depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, consisting of 1,000 times a benchmark unlawful dosage or its equivalent as determined by the ~~board of health~~ Board of Health by rule shall be imprisoned not more than 20 years or fined not more than \$500,000.00, or both.

Sec. 2a. 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 2822, 2823, and 2824 of this title;
- (4) receiving stolen property under sections 2561-2564 of this title; or
- (5) an offense involving the sale, delivery, manufacture, or cultivation of a regulated drug or an offense under:
 - (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; or
 - (E) 18 V.S.A. § 4234a(c), relating to trafficking in methamphetamine; or
 - (F) 18 V.S.A. § 4233a(c), relating to trafficking in fentanyl.

Sec. 2b. USE OF U.S. FOOD AND DRUG ADMINISTRATION-
APPROVED DRUGS CONTAINING CANNABIDIOL

(a) Upon approval by the U.S. Food and Drug Administration (FDA) of one or more prescription drugs containing cannabidiol, the following activities shall be lawful in Vermont:

(1) the clinically appropriate prescription for a patient of an FDA-approved prescription drug containing cannabidiol by a health care provider licensed to prescribe medications in this State and acting within his or her authorized scope of practice;

(2) the dispensing, pursuant to a valid prescription, of an FDA-approved prescription drug containing cannabidiol to a patient or a patient's authorized representative by a pharmacist or by another health care provider licensed to dispense medications in this State and acting within his or her authorized scope

of practice:

(3) the possession and transportation of an FDA-approved prescription drug containing cannabidiol by a patient to whom a valid prescription was issued or by the patient's authorized representative;

(4) the possession and transportation of an FDA-approved prescription drug containing cannabidiol by a licensed pharmacy or wholesaler in order to facilitate the appropriate dispensing and use of the drug; and

(5) the use of an FDA-approved prescription drug containing cannabidiol by a patient to whom a valid prescription was issued, provided the patient uses the drug only for legitimate medical purposes in conformity with instructions from the prescriber and dispenser.

(b) Upon approval by the U.S. Food and Drug Administration of one or more prescription drugs containing cannabidiol, the Department of Health shall amend its rules to conform to the provisions of subsection (a) of this section.

Pending the question, Will the House concur in the Senate proposal of amendment to the House proposal of amendment? **Rep. Colburn of Burlington**, moved to concur in the Senate proposal of amendment to the House proposal of amendment with a further amendment thereto, as follows:

First: By adding a new section to be Sec. 4 to read as follows:

Sec. 4. CRIMINAL CODE RECLASSIFICATION IMPLEMENTATION
COMMITTEE

(a) Creation. There is created the Criminal Code Reclassification Committee to develop and propose a classification system for purposes of structuring Vermont's criminal offenses.

(b) Membership. The Committee shall be composed of the following six members:

(1) three current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House; and

(2) three current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees;

(c) Powers and duties.

(1) The Committee shall develop a classification system that creates categories of criminal offenses on the basis of the maximum potential period of imprisonment and the maximum potential fine. The Committee shall propose legislation that places each of Vermont's criminal statutes into one of the

classification offense categories it identifies. If the Committee is unable to determine an appropriate classification for a particular offense, the Committee shall indicate multiple classification possibilities for that offense.

(2) For purposes of the classification system developed pursuant to this section, the Committee shall consider the recommendations of the Criminal Code Reclassification Study Committee, and may consider whether to propose:

(A) rules of statutory interpretation specifically for criminal provisions;

(B) the consistent use of mental element terminology in all criminal provisions;

(C) a comprehensive section of definitions applicable to all criminal provisions.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office, and may consult with the Vermont Crime Research Group, the Vermont Law School Center for Justice Reform, and any other person who would be of assistance to the Committee.

(e) Report. On or before December 31, 2017, the Committee shall submit a report consisting of proposed legislation to the House and Senate Committees on Judiciary.

(f) Meetings.

(1) The Committee shall select a chair and a vice chair from among its members at the first meeting.

(2) A majority of the membership shall constitute a quorum.

(3) The Committee shall cease to exist on January 15, 2018.

(g) Reimbursement. For attendance at meetings during adjournment of the General Assembly, members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

Second: In Sec. 5, effective dates, after the words "This section" by adding the following: , Sec. 4 (Criminal Code Reclassification Implementation Committee).

And that after passage the title of the bill be amended to read: "An act relating to fentanyl, a committee to reorganize and reclassify Vermont's criminal statutes, and the ephedrine and pseudoephedrine registry"

Which was agreed to.

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 503

The bill appearing on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to bail

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill as follows by striking out all after the enacting clause and inserting in lieu thereof the following:

* * *Release Prior to Trial * * *

Sec. 1. 13 V.S.A. § 7551 is amended to read:

§ 7551. APPEARANCE BONDS; GENERALLY

(a) A bond given by a person charged with a criminal offense or by a witness in a criminal prosecution under section 6605 of this title, conditioned for the appearance of the person or witness before the court in cases where the offense is punishable by fine or imprisonment, and in appealed cases, shall be taken to the ~~district or superior court~~ Criminal Division of the Superior Court where the prosecution is pending, and shall remain binding upon parties until discharged by the court or until sentencing. The person or witness shall appear at all required court proceedings.

(b) No bond may be imposed at the initial appearance of a person charged with a misdemeanor if the person was cited for the offense in accordance with Rule 3 of the Vermont Rules of Criminal Procedure. This subsection shall not be construed to restrict the court's ability to impose conditions on an individual reasonably to ensure his or her appearance at future proceedings or reasonably to protect the public in accordance with section 7554 of this title.

Sec. 2. 13 V.S.A. § 7554 is amended to read:

§ 7554. RELEASE PRIOR TO TRIAL

(a) Any person charged with an offense, other than a person held without bail under section 7553 or 7553a of this title, shall at his or her appearance before a judicial officer be ordered released pending trial in accordance with this section.

* * *

(3) A judicial officer may order that a defendant not harass or contact or cause to be harassed or contacted a victim or potential witness. This order shall take effect immediately, regardless of whether the defendant is incarcerated or released.

(4) A judicial officer may order that a defendant not possess firearms or other weapons. This order shall take effect immediately, regardless of whether the defendant is incarcerated or released.

Sec. 3. 28 V.S.A. § 301 is amended to read:

§ 301. SUMMONS OR ARREST OF PROBATIONER

* * *

(2) Arrest or citation of person on probation. Any correctional officer may arrest a probationer without a warrant if, in the judgment of the correctional officer, the probationer has violated a condition or conditions of his or her probation other than a condition that the probationer pay restitution; or may deputize any other law enforcement officer to arrest a probationer without a warrant by giving him or her a written statement setting forth that the probationer has, in the judgment of the correctional officer, violated a condition or conditions of his or her probation other than a condition that the probationer pay restitution. The written statement delivered with the person by the arresting officer to the supervising officer of the correctional facility to which the person is brought for detention shall be sufficient warrant for detaining him or her. In lieu of arrest, a correctional officer may issue a probationer a citation to appear for arraignment. In deciding whether to arrest or issue a citation, an officer shall consider whether issuance of a citation will reasonably ensure the probationer's appearance at future proceedings and reasonably protect the public.

* * *

(4) Detention pending hearing for probationer. Pending arraignment for any charge of violation, the probationer shall ~~continue to~~ be detained at a correctional facility unless issued a citation by a correctional officer. Thereafter, the court may release the probationer pursuant to 13 V.S.A. § 7554. There shall be no right to bail or release, unless the person is on probation for a nonviolent misdemeanor or nonviolent felony ~~and the probation violation did not constitute a new crime.~~ As used in this subdivision:

(A) "Nonviolent felony" means a felony offense which is not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64.

(B) "Nonviolent misdemeanor" means a misdemeanor offense which is not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64 or 13 V.S.A. § 1030.

* * * Regulated Drugs * * *

Sec. 4. 18 V.S.A. § 4233a is added to read:

§ 4233a. FENTANYL

(a) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing fentanyl shall be imprisoned not more than three years or fined not more than \$75,000.00, or both. A person knowingly and unlawfully selling fentanyl shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

(2) A person knowingly and unlawfully selling or dispensing fentanyl in an amount consisting of four milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl shall be imprisoned not more than 10 years or fined not more than \$250,000.00, or both.

(3) A person knowingly and unlawfully selling or dispensing fentanyl in an amount consisting of 20 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl shall be imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both.

(4) In lieu of a charge under this subsection, but in addition to any other penalties provided by law, a person knowingly and unlawfully selling or dispensing any regulated drug containing a detectable amount of fentanyl shall be imprisoned not more than five years or fined not more than \$250,000.00, or both.

(b) Trafficking. A person knowingly and unlawfully possessing fentanyl in an amount consisting of 70 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl with the intent to sell or dispense the fentanyl shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses fentanyl in an amount of 70 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl intends to sell or dispense the fentanyl. The amount of possessed fentanyl under this subsection to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be not less than 70 milligrams in the aggregate.

(c) Transportation into the State. In addition to any other penalties provided by law, a person knowingly and unlawfully transporting more than 20 milligrams of fentanyl into Vermont with the intent to sell or dispense the fentanyl shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both.

Sec. 5. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

* * *

(b) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing a depressant,

stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, shall be imprisoned not more than three years or fined not more than \$75,000.00, or both. A person knowingly and unlawfully selling a depressant, stimulant, or narcotic drug, other than fentanyl, cocaine, or heroin, shall be imprisoned not more than five years or fined not more than \$25,000.00, or both.

(2) A person knowingly and unlawfully selling or dispensing a depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, consisting of 100 times a benchmark unlawful dosage or its equivalent as determined by the ~~board of health~~ Board of Health by rule shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both.

(3) A person knowingly and unlawfully selling or dispensing a depressant, stimulant, or narcotic drug, other than fentanyl, heroin, or cocaine, consisting of 1,000 times a benchmark unlawful dosage or its equivalent as determined by the ~~board of health~~ Board of Health by rule shall be imprisoned not more than 20 years or fined not more than \$500,000.00, or both.

Sec. 6. 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 2822, 2823, and 2824 of this title;
- (4) receiving stolen property under sections 2561-2564 of this title; or
- (5) an offense involving the sale, delivery, manufacture, or cultivation of

a regulated drug or an offense under:

- (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; ~~or~~
- (E) 18 V.S.A. § 4234a(c), relating to trafficking in methamphetamine; or
- (F) 18 V.S.A. § 4233a(c), relating to trafficking in fentanyl.

Sec. 7. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

* * *

(c) Electronic registry system.

(1)(A) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to subsection (b) of this section. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to another person if the transaction is not completed. The system shall create a record of each use of the override mechanism.

(B) The electronic registry system shall be available free of charge to the State of Vermont, retail establishments, and local law enforcement agencies.

(C) The electronic registry system shall operate in real time to enable communication among in-state users and users of similar systems in neighboring states.

(D) The State shall use the National Precursor Log Exchange (NPLEx) online portal or its equivalent to host Vermont's electronic registry system.

(2)(A) Prior to completing a sale under subsection (b) of this section, a retail establishment shall require the person purchasing the drug product to present a current, valid government-issued identification document. The retail establishment shall record in the electronic registry system:

(i) the name and address of the purchaser;

(ii) the name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine base sold in grams;

(iii) the date and time of purchase;

(iv) the form of identification presented, the issuing government entity, and the corresponding identification number; and

(v) the name of the person selling or furnishing the drug product.

(B)(i) If the retail establishment experiences an electronic or mechanical failure of the electronic registry system and is unable to comply with the electronic recording requirement, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until the retail establishment is able to comply fully with this subsection (c).

(ii) If the region of the State where the retail establishment is located does not have broadband Internet access, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until broadband Internet access becomes accessible in that region. At that time, the retail establishment shall come into compliance with this subsection (c).

(C) A retail establishment shall maintain all records of drug product purchases made pursuant to this subsection (c) for a minimum of two years.

(3) A retail establishment shall display a sign at the register provided by NPLeX or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that:

(A) the purchase of the drug product or products shall result in the purchaser's identity being listed on a national database; and

(B) the purchaser has the right to request the transaction number for any purchase that was denied pursuant to this subsection (c).

(4) Except as provided in subdivision (5) of this subsection (c), a person or retail establishment that violates this subsection shall:

(A) for a first violation be assessed a civil penalty of not more than \$100.00; and

(B) for a second or subsequent violation be assessed a civil penalty of not more than \$500.00.

(d) This section shall not apply to a manufacturer ~~which~~ that has obtained an exemption from the Attorney General of the United States under Section 711(d) of the federal Combat Methamphetamine Epidemic Act of 2005.

(e) As used in this section:

(1) “Distributor” means a person, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product to any person who is not the ultimate user or consumer of the product.

(2) “Knowingly” means having actual knowledge of the relevant facts.

(3) “Manufacturer” means a person who produces, compounds, packages, or in any manner initially prepares a drug product for sale or use.

(4) “Wholesaler” means a person, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product to any other person for the purpose of being resold.

Sec. 8. USE OF U.S. FOOD AND DRUG ADMINISTRATION-
APPROVED DRUGS CONTAINING CANNABIDIOL

(a) Upon approval by the U.S. Food and Drug Administration (FDA) of one or more prescription drugs containing cannabidiol, the following activities shall be lawful in Vermont:

(1) the clinically appropriate prescription for a patient of an FDA-approved prescription drug containing cannabidiol by a health care provider licensed to prescribe medications in this State and acting within his or her authorized scope of practice;

(2) the dispensing, pursuant to a valid prescription, of an FDA-approved prescription drug containing cannabidiol to a patient or a patient’s authorized representative by a pharmacist or by another health care provider licensed to dispense medications in this State and acting within his or her authorized scope of practice;

(3) the possession and transportation of an FDA-approved prescription drug containing cannabidiol by a patient to whom a valid prescription was issued or by the patient’s authorized representative;

(4) the possession and transportation of an FDA-approved prescription drug containing cannabidiol by a licensed pharmacy or wholesaler in order to facilitate the appropriate dispensing and use of the drug; and

(5) the use of an FDA-approved prescription drug containing cannabidiol by a patient to whom a valid prescription was issued, provided the patient uses the drug only for legitimate medical purposes in conformity with instructions from the prescriber and dispenser.

(b) Upon approval by the U.S. Food and Drug Administration of one or more prescription drugs containing cannabidiol, the Department of Health shall amend its rules to conform to the provisions of subsection (a) of this section.

* * * Impaired Driving * * *

Sec. 9. 23 V.S.A. § 1202 is amended to read:

§ 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD
ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG

(a)(1) Implied consent. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is deemed to have given consent to an evidentiary test of that person's breath for the purpose of determining the person's alcohol concentration or the presence of other drug in the blood. The test shall be administered at the direction of a law enforcement officer.

(2) Blood test. If breath testing equipment is not reasonably available or if the officer has reason to believe that the person is unable to give a sufficient sample of breath for testing or if the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, the person is deemed to have given consent to the taking of an evidentiary sample of blood. If in the officer's opinion the person is incapable of decision or unconscious or dead, it is deemed that the person's consent is given and a sample of blood shall be taken. A blood test sought pursuant to this subdivision (2) shall be obtained pursuant to subsection (f) of this section.

(3) Evidentiary test. The evidentiary test shall be required of a person when a law enforcement officer has reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title.

(4) Fatal collision or incident resulting in serious bodily injury. The evidentiary test shall also be required if the person is the surviving operator of a motor vehicle involved in a fatal incident or collision or an incident or collision resulting in serious bodily injury and the law enforcement officer has reasonable grounds to believe that the person has any amount of alcohol or other drug in his or her system.

~~(b) If the person refuses to submit to an evidentiary test it shall not be given, except as provided in subsection (f) of this section, but the A refusal to take a breath test may be introduced as evidence in a criminal proceeding.~~

* * *

(f) If a blood test is sought from a person pursuant to subdivision (a)(2) of this section, or if a person who has been involved in an accident or collision resulting in serious bodily injury or death to another refuses an evidentiary test, a law enforcement officer may apply for a search warrant pursuant to Rule 41 of the Vermont Rules of Criminal Procedure to obtain a sample of blood for an evidentiary test. If a blood sample is obtained by search warrant, the fact of

the refusal may still be introduced in evidence, in addition to the results of the evidentiary test. Once a law enforcement official begins the application process for a search warrant, the law enforcement official is not obligated to discontinue the process even if the person later agrees to provide an evidentiary breath sample. The limitation created by Rule 41(g) of the Vermont Rules of Criminal Procedure regarding blood specimens shall not apply to search warrants authorized by this section.

* * *

* * * Electronic Monitoring * * *

Sec. 10. ELECTRONIC MONITORING

(a) The Commissioner of Corrections shall establish an active electronic monitoring program with real-time enforcement. The Electronic Monitoring Program shall be administered by the Department of State's Attorneys and Sheriffs and enforced by the Department of Corrections.

(b) The Electronic Monitoring Program described in subsection (a) of this section may be used to monitor, in lieu of incarcerating in a facility, the following populations:

(1) offenders in the custody of the Commissioner who are eligible for the Home Detention Program described in 13 V.S.A. § 7554b; and

(2) offenders in the custody of the Commissioner, including the following target populations:

(A) offenders who are eligible for home confinement furlough, as described in 28 V.S.A. § 808b;

(B) offenders who are past their minimum sentence and are deemed appropriate for the Program by the Commissioner of Corrections; or

(C) offenders who are eligible for reintegration furlough, as described in 28 V.S.A. § 808c.

(c) An offender shall only be eligible for the Electronic Monitoring Program described in subsection (a) of this section if electronic monitoring equipment is fully functional in the geographic area where the offender will be located.

* * * Humane and Proper Treatment of Animals * * *

Sec. 10a. 13 V.S.A. chapter 8 is amended to read:

CHAPTER 8. HUMANE AND PROPER TREATMENT OF ANIMALS

Subchapter 1. Cruelty to Animals

* * *

§ 352a. AGGRAVATED CRUELTY TO ANIMALS

A person commits the crime of aggravated cruelty to animals if the person:

- (1) kills an animal by intentionally causing the animal undue pain or suffering;
- (2) intentionally, maliciously, and without just cause tortures, mutilates, or cruelly beats an animal; or
- (3) intentionally injures or kills an animal that is in the performance of official duties while under the supervision of a law enforcement officer.

§ 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

(a) Penalties.

(1) Except as provided in subdivision (3) or (4) of this subsection, cruelty to animals under section 352 of this title shall be punishable by a sentence of imprisonment of not more than one year, or a fine of 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.

(2) Aggravated cruelty under section 352a of this title shall be punishable by a sentence of imprisonment of not more than ~~three~~ five years or a fine of not more than \$5,000.00, or both. Second and subsequent offenses shall be punishable by a sentence of imprisonment of not more than ~~five~~ ten years or a fine of not more than \$7,500.00, or both.

* * *

Sec. 11. EFFECTIVE DATES

This section and Secs. 7 (ephedrine and pseudoephedrine), 9 (impaired driving), and 10 (electronic monitoring) shall take effect on passage. The remaining sections shall take effect on July 1, 2017.

And that after passage the title of the bill be amended to read:

An act relating to criminal justice.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Lalonde of South Burlington** 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. Lalonde of South Burlington
Rep. Conquest of Newbury
Rep. Shaw of Pittsford

**Rules Suspended; Senate Proposal of Amendment to House Proposal of
Amendment Concurred in**

S. 56

On Motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to life insurance policies and the Vermont Uniform Securities Act

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate concurs in the House proposal of amendment with the following proposal of amendment thereto:

By striking out Sec. 23 and Sec. 24 and the accompanying reader assistance (unemployment compensation) in their entirety and inserting in lieu thereof a new Sec. 23 and a new Sec. 24 to read as follows:

Sec. 23. 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:

* * *

(11) “Personal injury by accident arising out of and in the course of employment” includes an injury caused by the willful act of a third person directed against an employee because of that employment.

* * *

(I)(i) In the case of police officers, rescue or ambulance workers, or firefighters, post-traumatic stress disorder that is diagnosed by a mental health professional shall be presumed to have been incurred during service in the line of duty and shall be compensable, unless it is shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by nonservice-connected risk factors or nonservice-connected exposure.

(ii) A police officer, rescue or ambulance worker, or firefighter who is diagnosed with post-traumatic stress disorder within three years of the last active date of employment as a police officer, rescue or ambulance worker, or firefighter shall be eligible for benefits under this subdivision (11).

(iii) As used in this subdivision (11)(I):

(I) “Firefighter” means a firefighter as defined in 20 V.S.A. § 3151(3) and (4).

(II) “Mental health professional” means a person with

professional training, experience, and demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or licensed to provide mental health care services and for whom diagnoses of mental conditions are within his or her scope of practice, including a physician, nurse with recognized psychiatric specialties, psychologist, clinical social worker, mental health counselor, or alcohol or drug abuse counselor.

(III) "Police officer" means a law enforcement officer who has been certified by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. chapter 151.

(IV) "Rescue or ambulance worker" means ambulance service, emergency medical personnel, first responder service, and volunteer personnel as defined in 24 V.S.A. § 2651.

(J)(i) A mental condition resulting from a work-related event or work-related stress shall be considered a personal injury by accident arising out of and in the course of employment and be compensable if it is demonstrated by the preponderance of the evidence that:

(I) the work-related event or work-related stress was extraordinary and unusual in comparison to pressures and tensions experienced by the average employee across all occupations; and

(II) the work-related event or work-related stress, and not some other event or source of stress, was the predominant cause of the mental condition.

(ii) A mental condition shall not be considered a personal injury by accident arising out of and in the course of employment if it results from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by the employer.

* * *

Sec. 24. EMERGENCY PERSONNEL POST-TRAUMATIC STRESS
DISORDER; STUDY OF EXPERIENCE AND COSTS; REPORT

(a) The Commissioner of Labor, in consultation with the Secretary of Administration, the Commissioner of Financial Regulation, the Vermont League of Cities and Towns, and the National Council on Compensation Insurance, shall examine claims for workers' compensation made pursuant to 21 V.S.A. § 601(11)(I) and (J) between July 1, 2017 and January 1, 2020, including:

(1) the number of claims made;

(2) the cost of the workers compensation benefits provided for those claims; and

(3) any changes in administrative and premium costs associated with those claims.

(b) On or before January 15 of each year from 2018 through 2020, the Commissioner shall report to the House Committees on Appropriations, on Commerce and Economic Development, and on Health Care, and the Senate Committees on Appropriations, on Finance, and on Health and Welfare regarding its findings and any recommendations for legislative changes.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Report of Committee of Conference Adopted

H. 42

Appearing on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to appointing municipal clerks and treasurers and to municipal audit penalties

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

Report of Committee of Conference

H. 42

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:

H.42. An act relating to appointing municipal clerks and treasurers and to municipal audit penalties.

Respectfully reports that it has met and considered the same and recommends that the Senate recede from its proposal of amendment and that the bill be further amended by striking out Sec. 4, 24 V.S.A. § 1686 (penalty) in its entirety and inserting in lieu thereof the following:

Sec. 4. 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 or disburse 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)(1) ~~Any~~ If, after at least five business days following his or her receipt by certified mail of a written request by the auditors or public accountant that is approved and signed by the legislative body, a town officer who willfully 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, that town officer shall be ineligible to reelection for the year ensuing and be subject to the penalties otherwise prescribed by law.

(2) A town officer who violates subdivision (1) of this subsection (c) shall be personally liable to the town for a civil penalty in the amount of \$100.00 per day until he or she submits or furnishes the requested materials or information. A town may bring an action in the Civil Division of the Superior Court to enforce this subdivision.

(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.

*BRIAN P. COLLAMORE
CLAIRE D. AYER
CHRISTOPHER A. PEARSON*

Committee on the part of the Senate

*MARCIA L. GARDNER
RONALD E. HUBERT
PATTI J. LEWIS*

Committee on the part of the House

Which was considered and adopted on the part of the House.

**Proposal of Amendment Agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 133

Senate bill, entitled

An act relating to examining mental health care and care coordination

Was taken up and pending third reading of the bill, **Rep. Lippert of Hinesburg** moved to propose to the Senate to amend the bill as follows:

First: In Sec. 1, in subdivision (3), in the last sentence, by striking out “recovery-oriented” and inserting in lieu thereof “recovery- and resiliency-oriented”

Second: In Sec. 1, in subdivision (18), by striking out “recovery-oriented”

and inserting in lieu thereof “recovery- and resiliency-oriented”

Third: In Sec. 3, in subdivision (a)(1)(A), by striking out “recovery-oriented” and inserting in lieu thereof “recovery- and resiliency-oriented”

Fourth: In Sec. 3, in subdivision (a)(1)(C), by striking out the phrase “for emergency services” and inserting in lieu thereof “to emergency departments”

Fifth: In Sec. 3, in subdivision (a)(1), by striking out subdivisions (D)–(G) in their entirety and inserting in lieu thereof a new subdivision (D) to read as follows:

(D) determine the availability, regional accessibility, and gaps in services that are barriers to efficient, medically necessary, recovery- and resiliency-oriented patient care at levels of support that are least restrictive and most integrated with regard to voluntary and involuntary hospital admissions, emergency departments, intensive residential recovery facilities, secure residential recovery facilities, crisis beds, and other diversion capacities; crisis intervention services; peer respite and support services; intensive and other outpatient services; services for transition age youths; and stable housing;

and by relettering the remaining subdivisions to be alphabetically correct.

Sixth: In Sec. 3, in subsection (b), by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(b)(1) The Commissioner shall collect data to inform the analysis and action plan described in subsection (a) of this section regarding emergency services for persons with psychiatric symptoms or complaints in the emergency department. The data collected regarding persons presenting in emergency departments with psychiatric symptoms shall include:

(A) the circumstances under which and reasons why a person is being referred or self-referred to an emergency department;

(B) measurements shown by research to affect length of waits; and

(C) rates at which persons brought to emergency departments for emergency examinations pursuant to 18 V.S.A. §§ 7504 and 7505 are found not to be in need of inpatient hospitalization.

Seventh: In Sec. 3, in subsection (b), in subdivision (2), following “inform the” by inserting the words “analysis and”, and following the words “action plan” by striking out “and preliminary analysis”

Eighth: In Sec. 4, in subdivision (1), in the second to last sentence, by striking out “recovery-oriented” and inserting in lieu thereof “recovery- and resiliency-oriented” and in the last sentence, after the words “during the” by striking out the word “preliminary”

Ninth: In Sec. 4, in subdivision (4), in the last sentence, after the words “necessary in the” by striking out the word “preliminary”

Tenth: In Sec. 4, in subdivision (6), in the second to last sentence, after the words “If the” by striking out the word “preliminary”

Eleventh: In Sec. 4, in subdivision (7), in the last sentence, following the word “The” by inserting “analysis and” and following “action plan” by striking out the words “and preliminary analysis”

Which was agreed to. Thereupon, 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. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 503

House bill, entitled

An act relating to bail

H. 513

House bill, entitled

An act relating to making miscellaneous changes to education law

H. 529

House bill, entitled

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

H. 534

House bill, entitled

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

S. 3

Senate bill, entitled

An act relating to mental health professionals’ duty to warn

S. 4

Senate bill, entitled

An act relating to publicly accessible meetings of an accountable care organization’s governing body

S. 22

Senate bill, entitled

An act relating to increased penalties for possession, sale, and dispensation of fentanyl

S. 133

Senate bill, entitled

An act relating to examining mental health care and care coordination

Committee of Conference Appointed**S. 127**

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 changes to laws related to vehicles and vessels

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Brennan of Colchester
Rep. Corcoran of Bennington
Rep. Burke of Brattleboro

Adjournment

At four o'clock and ten minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Saturday, April 29, 2017, at eight o'clock in the forenoon, pursuant to the provisions of J.R.S.32.

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. 140

House concurrent resolution congratulating the 2016 Lake Region Union High School Rangers Division II championship boys' soccer team;

H.C.R. 141

House concurrent resolution in memory of former Representative Sam Lloyd of Weston;

H.C.R. 142

House concurrent resolution honoring skiing photographer and photojournalist extraordinaire Hubert Schriebl;

H.C.R. 143

House concurrent resolution in memory of Leland Kinsey, the poet laureate of the Northeast Kingdom;

H.C.R. 144

House concurrent resolution designating the second full week of May 2017 as Women's Lung Health Week in Vermont;

H.C.R. 145

House concurrent resolution congratulating the New England Center for Circus Arts on its 10th anniversary and its cofounders, Elsie Smith and Serenity Smith Forchion, on winning the 2016 Walter Cerf Medal for Outstanding Achievement in the Arts;

H.C.R. 146

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on a winning a fourth consecutive girls' volleyball State championship;

H.C.R. 147

House concurrent resolution commemorating the 100th anniversary of the occupational therapy profession;

H.C.R. 148

House concurrent resolution in memory of Edward E. Steele of Waterbury;

H.C.R. 149

House concurrent resolution honoring Capitol Police Chief Leslie Robert Dimick for his outstanding public safety career achievements;

H.C.R. 150

House concurrent resolution congratulating Helmut Lenes on being named the 2017 David K. Hakins Inductee into the Vermont Sports Hall of Fame;

H.C.R. 151

House concurrent resolution honoring Tom Connor for his dynamic educational leadership and as director of the Journey East curriculum at Leland & Gray Middle and High School;

H.C.R. 152

House concurrent resolution congratulating Erwin Mattison on the 60th anniversary of his exemplary Bennington Fire Department service;

H.C.R. 153

House concurrent resolution congratulating Richard Knapp on a half-century of outstanding firefighting service and leadership with the Bennington Fire Department;

H.C.R. 154

House concurrent resolution congratulating the 2017 Vermont Prudential Spirit of Community Award honorees and distinguished finalists;

H.C.R. 155

House concurrent resolution honoring Henry Broughton of Vergennes for his half-century of outstanding leadership of the Vergennes Memorial Day Parade;

H.C.R. 156

House concurrent resolution honoring the invaluable public safety service of K9 Casco and Vermont State Police Corporal Michelle LeBlanc;

H.C.R. 157

House concurrent resolution congratulating the University of Vermont's 2017 Race to Zero participating teams;

[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 2017, seventy-fourth Biennial session.]

Saturday, April 29, 2017

At eight o'clock in the forenoon the Speaker called the House to order. Noting a lack of quorum, the House adjourned pursuant to Rule 9 until Monday May 1, 2017 at one o'clock in the afternoon.

Monday, May 1, 2017

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Speaker.

Bill Referred to Committee on Appropriations**S. 34**

Senate bill, entitled

An act relating to cross-promoting development incentives and State policy goals

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations**S. 131**

Senate bill, entitled

An act relating to State's Attorneys and sheriffs

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Appropriations**S. 135**

Senate bill, entitled

An act relating to promoting economic development

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Bill Referred to Committee on Ways and Means**S. 103**

Senate bill, entitled

An act relating to the regulation of toxic substances and hazardous materials

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Third Reading; Bill Passed**H. 154**

House bill, entitled

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

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 241**

House bill, entitled

An act relating to the charter of the Central Vermont Solid Waste Management District

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 522**

House bill, entitled

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

Was taken up, read the third time and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 61

Senate bill, entitled

An act relating to offenders with mental illness

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 134

Senate bill, entitled

An act relating to court diversion and pretrial services

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Action on Bill Postponed

H. 196

House bill, entitled

An act relating to paid family leave

Was taken up and pending the reading of the report of the committee on General, Housing and Military Affairs, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until May 2, 2017.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 8

Rep. Townsend of South Burlington, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Former Legislators and Executive Officers; Lobbying Restriction * * *

Sec. 1. 2 V.S.A. § 266 is amended to read:

§ 266. PROHIBITED CONDUCT

* * *

(b)(1) A legislator or an Executive officer, for one year after leaving office, shall not be a lobbyist in this State.

(2) The prohibition set forth in subdivision (1) of this subsection shall not apply to a lobbyist exempted under section 262 of this chapter.

(c) As used in this section, “candidate’s:

(1) “Candidate’s committee,” “contribution,” and “legislative leadership political committee” shall have the same meanings as in 17 V.S.A. § 2904 chapter 61 (campaign finance).

(2) “Executive officer” means:

(A) the Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, or Attorney General; or

(B) under the Office of the Governor, an agency secretary or deputy or a department commissioner or deputy.

* * * Former Executive Officers; Postemployment Restrictions * * *

Sec. 2. 3 V.S.A. § 267 is added to read:

§ 267. EXECUTIVE OFFICERS; POSTEMPLOYMENT RESTRICTIONS

(a) Prior participation while in State employ.

(1) An Executive officer, for one year after leaving office, shall not, for pecuniary gain, be an advocate for any private entity before any public body or the General Assembly or its committees regarding any particular matter in which:

(A) the State is a party or has a direct and substantial interest; and

(B) the Executive officer had participated personally and substantively while in State employ.

(2) The prohibition set forth in subdivision (1) of this subsection applies to any matter the Executive officer directly handled, supervised, or managed, or gave substantial input, advice, or comment, or benefited from, either through discussing, attending meetings on, or reviewing materials prepared regarding the matter.

(b) Prior official responsibility. An Executive officer, for one year after leaving office, shall not, for pecuniary gain, be an advocate for any private

entity before any public body or the General Assembly or its committees regarding any particular matter in which the officer had exercised any official responsibility.

(c) Exemption. The prohibitions set forth in subsections (a) and (b) of this section shall not apply if the former Executive officer's only role as an advocate would exempt that former officer from registration and reporting under 2 V.S.A. § 262.

(d) Public body enforcement. A public body shall disqualify a former Executive officer from his or her appearance or participation in a particular matter if the officer's appearance or participation is prohibited under this section.

(e) Definitions. As used in this section:

(1) "Advocate" means a person who assists, defends, or pleads.

(2) "Executive officer" means:

(A) the Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, or Attorney General; or

(B) under the Office of the Governor, an agency secretary or deputy or a department commissioner or deputy.

(3) "Private entity" means any person, corporation, partnership, joint venture, or association, whether organized for profit or not for profit, except one specifically chartered by the State of Vermont or that relies upon taxes for at least 50 percent of its revenues.

(4) "Public body" means any agency, department, division, or office and any board or commission of any such entity, or any independent board or commission, in the Executive Branch of the State.

* * * State Office and Legislative Candidates; Disclosure Form * * *

Sec. 3. 17 V.S.A. § 2414 is added to read:

§ 2414. CANDIDATES FOR STATE AND LEGISLATIVE OFFICE;
DISCLOSURE FORM

(a) Each candidate for State office, State Senator, or State Representative shall file with the officer with whom consent of candidate forms are filed, along with his or her consent, a disclosure form prepared by the State Ethics Commission that contains the following information in regard to the previous calendar year:

(1) Each source, but not amount, of personal taxable income of the candidate or of his or her spouse or domestic partner, or the candidate together

with his or her spouse or domestic partner, that totals more than \$5,000.00, ranked in order from highest to lowest income, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address and, if self-employed, a description of the nature of the self-employment without needing to disclose any individual clients; and

(B) investments, described generally as "investment income."

(2) Any board, commission, association, or other entity on which the candidate served and a description of that position.

(3) Any company of which the candidate or his or her spouse or domestic partner, or the candidate together with his or her spouse or domestic partner, owned more than 10 percent.

(4) Any lease or contract with the State held or entered into by:

(A) the candidate or his or her spouse or domestic partner; or

(B) a company of which the candidate or his or her spouse or domestic partner, or the candidate together with his or her spouse or domestic partner, owned more than 10 percent.

(b)(1) In addition, if a candidate's spouse or domestic partner is a lobbyist, the candidate shall disclose that fact and provide the name of his or her spouse or domestic partner and, if applicable, the name of his or her lobbying firm.

(2) In this subsection, "lobbyist" and "lobbying firm" shall have the same meanings as in 2 V.S.A. § 261.

(c)(1) A senatorial district clerk or representative district clerk who receives a disclosure form under this section shall forward a copy of the disclosure to the Secretary of State within three business days of receiving it.

(2) The Secretary of State shall post a copy of any disclosure forms he or she receives under this section on his or her official State website.

* * * Campaign Finance; Contractor Contribution Restrictions * * *

Sec. 4. 17 V.S.A. § 2950 is added to read:

§ 2950. STATE OFFICERS AND STATE OFFICE CANDIDATES;
CONTRACTOR CONTRIBUTION RESTRICTIONS

(a) Contributor restrictions on contracting.

(1) A person or his or her principal or spouse who makes a contribution to a State officer or a candidate for a State office shall not enter into a sole source contract valued at \$50,000.00 or more or multiple sole source contracts

valued in the aggregate at \$100,000.00 or more with that State office or with the State on behalf of that office within one year following:

(A) that contribution, if the contribution was made to the incumbent State officer; or

(B) the beginning of the term of the office, if the contribution was made to a candidate for the State office who is not the incumbent.

(2) The prohibition set forth in subdivision (1) of this subsection shall end after the applicable one-year period described in subdivision (1) or upon the State officer vacating the office, whichever occurs first.

(b) Contractor restrictions on contributions.

(1)(A) A person who enters into a sole source contract valued at \$50,000.00 or more or multiple sole source contracts valued in the aggregate at \$100,000.00 or more with the office of a State officer or with the State on behalf of that office, or that person's principal or spouse, shall not make a contribution to a candidate for that State office or to that State officer.

(B) The candidate for State office or his or her candidate's committee or the State officer shall not solicit or accept a contribution from a person if that candidate, candidate's committee, or State officer knows the person is prohibited from making that contribution under this subdivision (1).

(2) The prohibitions set forth in subdivision (1) of this subsection shall be limited to a period beginning from the date of execution of the contract and ending with the completion of the contract.

(c) As used in this section:

(1) "Contract" means a "contract for services," as that term is defined in 3 V.S.A. § 341.

(2) "Person's principal" means an individual who:

(A) has a controlling interest in the person, if the person is a business entity;

(B) is the president, chair of the board, or chief executive officer of a business entity or is any other individual that fulfills equivalent duties as a president, chair of the board, or chief executive officer of a business entity;

(C) is an employee of the person and has direct, extensive, and substantive responsibilities with respect to the negotiation of the contract; or

(D) is an employee of a business entity whose compensation is determined directly, in whole or in part, by the award or payment of contracts by the State to the entity employing the employee. A regular salary that is paid

irrespective of the award or payment of a contract with the State shall not constitute "compensation" under this subdivision (D).

Sec. 4a. 3 V.S.A. § 347 is added to read:

§ 347. CONTRACTOR CONTRIBUTION RESTRICTIONS

The Secretary of Administration shall include in the terms and conditions of sole source contracts a self-certification of compliance with the contractor contribution restrictions set forth in 17 V.S.A. § 2950.

* * * Campaign Finance Investigations; Reports to Ethics Commission * * *

Sec. 5. 17 V.S.A. § 2904 is amended to read:

§ 2904. CIVIL INVESTIGATION

(a)(1) The Attorney General or a State's Attorney, whenever he or she has reason to believe any person to be or to have been in violation of this chapter or of any rule ~~or regulation~~ made pursuant to this chapter, may examine or cause to be examined by any agent or representative designated by him or her for that purpose any books, records, papers, memoranda, or physical objects of any nature bearing upon each alleged violation and may demand written responses under oath to questions bearing upon each alleged violation.

* * *

(5) Nothing in this subsection is intended to prevent the Attorney General or a State's Attorney from disclosing the results of an investigation conducted under this section, including the grounds for his or her decision as to whether to bring an enforcement action alleging a violation of this chapter or of any rule ~~or regulation~~ made pursuant to this chapter.

* * *

Sec. 6. 17 V.S.A. § 2904a is added to read:

§ 2904a. REPORTS TO STATE ETHICS COMMISSION

Upon receipt of a complaint made in regard to a violation of this chapter or of any rule made pursuant to this chapter, the Attorney General or a State's Attorney shall:

(1) Forward a copy of the complaint to the State Ethics Commission established in 3 V.S.A. chapter 31. The Attorney General or State's Attorney shall provide this information to the Commission within 10 days of his or her receipt of the complaint.

(2) File a report with the Commission regarding his or her decision as to whether to bring an enforcement action as a result of that complaint. The Attorney General or State's Attorney shall make this report within 10 days of that decision.

Sec. 7. 3 V.S.A. Part 1, chapter 31 is added to read:

CHAPTER 31. GOVERNMENTAL ETHICS

Subchapter 1. General Provisions

§ 1201. DEFINITIONS

As used in this chapter:

(1) “Candidate” and “candidate’s committee” shall have the same meanings as in 17 V.S.A. § 2901.

(2) “Commission” means the State Ethics Commission established under subchapter 3 of this chapter.

(3) “Executive officer” means:

(A) a State officer; or

(B) under the Office of the Governor, an agency secretary or deputy or a department commissioner or deputy.

(4)(A) “Gift” means anything of value, tangible or intangible, that is bestowed for less than adequate consideration.

(B) “Gift” does not mean printed educational material such as books, reports, pamphlets, or periodicals.

(5) “Governmental conduct regulated by law” means conduct by an individual in regard to the operation of State government that is restricted or prohibited by law and includes:

(A) bribery pursuant to 13 V.S.A. § 1102;

(B) neglect of duty by public officers pursuant to 13 V.S.A. § 3006 and by members of boards and commissions pursuant to 13 V.S.A. § 3007;

(C) taking illegal fees pursuant to 13 V.S.A. § 3010;

(D) false claims against government pursuant to 13 V.S.A. § 3016;

(E) owning or being financially interested in an entity subject to a department’s supervision pursuant to section 204 of this title;

(F) failing to devote time to duties of office pursuant to section 205 of this title;

(G) engaging in retaliatory action due to a State employee’s involvement in a protected activity pursuant to subchapter 4A of chapter 27 of this title;

(H) a former legislator or former Executive officer serving as a lobbyist pursuant to 2 V.S.A. § 266(b); and

(I) a former Executive officer serving as an advocate pursuant to section 267 of this title.

(6) "Lobbyist" shall have the same meaning as in 2 V.S.A. § 261.

(7) "Political committee" and "political party" shall have the same meanings as in 17 V.S.A. § 2901.

(8) "State officer" means the Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, or Attorney General.

§ 1202. STATE CODE OF ETHICS

The Ethics Commission, in consultation with the Department of Human Resources, shall create and maintain a State Code of Ethics that sets forth general principles of governmental ethical conduct.

Subchapter 2. Disclosures

§ 1211. EXECUTIVE OFFICERS; BIENNIAL DISCLOSURE

(a) Biennially, each Executive officer shall file with the State Ethics Commission a disclosure form that contains the following information in regard to the previous calendar year:

(1) Each source, but not amount, of personal taxable income of the officer or of his or her spouse or domestic partner, or the officer together with his or her spouse or domestic partner, that totals more than \$5,000.00, ranked in order from highest to lowest income, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address and, if self-employed, a description of the nature of the self-employment without needing to disclose any individual clients; and

(B) investments, described generally as "investment income."

(2) Any board, commission, association, or other entity on which the officer served and a description of that position.

(3) Any company of which the officer or his or her spouse or domestic partner, or the officer together with his or her spouse or domestic partner, owned more than 10 percent.

(4) Any lease or contract with the State held or entered into by:

(A) the officer or his or her spouse or domestic partner; or

(B) a company of which the officer or his or her spouse or domestic partner, or the officer together with his or her spouse or domestic partner, owned more than 10 percent.

(b)(1) In addition, if an Executive officer's spouse or domestic partner is a lobbyist, the officer shall disclose that fact and provide the name of his or her spouse or domestic partner and, if applicable, the name of his or her lobbying firm.

(2) In this subsection, "lobbyist" and "lobbying firm" shall have the same meanings as in 2 V.S.A. § 261.

(c)(1) An officer shall file his or her disclosure on or before January 15 of the odd-numbered year or, if he or she is appointed after January 15, within 10 days after that appointment.

(2) An officer who filed this disclosure form as a candidate in accordance with 17 V.S.A. § 2414 in the preceding year and whose disclosure information has not changed since that filing may update that filing to indicate that there has been no change.

§ 1212. COMMISSION MEMBERS AND EXECUTIVE DIRECTOR;
BIENNIAL DISCLOSURE

(a) Biennially, each member of the Commission and the Executive Director of the Commission shall file with the Executive Director a disclosure form that contains the information that Executive officers are required to disclose under section 1211 of this subchapter.

(b) A member and the Executive Director shall file their disclosures on or before January 15 of the first year of their appointments or, if the member or Executive Director is appointed after January 15, within 10 days after that appointment, and shall file subsequent disclosures biennially thereafter.

§ 1213. DISCLOSURES; GENERALLY

(a) The Executive Director of the Commission shall prepare on behalf of the Commission any disclosure form required to be filed with it and the candidate disclosure form described in 17 V.S.A. § 2414, and shall make those forms available on the Commission's website.

(b) The Executive Director shall post a copy of any disclosure form the Commission receives on the Commission's website.

Subchapter 3. State Ethics Commission

§ 1221. STATE ETHICS COMMISSION

(a) Creation. There is created within the Executive Branch an independent commission named the State Ethics Commission to accept, review, make referrals regarding, and track complaints of alleged violations of governmental conduct regulated by law, of the Department of Human Resources Code of Ethics, and of the State's campaign finance law set forth in 17 V.S.A.

chapter 61; to provide ethics training; and to issue guidance and advisory opinions regarding ethical conduct.

(b) Membership.

(1) The Commission shall be composed of the following five members:

(A) a chair of the Commission, who shall be appointed by the Chief Justice of the Supreme Court and who shall have a background or expertise in ethics;

(B) one member appointed by the League of Women Voters of Vermont, who shall be a member of the League;

(C) one member appointed by the Board of Directors of the Vermont Society of Certified Public Accountants, who shall be a member of the Society;

(D) one member appointed by the Board of Managers of the Vermont Bar Association, who shall be a member of the Association; and

(E) one member appointed by the Board of Directors of the Vermont Human Resource Association, who shall be a member of the Association.

(2) A member shall not:

(A) hold any office in the Legislative, Executive, or Judicial Branch of State government or otherwise be employed by the State;

(B) hold or enter into any lease or contract with the State, or have a controlling interest in a company that holds or enters into a lease or contract with the State;

(C) be a lobbyist;

(D) be a candidate for State or legislative office; or

(E) hold any office in a State or legislative office candidate's committee, a political committee, or a political party.

(3) A member may be removed for cause by the remaining members of the Commission in accordance with the Vermont Administrative Procedure Act.

(4)(A) A member shall serve a term of three years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of members shall be staggered so that not all terms expire at the same time.

(B) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(C) A member shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision (C).

(c) Executive Director.

(1) The Commission shall be staffed by an Executive Director who shall be appointed by and serve at the pleasure of the Commission and who shall be a part-time exempt State employee.

(2) The Executive Director shall maintain the records of the Commission and shall provide administrative support as requested by the Commission, in addition to any other duties required by this chapter.

(d) Confidentiality. The Commission and the Executive Director shall maintain the confidentiality required by this chapter.

(e) Meetings. Meetings of the Commission:

(1) shall be held at least quarterly for the purpose of the Executive Director updating the Commission on his or her work;

(2) may be called by the Chair and shall be called upon the request of any other two Commission members; and

(3) shall be conducted in accordance with 1 V.S.A. § 172.

(f) Reimbursement. Each member of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

§ 1222. COMMISSION MEMBER DUTIES AND PROHIBITED CONDUCT

(a) Conflicts of interest.

(1) Prohibition; recusal.

(A) A Commission member shall not participate in any Commission matter in which he or she has a conflict of interest and shall recuse himself or herself from participation in that matter.

(B) The failure of a Commission member to recuse himself or herself as described in subdivision (A) of this subdivision (1) may be grounds for the Commission to discipline or remove that member.

(2) Disclosure of conflict of interest.

(A) A Commission member who has reason to believe he or she has a conflict of interest in a Commission matter shall disclose that he or she has that belief and disclose the nature of the conflict of interest. Alternatively, a

Commission member may request that another Commission member recuse himself or herself from a Commission matter due to a conflict of interest.

(B) Once there has been a disclosure of a member's conflict of interest, members of the Commission shall be afforded the opportunity to ask questions or make comments about the situation to address the conflict.

(C) A Commission member may be prohibited from participating in a Commission matter by at least three other members of the Commission.

(3) Postrecusal or -prohibition procedure. A Commission member who has recused himself or herself or was prohibited from participating in a Commission matter shall not sit or deliberate with the Commission or otherwise act as a Commission member on that matter.

(4) Definition. As used in this subsection, "conflict of interest" means an interest of a member that is in conflict with the proper discharge of his or her official duties due to a significant personal or financial interest of the member, of a person within the member's immediate family, or of the member's business associate. "Conflict of interest" does not include any interest that is not greater than that of any other persons generally affected by the outcome of a matter.

(b) Gifts. A Commission member shall not accept a gift given by virtue of his or her membership on the Commission.

§ 1223. PROCEDURE FOR HANDLING COMPLAINTS

(a) Accepting complaints.

(1) On behalf of the Commission, the Executive Director shall accept complaints from any source regarding governmental ethics in any of the three branches of State government or of the State's campaign finance law set forth in 17 V.S.A. chapter 61.

(2) Complaints shall be in writing and shall include the identity of the complainant.

(b) Preliminary review by Executive Director. The Executive Director shall conduct a preliminary review of complaints made to the Commission in order to take action as set forth in this subsection, which shall include referring complaints to all relevant entities.

(1) Governmental conduct regulated by law.

(A) If the complaint alleges a violation of governmental conduct regulated by law, the Executive Director shall refer the complaint to the Attorney General or to the State's Attorney of jurisdiction, as appropriate.

(B) The Attorney General or State's Attorney shall file a report with

the Executive Director regarding his or her decision as to whether to bring an enforcement action as a result of a complaint referred under subdivision (A) of this subdivision (1) within 10 days of that decision.

(2) Department of Human Resources Code of Ethics.

(A) If the complaint alleges a violation of the Department of Human Resources Code of Ethics, the Executive Director shall refer the complaint to the Commissioner of Human Resources.

(B) The Commissioner shall report back to the Executive Director regarding the final disposition of a complaint referred under subdivision (A) of this subdivision (2) within 10 days of that final disposition.

(3) Campaign finance.

(A) If the complaint alleges a violation of campaign finance law, the Executive Director shall refer the complaint to the Attorney General or to the State's Attorney of jurisdiction, as appropriate.

(B) The Attorney General or State's Attorney shall file a report with the Executive Director regarding his or her decision as to whether to bring an enforcement action as a result of a complaint referred under subdivision (A) of this subdivision (3) as set forth in 17 V.S.A. § 2904a.

(4) Legislative and Judicial Branches; attorneys.

(A) If the complaint is in regard to conduct committed by a State Senator, the Executive Director shall refer the complaint to the Senate Ethics Panel and shall request a report back from the Panel regarding the final disposition of the complaint.

(B) If the complaint is in regard to conduct committed by a State Representative, the Executive Director shall refer the complaint to the House Ethics Panel and shall request a report back from the Panel regarding the final disposition of the complaint.

(C) If the complaint is in regard to conduct committed by a judicial officer, the Executive Director shall refer the complaint to the Judicial Conduct Board and shall request a report back from the Board regarding the final disposition of the complaint.

(D) If the complaint is in regard to an attorney employed by the State, the Executive Director shall refer the complaint to the Professional Responsibility Board and shall request a report back from the Board regarding the final disposition of the complaint.

(E) If any of the complaints described in subdivisions (A)–(D) of this subdivision (4) also allege that a crime has been committed, the Executive

Director shall also refer the complaint to the Attorney General and the State's Attorney of jurisdiction.

(5) Closures. The Executive Director shall close any complaint that he or she does not refer as set forth in subdivisions (1)–(4) of this subsection.

(c) Confidentiality. Complaints and related documents in the custody of the Commission shall be exempt from public inspection and copying under the Public Records Act and kept confidential.

§ 1224. COMMISSION ETHICS TRAINING

At least annually, in collaboration with the Department of Human Resources, the Commission shall make available to State officers and State employees training on issues related to governmental ethics. The training shall include topics related to those covered in any guidance or advisory opinion issued under section 1225 of this subchapter.

§ 1225. EXECUTIVE DIRECTOR GUIDANCE AND ADVISORY OPINIONS

(a) Guidance.

(1) The Executive Director may issue to an Executive officer or other State employee, upon his or her request, guidance regarding any provision of this chapter or any issue related to governmental ethics.

(2) The Executive Director may consult with members of the Commission and the Department of Human Resources in preparing this guidance.

(3) Guidance issued under this subsection shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential unless the receiving entity has publicly disclosed it.

(b) Advisory opinions.

(1) The Executive Director may issue advisory opinions that provide general advice or interpretation regarding this chapter or any issue related to governmental ethics.

(2) The Executive Director may consult with members of the Commission and the Department of Human Resources in preparing these advisory opinions.

(3) The Executive Director shall post on the Commission's website any advisory opinions that he or she issues.

§ 1226. COMMISSION REPORTS

Annually, on or before January 15, the Commission shall report to the

General Assembly regarding the following issues:

(1) Complaints. The number and a summary of the complaints made to it, separating the complaints by topic, and the disposition of those complaints, including any prosecution, enforcement action, or dismissal. This summary of complaints shall not include any personal identifying information.

(2) Guidance. The number and a summary of the guidance documents the Executive Director issued, separating the guidance by topic. This summary of guidance shall not include any personal identifying information.

(3) Recommendations. Any recommendations for legislative action to address State governmental ethics or provisions of campaign finance law.

* * * Implementation * * *

Sec. 8. APPLICABILITY OF EMPLOYMENT RESTRICTIONS

The provisions of Secs. 1 and 2 of this act that restrict employment shall not apply to any such employment in effect on the effective date of those sections.

Sec. 9. STATE ETHICS COMMISSION; STATE CODE OF ETHICS CREATION

The State Ethics Commission shall create the State Code of Ethics in consultation with the Department of Human Resources as described in 3 V.S.A. § 1202 in Sec. 7 of this act on or before July 1, 2018.

Sec. 10. IMPLEMENTATION OF THE STATE ETHICS COMMISSION

(a) The State Ethics Commission, created in Sec. 7 of this act, is established on January 1, 2018.

(b) Members of the Commission shall be appointed on or before October 15, 2017 in order to prepare as they deem necessary for the establishment of the Commission, including the hiring of the Commission's Executive Director. Terms of members shall officially begin on January 1, 2018.

(c)(1) In order to stagger the terms of the members of the State Ethics Commission as described in 3 V.S.A. § 1221(b)(4)(A) in Sec. 7 of this act, the Governor shall appoint the initial members for terms as follows:

(A) the Chief Justice of the Supreme Court shall appoint the Chair for a three-year term;

(B) the League of Women Voters of Vermont shall appoint a member for a two-year term;

(C) the Board of Directors of the Vermont Society of Certified Public Accountants shall appoint a member for a one-year term;

(D) the Vermont Bar Association shall appoint a member for a three-year term; and

(E) the Board of Directors of the Vermont Human Resource Association shall appoint a member for a two-year term.

(2) After the expiration of the initial terms set forth in subdivision (1) of this subsection, Commission member terms shall be as set forth in 3 V.S.A. § 1221(b)(4)(A) in Sec. 7 of this act.

Sec. 11. CREATION OF STAFF POSITION FOR STATE ETHICS COMMISSION

One part-time exempt Executive Director position is created in the State Ethics Commission set forth in Sec. 7 of this act by using an existing position in the position pool.

Sec. 12. BUILDINGS AND GENERAL SERVICES; SPACE ALLOCATION

The Commissioner of Buildings and General Services shall allocate space for the State Ethics Commission established in Sec. 7 of this act. This space shall be allocated on or before October 15, 2017.

Sec. 13. STATE ETHICS COMMISSION FUNDING SOURCE SURCHARGE; REPEAL

(a) Surcharge.

(1) In fiscal year 2018 and thereafter, a surcharge of up to 2.3 percent, but no greater than the cost of the activities of the State Ethics Commission set forth in Sec. 7 of this act, on the per-position portion of the charges authorized in 3 V.S.A. § 2283(c)(2) shall be assessed to all Executive Branch agencies, departments, and offices and shall be paid by all assessed entities solely with State funds.

(2) The amount collected shall be accounted for within the Human Resource Services Internal Service Fund and used solely for the purposes of funding the activities of the State Ethics Commission set forth in Sec. 7 of this act.

(b) Repeal. This section shall be repealed on June 30, 2020.

* * * Municipal Ethics and Conflicts of Interest * * *

Sec. 14. 24 V.S.A. § 1984 is amended to read:

§ 1984. CONFLICT OF INTEREST PROHIBITION

(a)(1) A ~~Each~~ town, city, ~~or~~ ~~and~~ incorporated village, by majority vote of those present and voting at an annual or special meeting warned for that purpose, ~~may~~ shall adopt a conflict of interest prohibition for its elected and

appointed officials, which shall contain:

- ~~(1)~~(A) A definition of “conflict of interest.”
- ~~(2)~~(B) A list of the elected and appointed officials covered by such prohibition.
- ~~(3)~~(C) A method to determine whether a conflict of interest exists.
- ~~(4)~~(D) Actions that must be taken if a conflict of interest is determined to exist.
- ~~(5)~~(E) A method of enforcement against individuals violating such prohibition.

(2) The requirement set forth in subdivision (1) of this subsection shall not apply if, pursuant to the provisions of subdivision 2291(20) of this title, the municipality has established a conflict of interest policy that is in substantial compliance with subdivision (1).

(b)(1) Unless the prohibition adopted pursuant to subsection (a) of this section contains a different definition of “conflict of interest,” for the purposes of a prohibition adopted under this section, “conflict of interest” means a direct personal or pecuniary interest of a public official, or the official’s spouse, household member, business associate, employer, or employee, in the outcome of a cause, proceeding, application, or any other matter pending before the official or before the agency or public body in which the official holds office or is employed.

(2) “Conflict of interest” does not arise in the case of votes or decisions on matters in which the public official has a personal or pecuniary interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision.

Sec. 15. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(20) To establish a conflict-of-interest policy to apply to all elected and appointed officials of the town, city, or incorporated village or ethical conduct policies to apply to all elected and appointed officials and employees of the municipality, or both.

* * *

Sec. 16. GENERAL ASSEMBLY; RECOMMENDATION REGARDING MUNICIPAL ETHICS

The General Assembly recommends that each town, city, and incorporated village adopt ethical conduct policies for its elected and appointed officials and employees.

Sec. 17. TRANSITIONAL PROVISION; MUNICIPAL ETHICS
COMPLAINTS; SECRETARY OF STATE; ETHICS
COMMISSION; REPORTS

(a) Until December 15, 2020, the Secretary of State shall accept complaints in writing regarding municipal governmental ethical conduct and:

(1) forward those complaints to the applicable municipality; and

(2) report those complaints annually on or before December 15 to the Executive Director of the State Ethics Commission in the form requested by the Executive Director.

(b) The State Ethics Commission shall include a summary of these municipal complaints and any recommendations for legislative action in regard to municipal ethics along with its report of complaints and recommendations described in Sec. 7 of this act in 3 V.S.A. § 1226(1) and (3) (Commission reports; complaints; recommendations).

* * * Effective Dates * * *

Sec. 18. EFFECTIVE DATES

This act shall take effect as follows:

(1) The following sections shall take effect on July 1, 2017:

(A) Sec. 1, 2 V.S.A. § 266 (former legislators and Executive officers; lobbying; prohibited employment); and

(B) Sec. 2, 3 V.S.A. § 267 (former Executive officers; prohibited employment).

(2) The following sections shall take effect on January 1, 2018:

(A) Sec. 3, 17 V.S.A. § 2414 (candidates for State and legislative office; disclosure form);

(B) Sec. 6, 17 V.S.A. § 2904a (Attorney General or State's Attorney; campaign finance; reports to State Ethics Commission); and

(C) Sec. 7, 3 V.S.A. Part 1, chapter 31 (governmental ethics).

(3) Secs. 4, 17 V.S.A. § 2950 (State officers and State office candidates; contractor contribution restrictions) and 4a, 3 V.S.A. § 347 (contractor contribution restrictions) shall take effect on December 16, 2018.

(4) Sec. 14, 24 V.S.A. § 1984 (municipalities; conflict of interest prohibition) shall take effect on July 1, 2019.

(5) This section and all other sections shall take effect on passage.

Rep. Feltus of Lyndon, for the committee on Appropriations, recommended that House propose to the Senate to amend the bill as recommended by the committee on Government Operations

The bill having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Government Operations? **Rep. Townsend of South Burlington** moved to amend the proposal of amendment as recommended by the committee on Government Operations as follows:

First: In Sec. 3, 17 V.S.A. § 2414 (candidates for State and legislative office; disclosure form), in subdivision (a)(1), following “Each source, but not amount, of personal” by striking out the word “taxable”

Second: In Sec. 3, 17 V.S.A. § 2414 (candidates for State and legislative office; disclosure form), by striking out in its entirety subdivision (b)(2) and redesignating subdivision (b)(1) to be subsection (b)

Third: In Sec. 3, 17 V.S.A. § 2414 (candidates for State and legislative office; disclosure form), by adding a new subsection (d) to read:

(d) As used in this section:

(1) “Domestic partner” means an individual with whom the candidate has an enduring domestic relationship, as long as the candidate and the domestic partner:

(A) have shared a residence for at least six consecutive months;

(B) are at least 18 years of age;

(C) are not married to or considered a domestic partner of another individual;

(D) are not related by blood closer than would bar marriage under State law; and

(E) have agreed between themselves to be responsible for each other’s welfare.

(2) “Lobbyist” and “lobbying firm” shall have the same meanings as in 2 V.S.A. § 261.

Fourth: In Sec. 7, in 3 V.S.A. § 1211 (Executive officers; biennial disclosure), in subdivision (a)(1), following “Each source, but not amount, of personal” by striking out the word “taxable”

Fifth: In Sec. 7, in 3 V.S.A. § 1211 (Executive officers; biennial disclosure), by striking out in its entirety subdivision (b)(2) and redesignating subdivision (b)(1) to be subsection (b)

Sixth: In Sec. 7, in 3 V.S.A. § 1211 (Executive officers; biennial disclosure), by adding a new subsection (d) to read:

(d) As used in this section:

(1) “Domestic partner” means an individual with whom the Executive officer has an enduring domestic relationship, as long as the officer and the domestic partner:

(A) have shared a residence for at least six consecutive months;

(B) are at least 18 years of age;

(C) are not married to or considered a domestic partner of another individual;

(D) are not related by blood closer than would bar marriage under State law; and

(E) have agreed between themselves to be responsible for each other’s welfare.

(2) “Lobbyist” and “lobbying firm” shall have the same meanings as in 2 V.S.A. § 261.

Seventh: In Sec. 10 (implementation of the State Ethics Commission), in subdivision (c)(1), in the introductory paragraph, following “in Sec. 7 of this act,” by striking out “the Governor shall appoint the initial members for terms as follows:” and inserting in lieu thereof “the initial terms of those members shall be as follows:”

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as offered by the committee on Government Operations, as amended? **Rep. Deen of Westminster** moved to amend the proposal of amendment recommended by the committee on Government Operations, as amended, as follows:

First: In Sec. 7, in 3 V.S.A. § 1202 (State Code of Ethics), following “The Ethics Commission, in consultation with the Department of Human Resources, shall” by striking out “create and maintain” and inserting in lieu thereof “adopt

by rule”

Second: By striking out in its entirety Sec. 9 (State Ethics Commission; State Code of Ethics creation) and inserting in lieu thereof the following:

Sec. 9. STATE ETHICS COMMISSION; STATE CODE OF ETHICS;
RULE-MAKING PROCEDURE REQUIREMENTS

On or before July 1, 2018 and prior to prefilng of a rule under 3 V.S.A. § 837, the Ethics Commission shall submit to the House and Senate Committees on Government Operations the draft rule creating the State Code of Ethics described in 3 V.S.A. § 1202 in Sec. 7 of this act.

Which was agreed to. Thereupon, the recommendation of the committee on Government Operations, as amended, was agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 16

Rep. Haas of Rochester, for the committee on Human Services, to which had been referred Senate bill, entitled

An act relating to expanding patient access to the Medical Marijuana Registry

Reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 4472 is amended to read:

§ 4472. DEFINITIONS

As used in this subchapter:

(1)(A) “Bona fide health care professional-patient relationship” means a treating or consulting relationship of not less than three months’ duration, in the course of which a health care professional has completed a full assessment of the registered patient’s medical history and current medical condition, including a personal physical examination.

(B) The three-month requirement shall not apply if:

(i) a patient has been diagnosed with:

(I) a terminal illness;

(II) cancer; or

(III) acquired immune deficiency syndrome; ~~or~~

~~(IV) is currently under hospice care.~~

(ii) a patient is currently under hospice care;

~~(ii)(iii)~~ (iii) a patient had been diagnosed with a debilitating medical condition by a health care professional in another jurisdiction in which the patient had been formerly a resident and the patient, now a resident of Vermont, has the diagnosis confirmed by a health care professional in this State or a neighboring state as provided in subdivision (6) of this section, and the new health care professional has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination;

~~(iii)(iv)~~ (iv) a patient who is already on the ~~registry~~ Registry changes health care professionals three months or less prior to the annual renewal of the patient's registration, provided the patient's new health care professional has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination;

(v) a patient is referred by his or her health care professional to another health care professional who has completed advanced education and clinical training in specific debilitating medical conditions, and that health care professional conducts a full assessment of the patient's medical history and current medical condition, including a personal physical examination;

(vi) a patient's debilitating medical condition is of recent or sudden onset.

* * *

(4) "Debilitating medical condition;" ~~provided that, in the context of the specific disease or condition described in subdivision (A) or (B) of this subdivision (4), reasonable medical efforts have been made over a reasonable amount of time to relieve the symptoms,~~ means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, glaucoma, Crohn's disease, Parkinson's disease, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; ~~or~~

(B) post-traumatic stress disorder, provided the Department confirms the applicant is undergoing psychotherapy or counseling with a licensed mental health care provider; or

(C) a disease; or medical condition; or its treatment that is chronic, debilitating, and produces one or more of the following intractable symptoms: cachexia or wasting syndrome; chronic pain; severe nausea; or seizures.

(5) “Dispensary” means a ~~nonprofit entity~~ business organization registered under section 4474e of this title ~~which~~ that acquires, possesses, cultivates, manufactures, transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her center and to his or her registered caregiver for the registered patient’s use for symptom relief. ~~A dispensary may provide marijuana for symptom relief to registered patients at only one facility or location, but may have a second location associated with the dispensary where the marijuana is cultivated or processed. Both locations are considered to be part of the same dispensary.~~ A dispensary may serve patients and caregivers at not more than three locations, as approved by the Department in consideration of factors provided in subsection 4474f(e) of this title, and may cultivate and process marijuana at a separate location from where patients and caregivers are served. All locations shall be considered part of the same dispensary operation under one registration.

(6) “Financier” means a person, other than a financial institution as defined in 8 V.S.A. § 11101, that makes an investment in, or a gift, loan, or other financing to, another person with the expectation of a financial return. If a financier is a business organization, as used in this chapter, the term “financier” includes each owner and principal of that organization.

~~(6)~~(7)(A) “Health care professional” means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a naturopathic physician under 26 V.S.A. chapter 81, an individual certified as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

(B) This definition includes individuals who are professionally licensed under substantially equivalent provisions in New Hampshire, Massachusetts, or New York.

~~(7)~~(8) “Immature marijuana plant” means a female marijuana plant that has not flowered and which does not have buds that may be observed by visual examination.

~~(8)~~(9) “Marijuana” shall have the same meaning as provided in subdivision 4201(15) of this title.

~~(9)~~(10) “Mature marijuana plant” means a female marijuana plant that has flowered and which has buds that may be observed by visual examination.

(11) “Mental health care provider” means a person licensed to practice medicine pursuant to 26 V.S.A. chapter 23, 33, or 81 who specializes in the practice of psychiatry; a psychologist, a psychologist-doctorate, or a

psychologist-master as defined in 26 V.S.A. § 3001; a clinical social worker as defined in 26 V.S.A. § 3201; or a clinical mental health counselor as defined in 26 V.S.A. § 3261.

(12) “Ounce” means 28.35 grams.

(13) “Owner” means:

(A) a person that has a direct or beneficial ownership interest of ten percent or more in a business organization, including attribution of the ownership interests of a spouse or partner, parent, spouse’s or partner’s parent, sibling, and children; or

(B) a person that has the power to direct, or cause the direction of, the management and policies of a business organization, including through the ownership of voting securities, by contract, or otherwise.

~~(10)~~(14) “Possession limit” means the amount of marijuana collectively possessed between the registered patient and the patient’s registered caregiver which that is no more than two mature marijuana plants, seven immature plants, and two ounces of usable marijuana.

(15) “Principal” means a person that has the authority to conduct, manage, or supervise the operation of a business organization, and includes the president, vice president, secretary, treasurer, manager, or similar executive officer of a business organization; a director of a business corporation, nonprofit corporation, or mutual benefit enterprise; a member of a nonprofit corporation, cooperative, or member-managed limited liability company; a manager of a manager-managed limited liability company; and a general partner of a partnership, limited partnership, or limited liability partnership.

~~(11)~~(16) “Registered caregiver” means a person who is at least 21 years of age, has met eligibility requirements as determined by the Department in accordance with this chapter, and who has agreed to undertake responsibility for managing the well-being of a registered patient with respect to the use of marijuana for symptom relief.

~~(12)~~(17) “Registered patient” means a resident of Vermont who has been issued a registration card by the Department of ~~Public Safety~~, identifying the person as having a debilitating medical condition pursuant to the provisions of this subchapter. “Resident of Vermont” means a person whose domicile is Vermont.

~~(13)~~(18) “Secure indoor facility” means a building or room equipped with locks or other security devices that permit access only by a registered caregiver, or registered patient, ~~or a principal officer or employee of a dispensary.~~

~~(14)~~(19) “Transport” means the movement of marijuana and marijuana-infused products from registered growing locations to their associated dispensaries, between dispensaries, to registered patients and registered caregivers in accordance with delivery protocols, or as otherwise allowed under this subchapter.

~~(15)~~(20) “Usable marijuana” means the dried leaves and flowers of marijuana, and any mixture or preparation thereof, and does not include the seeds, stalks, and roots of the plant.

~~(16)~~(21) “Use for symptom relief” means the acquisition, possession, cultivation, use, transfer, or transportation of marijuana; or of paraphernalia relating to the administration of marijuana to alleviate the symptoms or effects of a registered patient’s debilitating medical condition ~~which~~ that is in compliance with all the limitations and restrictions of this subchapter.

Sec. 2. 18 V.S.A. § 4473 is amended to read:

§ 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND PROCEDURES

* * *

(b) The Department of Public Safety shall review applications to become a registered patient using the following procedures:

(1) A patient with a debilitating medical condition shall submit a signed application for registration to the Department. ~~A patient’s initial application to the registry shall be notarized, but subsequent renewals shall not require notarization.~~ If the patient is under 18 years of age, the application must be signed by both the patient and a parent or guardian. The application shall require identification and contact information for the patient and the patient’s registered caregiver applying for authorization under section 4474 of this title, if any, and the patient’s designated dispensary under section 4474e of this title, if any. The applicant shall attach to the application a medical verification form developed by the Department pursuant to subdivision (2) of this subsection.

(2) The Department of Public Safety shall develop a medical verification form to be completed by a health care professional and submitted by a patient applying for registration in the program. The form shall include:

(A) A cover sheet ~~which~~ that includes the following:

- (i) A statement of the penalties for providing false information.
- (ii) Definitions of the following statutory terms:

(I) “Bona fide health care professional-patient relationship” as defined in section 4472 of this title.

(II) “Debilitating medical condition” as defined in section 4472 of this title.

(III) “Health care professional” as defined in section 4472 of this title.

(iii) A statement that the medical verification form is not considered a prescription and that the only purpose of the medical verification form is to confirm that the applicant patient has a debilitating medical condition.

(B) A verification sheet ~~which~~ that includes the following:

(i) A statement that a bona fide health care professional-patient relationship exists under section 4472 of this title; or that, under subdivision (3)(A) of this subsection (b), the debilitating medical condition is of recent or sudden onset, ~~and the patient has not had a previous health care professional who is able to verify the nature of the disease and its symptoms.~~

~~(ii) A statement that reasonable medical efforts have been made over a reasonable amount of time without success to relieve the symptoms. [Repealed.]~~

(iii) A statement that the patient has a debilitating medical condition as defined in section 4472 of this title, including the specific disease or condition ~~which~~ that the patient has and whether the patient meets the criteria under section 4472.

(iv) A signature line ~~which~~ that provides in substantial part: “I certify that I meet the definition of ‘health care professional’ under 18 V.S.A. § 4472, that I am a health care professional in good standing in the State of, and that the facts stated above are accurate to the best of my knowledge and belief.”

(v) The health care professional’s contact information, license number, category of his or her health care profession as defined in subdivision 4472(6) of this title, and contact information for the out-of-state licensing agency, if applicable. The Department of ~~Public Safety~~ shall adopt rules for verifying the goodstanding of out-of-state health care professionals.

(vi) A statement that the medical verification form is not considered a prescription and that the only purpose of the medical verification form is to confirm that the applicant patient has a debilitating medical condition.

(3)(A) The Department of ~~Public Safety~~ shall transmit the completed medical verification form to the health care professional and contact him or her for purposes of confirming the accuracy of the information contained in the

~~form. The Department may approve an application, notwithstanding the six-month requirement in section 4472 of this title, if the Department is satisfied that the medical verification form confirms that the debilitating medical condition is of recent or sudden onset, and that the patient has not had a previous health care professional who is able to verify the nature of the disease and its symptoms.~~

(B) If the health care professional is licensed in another state as provided section 4472 of this title, the Department shall verify that the health care professional is in good standing in that state.

* * *

Sec. 3. 18 V.S.A. § 4474(c)(1) is amended to read:

(c)(1) Except as provided in subdivision (2) of this subsection, a registered caregiver may serve only one registered patient at a time, and a registered patient may have only one registered caregiver at a time. A registered patient may serve as a registered caregiver for one other registered patient.

Sec. 4. 18 V.S.A. § 4474d is amended to read:

§ 4474d. LAW ENFORCEMENT VERIFICATION OF INFORMATION;
RULEMAKING

* * *

(b) In response to a person-specific or property-specific inquiry by a law enforcement officer or agency made in the course of a bona fide investigation or prosecution, the Department may verify the identities and registered property addresses of the registered patient and the patient's registered caregiver, a dispensary, ~~and the principal officer, the Board members, and an owner, a principal, a financier, and the employees of a dispensary.~~

(c) The Department shall maintain a separate secure electronic database accessible to law enforcement personnel 24 hours a day that uses a unique identifier system to allow law enforcement to verify that a person or entity is a registered patient, a registered caregiver, a dispensary, ~~or the principal officer, a board member~~ an owner, a principal, a financier, or an employee of a dispensary.

* * *

Sec. 5. 18 V.S.A. § 4474e is amended to read:

§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION

* * *

(d)(1) A dispensary shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and shall ensure that each location has an operational security alarm system. All cultivation of marijuana shall take place in an

~~enclosed a secure~~, locked facility which is either indoors or ~~otherwise outdoors~~, but not visible to the public, and which can only be accessed by ~~principal officers~~ the owners, principals, financiers, and employees of the dispensary who have valid registry Registry identification cards. An outdoor facility is not required to have a roof provided all other requirements are met. The Department of ~~Public Safety~~ shall perform an annual on-site assessment of each dispensary and may perform on-site assessments of a dispensary without limitation for the purpose of determining compliance with this subchapter and any rules adopted pursuant to this subchapter and may enter a dispensary at any time for such purpose. During an inspection, the Department may review the dispensary's confidential records, including its dispensing records, which shall track transactions according to registered patients' ~~registry~~ Registry identification numbers to protect their confidentiality.

* * *

(f) A person may be denied the right to serve as an owner, ~~a principal officer, board member, financier,~~ or employee of a dispensary because of the person's criminal history record in accordance with section 4474g of this title and rules adopted by the Department of Public Safety pursuant to that section.

(g)(1) A dispensary shall notify the Department of ~~Public Safety~~ within 10 days of when a ~~principal officer, board member,~~ an owner, principal, financier, or employee ceases to be associated with or work at the dispensary. His or her ~~registry~~ Registry identification card shall be deemed null and void, and the person shall be liable for any penalties that may apply.

(2) A dispensary shall notify the Department of ~~Public Safety~~ in writing of the name, address, and date of birth of any proposed new ~~principal officer, board member~~ owner, principal, financier, or employee and shall submit a fee for a new ~~registry~~ Registry identification card before a new ~~principal officer, board member~~ owner, principal, financier, or employee begins his or her official duties related to the dispensary and shall submit a complete set of fingerprints for ~~the each~~ prospective ~~principal officer, board member~~ owner, principal, financier, or employee who is a natural person.

* * *

(k)(1) No dispensary, ~~principal officer, board member~~ or owner, principal, financier of a dispensary shall:

* * *

(B) acquire usable marijuana or marijuana plants from any source other than registered dispensary ~~principal officers, board members~~ owners, principals, financiers, or employees who cultivate marijuana in accordance with this subchapter;

(C) dispense more than two ounces of usable marijuana to a registered patient directly or through the qualifying patient's registered

caregiver during a 30-day period;

(D) dispense an amount of usable marijuana to a qualifying patient or a designated caregiver that the ~~principal officer, board member~~ owner, principal, financier, or employee knows would cause the recipient to possess more marijuana than is permitted under this subchapter;

(E) dispense marijuana to a person other than a registered patient who has designated the dispensary to provide for his or her needs or other than the patient's registered caregiver.

(2) A person found to have violated subdivision (1) of this subsection may no longer serve as a ~~principal officer, board member~~ an owner, principal, financier, or employee of any dispensary, and such person's ~~registry~~ Registry identification card shall be immediately revoked by the Department of ~~Public Safety~~.

(1)(1) A registered dispensary shall not be subject to the following, provided that it is in compliance with this subchapter:

(A) prosecution for the acquisition, possession, cultivation, manufacture, transfer, transport, supply, sale, or dispensing of marijuana, marijuana-infused products, or marijuana-related supplies for symptom relief in accordance with the provisions of this subchapter and any rule adopted by the Department of ~~Public Safety~~ pursuant to this subchapter;

(B) inspection and search, except pursuant to this subchapter or upon a search warrant issued by a court or judicial officer;

(C) seizure of marijuana, marijuana-infused products, and marijuana-related supplies, except upon a valid order issued by a court;

(D) imposition of any penalty or denied any right or privilege, including imposition of a civil penalty or disciplinary action by an occupational or professional licensing board or entity, solely for acting in accordance with this subchapter to assist registered patients or registered caregivers.

(2) No ~~principal officer, board member~~ owner, principal, financier, or employee of a dispensary shall be subject to arrest, prosecution, search, seizure, or penalty in any manner or denied any right or privilege, including civil penalty or disciplinary action by an occupational or professional licensing board or entity, solely for working for or with a dispensary to engage in acts permitted by this subchapter.

* * *

Sec. 6. 18 V.S.A. § 4474f is amended to read:

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND
REGISTRATION

* * *

(c) Each application for a dispensary registration certificate shall include all of the following:

(1) a nonrefundable application fee in the amount of \$2,500.00 paid to the Department of ~~Public Safety~~;

(2) the legal name, ~~articles of incorporation, and bylaws~~ of the dispensary and the organizational documents that create the dispensary, govern its operation and internal affairs, and govern relations between and among its owners;

(3) the proposed physical address of the dispensary, if a precise address has been determined or, if not, the general location where it would be located;

(4) a description of the ~~enclosed~~ secure, locked facility where marijuana will be grown, cultivated, harvested, or otherwise prepared for distribution by the dispensary;

(5) the name, address, and date of birth of each ~~principal officer and board member~~ owner, principal, and financier of the dispensary who is a natural person and a complete set of fingerprints for each of them;

(6) proposed security and safety measures, which shall include at least one security alarm system for each location and planned measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana;

(7) proposed procedures to ensure accurate record-keeping.

(d) Any time one or more dispensary registration applications are being considered, the Department of ~~Public Safety~~ shall solicit input from registered patients and registered caregivers.

(e) Each time a dispensary certificate is granted, the decision shall be based on the overall health needs of qualified patients. The following factors shall weigh heavily in the consideration of an application:

(1) geographic convenience to patients from throughout the State of Vermont to a dispensary if the applicant were approved;

(2) the entity's ability to provide an adequate supply to the registered patients in the State;

(3) the entity's ability to demonstrate ~~its board members'~~ that its owners, principals, and financiers have sufficient experience running a ~~nonprofit organization or~~ business;

(4) the comments, if any, of registered patients and registered caregivers regarding which applicant should be granted a registration certificate;

(5) the sufficiency of the applicant's plans for record-keeping, which records shall be considered confidential health care information under Vermont law and are intended to be deemed protected health care information for purposes of the federal Health Insurance Portability and Accountability Act of 1996, as amended;

(6) the sufficiency of the applicant's plans for safety and security, including the proposed location and security devices employed.

(f) The Department of ~~Public Safety~~ may deny an application for a dispensary if it determines that an applicant's criminal history record indicates that the ~~person's~~ association of an owner, principal, or financier with a dispensary would pose a demonstrable threat to public safety.

(g) After a dispensary is approved but before it begins operations, it shall submit the following to the Department:

(1) the legal name ~~and articles of incorporation~~ of the dispensary and the organizational documents that create the dispensary, govern its operation and internal affairs, and govern relations between and among its owners;

(2) the physical address of the dispensary;

(3) the name, address, and date of birth of each ~~principal officer and board member~~ owner, principal, and financier of the dispensary along with a complete set of fingerprints for each;

(4) a registration fee of \$20,000.00 for the first year of operation, and an annual fee of \$25,000.00 in subsequent years.

Sec. 7. 18 V.S.A. § 4474g is amended to read:

§ 4474g. DISPENSARY REGISTRY IDENTIFICATION CARD;

CRIMINAL BACKGROUND CHECK

(a) Except as provided in subsection (b) of this section, the Department of ~~Public Safety~~ shall issue each ~~principal officer, Board member~~ owner, principal, financier, and employee of a dispensary a ~~registry~~ Registry identification card or renewal card within 30 days of receipt of the person's name, address, and date of birth and a fee of \$50.00. The fee shall be paid by the dispensary and the cost shall not be passed on to a ~~principal officer, Board member~~ an owner, principal, financier, or employee. A person shall not serve as ~~principal officer, Board member~~ an owner, principal, financier, or employee of a dispensary until that person has received a ~~registry~~ Registry identification card issued under this section. Each card shall specify whether the cardholder

is a ~~principal officer, Board member~~ an owner, principal, financier, or employee of a dispensary and shall contain the following:

- (1) the name, address, and date of birth of the person;
- (2) the legal name of the dispensary with which the person is affiliated;
- (3) a random identification number that is unique to the person;
- (4) the date of issuance and the expiration date of the ~~registry~~ Registry identification card; and
- (5) a photograph of the person.

(b) Prior to acting on an application for a ~~registry~~ Registry identification card, the Department of ~~Public Safety~~ shall obtain with respect to the applicant a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation. Each applicant shall consent to the release of criminal history records to the Department on forms developed by the Vermont Crime Information Center.

(c) When the Department of ~~Public Safety~~ obtains a criminal history record, the Department shall promptly provide a copy of the record to the applicant and to the ~~principal officer and Board~~ owner, principal, or financier of the dispensary if the applicant is to be an employee. The Department shall inform the applicant of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Department.

(d) The Department of ~~Public Safety~~ shall comply with all laws regulating the release of criminal history records and the protection of individual privacy. No person shall confirm the existence or nonexistence of criminal history record information to any person who would not be eligible to receive the information pursuant to this subchapter.

(e) The Department of ~~Public Safety~~ shall not issue a ~~registry~~ Registry identification card to any applicant who has been convicted of a drug-related offense or a violent felony or who has a pending charge for such an offense. ~~For purposes of~~ As used in this subchapter, "violent felony" means a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64.

(f) The Department of ~~Public Safety~~ shall adopt rules for the issuance of a ~~registry~~ Registry identification card and shall set forth standards for determining whether an applicant should be denied a ~~registry~~ Registry identification card because his or her criminal history record indicates that the person's association with a dispensary would pose a demonstrable threat to public safety. The rules shall consider whether a person who has a conviction for an offense not listed in subsection (e) of this section has been rehabilitated.

A conviction for an offense not listed in subsection (e) of this section shall not automatically disqualify a person for a ~~registry~~ Registry identification card. A dispensary may deny a person the opportunity to serve as a Board member or an employee based on his or her criminal history record. An applicant who is denied a ~~registry~~ Registry identification card may appeal the ~~Department of Public Safety's~~ Department's determination in Superior Court in accordance with Rule 75 of the Vermont Rules of Civil Procedure.

(g) A registration identification card of a ~~principal officer, Board member~~ an owner, principal, or financier, or employee shall expire one year after its issuance or upon the expiration of the registered organization's registration certificate, whichever occurs first.

Sec. 8. 18 V.S.A. § 4474h is amended to read:

§ 4474h. PATIENT DESIGNATION OF DISPENSARY

(a) A registered patient or his or her caregiver may obtain marijuana only from the patient's designated dispensary and may designate only one dispensary. ~~If a registered patient designates a dispensary, the patient and his or her caregiver may not grow marijuana or obtain marijuana or marijuana-infused products for symptom relief from any source other than the designated dispensary.~~ A registered patient who wishes to change his or her dispensary shall notify the Department of ~~Public Safety~~ in writing on a form issued by the Department and shall submit with the form a fee of \$25.00. The Department shall issue a new identification card to the registered patient within 30 days of receiving the notification of change in dispensary. The registered patient's previous identification card shall expire at the time the new identification card takes effect. A registered patient shall submit his or her expired identification card to the Department within 30 days of expiration. A registered patient shall not change his or her designated dispensary more than once in any 30-day period.

* * *

Sec. 9. AUTHORITY FOR CURRENTLY REGISTERED NONPROFIT DISPENSARY TO CONVERT TO FOR-PROFIT BUSINESS

(a) Notwithstanding any contrary provision of Title 11B of the Vermont Statutes Annotated, a nonprofit dispensary registered pursuant to 18 V.S.A. chapter 86 may convert to a different type of business organization by approving a plan of conversion pursuant to this section.

(b) A plan of conversion shall include:

(1) the name of the converting organization;

(2) the name and type of organization of the converted organization;

(3) the manner and basis for converting the assets of the converting organization into interests in the converted organization or other consideration;

(4) the proposed organizational documents of the converted organization; and

(5) the other terms and conditions of the conversion.

(c) A converting organization shall approve a plan of conversion by a majority vote of its directors, and by a separate majority vote of its members if it has members.

(d) A converting organization may amend or abandon a plan of conversion before it takes effect in the same manner it approved the plan, if the plan does not specify how to amend the plan.

(e) A converting organization shall sign a statement of conversion and deliver it to the Secretary of State for filing. A statement of conversion shall include:

(1) the name and type of organization prior to the conversion;

(2) the name and type of organization following the conversion;

(3) a statement that the converting organization approved the plan of conversion in accordance with the provisions of this act; and

(4) the organizational documents of the converted organization.

(f) The conversion of a nonprofit dispensary takes effect when the statement of conversion takes effect, and when the conversion takes effect:

(1) The converted organization is:

(A) organized under and subject to the governing statute of the converted organization; and

(B) the same organization continuing without interruption as the converting organization.

(2) Subject to the plan of conversion, the property of the converting organization continues to be vested in the converted organization without transfer, assignment, reversion, or impairment.

(3) The debts, obligations, and other liabilities of the converting organization continue as debts, obligations, and other liabilities of the converted organization.

(4) A court or other authority may substitute the name of the converted organization for the name of the converting organization in any pending action or proceeding.

(5) The organizational documents of the converted organization take effect.

(6) The assets of the converting organization are converted pursuant to the plan of conversion.

(g) When a conversion takes effect, a person that did not have personal liability with respect to the converting organization and becomes subject to personal liability with respect to the converted organization as a result of the conversion has personal liability only to the extent provided by the governing statute of the converted organization and only for those debts, obligations, and other liabilities that the converted organization incurs after the conversion.

(h) When a conversion takes effect, a person that had personal liability for a debt, obligation, or other liability of the converting organization but that does not have personal liability with respect to the converted organization is subject to the following rules:

(1) The conversion does not discharge any personal liability under this title to the extent the personal liability was incurred before the conversion took effect.

(2) The person does not have personal liability under this title for any debt, obligation, or other liability that arises after the conversion takes effect.

(3) Title 11B of the Vermont Statutes Annotated continues to apply to the release, collection, or discharge of any personal liability preserved under subdivision (1) of this subsection as if the conversion had not occurred.

(i) A conversion does not require an organization to wind up its affairs and does not constitute or cause the dissolution of the organization.

Sec. 10. MARIJUANA-INFUSED PRODUCT TESTING; REPORT

The General Assembly recognizes the importance of independent testing of marijuana-infused products sold by dispensaries to determine proper labeling of products in compliance with 18 V.S.A. § 4474e. Therefore, the Agency of Agriculture, Food and Markets and the Department of Public Safety, in consultation with registered dispensaries, shall report their recommendations to the Joint Committee on Justice Oversight and the General Assembly no later than October 15, 2017 on the following:

(1) Who should be responsible for testing marijuana-infused products.

(2) The approved methods and frequency of testing.

(3) Estimated costs associated with such testing and how these costs should be funded.

(4) If testing will be done through an independent testing entity, the

process by which the State will certify such entities and oversee such testing.

(5) How to implement a weights and measures program for medical marijuana dispensaries.

Sec. 11. MEDICAL MARIJUANA REGISTRY; WEB PAGE

The Department of Public Safety and the Agency of Digital Services shall develop an independent web page for the Medical Marijuana Registry, separate from any other registry or program administered by the Department, that is up-to-date and user-friendly on or before September 30, 2017 and shall report to the General Assembly on activation of the web page at such time.

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Human Services agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 33

Rep. Hooper of Brookfield, for the committee on Agriculture & Forestry, to which had been referred Senate bill, entitled

An act relating to the Rozo McLaughlin Farm-to-School Program

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, in 6 V.S.A. § 4719, in subdivision (a)(5), after “Vermont students in” and before “programs” by striking out the words “school meal” and inserting in lieu thereof the words “child nutrition”

Second: In Sec. 1, by striking out 6 V.S.A. § 4721 in its entirety and inserting in lieu thereof the following:

§ 4721. LOCAL FOODS GRANT PROGRAM

(a) There is created in the Agency of Agriculture, Food and Markets the Rozo McLaughlin Farm-to-School Program to execute, administer, and award local grants for the purpose of helping Vermont schools develop farm-to-school programs that will sustain relationships with local farmers and producers, enrich the educational experience of students, improve the health of Vermont children, and enhance Vermont’s agricultural economy.

(b) A school, a school district, a consortium of schools, ~~or~~ a consortium of

school districts, or registered or licensed child care providers may apply to the Secretary of Agriculture, Food and Markets for a grant award to:

(1) fund equipment, resources, training, and materials that will help to increase use of local foods in ~~the School Food Service Program~~ child nutrition programs;

(2) fund items, including local ~~farm~~ food products, gardening supplies, field trips to farms, gleaning on farms, and stipends to visiting farmers, that will help ~~teachers~~ educators to use hands-on educational techniques to teach children about nutrition and farm-to-school connections; and

(3) ~~provide~~ fund professional development and technical assistance, in partnership with the Agency of Education and farm-to-school technical service providers, to help teachers, child nutrition personnel, and members of the farm-to-school community educate students about nutrition and farm-to-school connections and assist schools and licensed or registered childcare providers in developing a farm-to-school program.

(4) fund technical assistance or support strategies to increase participation in federal child nutrition programs that increase the viability of sustainable meal programs.

(c) The Secretaries of Agriculture, Food and Markets and of Education and the Commissioner of Health, in consultation with farmers, ~~food-service workers~~ child nutrition staff, ~~and~~ educators, and farm-to-school technical service providers jointly shall ~~jointly~~ adopt rules procedures relating to the content of the grant application and the criteria for making awards.

(d) The Secretary shall determine that there is significant interest in the school community before making an award and shall give priority consideration to schools ~~and~~, school districts and, registered or licensed child care providers that are developing farm-to-school connections and education that indicate a willingness to make changes to their child nutrition programs to increase student access and participation and that are making progress toward the implementation of the Vermont nutrition and fitness policy guidelines School Wellness Policy Guidelines developed by the Agency of Agriculture, Food and Markets, the Agency of Education, and the Department of Health, ~~dated November 2005~~ updated in June 2015 or of the successor of these guidelines.

(e) No award shall be greater than \$15,000.00.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Agriculture & Forestry agreed to and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 112

Rep. Jessup of Middlesex, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to creating the Spousal Support and Maintenance Task Force

Reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 15 V.S.A. § 752 is amended to read:

§ 752. MAINTENANCE

(a) In an action under this chapter, the court may order either spouse to make maintenance payments, either rehabilitative or permanent in nature, to the other spouse if it finds that the spouse seeking maintenance:

(1) lacks sufficient income, or property, or both, including property apportioned in accordance with section 751 of this title, to provide for his or her reasonable needs; and

(2) is unable to support himself or herself through appropriate employment at the standard of living established during the civil marriage or is the custodian of a child of the parties.

(b) The maintenance order shall be in such amounts and for such periods of time as the court deems just, after considering all relevant factors, ~~including, but not limited to:~~

(1) the financial resources of the party seeking maintenance, the property apportioned to the party, the party's ability to meet his or her needs independently, and the extent to which a provision for support of a child living with the party contains a sum for that party as custodian;

(2) the time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;

(3) the standard of living established during the civil marriage;

(4) the duration of the civil marriage;

(5) the age and the physical and emotional condition of each spouse;

(6) the ability of the spouse from whom maintenance is sought to meet his or her reasonable needs while meeting those of the spouse seeking

maintenance; ~~and~~

(7) inflation with relation to the cost of living; and

(8) the following guidelines:

<u>Length of marriage</u>	<u>% of the difference between parties' gross income</u>	<u>Duration of alimony award as % length of marriage</u>
<u>0 to <5 years</u>	<u>0–20%</u>	<u>No alimony or short-term alimony up to one year</u>
<u>5 to <10 years</u>	<u>15–35%</u>	<u>20–50% (1–5 yrs)</u>
<u>10 to <15 years</u>	<u>20–40%</u>	<u>40–60% (3–9 yrs)</u>
<u>15 to <20 years</u>	<u>24–45%</u>	<u>40–70% (6–14 yrs)</u>
<u>20+ years</u>	<u>30–50%</u>	<u>45% (9–20+ yrs)</u>

Sec. 2. SPOUSAL SUPPORT AND MAINTENANCE STUDY

On or before January 15, 2018, the Family Division Oversight Committee of the Supreme Court shall review how the spousal support and maintenance guidelines set forth in 15 V.S.A. § 752(b)(8) are working in practice, and report on its findings to the Senate and House Committees on Judiciary. In addition to this review, the Committee may consider any of the following topics for further legislative recommendations:

(1) the purposes of alimony;

(2) the meaning of both permanent and rehabilitative alimony, as used in 15 V.S.A. §752(a), and if judges should specify whether they are awarding rehabilitative alimony or permanent alimony, or both;

(3) whether income from a pension should be considered for alimony purposes when such pension is also divided or awarded in the division of assets and property;

(4) whether to establish a “retirement age” for purposes of ending alimony payments, and whether judges should continue to have the discretion to order alimony to continue past such retirement age if the facts of a case call for such continuation;

(5) what constitutes cohabitation for purposes of alimony, and what effect a recipient spouse’s cohabitation should have on alimony awards; and

(6) what effect the remarriage of a recipient spouse should have on an

alimony award

Sec. 3. 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 spousal support and maintenance guidelines and study”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Judiciary agreed to and third reading ordered.

Action on Bill Postponed**S. 122**

Senate bill, entitled

An act relating to increased flexibility for school district mergers

Was taken up and pending the reading of the report of the committee on Education, on motion of **Rep. Sharpe of Bristol**, action on the bill was postponed until May 2, 2017.

**Joint Resolution Read Second Time;
Third Reading Ordered****J.R.S. 18**

Joint resolution, entitled

Joint resolution in support of combating the rise in hate crimes and bigotry

Was taken up and read the second time.

Pending the question, Shall the resolution be read a third time? **Rep. Grad of Moretown** 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 read a third time? was decided in the affirmative. Yeas, 134. Nays, 7.

Those who voted in the affirmative are:

Ainsworth of Royalton	Giambatista of Essex	Nolan of Morristown
Ancel of Calais	Gonzalez of Winooski	Norris of Shoreham
Bancroft of Westford	Grad of Moretown	Noyes of Wolcott
Bartholomew of Hartland	Greshin of Warren	Ode of Burlington
Baser of Bristol	Haas of Rochester	O'Sullivan of Burlington
Batchelor of Derby	Harrison of Chittenden	Parent of St. Albans Town
Beck of St. Johnsbury	Head of South Burlington	Partridge of Windham
Belaski of Windsor	Hebert of Vernon	Pearce of Richford
Bissonnette of Winooski	Helm of Fair Haven	Poirier of Barre City
Bock of Chester	Higley of Lowell	Potter of Clarendon

Botzow of Pownal	Hill of Wolcott	Pugh of South Burlington
Brennan of Colchester	Hooper of Montpelier	Quimby of Concord
Briglin of Thetford	Hooper of Brookfield	Rachelson of Burlington
Browning of Arlington	Houghton of Essex	Savage of Swanton
Brumsted of Shelburne	Howard of Rutland City	Scheu of Middlebury
Buckholz of Hartford	Jessup of Middlesex	Scheuermann of Stowe
Burditt of West Rutland	Jickling of Brookfield	Sharpe of Bristol
Canfield of Fair Haven	Joseph of North Hero	Shaw of Pittsford
Carr of Brandon	Juskiewicz of Cambridge	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Keefe of Manchester	Sibilia of Dover
Christensen of Weathersfield	Keenan of St. Albans City	Smith of New Haven
Christie of Hartford	Kimbell of Woodstock	Squirrel of Underhill
Colburn of Burlington	Kitzmiller of Montpelier	Stevens of Waterbury
Condon of Colchester	Krowinski of Burlington	Strong of Albany
Conlon of Cornwall	LaClair of Barre Town	Stuart of Brattleboro
Connor of Fairfield	Lalonde of South Burlington	Sullivan of Dorset
Conquest of Newbury	Lanpher of Vergennes	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Taylor of Colchester
Corcoran of Bennington	Lefebvre of Newark	Terenzini of Rutland Town
Cupoli of Rutland City	Lippert of Hinesburg	Toleno of Brattleboro
Dakin of Colchester	Long of Newfane	Toll of Danville
Deen of Westminster	Lucke of Hartford	Townsend of South Burlington
Dickinson of St. Albans Town	Macaig of Williston	Trieber of Rockingham
Donahue of Northfield	Marcotte of Coventry	Troiano of Stannard
Donovan of Burlington	Martel of Waterford	Turner of Milton
Dunn of Essex	Masland of Thetford	Viens of Newport City
Emmons of Springfield	McCormack of Burlington	Walz of Barre City
Fagan of Rutland City	McCoy of Poultney	Webb of Shelburne
Feltus of Lyndon	McCullough of Williston	Weed of Enosburgh
Fields of Bennington	McFaun of Barre Town	Willhoit of St. Johnsbury
Forguites of Springfield	Miller of Shaftsbury	Wood of Waterbury
Gannon of Wilmington	Morris of Bennington	Wright of Burlington
Gardner of Richmond	Morrissey of Bennington	Yacovone of Morristown
	Mrowicki of Putney	Yantachka of Charlotte
	Murphy of Fairfax	Young of Glover
	Myers of Essex	

Those who voted in the negative are:

Beyor of Highgate	Graham of Williamstown	Van Wyck of Ferrisburgh
Frenier of Chelsea *	Rosenquist of Georgia	
Gage of Rutland City	Smith of Derby	

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

Burke of Brattleboro	Gamache of Swanton	Olsen of Londonderry
Cina of Burlington	Hubert of Milton	Till of Jericho
Devereux of Mount Holly	Lewis of Berlin	

Rep. Frenier of Chelsea explained his vote as follows:

“Madam Speaker:

The reference in this resolution to a purported rise in hate crimes during the 2016 election cycle strikes me as a thinly veiled anti-Trump comment without foundation and the Southern Poverty Law Center is a biased source of information about bigotry. I voted no in protest to these references. I detest bigotry.”

Action on Bill Postponed

H. 509

House bill, entitled

An act relating to calculating statewide education tax rates

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment? on motion of **Rep. Turner of Milton**, action on the bill was postponed until May 2, 2017.

Action on Bill Postponed

H.167

House bill, entitled

An act relating to alternative approaches to addressing low-level illicit drug use

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment? on motion of **Rep. Grad of Moretown**, action on the bill was postponed until May 2, 2017.

Action on Bill Postponed

H. 519

House bill, entitled

An act relating to capital construction and State bonding

Was taken up and pending the question Will the House concur in the Senate proposal of amendment? on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until May 2, 2017.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 136

Rep. Marcotte of Coventry, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to miscellaneous consumer protection provisions

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the

following:

* * * Home Loan Escrow Account Analysis * * *

Sec. 1. 8 V.S.A. § 10404 is amended to read:

§ 10404. HOME LOAN ESCROW ACCOUNTS

* * *

(c) A lender shall not require a borrower to deposit into an escrow account any greater sum than is sufficient to pay taxes, insurance premiums, and other charges with respect to the residential real estate, subject to the following additional charges:

(1) a lender may require aggregate annual deposits no greater than the reasonably estimated total annual charges plus ~~one-twelfth~~ one-sixth of such total; and

(2) a lender may require monthly deposits no greater than one-twelfth of the reasonably estimated total annual charges plus an amount needed to maintain an additional account balance no greater than ~~one-twelfth~~ one-sixth of such total.

* * *

(g)(1) At least annually, a lender shall conduct an escrow account analysis at the completion of the escrow account computation year to determine the borrower's monthly escrow account payments for the next computation year based on the borrower's current tax liability, if made available to the lender either by the borrower or the municipality, after any applicable adjustment for a State credit on property taxes.

(2) Upon submission of a revised property tax bill to the lender, the lender shall review the property tax bill and upon verifying that it has been reduced since the date of the last escrow account analysis, the lender shall, within 30 days of receiving notice from the borrower, conduct a new escrow account analysis, recalculate the borrower's monthly escrow payment, and notify the borrower of any change.

(3) ~~The lender shall provide~~ At least annually, and whenever an escrow account analysis is conducted or upon request of the borrower, the lender shall provide to the borrower financial statements relating to the borrower's escrow account in a manner and on a form ~~approved by the Commissioner~~ consistent with the federal Real Estate Settlement Procedures Act. The lender shall not charge the borrower for the preparation and transmittal of such statements.

* * *

* * * Fantasy Sports Contests * * *

Sec. 2. 9 V.S.A. chapter 116 is added to read:

CHAPTER 116. FANTASY SPORTS CONTESTS§ 4185. DEFINITIONS

As used in this chapter:

(1) “Computer script” means a list of commands that can be executed by a program, scripting engine, or similar mechanism that a fantasy sports player can use to automate participation in a fantasy sports contest.

(2) “Confidential fantasy sports contest information” means nonpublic information available to a fantasy sports operator that relates to a fantasy sports player’s activity in a fantasy sports contest and that, if disclosed, may give another fantasy sports player an unfair competitive advantage in a fantasy sports contest.

(3) “Fantasy sports contest” means a virtual or simulated sporting event governed by a uniform set of rules adopted by a fantasy sports operator in which:

(A) a fantasy sports player may earn one or more cash prizes or awards, the value of which a fantasy sports operator discloses in advance of the contest;

(B) a fantasy sports player uses his or her knowledge and skill of sports data, performance, and statistics to create and manage a fantasy sports team;

(C) a fantasy sports team earns fantasy points based on the sports performance statistics accrued by individual athletes or teams, or both, in real world sporting events;

(D) the outcome is determined by the number of fantasy points earned; and

(E) the outcome is not determined by the score, the point spread, the performance of one or more teams, or the performance of an individual athlete in a single real world sporting event.

(4) “Fantasy sports operator” means a person that offers to members of the public the opportunity to participate in a fantasy sports contest for consideration.

(5) “Fantasy sports player” means an individual who participates in a fantasy sports contest for consideration.

(6) “Location percentage” mean the percentage, rounded to the nearest tenth of a percent, of the total of all entry fees collected from fantasy sports players located in Vermont, divided by the total entry fees collected from all fantasy sports players in fantasy sports contests.

(7) “Net fantasy sports contest revenues” means the amount equal to the total of all entry fees that a fantasy sports operator collects from all fantasy sports players, less the total of all sums paid out as winnings to all fantasy sports players, multiplied by the location percentage for Vermont.

§ 4186. CONSUMER PROTECTION

(a) A fantasy sports operator shall adopt commercially reasonable policies and procedures to:

(1) prevent participation in a fantasy sports contest it offers to the public with a cash prize of \$5.00 or more by:

(A) the fantasy sports operator;

(B) an employee of the fantasy sports operator or a relative of the employee who lives in the same household; or

(C) a professional athlete or official who participates in one or more real world sporting events in the same sport as the fantasy sports contest;

(2) prevent the disclosure of confidential fantasy sports contest information to an unauthorized person;

(3) require that a fantasy sports player is 18 years of age or older, and verify the age of each player using one or more commercially available databases, which government or business regularly use to verify and authenticate age and identity;

(4) limit and disclose to prospective players the number of entries a fantasy sports player may submit for each fantasy sports contest;

(5) limit a fantasy sports player to not more than one username or account;

(6) prohibit the use of computer scripts that provide a player with a competitive advantage over another player;

(7) segregate player funds from operational funds, or maintain a reserve in the form of cash, cash equivalents, payment processor receivables, payment processor reserves, an irrevocable letter of credit, a bond, or a combination thereof in an amount that equals or exceeds the amount of deposits in fantasy sports player accounts, for the benefit and protection of fantasy sports player funds held in their accounts; and

(8) notify fantasy sports players that winnings of a certain amount may be subject to income taxation.

(b) A fantasy sports operator shall have the following duties:

(1) The operator shall provide a link on its website to information and resources addressing addiction and compulsive behavior and where to seek assistance with these issues in Vermont and nationally.

(2)(A) The operator shall enable a fantasy sports player to restrict irrevocably his or her own ability to participate in a fantasy sports contest, for a period of time the player specifies, by submitting a request to the operator through its website or by online chat with the operator's agent.

(B) The operator shall provide to a player who self-restricts his or her participation information concerning:

(i) available resources addressing addiction and compulsive behavior;

(ii) how to close an account and restrictions on opening a new account during the period of self-restriction;

(iii) requirements to reinstate an account at the end of the period; and

(iv) how the operator addresses reward points and account balances during and after the period of self-restriction, and when the player closes his or her account.

(3) The operator shall provide a player access to the following information for the previous six months:

(A) a player's play history, including money spent, games played, previous line-ups, and prizes awarded;

(B) a player's account details, including deposit amounts, withdrawal amounts, and bonus information, including amounts remaining for a pending bonus and amounts released to the player.

(c)(1) A fantasy sports operator shall contract with a third party to perform an annual independent audit, consistent with the standards established by the American Institute of Certified Public Accountants, to ensure compliance with the requirements in this chapter.

(2) The fantasy sports operator shall submit the results of the independent audit to the Attorney General.

(d) A fantasy sports operator shall not extend credit to a fantasy sports player.

(e) A fantasy sports operator shall not offer a fantasy sports contest based on the performance of participants in college, high school, or youth athletic events.

§ 4187. FAIR AND TRUTHFUL ADVERTISING

(a) A fantasy sports operator shall not depict in an advertisement to consumers in this State:

(1) minors, other than professional athletes who may be minors;

(2) students;

(3) schools or colleges; or

(4) school or college settings, provided that incidental depiction of nonfeatured minors does not violate this section.

(b) A fantasy sports operator shall not state or imply in an advertisement to consumers in this State endorsement by:

(1) minors, other than professional athletes who may be minors;

(2) collegiate athletes;

(3) colleges; or

(4) college athletic associations.

(c)(1) A fantasy sports operator shall include in an advertisement to consumers in this State information concerning assistance available to problem gamblers, or shall direct consumers to a reputable source of that information.

(2) If an advertisement is of insufficient size or duration to provide the information required in subdivision (1) of this subsection, the advertisement shall refer to a website or application that does prominently include such information.

(d) A fantasy sports operator shall only make representations concerning winnings that are accurate, not misleading, and capable of substantiation at the time of the representation. For purposes of this subsection, an advertisement is misleading if it makes representations about average winnings without equally prominently representing the average net winnings of all players.

§ 4188. EXEMPTION

The provisions of 13 V.S.A. chapter 51, relating to gambling and lotteries, shall not apply to a fantasy sports contest.

§ 4189. REGISTRATION

In addition to applicable requirements under Titles 11–11C for a business organization doing business in this State to register with the Secretary of State, on or before January 15 following each year in which a fantasy sports operator offers a fantasy sports contest to consumers in this State, the operator shall file an annual registration with the Secretary of State on a form adopted for that

purpose and pay to the Secretary an annual registration fee in an amount equal to one-half of one percent of its annual net fantasy sports contest revenue for the prior calendar year.

§ 4190. ENFORCEMENT

(a) A person that violates a provision of this chapter commits an unfair and deceptive act in commerce in violation of section 2453 of this title.

(b) The Attorney General has the authority to adopt rules to implement the provisions of this chapter and to conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under chapter 63, subchapter 1 of this title.

Sec. 3. 32 V.S.A. § 3102(e)(19) is added to read:

(19) To the Secretary of State for the purpose of administering the registration fee for fantasy sports operators under 9 V.S.A. § 4189.

Sec. 4. 32 V.S.A. § chapter 221 is added to read:

CHAPTER 221. FANTASY SPORTS

§ 9001. DEFINITIONS

The terms used in this chapter shall have the same mean as the terms defined in 9 V.S.A. chapter 116.

§ 9002. TAX IMPOSED

A fantasy sports operator shall annually pay 11 percent of its annual net fantasy sports contest revenue to the Department of Taxes for deposit in the General Fund. The tax shall be on annual net fantasy sports contest revenue for each calendar year. To the extent it does not conflict with the terms of this chapter, the tax imposed by this section shall be implemented under the administrative and appeal provisions related to Vermont's personal income tax under chapter 151 of this title, including the provisions concerning personal liability.

§ 9003. RETURNS

Any person liable for the tax imposed by this chapter shall, on or before the 15th day of March, return to the Commissioner under oath of a person with legal authority to bind the fantasy sports operator a statement containing its name and place of business, its net fantasy sports contest revenues for the preceding year, and any other information required by the Commissioner, along with the tax due for the prior calendar year.

§ 9004. PENALTIES

(a) Any person subject to the provisions of this chapter who fails to pay the

tax imposed by this chapter by the date that payment is due or fails to submit a return as required by this chapter is subject to the provisions of sections 3202 and 5864 of this title.

Sec. 5. REPORT

On or before January 15, 2019, and annually thereafter, the Attorney General, in collaboration with the Department of Taxes and the Secretary of State, shall submit to the House Committees on Commerce and Economic Development and on Ways and Means, and to the Senate Committees on Economic Development, Housing and General Affairs and on Finance, a report that provides a summary of fantasy sports business activity in this State.

* * * Automatic Renewal Provisions in Consumer Contracts; H.286 * * *

Sec. 6. 9 V.S.A. § 2454a is added to read:

§ 2454a. CONSUMER CONTRACTS; AUTOMATIC RENEWAL

(a) A contract between a consumer and a seller or a lessor with an initial term of one year or longer shall not renew automatically unless:

(1) the contract states clearly and conspicuously the terms of the automatic renewal provision in plain, unambiguous language, and in bold-face type;

(2) in addition to accepting the contract, the consumer takes an affirmative action to opt in to the automatic renewal provision; and

(3) if the consumer opts in to the automatic renewal provision, the seller or lessor provides a written or electronic notice to the consumer:

(A) not less than 30 days, and not more than 60 days, before the earliest of:

(i) the automatic renewal date;

(ii) the termination date; or

(iii) the date by which the consumer must provide notice to cancel the contract; and

(B) that includes:

(i) the date the contract will terminate and a clear statement that unless the consumer cancels the contract on or before the termination date, the contract will renew automatically;

(ii) the length and any additional terms of the renewal period;

(iii) one or more methods by which the consumer can cancel the contract; and

(iv) contact information for the seller or lessor,

(b) A person who violates a provision of subsection (a) of this section commits an unfair and deceptive act in commerce in violation of section 2453 of this title.

(c) The provisions of this section do not apply to a contract between a consumer and a financial institution, as defined in 8 V.S.A. § 11101.

Sec. 7. AUTOMATIC RENEWAL OF CONTRACTS; APPLICABILITY TO
EXISTING CONTRACTS

(a) A contract between a consumer and a seller or lessor in effect on January 1, 2018, with an initial term of one year or longer, and that includes an automatic renewal provision, shall not renew automatically unless the seller or lessor sends written or electronic notice to the consumer with the information required 9 V.S.A. § 2454a(a)(3)(B):

(1) not less than 30 days, and not more than 60 days, before the earliest of:

(A) the automatic renewal date;

(B) the termination date; or

(C) the date by which the consumer must provide notice to cancel the contract; or

(2) if the contract will automatically renew on or before January 31, 2018, then as soon as is commercially reasonable after this section takes effect.

(b) The Attorney General shall have the same authority to enforce this section as for 9 V.S.A. § 2454a.

* * * Retainage of Payment for Construction Materials; H.288 * * *

Sec. 8. 9 V.S.A. § 4005 is amended to read:

§ 4005. RETAINAGE

(a) If payments under a construction contract are subject to retainage, any amounts ~~which that~~ have been retained during the performance of the contract and ~~which that~~ are due to be released to the contractor upon final completion shall be paid within 30 days after final acceptance of the work.

(b) If an owner is not withholding retainage, a contractor or subcontractor may withhold retainage from its subcontractor in accordance with their agreement. The retainage shall be paid within 30 days after final acceptance of the work.

(c) Notwithstanding any contrary agreement, a contractor shall pay to its

subcontractors, and each subcontractor shall in turn pay to its subcontractors, within seven days after receipt of the retainage, the full amount due to each such subcontractor.

(d) If an owner, contractor, or subcontractor unreasonably withholds acceptance of the work or fails to pay retainage as required by this section, the owner, contractor, or subcontractor shall be subject to the interest, penalty, and attorney's fees provisions of sections 4002, 4003, and 4007 of this title.

(e) Notwithstanding any provision of this section or an agreement to the contrary, except in the case of a contractor or subcontractor who is both a materialman who delivers materials and is contracted to perform work using those materials, a contractor or subcontractor shall not hold retainage for contracted materials that:

(1) have been delivered by a materialman and accepted by the contractor at the site, or off-site; and

(2) are covered by a manufacturer's warranty, or graded to meet industry standards, or both.

* * * Credit Protection for Vulnerable Persons; H.390 * * *

Sec. 9. 9 V.S.A. § 2480a is amended to read:

§ 2480a. DEFINITIONS

~~For purposes of~~ As used in this subchapter ~~and subchapter 9 of this chapter:~~

(1) "Consumer" means a natural person ~~residing in this State~~ other than a protected consumer.

(2) "Credit report" means ~~any written, oral, or other communication of any information by a credit reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, including an investigative credit report. The term does not include:~~

~~(A) a report containing information solely as to transactions or experiences between the consumer and the person making the report; or~~

~~(B) an authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device. a consumer report, as defined in 15 U.S.C. § 1681a, that is used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit for personal, family, or household purposes.~~

(3) "Credit reporting agency" or "agency" means ~~any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit~~

~~information or other information on consumers for the purpose of reporting to third parties on the credit rating or creditworthiness of any consumer a person who, for fees, dues, or on a cooperative basis, regularly engages in whole or in part in the practice of assembling or evaluating information concerning a consumer's credit or other information for the purpose of furnishing a credit report to another person.~~

(4) "Identity theft" means the unauthorized use of another person's personal identifying information to obtain credit, goods, services, money, or property.

(5) "Investigative credit report" means a report in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom the consumer is acquainted or who may have knowledge concerning any such items of information. The term does not include reports of specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a credit reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

(6) ~~"Proper identification," as used in this subchapter, means that information generally deemed sufficient to identify a person~~ has the same meaning as in 15 U.S.C. § 1681h(a)(1), and includes:

(A) the consumer's full name, including first, last, and middle names and any suffix;

(B) any name the consumer previously used;

(C) the consumer's current and recent full addresses, including street address, any apartment number, city, state, and ZIP code;

(D) the consumer's Social Security number; and

(E) the consumer's date of birth.

(7) "Security freeze" means a notice placed in a credit report, at the request of the consumer, pursuant to section 2480h of this title.

(8) "Consumer who is subject to a protected consumer security freeze" means a natural person:

(A) for whom a credit reporting agency placed a security freeze under section 2480h of this title; and

(B) who, on the day on which a request for the removal of the security freeze is submitted under section 2480h of this title, is not a protected consumer.

(9) “File” has the same meaning as in 15 U.S.C. § 1681a.

(10) “Incapacitated person” has the same meaning as in 14 V.S.A. § 3152.

(11)(A) “Personal information” means personally identifiable financial information:

(i) provided by a consumer to another person;

(ii) resulting from any transaction with the consumer or any service performed for the consumer; or

(iii) otherwise obtained by another person.

(B) “Personal information” does not include:

(i) publicly available information, as that term is defined by the regulations prescribed under 15 U.S.C. § 6804; or

(ii) any list, description, or other grouping of consumers, and publicly available information pertaining to the consumers, that is derived without using any nonpublic personal information.

(C) Notwithstanding subdivision (B) of this subdivision (11), “personal information” includes any list, description, or other grouping of consumers, and publicly available information pertaining to the consumers, that is derived using any nonpublic personal information other than publicly available information.

(12) “Protected consumer” means a natural person who, at the time a request for a security freeze is made, is:

(A) less than 16 years of age;

(B) an incapacitated person; or

(C) a protected person.

(13) “Protected person” has the same meaning as in 14 V.S.A. § 3152.

(14) “Record” means a compilation of information that:

(A) identifies a protected consumer;

(B) is created by a consumer reporting agency solely for the purpose of complying with this section; and

(C) may not be created or used to consider the protected consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living.

(15) “Representative” means a person who provides to a consumer

reporting agency sufficient proof of authority to act on behalf of a protected consumer.

(16) “Sufficient proof of authority” means documentation that shows that a person has authority to act on behalf of a protected consumer, including:

(A) a court order;

(B) a lawfully executed power of attorney; or

(C) a written, notarized statement signed by the person that expressly describes the person’s authority to act on behalf of the protected consumer.

(17) “Sufficient proof of identification” means information or documentation that identifies a protected consumer or a representative, including:

(A) a Social Security number or a copy of a Social Security card issued by the U.S. Social Security Administration;

(B) a certified or official copy of a birth certificate; or

(C) a copy of a government issued driver license or identification card.

Sec. 10. 9 V.S.A. chapter 63, subchapter 9 is added to read:

Subchapter 9. Credit Report Protection for Minors

§ 2493. TITLE

This subchapter is known as “Credit Report Protection for Minors.”

§ 2494. DEFINITIONS

As used in this subchapter:

(1) “Proper authority” means:

(A) in the case that it is required of a protected consumer’s representative:

(i) sufficient proof of identification of the protected consumer;

(ii) sufficient proof of identification of the protected consumer’s representative; and

(iii) sufficient proof of authority to act on behalf of the protected consumer; and

(B) in the case that it is required of a consumer who is subject to a protected consumer security freeze:

(i) sufficient proof of identification of the consumer who is subject

to a protected consumer security freeze; and

(ii) proof that the consumer who is subject to a protected consumer security freeze is not a protected consumer.

(2) “Protected consumer security freeze” means:

(A) if a consumer reporting agency does not have a file that pertains to a protected consumer, a restriction that:

(i) is placed on the protected consumer’s record in accordance with this subchapter; and

(ii) except as otherwise provided in this subchapter, prohibits the consumer reporting agency from releasing the protected consumer’s record; or

(B) if a consumer reporting agency has a file that pertains to the protected consumer, a restriction that:

(i) is placed on the protected consumer’s credit report in accordance with this subchapter; and

(ii) except as otherwise provided in this subchapter, prohibits the consumer reporting agency from releasing the protected consumer’s credit report or any information derived from the protected consumer’s credit report.

§ 2495. APPLICABILITY

This subchapter does not apply to the use of a protected consumer’s credit report or record by:

(1) a person administering a credit file monitoring subscription service to which:

(A) the protected consumer has subscribed; or

(B) the protected consumer’s representative has subscribed on the protected consumer’s behalf;

(2) a person who, upon request from the protected consumer or the protected consumer’s representative, provides the protected consumer or the protected consumer’s representative with a copy of the protected consumer’s credit report;

(3) a check services or fraud prevention services company that issues:

(A) reports on incidents of fraud; or

(B) authorization for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar payment methods;

(4) a deposit account information service company that issues reports regarding account closures due to fraud, substantial overdrafts, automated

teller machine abuse, or similar information regarding an individual to inquiring banks or other financial institutions for use only in reviewing an individual's request for a deposit account at the inquiring bank or financial institution;

(5) an insurance company for the purpose of conducting the insurance company's ordinary business;

(6) a consumer reporting agency that:

(A) only resells credit information by assembling and merging information contained in a database of another consumer reporting agency or multiple consumer reporting agencies; and

(B) does not maintain a permanent database of credit information from which new credit reports are produced; or

(7) a consumer reporting agency's database or file that consists of information that:

(A) concerns and is used for:

(i) criminal record information;

(ii) fraud prevention or detection;

(iii) personal loss history information; or

(iv) employment, tenant, or individual background screening; and

(B) is not used for credit granting purposes.

§ 2496. SECURITY FREEZE FOR PROTECTED CONSUMER; TIME IN EFFECT

(a) A consumer reporting agency shall place a security freeze for a protected consumer if:

(1) the consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze; and

(2) the protected consumer's representative:

(A) submits the request described in subdivision (1) of this subsection (a):

(i) to the address or other point of contact provided by the consumer reporting agency; and

(ii) in the manner specified by the consumer reporting agency;

(B) demonstrates proper authority to the consumer reporting agency; and

(C) if applicable, pays the consumer reporting agency a fee described in section 2497 of this title.

(b) If a consumer reporting agency does not have a file that pertains to a protected consumer when the consumer reporting agency receives a request described in subsection (a) of this section, the consumer reporting agency shall create a record for the protected consumer.

(c) The credit reporting agency shall:

(1) place a security freeze no later than 30 days after the date the agency receives a request pursuant to subsection (a) of this section; and

(2) no later than 10 business days after placing the freeze:

(A) send a written confirmation of the security freeze to the protected consumer or the protected consumer's representative; and

(B) provide a unique personal identification number or password, other than a Social Security number, to be used to authorize the release of the protected consumer's credit for a specific party, parties, or period of time.

(d) If the protected consumer or protected consumer's representative wishes to allow the protected consumer's credit report to be accessed by a specific party or parties, or for a specific period of time while a freeze is in place, he or she shall:

(1) contact the credit reporting agency;

(2) request that the freeze be temporarily lifted;

(3) provide:

(A) proper authority;

(B) the unique personal identification number or password provided by the credit reporting agency pursuant to subsection (c) of this section;

(C) the proper information regarding the third party, parties, or time period for which the report shall be available to users of the credit report; and

(4) if applicable, pay the consumer reporting agency a fee described in section 2497 of this title.

(e) A credit reporting agency may develop procedures involving the use of telephone, fax, the Internet, or other electronic media to receive and process a request from a consumer to lift temporarily a freeze on a credit report pursuant to subsection (d) of this section in an expedited manner.

(f) A credit reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report pursuant to subsection (e) of this section

shall comply with the request not later than three business days after receiving the request.

(g) A credit reporting agency shall remove or lift temporarily a freeze placed on a protected consumer's credit report only in the following cases:

(1) Upon request, pursuant to subsection (d) or (j) of this section.

(2) If the protected consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. If a credit reporting agency intends to remove a freeze upon a protected consumer's credit report pursuant to this subdivision, the credit reporting agency shall notify the protected consumer and his or her representative in writing prior to removing the freeze on the consumer's credit report.

(h) If a third party requests access to a credit report on which a protected consumer security freeze is in effect and this request is in connection with an application for credit or any other use and neither the consumer subject to the protected consumer security freeze nor the protected consumer's representative allows the credit report to be accessed for that specific party or period of time, the third party may treat the application as incomplete.

(i) If a protected consumer's representative requests a security freeze pursuant to this section, the credit reporting agency shall disclose to the protected consumer's representative the process of placing and lifting temporarily a security freeze and the process for allowing access to information from the protected consumer's credit report for a specific party, parties, or period of time while the protected consumer security freeze is in place.

(j)(1) A protected consumer security freeze shall remain in place until the consumer subject to the protected consumer security freeze or the protected consumer's representative requests that the security freeze be removed.

(2) A credit reporting agency shall remove a protected consumer security freeze within three business days of receiving a proper request for removal.

(3) The protected consumer's representative or the consumer who is subject to a protected consumer security freeze shall submit to the consumer reporting agency a proper request for removal:

(A) at the address or other point of contact provided by the consumer reporting agency; and

(B) in the manner specified by the consumer reporting agency.

(4) When submitting a proper request for removal, a protected consumer's representative or a consumer who is subject to a protected

consumer security freeze shall:

(A) provide proper authority;

(B) provide the unique personal identification number or password provided by the credit reporting agency pursuant to subsection (c) of this section; and

(C) if applicable, pay the consumer reporting agency a fee described in section 2497 of this title.

(k) A credit reporting agency shall require proper identification of the person making a request to place or remove a protected consumer security freeze.

(l) The provisions of this section, including the protected consumer security freeze, do not apply to the use of a consumer report by the following:

(1) A person, or the person's subsidiary, affiliate, agent, or assignee with which the protected consumer has or, prior to assignment, had an account, contract, or debtor-creditor relationship for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or debt, or extending credit to a consumer with a prior or existing account, contract, or debtor-creditor relationship, subject to the requirements of section 2480e of this title. As used in this subdivision, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

(2) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subsection (d) of this section for purposes of facilitating the extension of credit or other permissible use.

(3) Any person acting pursuant to a court order, warrant, or subpoena.

(4) The Office of Child Support when investigating a child support case pursuant to Title IV-D of the Social Security Act (42 U.S.C. §§ 651-669b) and 33 V.S.A. 4102.

(5) The Economic Services Division of the Department for Children and Families or the Department of Vermont Health Access or its agents or assignee acting to investigate welfare or Medicaid fraud.

(6) The Department of Taxes, municipal taxing authorities, or the Department of Motor Vehicles or any of their agents or assignees, acting to investigate or collect delinquent taxes or assessments, including interest and penalties, unpaid court orders, or to fulfill any of their other statutory or charter responsibilities.

(7) A person's use of credit information for the purposes of prescreening

as provided by the federal Fair Credit Reporting Act.

(8) Any person for the sole purpose of providing a credit file monitoring subscription service to which the consumer has subscribed.

(9) A credit reporting agency for the sole purpose of providing a consumer with a copy of his or her credit report upon the consumer's request.

(10) Any property and casualty insurance company for use in setting or adjusting a rate or underwriting for property and casualty insurance purposes.

§ 2497. FEES

(a) Except as provided in subsection (b) of this section, a consumer reporting agency may not charge a fee for any service performed under this subchapter.

(b) A consumer reporting agency may charge a reasonable fee, which does not exceed \$5.00, for each placement, suspension, or removal of a protected consumer security freeze, unless:

(1) the protected consumer's representative:

(A) has obtained a police report that states the protected consumer is the alleged victim of identity fraud; and

(B) provides a copy of the report to the consumer reporting agency; or

(2)(A) the protected consumer is less than 16 years of age at the time the request is submitted to the consumer reporting agency; and

(B) the consumer reporting agency has a file that pertains to the protected consumer.

* * * Use of Credit Information for Personal Insurance; H.432 * * *

Sec. 11. 8 V.S.A. § 4727 is added to read:

§ 4727. PERSONAL INSURANCE; USE OF CREDIT INFORMATION

(a) Purpose. The purpose of this section is to regulate the use of credit information for personal insurance, so that consumers are afforded certain protections with respect to the use of such information.

(b) Scope. This section applies to personal insurance and not to commercial insurance. As used in this section, "personal insurance" means private passenger automobile, homeowners, motorcycle, mobile home owners, and noncommercial dwelling fire insurance policies. Such policies must be underwritten for personal, family, or household use. No other types of

insurance shall be included as personal insurance for the purpose of this section.

(c) Definitions. As used in this section:

(1) “Adverse action” means a denial or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of personal insurance.

(2) “Affiliate” means any company that controls, is controlled by, or is under common control with another company.

(3) “Applicant” means an individual who has applied to be covered by a personal insurance policy with an insurer.

(4) “Consumer” means an insured whose credit information is used or whose insurance score is calculated in the underwriting or rating of a personal insurance policy or an applicant for such a policy.

(5) “Consumer reporting agency” means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

(6) “Credit information” means any credit-related information derived from a credit report, found on a credit report itself, or provided on an application for personal insurance. Information that is not credit-related shall not be considered “credit information,” regardless of whether it is contained in a credit report or in an application, or is used to calculate an insurance score.

(7) “Credit report” means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, or credit capacity which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor to determine personal insurance premiums, eligibility for coverage, or tier placement.

(8) “Insurance score” means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit information for the purposes of predicting the future insurance loss exposure of an individual applicant or insured.

(d) Use of credit information. An insurer authorized to do business in this State that uses credit information to underwrite or rate risks, shall not:

(1) Use an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status, or nationality of the

consumer as a factor.

(2) Deny, cancel or nonrenew a policy of personal insurance solely on the basis of credit information, without consideration of any other applicable underwriting factor independent of credit information and not expressly prohibited by subdivision (1) of this subsection.

(3) Base an insured's renewal rates for personal insurance solely upon credit information, without consideration of any other applicable factor independent of credit information.

(4) Take an adverse action against a consumer solely because he or she does not have a credit card account, without consideration of any other applicable factor independent of credit information.

(5) Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating personal insurance, unless the insurer does one of the following:

(A) Treats the consumer as otherwise approved by the Commissioner, if the insurer presents information that such an absence or inability relates to the risk for the insurer.

(B) Treats the consumer as if the applicant or insured had neutral credit information, as defined by the insurer.

(C) Excludes the use of credit information as a factor and uses only other underwriting criteria.

(6) Take an adverse action against a consumer based on credit information, unless an insurer obtains and uses a credit report issued or an insurance score calculated within 90 days from the date the policy is first written or renewal is issued.

(7) Use credit information unless not later than every 36 months following the last time that the insurer obtained current credit information for the insured, the insurer recalculates the insurance score or obtains an updated credit report. Regardless of the requirements of this subsection:

(A) At annual renewal, upon the request of a consumer or the consumer's agent, the insurer shall reunderwrite and rerate the policy based upon a current credit report or insurance score. An insurer need not recalculate the insurance score or obtain the updated credit report of a consumer more frequently than once in a 12-month period.

(B) The insurer shall have the discretion to obtain current credit information upon any renewal before the 36 months, if consistent with its underwriting guidelines.

(C) No insurer need obtain current credit information for an insured, despite the requirements of subdivision (A) of this subdivision (7), if one of the following applies:

(i) The insurer is treating the consumer as otherwise approved by the Commissioner.

(ii) The insured is in the most favorably priced tier of the insurer, within a group of affiliated insurers. However, the insurer shall have the discretion to order such report, if consistent with its underwriting guidelines.

(iii) Credit was not used for underwriting or rating such insured when the policy was initially written. However, the insurer shall have the discretion to use credit for underwriting or rating such insured upon renewal, if consistent with its underwriting guidelines.

(iv) The insurer reevaluates the insured beginning not later than 36 months after inception and thereafter based upon other underwriting or rating factors, excluding credit information.

(8) Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy of personal insurance:

(A) credit inquiries not initiated by the consumer or inquiries requested by the consumer for his or her own credit information;

(B) inquiries relating to insurance coverage, if so identified on a consumer's credit report;

(C) collection accounts with a medical industry code, if so identified on the consumer's credit report;

(D) multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the home mortgage industry and made within 30 days of one another, unless only one inquiry is considered; and

(E) multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry and made within 30 days of one another, unless only one inquiry is considered.

(e)(1) Extraordinary life circumstances. Notwithstanding any other law or rule to the contrary, an insurer that uses credit information shall, on written request from an applicant for insurance coverage or an insured, provide reasonable exceptions to the insurer's rates, rating classifications, company or tier placement, or underwriting rules or guidelines for a consumer who has experienced and whose credit information has been directly influenced by any

of the following events:

(A) a catastrophic event, as declared by the federal or State government;

(B) a serious illness or injury, or a serious illness or injury to an immediate family member;

(C) the death of a spouse, child, or parent;

(D) divorce or involuntary interruption of legally owed alimony or support payments;

(E) identity theft;

(F) the temporary loss of employment for a period of three months or more, if it results from involuntary termination;

(G) military deployment overseas; or

(H) other events, as determined by the insurer.

(2) If an applicant or insured submits a request for an exception as set forth in subdivision (1) of this subsection, an insurer may, in its sole discretion, but is not mandated to:

(A) require the consumer to provide reasonable written and independently verifiable documentation of the event;

(B) require the consumer to demonstrate that the event had direct and meaningful impact on the consumer's credit information;

(C) require such request be made no more than 60 days from the date of the application for insurance or the policy renewal;

(D) grant an exception despite the consumer not providing the initial request for an exception in writing; or

(E) grant an exception where the consumer asks for consideration of repeated events or the insurer has considered this event previously.

(3) An insurer is not out of compliance with any law or rule relating to underwriting, rating, or rate filing as a result of granting an exception under this section. Nothing in this section shall be construed to provide a consumer or other insured with a cause of action that does not exist in the absence of this section.

(4) The insurer shall provide notice to consumers that reasonable exceptions are available and information about how the consumer may inquire further.

(5) Within 30 days of the insurer's receipt of sufficient documentation

of an event described in subdivision (1) of this subsection, the insurer shall inform the consumer of the outcome of the request for a reasonable exception. Such communication shall be in writing or provided to an applicant in the same medium as the request.

(f) Dispute resolution and error correction. If it is determined through the dispute resolution process set forth in the federal Fair Credit Reporting Act, 15 U.S.C. § 1681i(a)(5), that the credit information of a current insured was incorrect or incomplete and if the insurer receives notice of such determination from either the consumer reporting agency or from the insured, the insurer shall reunderwrite and rerate the consumer within 30 days of receiving the notice. After reunderwriting or rerating the insured, the insurer shall make any adjustments necessary, consistent with its underwriting and rating guidelines. If an insurer determines that the insured has overpaid premium, the insurer shall refund to the insured the amount of overpayment calculated back to the shorter of either the last 12 months of coverage or the actual policy period.

(g)(1) Initial notification. If an insurer writing personal insurance uses credit information in underwriting or rating a consumer, the insurer or its agent shall disclose, either on the insurance application or at the time the insurance application is taken, that it may obtain credit information in connection with such application. Such disclosure shall be either written or provided to an applicant in the same medium as the application for insurance. The insurer need not provide the disclosure statement required under this section to any insured on a renewal policy if such consumer has previously been provided a disclosure statement.

(2) Use of the following example disclosure statement constitutes compliance with this section: “In connection with this application for insurance, we may review your credit report or obtain or use a credit-based insurance score based on the information contained in that credit report. We may use a third party in connection with the development of your insurance score.”

(h) Adverse action notification. If an insurer takes an adverse action based upon credit information, the insurer must meet the notice requirements of this subsection. Such insurer shall:

(1) Provide notification to the consumer that an adverse action has been taken, in accordance with the requirements of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681m(a).

(2) Provide notification to the consumer explaining the reason for the adverse action. The reasons must be provided in sufficiently clear and specific language so that a person can identify the basis for the insurer’s decision to take an adverse action. Such notification shall include a description of up to

four factors that were the primary influences of the adverse action. The use of generalized terms such as “poor credit history,” “poor credit rating,” or “poor insurance score” does not meet the explanation requirements of this subsection. Standardized credit explanations provided by consumer reporting agencies or other third party vendors are deemed to comply with this section.

(i) Filing. Insurers that use insurance scores to underwrite and rate risks must file their scoring models, or other scoring processes, with the Department of Financial Regulation. A third party may file scoring models on behalf of insurers. A filing that includes insurance scoring may include loss experience justifying the use of credit information. Any filing relating to credit information is considered trade secret under and not subject to disclosure under Vermont’s Public Records Act.

(j) Indemnification. An insurer shall indemnify, defend, and hold agents harmless from and against all liability, fees, and costs arising out of or relating to the actions, errors, or omissions of a producer who obtains or uses credit information or insurance scores, or both, for an insurer, provided the producer follows the instructions of or procedures established by the insurer and complies with any applicable law or regulation. Nothing in this section shall be construed to provide a consumer or other insured with a cause of action that does not exist in the absence of this section.

(k) Sale of policy term information by consumer reporting agency. A consumer reporting agency shall not provide or sell data or lists that include any information that in whole or in part was submitted in conjunction with an insurance inquiry about a consumer’s credit information or a request for a credit report or insurance score. Such information includes the expiration dates of an insurance policy or any other information that may identify time periods during which a consumer’s insurance may expire and the terms and conditions of the consumer’s insurance coverage. The restrictions provided in this subsection do not apply to data or lists the consumer reporting agency supplies to the insurance producer from whom information was received, the insurer on whose behalf such producer acted, or such insurer’s affiliates or holding companies. Nothing in this section shall be construed to restrict any insurer from being able to obtain a claims history report or a motor vehicle report.

* * * Credit Card Debt Collection; H.482 * * *

Sec. 12. 12 V.S.A. § 511 is amended to read:

§ 511. CIVIL ACTION

(a) A civil action, except one brought upon the judgment or decree of a court of record of the United States or of this or some other state, and except as otherwise provided, shall be commenced within six years after the cause of

action accrues and not thereafter.

(b) Notwithstanding subsection (a) of this section, a civil action to collect a debt arising from default on a credit card account shall be commenced within three years after the cause of action accrues and not thereafter.

Sec. 13. 12 V.S.A. § 3170 is amended to read:

§ 3170. EXEMPTIONS; ISSUANCE OF ORDER

(a) No order approving the issuance of trustee process against earnings shall be entered against a judgment debtor who was, within the two-month period preceding the hearing provided in section 3169 of this title, a recipient of assistance from the Vermont Department for Children and Families or the Department of Vermont Health Access. The judgment debtor must establish this exemption at the time of hearing.

(b) The earnings of a judgment debtor shall be exempt as follows:

(1) seventy-five percent of the debtor's weekly disposable earnings, or 30 times the federal minimum hourly wage, whichever is greater; ~~or~~

(2) if the judgment debt arose from a consumer credit transaction, as that term is defined by 15 U.S.C. section 1602 and implementing regulations of the Federal Reserve Board, other than a default on a credit card account, 85 percent of the debtor's weekly disposable earnings, or 40 times the federal minimum hourly wage, whichever is greater; ~~or~~

(3) if the judgment debt arose from a default on a credit card account, 85 percent of the debtor's weekly disposable earnings, or 40 times the applicable minimum hourly wage, whichever is greater; or

(4) if the court finds that the weekly expenses reasonably incurred by the debtor for his or her maintenance and that of dependents exceed the amounts exempted by subdivisions (1), ~~and~~ (2), and (3) of this subsection, such greater amount of earnings as the court shall order.

* * *

Sec. 14. 9 V.S.A. § 41a is amended to read:

§ 41A. LEGAL RATES

* * *

(e)(1) Subject to subdivision (2) of this subsection, interest on a judgment against a debtor in default on a credit card account shall accrue at the rate of 12 percent per annum.

(2) A court may suspend the accrual of interest on a judgment against a debtor in default on a credit card account if the court finds, through a financial disclosure, that the debtor has an inability to pay.

Sec. 15. 12 V.S.A. § 2903(c) is amended to read:

§ 2903. DURATION AND EFFECTIVENESS

* * *

(c) ~~Interest~~ Unless a court suspends the accrual of interest pursuant to 9 V.S.A. § 41a(e), interest on a judgment lien shall accrue at the rate of 12 percent per annum.

Sec. 16. EFFECTIVE DATES

(a) This section shall take effect on passage.

(b) Sec. 11 (credit information for personal insurance) shall take effect on passage and apply to personal insurance policies either written to be effective or renewed on or after nine months from the effective date of the act.

(c) Secs. 2–5 (fantasy sports operators) shall take effect on January 1, 2018 and apply to calendar year 2018 and after.

(d) Secs. 6–7 (automatic renewal provisions) shall take effect on January 1, 2018.

(e) The following sections shall take effect on July 1, 2017:

(1) Sec. 1 (home loan escrow accounts).

(2) Sec. 8 (retainage for construction materials).

(3) Secs. 9–10 (credit protection for vulnerable persons).

(4) Secs. 12–15 (credit card debt collection).

Rep. Browning of Arlington, for the committee on Ways and Means, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Commerce and Economic Development and when amended as follows:

First: By striking out Secs. 2–5 in their entirety and inserting in lieu thereof new Secs. 2–5 to read:

Sec. 2. FANTASY SPORTS; FINDINGS AND PURPOSE

(a) Findings. The General Assembly finds:

(1) Participation in online fantasy sports contests throughout the nation has grown significantly in recent years and it is estimated that approximately 80,000 Vermonters have participated in at least one fantasy sports contest.

(2) At least 10 states have now recognized fantasy sports as a legal, regulated activity, and legislation has been introduced in many more states to recognize, regulate, and tax the activity in order to identify contest operators, ensure fair play, and protect consumers.

(3) Given the widespread participation in online fantasy sports contests, Vermont should carefully consider how best to regulate fantasy sports contests, register fantasy sports contest operators, and provide necessary protection for Vermont consumers.

(b) Purpose. The purpose of Sec. 3 of this act is to direct the Attorney General and the Executive Branch to consider and propose an appropriate regulatory framework for fantasy sports contests.

Sec. 3. FANTASY SPORTS CONTESTS; PROPOSALS

(a) On or before December 15, 2017, the Attorney General shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs a proposal for necessary consumer protection provisions regulating fantasy sports contests and operators.

(b) On or before December 15, 2017, the Secretary of Administration shall submit to the House Committee on Ways and Means and the Senate Committee on Finance a proposal for fantasy sports contests concerning:

(1) registration requirements and a flat registration fee of an appropriate amount; and

(2) an appropriate percentage tax on an appropriate measure of revenue.

Secs. 4–5. [Deleted.]

Second: In Sec. 16 (effective dates) by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c) Secs. 2–3 (fantasy sports proposals) shall take effect on passage.

The bill having appeared on the Calendar one day for notice was taken up, read the second time, the reports of the committees on Ways and Means and Commerce and Economic Development were agreed to and third reading was ordered.

Action on Bill Postponed

H. 219

House bill, entitled

An act relating to the Vermont spaying and neutering program

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment? on motion of **Rep. Bartholomew of Hartland**, action on the bill was postponed until May 3, 2017.

Action on Bill Postponed**H. 516**

House bill, entitled

An act relating to miscellaneous tax changes

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment, on motion of **Rep. Ancel of Calais**, action on the bill was postponed until May 2, 2017.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 515

The Senate proposed to the House to amend House bill, entitled
An act relating to Executive Branch and Judiciary fees

The Senate proposes to the House to amend the bill as follows:

First: Before Sec. 1, by adding a reader assistance to read as follows:

* * * Executive Branch and Judiciary Fees * * *

Second: In Sec. 5, by striking out Sec. 5 in its entirety and inserting in lieu thereof three new sections and their reader assistances to read as follows:

* * * Food and Lodging Establishments * * *

Sec. 5. 18 V.S.A. chapter 85 is amended to read:

CHAPTER 85. FOOD AND LODGING ESTABLISHMENTS

Subchapter 1. Food and Lodging Establishments

§ 4301. ~~FOOD ESTABLISHMENTS~~; DEFINITIONS

(a) As used in this subchapter:

(1) ~~“Food” shall include all articles used for food, drink, confectionery, or condiment, by man, whether simple, mixed, or compound, and all substances and ingredients used in the preparation thereof.~~ “Bakery” means all buildings, rooms, basements, cellars, lofts, or other premises or part thereof, used, occupied, or maintained for the purpose of producing for sale bread, cakes, pies, or other food products made either wholly or partially with flour.

(2) “Children’s camp” means any residential camp for children that:

(A) offers a combination of programs and facilities established for the primary purpose of providing an experience to children;

(B) is operated for five or more consecutive days during one or more

seasons of the year; and

(C) provides 24-hours-a-day supervision of children.

(3) "Commissioner" means the Commissioner of Health.

(4) "Department" means the Department of Health.

(5) "Establishment" shall include all buildings, rooms, basements, cellars, lofts, or other premises or part thereof, used, occupied, or maintained for the purpose of manufacturing, preparing, packing, canning, bottling, keeping, storing, handling, serving, or distributing in any manner, food for sale means food manufacturing establishments, food service establishments, lodging establishments, children's camps, seafood vending facilities, and shellfish reshippers and repackers.

(6) "Food" means articles of food, drink, confectionery, or condiment for human consumption, whether simple, mixed, or compound, and all substances and ingredients used in the preparation thereof.

(7) "Food manufacturing establishment" or "food processor" means all buildings, rooms, basements, cellars, lofts, or other premises or part thereof, used, occupied, or maintained for the purpose of manufacturing, preparing, packing, canning, bottling, keeping, storing, handling, serving, or distributing food for sale. A food manufacturing establishment shall include food processors, bakeries, distributors, and warehouses. A food manufacturing establishment shall not include a place where only maple syrup or maple products, as defined in 6 V.S.A. § 481, are prepared for human consumption.

(8) "Food service establishment" means entities that prepare, serve, and sell food to the public, including restaurants, temporary food vendors, caterers, mobile food units, and limited operations as defined in rule.

(9) "Lodging establishment" means a place where overnight accommodations are regularly provided to the transient, traveling, or vacationing public, including hotels, motels, inns, and bed and breakfasts. "Lodging establishment" shall not include short-term rentals.

(10) "Salvage food" means any food product from which the label on the packaging has been lost or destroyed or which has been subjected to possible damage as the result of an accident, fire, flood, or other cause that prevents the product from meeting the specifications of the manufacturer or the packer, but is otherwise suitable for human consumption.

(11) "Salvage food facility" means any food vendor for which salvage food comprises 50 percent or more of gross sales.

(12) "Seafood vending facility" means a store, motor vehicle, retail stand, or similar place from which a person sells seafood for human

consumption.

(13) “Shellfish reshipper and repacker” means an establishment engaging in interstate commerce of molluskan shellfish.

(14) “Short-term rental” means a furnished home, condominium, or other dwelling rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

(b) Nothing in this ~~subchapter~~ chapter shall be construed to modify or affect laws or ~~regulations~~ rules of the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets.

§ 4302. GENERAL REQUIREMENTS

(a) A person shall not manufacture, prepare, pack, can, bottle, keep, store, handle, serve, or distribute in any manner food for the purpose of sale, in an unclean, unsanitary, or unhealthful establishment or under unclean, unsanitary, or unhealthful conditions.

(b) A person shall not engage in the business of conducting a lodging establishment or children’s camp under unclean, unsanitary, or unhealthful conditions.

§ 4303. ~~SPECIAL PROVISIONS~~ RULEMAKING

Subject to the provisions of this subchapter, The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish minimum standards for the safe and sanitary operation of food or lodging establishments or children’s camps or any combination thereof and their administration and enforcement. The rules shall require that an establishment shall be constructed, maintained, and operated with strict regard for the health of the employees and for the purity and wholesomeness of the food therein produced, kept, stored, handled, served, or distributed, so far as may be reasonable and necessary in the public interest and consistent with the character of the establishment, the public pursuant to the following general requirements:

(1) The entire establishment and its immediate appertaining premises, including the fixtures and furnishings, the machinery, apparatus, implements, utensils, receptacles, vehicles, and other devices used in the production, keeping, storing, handling, serving, or distributing of the food, or the materials used in the food, shall be constructed, maintained, and operated in a clean, sanitary, and healthful manner;.

(2) The food and the materials used in the food shall be protected from any foreign or injurious contamination ~~which~~ that may render them unfit for human consumption;.

(3) The clothing, habits, and conduct of the employees shall be conducive to and promote cleanliness, sanitation, and healthfulness;

(4) There shall be proper, suitable, and adequate toilets and lavatories, constructed, maintained, and operated in a clean, sanitary, and healthful manner;

(5) There shall be proper, suitable, and adequate ~~light~~ water supply, heating, lighting, ventilation, drainage, sewage disposal, and plumbing.

(6) There shall be proper operation and maintenance of pools, recreation water facilities, spas, and related facilities within lodging establishments.

(7) The Commissioner may adopt any other minimum conditions deemed necessary for the operation and maintenance of a food or lodging establishment in a safe and sanitary manner.

§ 4304. EMPLOYEES

(a) An employer shall not ~~require, permit, or suffer any~~ allow a person affected with any contagious, infectious, or other disease or physical ailment ~~which that~~ that may render ~~such~~ such employment detrimental to the public health to work in ~~such an~~ an establishment, and a person so affected shall not work in ~~any such an~~ an establishment subject to the provisions of this ~~subchapter~~ chapter.

(b) The Commissioner may require a person employed in an establishment subject to the provisions of this chapter to undergo medical testing or an examination necessary for the purpose of determining whether the person is affected by a contagious, infectious, or other disease or physical ailment that may render his or her employment detrimental to public health. The Commissioner may prohibit a person from working in an establishment pursuant to an emergency health order described in section 127 of this title if the person refuses to submit to medical testing or an examination.

§ 4305. ~~POWERS AND DUTIES OF STATE BOARD OF HEALTH~~

~~The board may require a person proposing to work or working in an establishment subject to the provisions of this subchapter, to undergo a physical examination for the purpose of ascertaining whether such person is affected with any contagious, infectious, or other disease or physical ailment, which may render his or her employment detrimental to the public health. The examination shall be made at the time and pursuant to conditions which shall be prescribed by the board. A person who refuses to submit to such examination shall not work or be required, permitted, or suffered to work in any such establishment. [Repealed.]~~

§ 4306. INSPECTION

(a) It shall be the duty of the ~~board~~ Commissioner to enforce the provisions

of this ~~subchapter~~ chapter and of 6 V.S.A. § 3312(d), and ~~it~~ he or she shall be permitted to inspect through ~~its~~ his or her duly authorized officers, inspectors, agents, or assistants, at all reasonable times, an establishment, an establishment's records, and a salvage food facility subject to the provisions of this ~~subchapter~~ chapter.

(b) Whenever an inspection demonstrates that the establishment or salvage food facility is not operated in accordance with the provision of this chapter, the officer, inspector, agent, or assistant shall notify the licensee of the conditions found and direct necessary changes.

§ 4307. HEARING; ORDERS

~~When it appears upon such an~~ inspection demonstrates that any establishment is being maintained or operated in violation of the provisions of this ~~subchapter~~ chapter or any related rules, the ~~board~~ Commissioner shall ~~cause~~ provide written notice ~~thereof~~, together with an order commanding ~~an~~ both abatement of ~~such~~ the violation and a compliance with this ~~subchapter~~ chapter within a reasonable period of time to be fixed in the order, ~~to be served by a proper officer upon the person violating such provisions.~~ Under ~~such any~~ related rules ~~and regulations as may be prescribed~~ adopted by the ~~board~~ Commissioner, a person upon whom ~~such~~ the notice and order are served shall be given an opportunity to be heard and to show cause as to why such the order should be vacated or amended. When, upon ~~such~~ a hearing, it appears that the provisions of this ~~subchapter~~ chapter have not been violated, the ~~board~~ Commissioner shall immediately vacate ~~such~~ the order, but without prejudice. When, however, it appears that ~~such~~ the provisions have been violated and ~~such~~ the person fails to comply with an order issued by the ~~board~~ Commissioner under the provisions of this section, the ~~board~~ Commissioner shall, ~~forthwith, certify the facts to the proper prosecuting officer~~ revoke, modify, or suspend the person's license or enforce a civil penalty.

§ 4308. REGULATIONS

~~The board shall make uniform and necessary rules and regulations for carrying out the provisions of this subchapter. [Repealed.]~~

§ 4309. PENALTY

A person who violates a provision of this ~~subchapter~~ chapter or 6 V.S.A. § 3312(d), for which no other penalty is provided, shall be fined not more than \$300.00 for the first offense and, for each subsequent offense, not more than \$500.00.

Subchapter 2. Licensing Food and Lodging Establishments

§ 4351. LICENSE FROM DEPARTMENT OF HEALTH

~~(a) A person shall not operate or maintain a hotel, inn, restaurant, tourist camp, food manufacturing facility, retail food establishment, lodging establishment, children's camp, seafood vending facility, or any other place in which food is prepared and served, or lodgings provided or furnished to the transient traveling or vacationing public, or a seafood vending facility, unless he or she shall have first obtained and holds obtains and holds from the department Commissioner a license authorizing such operation. The secretary may prescribe rules or conditions within which he or she may issue a temporary license for a period not to exceed 60 days. The license shall state the rules or conditions under which it is issued. However, nothing herein shall apply to any person who occasionally prepares and serves meals or provides occasional lodgings. The license shall be displayed in such a way as to be easily viewed by the patrons. All licenses shall be displayed in a manner as to be easily viewed by the public.~~

~~(b) For purposes of this section, "seafood vending facility" includes a store, motor vehicle, stand, or similar place from which a person sells seafood for consumption at another location.~~

~~(1) A person shall not knowingly and willingly sell or offer for sale a bulk product manufactured by a bakery, regardless of whether the bakery is located inside or outside the State, unless the operator of the bakery holds a valid license from the Commissioner.~~

~~(2) The Commissioner shall not grant a license to a bakery located outside the State unless:~~

~~(A) the person operating the bakery:~~

~~(i) has consented in writing to the Department's inspection and paid the required fee; or~~

~~(ii) has presented to the Department satisfactory evidence of inspection and approval from the proper authority in his or her state and paid the required fee; and~~

~~(B) inspection of the bakery confirms that it meets the laws and rules of this State.~~

~~(c) The Commissioner may issue a temporary license for no more than 90 days. The temporary license shall state the conditions under which it is issued.~~

~~(d) If the Commissioner does not renew a license, he or she shall provide written notice to the licensee. The notice shall specify any changes necessary to conform with State rules and shall state that if compliance is achieved within the time designated in the notice, the license shall be renewed. If the licensee fails to achieve compliance within the prescribed time, the licensee shall have~~

an opportunity for a hearing.

(e) Any licensee or applicant aggrieved by a decision or order of the Commissioner may appeal to the Board of Health within 30 days of that decision. Hearings by the Board under this section shall be subject to the provisions of 3 V.S.A. chapter 25 relating to contested cases. The Board shall consider the matter de novo and all persons, parties, and interests may appear and be heard. The Board shall issue an order within 30 days following the conclusion of the hearing.

(f) If a licensee fails to renew his or her license within 60 days of its expiration date, a licensee shall apply for a new license and meet all licensure requirements anew.

§ 4352. APPLICATION

~~A person desiring to operate a place~~ Prior to operating an establishment in which food is prepared and served or in which three or more lodging units are offered to the public, a person shall apply to the ~~board~~ Commissioner upon forms supplied by the ~~board~~ Department and shall pay a license fee as provided by section 4353 of this title. An application for licensure shall be submitted no fewer than 30 days prior to the opening of a food or lodging establishment. Upon receipt of such license fee and when satisfied that the premises are sanitary and healthful in accordance with the provisions of this chapter and related rules, the ~~board~~ Commissioner shall issue a license to the applicant with respect to the premises described ~~therein~~ in the application.

§ 4353. FEES

(a) The Commissioner may establish by rule any requirement the Department needs to determine the applicable categories or exemptions for licenses. The following license fees shall be paid annually to the ~~Board~~ Department at the time of making the application according to the following schedules:

(1) ~~Restaurant~~ Restaurants

- I — Seating capacity of 0 to 25; \$105.00
- II — Seating capacity of 26 to 50; \$180.00
- III — Seating capacity of 51 to 100; \$300.00
- IV — Seating capacity of 101 to 200; \$385.00
- V — Seating capacity of 201 to 599; \$450.00
- VI — Seating capacity 600 or over; \$1,000.00
- VII — Home Caterer; \$155.00

VIII — Commercial Caterer; \$260.00

IX — Limited Operations; \$140.00

X — Fair Stand; \$125.00; if operating for four or more days per year; \$230.00

(2) Lodging establishments

I — Lodging capacity of 1 to 10; \$130.00

II — Lodging capacity of 11 to 20; \$185.00

III — Lodging capacity of 21 to 50; \$250.00

IV — Lodging capacity of 51 to 200; \$390.00

V — Lodging capacity of over 200; \$1,000.00

(3) Food ~~processor~~ manufacturing establishment — a fee for any person or persons that process food for resale to restaurants, stores, or individuals according to the following schedule:

(A) Food manufacturing establishments; nonbakeries

I — Gross receipts of \$10,001.00 to \$50,000.00; \$175.00

~~(B)~~II — Gross receipts of over \$50,000.00; \$275.00

III — Gross receipts of \$10,000.00 or less are exempt pursuant to section 4358 of this title

(B) Food manufacturing establishment; bakeries

I — Home bakery; \$100.00

II — Small commercial; \$200.00

III — Large commercial; \$350.00

(4) Seafood vending facility — \$200.00, unless operating pursuant to another license issued by the Department of Health and generating ~~less than~~ \$40,000.00 or less in seafood gross receipts annually. If generating more than \$40,000.00 in seafood gross receipts annually, the fee is to be paid regardless of whether the facility is operating pursuant to another license issued by the Department of Health.

(5) Shellfish reshippers and repackers — \$375.00.

(6) Children's camps — \$150.00.

(b) The Commissioner of Health ~~will~~ shall be the final authority on definition of categories contained ~~herein~~ in this section.

(c) All fees received by the ~~Board~~ Department under this section shall be credited to a special fund and shall be available to the Department to offset the cost of providing the services.

§ 4354. TERM OF LICENSE

~~Licenses~~ A license shall expire annually on a date established by the ~~department~~ Department and ~~shall be renewable~~ may be renewed upon the payment of a new license fee if the licensee is in good standing with the Department.

§ 4355. REGULATIONS; REPORTS

~~(a) The board may prescribe such rules and regulations as may be necessary to ensure the operation in a sanitary and healthful manner of places in which food is prepared and served to the public or in which lodgings are provided. All reports which such board may require shall be on forms prescribed by it.~~

~~(b) The board shall not adopt any rule requiring food establishments that operate less than six months of the year and provide outdoor seating for no more than 16 people to provide toilet facilities to patrons, and any such rule or portion thereof now in effect is repealed. [Repealed.]~~

§ 4356. INSPECTION, REVOCATION

~~The members of the board and any person in its employ and by its direction, at reasonable times, may enter any place operated under the provisions of sections 4351-4355 of this title, so far as may be necessary in the discharge of its duties. Whenever upon such inspection it is found that the premises are not being conducted in accordance with the provisions of the above named sections or the regulations adopted in accordance therewith, such board shall notify the licensee of the conditions found and direct such changes as are necessary. If such licensee shall fail within a reasonable time to comply with such orders, rules, or regulations adopted under the provisions of such sections, the board shall revoke the license. [Repealed.]~~

§ 4357. PENALTY

~~A person who violates any provision of this subchapter shall be fined not more than \$500.00. [Repealed.]~~

§ 4358. EXEMPTIONS

~~(a) The provisions of this subchapter shall apply only to such those hotels, inns, restaurants, tourist camps, and other places as that solicit the patronage of the public by advertising by means of signs, notices, placards, radio, electronic communications, or printed announcements.~~

(b) The provisions of this subchapter shall not apply to an individual manufacturing and selling bakery products from his or her own home kitchen whose average gross retail sales do not exceed \$125.00 per week.

(c) Any food manufacturing establishment claiming a licensing exemption shall provide documentation as required by rule.

(d) The Commissioner shall not adopt a rule requiring food establishments that operate less than six months of the year and provide outdoor seating for fewer than 16 people at one time to provide toilet and hand washing facilities for patrons.

* * *

~~Subchapter 4. Bakeries~~

~~§ 4441. BAKERY PRODUCTS; DEFINITION~~

~~For the purposes of this subchapter,~~

~~(1) The word “bakery” is defined as a building or part of a building wherein is carried on as a principal occupation the production of bread, cakes, pies, or other food products made either wholly or in part of flour and intended for sale.~~

~~(2) The word “person” shall extend and be applied to bodies corporate, and to partnerships and unincorporated associations. [Repealed.]~~

~~§ 4442. RULES AND INSPECTION BY STATE BOARD OF HEALTH~~

~~The Board shall adopt and enforce rules as the public health may require in respect to the sanitary conditions of bakeries as defined herein. The Board is hereby authorized to inspect any such bakery at all reasonable times through its duly appointed officers, inspectors, agents, or assistants. [Repealed.]~~

~~§ 4443. SLEEPING ROOMS SEPARATE~~

~~The sleeping rooms for persons employed in a bakery shall be separated from the rooms where food products or any ingredient thereof are manufactured or stored. [Repealed.]~~

~~§ 4444. LICENSE~~

~~(a) No person shall operate a bakery in this state without having obtained from the department a license describing the building used as a bakery, including the post office address of the same, which license shall be posted by the owner or operator of such bakery in a conspicuous place in the shop described in such license or in the sales room connected therewith.~~

~~(b) No person shall knowingly and willfully sell or offer for sale in this state any bulk product manufactured by a bakery, whether such a bakery is located within or without the state, unless the operator of such bakery shall~~

~~hold a valid license, as prescribed, from the department, which license shall in no case be granted covering a bakery located outside the state unless the person operating such bakery shall have consented in writing to its inspection and paid the fee as herein provided, or shall have paid the fee and received a license after presenting to the department satisfactory evidence of inspection and approval from the proper authority of his or her own state, and such bakery shall have been found by the inspection to meet the requirements of the laws of this state and rules and regulations of the secretary relating thereto. [Repealed.]~~

§ 4445. RENEWAL OF LICENSE

~~The holder of such a license who desires to continue to operate a bakery shall annually, commencing on or before January 31, 1974, and thereafter on or before January 31, renew his or her license, pay the renewal fee, and receive a new license provided the licensee is entitled thereto. [Repealed.]~~

§ 4446. FEE

~~(a) A person owning or conducting a bakery as specified in sections 4441 and 4444 of this title shall pay to the Board a fee for each certificate and renewal thereof in accordance with the following schedule:~~

~~Bakery I—Home Bakery; \$100.00~~

~~II—Small Commercial; \$200.00~~

~~III—Large Commercial; \$350.00~~

~~IV—Camps; \$150.00~~

~~(b) The Commissioner of Health will be the final authority on definition of categories contained herein.~~

~~(c) All fees received by the Board under this section shall be credited to a special fund and shall be available to the Department to offset the cost of providing the services. [Repealed.]~~

§ 4447. REVOCATION

~~Such license may be suspended or revoked by the board for cause after hearing. [Repealed.]~~

§ 4448. NEW BAKERY

~~No person shall open a new bakery in this state without having given at least 15 days' notice to the department of intention to open such bakery which notice shall contain a description and location of the building proposed to be used as such bakery. Upon receipt of such notice, the department shall cause such premises to be examined and, if found to comply with the provisions and~~

~~statutes relating to bakeries and the rules and regulations prescribed by the secretary, a license shall be issued upon payment of the fee as herein provided. [Repealed.]~~

§ 4449. LOCAL REGULATIONS

~~The provisions of this subchapter shall not prevent local health authorities from making and enforcing orders or regulations concerning the sanitary condition of bakeries and the sale of bakery products, except that such orders and regulations shall be suspended to the extent necessary to give effect to the provisions of this subchapter and the rules and regulations prescribed pursuant thereto. [Repealed.]~~

§ 4450. PENALTY

~~A person who violates any provisions of this subchapter shall be fined not more than \$500.00. [Repealed.]~~

§ 4451. EXCEPTIONS

~~The provisions of this subchapter shall not apply to individuals manufacturing in and selling from their own private home kitchens bread, cakes, pies, or other food products made either wholly or in part from flour whose average gross retail sales of such products do not exceed \$125.00 a week, nor to restaurants, inns, or hotels subject to the provisions of subchapter 2 of this chapter, nor to church, fraternal, or charitable food sales. [Repealed.]~~

Subchapter 5. Salvage Food Facilities

§ 4461. DEFINITIONS

~~For the purposes of this subchapter:~~

~~(1) "Salvage food" means any food product from which the label on the packaging has been lost or destroyed or which has been subjected to possible damage as the result of accident, fire, flood, or other cause which may prevent the product from meeting the specifications of the manufacturer or the packer, but is otherwise suitable for human consumption.~~

~~(2) "Salvage food facility" means a food vendor for which salvage foods comprise 50 percent or more of gross sales. [Repealed.]~~

§ 4462. REGULATIONS AND INSPECTION

~~The state board of health is authorized to inspect any salvage food facility at all reasonable times through its officers, inspectors, agents, or assistants. [Repealed.]~~

Subchapter 6. Temporary Outdoor Seating

§ 4465. LIMITED FOOD ESTABLISHMENTS; TEMPORARY OUTDOOR

SEATING

~~A food establishment that prepares and serves food for off premises uses may provide temporary outdoor seating for up to 16 persons from May 1 to October 31 without providing patron toilet or handwashing facilities. [Repealed.]~~

Sec. 6. SHORT-TERM RENTAL WORKING GROUP; REPORT

(a) Creation. There is created the Short-Term Rental Working Group within the Department of Health for the purpose of analyzing and developing a proposal for regulation of the short-term rental industry in Vermont, including an evaluation of:

- (1) the impact of short-term rentals on Vermont's hospitality industry;
- (2) policies to level the playing field between short-term rentals and other lodging establishments, such as unit registration and self-certification of unit compliance with State health and safety laws and rules;
- (3) necessary precautions to protect the health and safety of the transient, traveling, or vacationing public;
- (4) policies implemented in other states and municipalities to regulate short-term rentals;
- (5) the appropriate registration fee for short-term rentals, if any; and
- (6) alternative definitions of "short-term rentals" to that enacted in 18V.S.A. § 4301.

(b)(1) Membership. The Working Group shall be composed of the following members:

- (A) the Commissioner of Health or designee;
- (B) the Commissioner of Taxes or designee; and
- (C) the Executive Director of the Department of Public Safety's Fire Safety Division or designee.

(2) The Commissioner of Health shall invite at least the following representatives to participate in the Working Group:

- (A) a representative of the Vermont Chamber of Commerce;
- (B) a representative of Vermont's short-term rental industry;
- (C) a representative of local government; and
- (D) a representative of the Vermont Lodging Association.

(c) Assistance. The Working Group shall have the administrative,

technical, and legal assistance of Department of Health.

(d) Report. On or before October 1, 2017, the Working Group shall submit a written report to the House Committee on Human Services and the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

(e) Meetings.

(1) The Commissioner of Health or designee shall call the first meeting of the Working Group to occur on or before August 1, 2017

(2) The Commissioner of Health or designee shall be the Chair.

(3) A majority of the membership shall constitute a quorum.

(4) The Working Group shall cease to exist on October 31, 2017.

(f) Definitions. As used in this section:

(1) "Lodging establishment" means the same as in 18 V.S.A. § 4301(9).

(2) "Short-term rental" means the same as in 18 V.S.A. § 4301(14).

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that after passage the title of the bill be amended to read:

An act relating to Executive Branch and Judiciary fees and food and lodging establishments.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Young of Glover** 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. Young of Glover
Rep. Wood of Waterbury
Rep. Baser of Bristol

Report of Committee of Conference Adopted

H. 494

House bill entitled,

An act relating to the Transportation Program and miscellaneous changes to transportation-related law.

Was taken up.

The Speaker placed before the House the following Committee of Conference report:

Report of Committee of Conference

H. 494

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:

H.494. An act relating to the Transportation Program and miscellaneous changes to transportation-related law.

Respectfully reports that it has met and considered the same and recommends that the House accede to the Senate Proposal of Amendment, and that the bill be further amended in Sec. 7 (Transportation Alternatives Grant Program), by striking out subsection (f) in its entirety and inserting in lieu thereof the following:

(f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.

(2) In fiscal years 2020 and 2021, Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (4) of this subsection.

(3) Each In fiscal year 2022 and thereafter, \$1,100,000.00 of Grant Program funds, or such lesser sum if all eligible applications amount to less than \$1,100,000.00, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.

(4) Regarding Grant Program funds awarded in fiscal years 2020 and 2021, and the balance of Grant Program funds not reserved for environmental mitigation projects in fiscal year 2022 and thereafter, in evaluating applications for Transportation Alternatives grants, the Transportation Alternatives Grant Committee shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the Transportation Alternatives Grant Committee.

*RICHARD T. MAZZA
RICHARD A. WESTMAN
DUSTIN ALLARD DEGREE*

*Committee on the part of the
Senate*

*PATRICK M. BRENNAN
DAVID E. POTTER
CLEMENT J. BISSONNETTE*

Committee on the part of the House

Which was considered and adopted on the part of the House.

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.

H. 154

House bill, entitled

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

H. 241

House bill, entitled

An act relating to the charter of the Central Vermont Solid Waste Management District

H. 515

House bill, entitled

An act relating to Executive Branch and Judiciary fees

H. 522

House bill, entitled

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

S. 61

Senate bill, entitled

An act relating to offenders with mental illness

S. 134

Senate bill, entitled

An act relating to court diversion and pretrial services

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 103

Rep. Grad of Moretown moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to primary enforcement of the adult seatbelt law

And that the bill be committed to the committee on Transportation, 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:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 140. House concurrent resolution congratulating the 2016 Lake Region Union High School Rangers Division II championship boys' soccer team.

H.C.R. 141. House concurrent resolution in memory of former Representative Sam Lloyd of Weston.

H.C.R. 142. House concurrent resolution honoring skiing photographer and photojournalist extraordinaire Hubert Schriebl.

H.C.R. 143. House concurrent resolution in memory of Leland Kinsey, the poet laureate of the Northeast Kingdom.

H.C.R. 144. House concurrent resolution designating the second full week of May 2017 as Women's Lung Health Week in Vermont.

H.C.R. 145. House concurrent resolution congratulating the New England Center for Circus Arts on its 10th anniversary and its cofounders, Elsie Smith and Serenity Smith Forchion, on winning the 2016 Walter Cerf Medal for Outstanding Achievement in the Arts.

H.C.R. 146. House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on a winning a fourth consecutive girls' volleyball State championship.

H.C.R. 147. House concurrent resolution commemorating the 100th anniversary of the occupational therapy profession.

H.C.R. 148. House concurrent resolution in memory of Edward E. Steele of Waterbury.

H.C.R. 149. House concurrent resolution honoring Capitol Police Chief Leslie Robert Dimick for his outstanding public safety career achievements.

H.C.R. 150. House concurrent resolution congratulating Helmut Lenés on

being named the 2017 David K. Hakins Inductee into the Vermont Sports Hall of Fame.

H.C.R. 151. House concurrent resolution honoring Tom Connor for his dynamic educational leadership and as director of the Journey East curriculum at Leland & Gray Middle and High School.

H.C.R. 152. House concurrent resolution congratulating Erwin Mattison on the 60th anniversary of his exemplary Bennington Fire Department service.

H.C.R. 153. House concurrent resolution congratulating Richard Knapp on a half-century of outstanding firefighting service and leadership with the Bennington Fire Department.

H.C.R. 154. House concurrent resolution congratulating the 2017 Vermont Prudential Spirit of Community Award honorees and distinguished finalists.

H.C.R. 155. House concurrent resolution honoring Henry Broughton of Vergennes for his half-century of outstanding leadership of the Vergennes Memorial Day Parade.

H.C.R. 156. House concurrent resolution honoring the invaluable public safety service of K9 Casco and Vermont State Police Corporal Michelle LeBlanc.

H.C.R. 157. House concurrent resolution congratulating the University of Vermont's 2017 Race to Zero participating teams.

Adjournment

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

Tuesday, May 2, 2017

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

Devotional Exercises

Devotional exercises were conducted by Representative Janssen Willhoit of St. Johnsbury.

Pledge of Allegiance

Page Megan Humphrey of Milton led the House in the Pledge of Allegiance.

House Bill Introduced**H. 538**

By Rep. Browning of Arlington,

House bill, entitled

An act relating to broadening Vermont's personal income tax base, restructuring the Education Fund, eliminating tax expenditures, and capping education spending growth;

To the committee on Ways and Means.

Bill Referred to Committee on Appropriations**S. 103**

Senate bill, entitled

An act relating to the regulation of toxic substances and hazardous materials

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Message from the Senate No. 57

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

Madam Speaker:

I am directed to inform the House that:

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

H. 356. An act relating to approval of amendments to the charter of the Town of Berlin.

H. 520. An act relating to approval of amendments to the charter of the Town of Stowe.

And has passed the same in concurrence.

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

H. 506. An act relating to professions and occupations regulated by the Office of Professional Regulation.

H. 512. An act relating to the procedure for conducting recounts.

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 bills of the following titles:

S. 10. An act relating to liability for the contamination of potable water supplies.

S. 72. An act relating to requiring telemarketers to provide accurate caller identification information.

And has concurred therein with an amendment in the passage 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 title:

H. 145. An act relating to establishing the Mental Health Crisis Response Commission.

H. 184. An act relating to evaluation of suicide profiles.

H. 230. An act relating to the sale of State-owned land in the Village of Waterbury.

H. 308. An act relating to a committee to reorganize and reclassify Vermont's criminal statutes.

And has concurred therein.

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. 503. An act relating to bail.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Sears
Senator Nitka
Senator Benning

Action on Bill Postponed

S. 122

Senate bill, entitled

An act relating to increased flexibility for school district mergers

Was taken up and pending the reading of the report of the committee on Education, on motion of **Rep. Sharpe of Bristol**, action on the bill was postponed until May 3, 2017.

Action on Bill Postponed**H. 167**

House bill, entitled

An act relating to alternative approaches to addressing low-level illicit drug use

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment? on motion of **Rep. Conquest of Newbury**, action on the bill was postponed until May 3, 2017.

Action on Bill Postponed**H. 519**

House bill, entitled

An act relating to capital construction and State bonding

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment? on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until May 3, 2017.

Action on Bill Postponed**H. 516**

House bill, entitled

An act relating to miscellaneous tax changes

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment? on motion of **Rep. Ancel of Calais**, action on the bill was postponed until May 3, 2017.

Action on Bill Postponed**S. 10**

Senate bill, entitled

An act relating to liability for the contamination of potable water supplies

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment to the House proposal of amendment? on motion of **Rep. Deen of Westminster**, action on the bill was postponed until May 3, 2017.

**Proposal of Amendment agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 16

Senate bill, entitled

An act relating to expanding patient access to the Medical Marijuana

Registry

Was taken up and pending third reading of the bill, **Rep. Haas of Rochester** moved to propose to the Senate to amend the bill as follows:

First: In Sec. 1, 18 V.S.A. § 4472 by striking subdivision (11) in its entirety and inserting in lieu thereof a new subdivision (11) to read:

(11) “Mental health care provider” means a person licensed to practice medicine who specializes in the practice of psychiatry; a psychologist, a psychologist-doctorate, or a psychologist-master as defined in 26 V.S.A. § 3001; a clinical social worker as defined in 26 V.S.A. § 3201; or a clinical mental health counselor as defined in 26 V.S.A. § 3261.

Second: In Sec. 1, 18 V.S.A. § 4472 in subdivision (13)(A) by inserting the word “domestic” in two instances; first, before the word “partner” and second, before the words “partner’s parent”

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. McCormack of Burlington** moved to amend the bill as follows:

In Sec. 1, 18 V.S.A. § 4472, in subdivision (4)(A), after “Parkinson’s disease,” by inserting “Alzheimer’s disease,”

Thereupon, **Rep. McCormack of Burlington** asked and was granted leave of the House to withdraw his amendment and the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Pugh of South 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 pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 130. Nays, 16.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gardner of Richmond	Noyes of Wolcott
Ancel of Calais	Giambatista of Essex	Ode of Burlington
Bartholomew of Hartland	Gonzalez of Winooski	Olsen of Londonderry
Baser of Bristol	Grad of Moretown	O’Sullivan of Burlington
Beck of St. Johnsbury	Greshin of Warren	Parent of St. Albans Town
Belaski of Windsor	Haas of Rochester	Partridge of Windham
Bissonnette of Winooski	Harrison of Chittenden	Pearce of Richford
Bock of Chester	Head of South Burlington	Poirier of Barre City
Botzow of Pownal	Hebert of Vernon	Potter of Clarendon
Briglin of Thetford	Higley of Lowell	Pugh of South Burlington
Browning of Arlington	Hill of Wolcott	Rachelson of Burlington
Brumsted of Shelburne	Hooper of Montpelier	Rosenquist of Georgia
Buckholz of Hartford	Hooper of Brookfield	Scheu of Middlebury

Burditt of West Rutland	Houghton of Essex	Scheuermann of Stowe
Burke of Brattleboro	Howard of Rutland City	Sharpe of Bristol
Canfield of Fair Haven	Jessup of Middlesex	Shaw of Pittsford
Carr of Brandon	Jickling of Brookfield	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Sibilia of Dover
Christensen of Weathersfield	Juskiewicz of Cambridge	Smith of Derby
Christie of Hartford	Keefe of Manchester	Smith of New Haven
Cina of Burlington	Kimbell of Woodstock	Squirrel of Underhill
Colburn of Burlington	Kitzmiller of Montpelier	Stevens of Waterbury
Condon of Colchester	Krowinski of Burlington	Stuart of Brattleboro
Conlon of Cornwall	LaClair of Barre Town	Sullivan of Dorset
Connor of Fairfield	Lalonde of South Burlington	Sullivan of Burlington
Conquest of Newbury	Lanpher of Vergennes	Taylor of Colchester
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Terenzini of Rutland Town
Corcoran of Bennington	Lefebvre of Newark	Till of Jericho
Cupoli of Rutland City	Lewis of Berlin	Toleno of Brattleboro
Dakin of Colchester	Lippert of Hinesburg	Toll of Danville
Deen of Westminster	Long of Newfane	Townsend of South Burlington
Devereux of Mount Holly	Lucke of Hartford	Trieber of Rockingham
Dickinson of St. Albans Town	Marcotte of Coventry	Troiano of Stannard *
Donahue of Northfield	Masland of Thetford	Turner of Milton
Donovan of Burlington	McCormack of Burlington	Walz of Barre City
Dunn of Essex	McCoy of Poultney	Webb of Shelburne
Emmons of Springfield	McCullough of Williston	Weed of Enosburgh
Feltus of Lyndon	McFaun of Barre Town	Willhoit of St. Johnsbury
Fields of Bennington	Miller of Shaftsbury	Wood of Waterbury
Forguites of Springfield	Morris of Bennington	Wright of Burlington
Gamache of Swanton	Mrowicki of Putney	Yacovone of Morristown
Gannon of Wilmington	Murphy of Fairfax	Yantachka of Charlotte
	Myers of Essex	Young of Glover
	Nolan of Morristown	
	Norris of Shoreham	

Those who voted in the negative are:

Bancroft of Westford	Gage of Rutland City	Savage of Swanton
Batchelor of Derby	Helm of Fair Haven	Strong of Albany
Beyor of Highgate	Hubert of Milton	Van Wyck of Ferrisburgh
Brennan of Colchester	Martel of Waterford	Viens of Newport City
Fagan of Rutland City	Morrissey of Bennington	
Frenier of Chelsea	Quimby of Concord	

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

Graham of Williamstown	Keenan of St. Albans City	Macaig of Williston
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Rep. Troiano of Stannard explained his vote as follows:

“Madam Speaker:

I want to thank our committee for the work on this bill. I am confident that it will bring symptom relief to many veterans who suffer from PTSD as I have

walked in those shoes.”

**Proposal of Amendment agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 136

Senate bill, entitled

An act relating to miscellaneous consumer protection provisions

Was taken up and pending third reading of the bill, **Rep. Marcotte of Coventry** moved to propose to the Senate to amend the bill as follows:

First: In Sec. 6, in 9 V.S.A. § 2454a, in subsection (a), following “one year or longer” by inserting “, and that renews for a subsequent term that is longer than one month.”

Second: In Sec. 6, in 9 V.S.A. § 2454a, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c) The provisions of this section do not apply to:

(1) a contract between a consumer and a financial institution, as defined in 8 V.S.A. § 11101; or

(2) a contract for insurance, as defined in 8 V.S.A. § 3301a.

Third: In Sec. 7 (Automatic renewal of contracts; Applicability to existing contracts), in subsection (a), by striking out “includes an automatic renewal provision” and inserting in lieu thereof “renews for a subsequent term that is longer than one month”

Fourth: In Sec. 7 (Automatic renewal of contracts; Applicability to existing contracts), by inserting a subsection (c) to read:

(c) The provisions of this section do not apply to:

(1) a contract between a consumer and a financial institution, as defined in 8 V.S.A. § 11101; or

(2) a contract for insurance, as defined in 8 V.S.A. § 3301a.

Fifth: In Sec. 16 (Effective Dates), by striking out subsections (d)–(e) in their entirety and inserting in lieu thereof new subsections (d)–(e) to read:

(d) Secs. 6–7 (automatic renewal provisions) and Secs. 9–10 (credit protection for vulnerable persons) shall take effect on January 1, 2018.

(e) The following sections shall take effect on July 1, 2017:

(1) Sec. 1 (home loan escrow accounts).

(2) Sec. 8 (retainage for construction materials).

(3) Secs. 12–15 (credit card debt collection).

Which was agreed to.

Pending third reading of the bill **Rep. Donahue of Northfield** moved to amend the House proposal of amendment, as amended, as follows:

In Sec. 9, in 9 V.S.A. § 2480a(12) by striking out subdivision (A) in its entirety and inserting in lieu thereof a new subdivision (A) to read:

(A) less than 18 years of age, unless emancipated under 12 V.S.A. chapter 217.

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Message from the Senate No. 58

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

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposals of amendment to Senate proposals of amendment to House bill entitled:

H. 513. An act relating to making miscellaneous changes to education law.

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 Baruth
Senator Balint
Senator Mullin

Committee of Conference Appointed

H. 513

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 making miscellaneous changes to education law

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Sharpe of Bristol
Rep. Long of Newfane

Rep. Pearce of Richford**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. 16

Senate bill, entitled

An act relating to expanding patient access to the Medical Marijuana Registry

S. 136

Senate bill, entitled

An act relating to miscellaneous consumer protection provisions

Second Reading; Reports of the Committees; Consideration Interrupted**H. 196**

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 paid family leave

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

(1) “Employer” means an individual, organization ~~or~~ governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within this State ~~which for the purposes of parental leave, employs 10 or more individuals who are employed for an average of at least 30 hours per week during a year and for the purposes of family leave, employs 15 or more individuals for an average of at least 30 hours per week during a year.~~

(2) “Employee” means a person who, in consideration of direct or indirect gain or profit, ~~has been continuously employed by the same employer for a period of one year for an average of at least 30 hours per week~~ is employed by an employer and has been employed in Vermont for at least six of the previous 12 months.

(3) “Family leave” means a leave of absence from employment by an employee ~~who works for an employer which employs 15 or more individuals~~

~~who are employed for an average of at least 30 hours per week during the year~~
for one of the following reasons:

(A) the serious illness of the employee; ~~or~~

(B) the serious illness of the employee's child, stepchild or ward who lives with the employee, foster child, parent, grandparent, sibling, spouse, or parent of the employee's spouse;

~~(4) "Parental leave" means a leave of absence from employment by an employee who works for an employer which employs 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:~~

~~(C) the employee's pregnancy;~~

~~(D) the birth of the employee's child; or~~

~~(B)(E) the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption or foster care.~~

~~(5)(4) "Serious illness" means an accident, disease, or physical or mental condition that:~~

~~(A) poses imminent danger of death;~~

~~(B) requires inpatient care in a hospital; or~~

~~(C) requires continuing in-home care under the direction of a physician.~~

~~(5) "Commissioner" means the Commissioner of Labor.~~

~~(6) "Worker" means a person who, in consideration of direct or indirect gain or profit, performs services for an employer, where the employer is unable to show that:~~

~~(A) the person has been and will continue to be free from control or direction over the performance of the services, both under the contract of service and in fact;~~

~~(B) the service is either outside the usual course of business for the employer for whom the service is performed, or outside all the places of business of the employer for whom the service is performed; and~~

~~(C) the person is customarily engaged in an independently established trade, occupation, profession, or business.~~

Sec. 2. 21 V.S.A. § 472 is amended to read:

§ 472. FAMILY LEAVE

(a) During any 12-month period, an employee shall be entitled to take

~~unpaid leave for a period not to exceed 12 weeks~~ up to 12 weeks of paid family leave using Family Leave Insurance benefits pursuant to section 472c of this subchapter for the following reasons:

- (1) ~~for parental leave, during~~ the employee's pregnancy ~~and;~~
- (2) ~~following~~ the birth of ~~an~~ the employee's child ~~or;~~
- (3) ~~within a year following~~ the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption ~~or foster care;~~
- ~~(2)~~(4) ~~for family leave, for~~ the serious illness of the employee; or
- (5) the serious illness of the employee's child, stepchild or ward of the employee who lives with the employee, foster child, parent, grandparent, sibling, spouse, or parent of the employee's spouse.

(b) During the leave, at the employee's option, the employee may use accrued sick leave or vacation leave or any other accrued paid leave, ~~not to exceed six weeks~~. ~~Utilization~~ Use of accrued paid leave shall not extend the leave provided ~~herein~~ by this section.

(c) The employer shall continue employment benefits for the duration of the family leave at the level and under the conditions coverage would be provided if the employee continued in employment continuously for the duration of the leave. The employer may require that the employee contribute to the cost of the benefits during the leave at the employee's existing rate of ~~employee~~ contribution.

(d) The employer shall post and maintain in a conspicuous place in and about each of ~~his or her~~ its places of business printed notices of the provisions of this subchapter on forms provided by the Commissioner of Labor.

(e)(1) An employee shall give his or her employer reasonable written notice of intent to take family leave under this subchapter. Notice shall include the date the leave is expected to commence and the estimated duration of the leave.

(2) In the case of the adoption or birth of a child, an employer shall not require that notice be given more than six weeks prior to the anticipated commencement of the leave.

(3) In the case of an unanticipated serious illness or premature birth, the employee shall give the employer notice of the commencement of the leave as soon as practicable.

(4) In the case of serious illness of the employee or a member of the employee's family, an employer may require certification from a physician to verify the condition and the amount and necessity for the leave requested.

(5) An employee may return from leave earlier than estimated upon approval of the employer.

(6) An employee shall provide reasonable notice to the employer of his or her need to extend the leave to the extent provided by this chapter.

(f) ~~Upon return from leave taken under this subchapter, an employee shall be offered~~ An employer shall offer an employee who has been employed by the employer for at least 12 months and is returning from family leave taken under this subchapter the same or a comparable job at the same level of compensation, employment benefits, seniority, or any other term or condition of the employment existing on the day the family leave began. This subchapter shall not apply if, prior to requesting leave, the employee had been given notice or had given notice that the employment would terminate. This subsection shall not apply if the employer can demonstrate by clear and convincing evidence that:

(1) during the period of leave, the employee's job would have been terminated or the employee laid off for reasons unrelated to the leave or the condition for which the leave was granted; or

(2) the employee performed unique services and hiring a permanent replacement during the leave, after giving reasonable notice to the employee of intent to do so, was the only alternative available to the employer to prevent substantial and grievous economic injury to the employer's operation.

(g) An employer may adopt a leave policy more generous than the leave ~~policy~~ provided by this subchapter. Nothing in this subchapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan which provides greater leave rights than the rights provided by this subchapter. A collective bargaining agreement or employment benefit program or plan may not diminish rights provided by this subchapter. Notwithstanding the provisions of this subchapter, an employee may, at the time a need for ~~parental~~ ~~or~~ family leave arises, waive some or all the rights under this subchapter provided the waiver is informed and voluntary and any changes in conditions of employment related to any waiver shall be mutually agreed upon between employer and employee.

(h) Except for serious illness of the employee, an employee who does not return to employment with the employer who provided the family leave shall return to the employer the value of any compensation paid to or on behalf of the employee during the leave, except payments of Family Leave Insurance benefits and payments for accrued sick leave or vacation leave. An employer may elect to waive the rights provided pursuant to this subsection.

Sec. 3. 21 V.S.A. § 472c is added to read:

§ 472c. FAMILY LEAVE INSURANCE; SPECIAL FUND;

ADMINISTRATION

(a) The Family Leave Insurance Program is established in the Department of Labor for the provision of Family Leave Insurance benefits to eligible employees pursuant to this section.

(b) The Family Leave Insurance Special Fund is created pursuant to 32 V.S.A. chapter 7, subchapter 5. The Fund may be expended by the Commissioner for the administration of the Family Leave Insurance Program and payment of Family Leave Insurance benefits provided pursuant to this section.

(c)(1)(A) The Fund shall consist of contributions equal to 0.93 percent of each worker's wages, which an employer shall deduct and withhold from each of its workers' wages.

(B) An employer may elect to pay all or a portion of the contributions due from its workers' wages.

(2)(A) Notwithstanding subdivision (1) of this subsection, the General Assembly shall annually establish the rate of contribution for the next fiscal year. The rate shall equal the amount necessary to provide Family Leave Insurance benefits pursuant to subsection (f) of this section and to administer the Family Leave Insurance Program during the next fiscal year, adjusted by any balance in the fund from the prior fiscal year.

(B)(i) On or before February 1 of each year, the Commissioner shall report to the General Assembly the rate of contribution necessary to provide Family Leave Insurance benefits pursuant to subsection (f) of this section and to administer the Program during the next fiscal year, adjusted by any balance in the fund from the prior fiscal year.

(ii) The proposed rate of contribution determined by the Commissioner shall not exceed one percent of each worker's wages. If that amount is insufficient to fund Family Leave Insurance benefits at the rate set forth in subsection (f) of this section, the Commissioner's report shall include a recommendation of the amount by which to reduce Family Leave Insurance benefits in order to maintain the solvency of the Fund without increasing the proposed rate of contribution above one percent.

(d) An employer shall submit these contributions to the Commissioner in a form and at times determined by the Commissioner.

(e) An employee shall file an application for Family Leave Insurance benefits with the Commissioner under this section on a form provided by the

Commissioner. The Commissioner shall determine eligibility of the employee based on the following criteria:

(1) The purposes for which the claim is made are documented.

(2) The employee satisfies the eligibility requirements for the requested leave.

(f)(1) Except as otherwise provided pursuant to subsection (c) of this section, an employee awarded Family Leave Insurance benefits under this section shall receive the employee's average weekly wage or an amount equal to a 40-hour workweek paid at a rate double that of the livable wage, as determined by the Joint Fiscal Office pursuant to 2 V.S.A. § 505, whichever is less.

(2) An employee shall be entitled to no more than 12 weeks of Family Leave Insurance benefits in a 12-month period.

(g) The Commissioner of Labor shall make a determination of each claim no later than five days after the date the claim is filed, and Family Leave Insurance benefits shall be paid from the Fund created pursuant to this section. An employee or employer aggrieved by a decision of the Commissioner under this subsection may file with the Commissioner a request for reconsideration within 30 days after receipt of the Commissioner's decision. Thereafter, an applicant denied reconsideration may file an appeal to the Civil Division of the Superior Court in the county where the employment is located.

(h)(1) A self-employed person, including a sole proprietor or partner owner of an unincorporated business, may elect to obtain coverage under the Family Leave Insurance Program pursuant to this section for a period of three years by filing a notice of his or her election with the Commissioner on a form provided by the Commissioner.

(2) A person who elects coverage pursuant to this subsection may file a claim for and receive Family Leave Insurance benefits pursuant to this section after making six months of contributions to the Fund.

(3) A person who elects to obtain coverage pursuant to this subsection shall:

(A) contribute a portion of his or her work income equal to the amount established pursuant to subsection (c) of this section at times determined by the Commissioner; and

(B) provide to the Commissioner any documentation of his or her income or related information that the Commissioner determines is necessary.

(4)(A) A person who elects coverage pursuant to this subsection may terminate that coverage at the end of the three-year period by providing the

Commissioner with written notice of the termination at least 30 days before the end of the period.

(B) If a person who elects coverage pursuant to this subsection does not terminate it at the end of the initial three-year period, he or she may terminate the coverage at the end of any succeeding annual period by providing the Commissioner with written notice of the termination at least 30 days before the end of the period.

(C) Notwithstanding subdivisions (A) and (B) of this subdivision (h)(4), a person who, after electing to obtain coverage pursuant to this subsection, becomes a worker or stops working in Vermont, may elect to terminate the coverage pursuant to this subsection by providing the Commissioner with 30 days' written notice in accordance with rules adopted by the Commissioner.

(D) Nothing in this subsection shall be construed to prevent an individual who is both a worker and self-employed from electing to obtain coverage pursuant to this subsection.

(i) A person who willfully makes a false statement or representation for the purpose of obtaining any benefit or payment or to avoid payment of any required contributions under the provisions of this section, either for himself or herself 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 section, 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.

(j)(1) An individual filing a claim for benefits pursuant to this section shall, at the time of filing, be advised that:

(A) Family Leave Insurance benefits may be subject to income tax;

(B) requirements exist pertaining to estimated tax payments;

(C) the individual may elect to have income tax deducted and withheld from the individual's benefits payment; and

(D) the individual may change a previously elected withholding status.

(2) Amounts deducted and withheld from Family Leave Insurance benefits shall remain in the Family Leave Insurance Special Fund until transferred to the appropriate taxing authority as a payment of income tax.

(3) The Commissioner shall follow all procedures specified by the federal Internal Revenue Service pertaining to the deducting and withholding

of income tax.

(k) The Commissioner may adopt rules as necessary to implement this section.

Sec. 4. RULEMAKING

On or before January 1, 2018, the Commissioner of Labor shall adopt rules necessary to implement the Paid Family Leave Program, including rules governing the process by which a person who has elected to obtain coverage under the Family Leave Insurance Program pursuant to 21 V.S.A. § 472c(h) and subsequently becomes a worker or stops working in Vermont may terminate that coverage.

Sec. 5. EDUCATION AND OUTREACH

On or before January 1, 2018, the Commissioner of Labor shall develop and make available on the Department of Labor's website information and materials to educate and inform employers and employees about the Family Leave Insurance Program established pursuant to 21 V.S.A. § 472c.

Sec. 6. EFFECTIVE DATES

(a) This section and Secs. 3, 4, and 5 shall take effect on July 1, 2017.

(b) In Sec. 1, 21 V.S.A. 471, subdivision (6) shall take effect on July 1, 2017. The remaining provisions of Sec. 1 shall take effect on July 1, 2019.

(c) Sec. 2 shall take effect on July 1, 2019.

(d) Contributions from employers and employees shall begin being paid pursuant to 21 V.S.A. § 472c(c) and (d) on July 1, 2018, and, beginning on July 1, 2019, employees and self-employed persons may begin to receive benefits pursuant to 21 V.S.A. § 472c.

Rep. Till of Jericho, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on General, Housing and Military Affairs and when further amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

(1) "Employer" means an individual, organization or governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within this State ~~which~~ for the purposes of parental leave, that employs 10 or more individuals who are

employed for an average of at least 30 hours per week during a year ~~and for the purposes of family leave, employs 15 or more individuals for an average of at least 30 hours per week during a year.~~

* * *

(3) “Family leave” means a leave of absence from employment by an employee who works for an employer which employs ~~15~~ 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:

(A) the serious illness of the employee; ~~or~~

(B) the serious illness of the employee’s child, stepchild or ward who lives with the employee, foster child, grandchild, parent, grandparent, sibling, spouse, or parent of the employee’s spouse;

~~(4) “Parental leave” means a leave of absence from employment by an employee who works for an employer which employs 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:~~

~~(C) the employee’s pregnancy;~~

~~(A)(D) the birth of the employee’s child;~~

~~(B)(E) the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption or foster care; or~~

~~(F) the birth of the employee’s grandchild if the employee is the primary caregiver or guardian of the child and the child’s biological parents are not taking a family leave for the birth pursuant to section 472 of this chapter.~~

~~(5)(4) “Serious illness” means an accident, disease, or physical or mental condition that:~~

* * *

~~(5) “Commissioner” means the Commissioner of Labor.~~

Sec. 2. 21 V.S.A. § 472 is amended to read:

§ 472. FAMILY LEAVE

(a) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks for the following reasons:

(1) ~~for parental leave, during the employee’s pregnancy and;~~

(2) following the birth of ~~an~~ the employee’s child ~~or;~~

(3) within a year following the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption ~~or foster care~~;

(4) within a year following the birth of the employee’s grandchild if the

employee is the primary caregiver or guardian of the child and the child's biological parents are not taking a leave for the birth pursuant to this section;

~~(2)(5) for family leave,~~ for the serious illness of the employee; or

(6) the serious illness of the employee's child, stepchild or ward of the employee who lives with the employee, foster child, grandchild, parent, grandparent, sibling, spouse, or parent of the employee's spouse.

(b) During the leave, at the employee's option, the employee may use accrued sick leave ~~or~~, vacation leave ~~or~~, any other accrued paid leave, ~~not to exceed six weeks~~ Parental and Family Leave Insurance benefits pursuant to subchapter 13 of this chapter, or short-term disability insurance or other insurance benefits. ~~Utilization~~ Use of accrued paid leave, Parental and Family Leave Insurance benefits, or insurance benefits shall not extend the leave provided ~~herein~~ by this section.

* * *

(d) The employer shall post and maintain in a conspicuous place in and about each of ~~his or her~~ its places of business printed notices of the provisions of this subchapter on forms provided by the Commissioner of Labor.

~~(e)(1)~~ An employee shall give his or her employer reasonable written notice of intent to take family leave under this subchapter. Notice shall include the date the leave is expected to commence and the estimated duration of the leave.

(2) In the case of the adoption or birth of a child, an employer shall not require that notice be given more than six weeks prior to the anticipated commencement of the leave.

(3) In the case of an unanticipated serious illness or premature birth, the employee shall give the employer notice of the commencement of the leave as soon as practicable.

(4) In the case of serious illness of the employee or a member of the employee's family, an employer may require certification from a physician to verify the condition and the amount and necessity for the leave requested.

(5) An employee may return from leave earlier than estimated upon approval of the employer.

(6) An employee shall provide reasonable notice to the employer of his or her need to extend the leave to the extent provided by this chapter.

* * *

(h) Except for serious illness of the employee, an employee who does not return to employment with the employer who provided the family leave shall return to the employer the value of any compensation paid to or on behalf of

the employee during the leave, except payments of Parental and Family Leave Insurance benefits and payments for accrued sick leave or vacation leave. An employer may elect to waive the rights provided pursuant to this subsection.

Sec. 3. 21 V.S.A. chapter 5, subchapter 13 is added to read:

Subchapter 13. Parental and Family Leave Insurance

§ 571. DEFINITIONS

(a) As used in this subchapter:

(1) “Employee” means an individual who performs services in employment for an employer.

(2) “Employer” means an individual, organization, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within this State.

(3) “Employment” has the same meaning as in subdivision 1301(6) of this title.

(4) “Family leave” means a leave of absence from employment by an employee for the serious illness of the employee’s child, stepchild or ward who lives with the employee, foster child, parent, grandparent, sibling, spouse, or parent of the employee’s spouse.

(5) “Parental and bonding leave” means a leave of absence from employment by an employee for:

(A) the birth of the employee’s child;

(B) the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption or foster care; or

(C) the purpose of bonding with the employee’s grandchild if the leave is taken within a year following the birth of the employee’s grandchild, the employee is the primary caregiver or guardian of the child, and the child’s biological parents are not using Parental and Family Leave Insurance Benefits for parental and bonding leave in relation to the birth.

(6) “Qualified employee” means an individual that has been an employee during at least 12 of the previous 13 months.

(7) “Serious illness” means an accident, disease, or physical or mental condition that:

(A) poses imminent danger of death;

(B) requires inpatient care in a hospital; or

(C) requires continuing in-home care under the direction of a physician.

§ 572. PARENTAL AND FAMILY LEAVE INSURANCE; SPECIAL
FUND; ADMINISTRATION

(a) The Parental and Family Leave Insurance Program is established in the Department of Labor for the provision of Parental and Family Leave Insurance benefits to eligible employees pursuant to this section.

(b) The Parental and Family Leave Insurance Special Fund is created pursuant to 32 V.S.A. chapter 7, subchapter 5. The Fund may be expended by the Commissioner for the administration of the Parental and Family Leave Insurance Program and payment of Parental and Family Leave Insurance benefits provided pursuant to this section.

(c)(1)(A) The Fund shall consist of contributions equal to 0.141 percent of each employee's covered wages, which an employer shall deduct and withhold from each of its employee's wages.

(B) In lieu of deducting and withholding the full amount of the contribution pursuant to subdivision (1)(A) of this subsection, an employer may elect to pay all or a portion of the contributions due from the employee's covered wages.

(C) As used in this subsection, the term "covered wages" does not include the amount of wages paid to an employee after he or she has received wages equal to \$150,000.00.

(2)(A) Notwithstanding subdivision (1) of this subsection (c), the General Assembly shall annually establish the rate of contribution for the next fiscal year. The rate shall equal the amount necessary to provide Parental and Family Leave Insurance benefits pursuant to this subchapter and to administer the Parental and Family Leave Insurance Program during the next fiscal year, adjusted by any balance in the Fund from the prior fiscal year.

(B) On or before February 1 of each year, the Commissioner shall report to the General Assembly the rate of contribution necessary to provide Parental and Family Leave Insurance benefits pursuant to this subchapter, to maintain adequate reserves in the Fund, and to administer the Program during the next fiscal year, adjusted by any balance in the Fund from the prior fiscal year.

(d) An employer shall submit these contributions to the Commissioner in a form and at times determined by the Commissioner.

§ 573. BENEFITS

(a) Except as otherwise provided pursuant to section 572 of this subchapter, a qualified employee awarded Parental and Family Leave Insurance benefits under this section shall receive 80 percent of his or her average weekly wage or an amount equal to a 40-hour workweek paid at a rate double that of the livable wage, as determined by the Joint Fiscal Office pursuant to 2 V.S.A. § 505, whichever is less.

(b) A qualified employee shall be permitted to receive not more than six weeks of Parental and Family Leave Insurance benefits in a 12-month period for family leave or parental and bonding leave, or both.

§ 574. APPLICATION FOR BENEFITS; PAYMENT; TAX WITHHOLDING

(a) A qualified employee shall file an application for Parental and Family Leave Insurance benefits with the Commissioner under this section on a form provided by the Commissioner. The Commissioner shall determine whether the qualified employee is eligible to receive Parental and Family Leave Insurance benefits based on the following criteria:

(1) The purposes for which the claim is made are documented.

(2) The qualified employee satisfies the eligibility requirements for the requested leave.

(3) The benefits are being requested in relation to a family leave or a parental and bonding leave.

(b) The Commissioner of Labor shall make a determination of each claim not later than five days after the date the claim is filed, and Parental and Family Leave Insurance benefits shall be paid from the Fund created pursuant to this section. A person aggrieved by a decision of the Commissioner under this subsection may file with the Commissioner a request for reconsideration within 30 days after receipt of the Commissioner's decision. Thereafter, an applicant denied reconsideration may file an appeal to the Civil Division of the Superior Court in the county where the employment is located.

(c)(1) An individual filing a claim for benefits pursuant to this section shall, at the time of filing, be advised that Parental and Family Leave Insurance benefits may be subject to income tax and that the individual's benefits may be subject to withholding.

(2) The Commissioner shall follow all procedures specified by 26 U.S.C. chapter 24 and 32 V.S.A. chapter 151, subchapter 4 pertaining to the withholding of income tax.

§ 575. FALSE STATEMENT OR REPRESENTATION; PENALTY

A person who willfully makes a false statement or representation for the purpose of obtaining any benefit or payment or to avoid payment of any

required contributions under the provisions of this section, either for himself or herself 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 section, 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.

§ 576. RULEMAKING

The Commissioner may adopt rules as necessary to implement this subchapter.

Sec. 4. ADOPTION OF RULES

On or before January 1, 2018, the Commissioner of Labor shall adopt rules necessary to implement 21 V.S.A. chapter 5, subchapter 13.

Sec. 5. EDUCATION AND OUTREACH

On or before January 1, 2018, the Commissioner of Labor shall develop and make available on the Department of Labor's website information and materials to educate and inform employers and employees about the Parental and Family Leave Insurance Program established pursuant to 21 V.S.A. chapter 5, subchapter 13.

Sec. 6. EFFECTIVE DATES

(a) This section and Secs. 3, 4, and 5 shall take effect on July 1, 2017.

(b) Secs. 1 and 2 shall take effect on July 1, 2019.

(c) Contributions shall begin being paid pursuant to 21 V.S.A. § 572 on July 1, 2018, and, beginning on July 1, 2019, employees may begin to receive benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

Rep. Trieber of Rockingham for the committee on Appropriations recommended that the bill ought to pass when amended by the committee on Ways and Means and when amended as follows:

First: In Sec. 3, 21 V.S.A. chapter 5, subchapter 13, in section 571, by striking out the designation "(a)" and in subdivision (4), after the words "foster child" by inserting: ", grandchild"

Second: In Sec. 3, 21 V.S.A. chapter 5, subchapter 13, in subdivision 572(c)(2)(A), after the words "the amount necessary to provide Parental and Family Leave Insurance benefits pursuant to this subchapter" by inserting: ", to maintain a reserve equal to at least 100 percent of the projected benefit payments for the next fiscal year."

Third: In Sec. 3, 21 V.S.A. chapter 5, subchapter 13, in subdivision 572(c)(2)(B), by striking out the words “adequate reserves in the Fund” and inserting in lieu thereof the words “a reserve equal to at least 100 percent of the projected benefit payments for the next fiscal year”

Fourth: In Sec. 3, 21 V.S.A. chapter 5, subchapter 13, in subsection 574(b), after the words “The Commissioner of Labor shall make a determination of each claim not later than five” by inserting the word “business”

Fifth: By striking out Sec. 6, effective dates, in its entirety and inserting in lieu thereof three new sections to be Secs. 6, 7, and 8 to read:

Sec. 6. ESTABLISHMENT OF PARENTAL AND FAMILY LEAVE
INSURANCE PROGRAM; EXPENDITURES FROM SPECIAL
FUND

Beginning on July 1, 2017, the Commissioner of Finance and Management may, pursuant to 32 V.S.A. § 588(4)(C), issue warrants for expenditures from the Parental and Family Leave Insurance Special Fund necessary to establish the Parental and Family Leave Insurance Program in anticipation of the receipt on or after July 1, 2018 of contributions submitted pursuant to 21 V.S.A. § 572.

Sec. 7. ADEQUACY OF RESERVES; REPORT

Annually, on or before January 15, 2020, 2021, and 2022, the Commissioner of Labor, in consultation with the Commissioners of Finance and Management and of Financial Regulation, shall submit a written report to the House Committees on Appropriations, on General, Housing and Military Affairs, and on Ways and Means and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance regarding the amount and adequacy of the reserves in the Parental and Family Leave Insurance Special Fund and any recommendations for legislative action necessary to ensure that an adequate reserve is maintained in the fund.

Sec. 8. EFFECTIVE DATES

(a) This section and Secs. 3, 4, 5, 6, and 7 shall take effect on July 1, 2017.

(b) Secs. 1 and 2 shall take effect on October 1, 2019.

(c) Contributions shall begin being paid pursuant to 21 V.S.A. § 572 on July 1, 2018, and, beginning on October 1, 2019, employees may begin to receive benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time.

Pending the question, Shall the recommendation of the committee on General, Housing and Military Affairs be amended by the committee on Ways and Means? **Rep. Donahue of Northfield** moved to substitute an amendment for the amendment offered by the Committee on Ways and Means, as follows:

Sec. 1. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

(1) "Employer" means an individual, organization ~~or~~, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within this State ~~which for the purposes of parental leave, that employs 10 or more individuals who are employed for an average of at least 30 hours per week during a year and for the purposes of family leave, employs 15 or more individuals for an average of at least 30 hours per week during a year.~~

* * *

(3) "Family leave" means a leave of absence from employment by an employee who works for an employer which employs ~~15~~ 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:

(A) the serious illness of the employee; ~~or~~

(B) the serious illness of the employee's child, stepchild or ward who lives with the employee, foster child, grandchild, parent, grandparent, sibling, spouse, or parent of the employee's spouse;

~~(4) "Parental leave" means a leave of absence from employment by an employee who works for an employer which employs 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:~~

(C) the employee's pregnancy;

~~(A)~~(D) the birth of the employee's child;

~~(B)~~(E) the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption or foster care; or

(F) the birth of the employee's grandchild if the employee is the primary caregiver or guardian of the child and the child's biological parents are not taking a family leave for the birth pursuant to section 472 of this chapter.

~~(5)~~(4) "Serious illness" means an accident, disease, or physical or mental condition that:

* * *

(5) “Commissioner” means the Commissioner of Labor.

Sec. 2. 21 V.S.A. § 472 is amended to read:

§ 472. FAMILY LEAVE

(a) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks for the following reasons:

(1) ~~for parental leave, during the employee’s pregnancy and;~~

(2) following the birth of ~~an~~ the employee’s child ~~or;~~

(3) within a year following the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption; ~~or foster care;~~

(4) within a year following the birth of the employee’s grandchild if the employee is the primary caregiver or guardian of the child and the child’s biological parents are not taking a leave for the birth pursuant to this section;

~~(2)(5) for family leave, for the serious illness of the employee; or~~

(6) the serious illness of the employee’s child, stepchild or ward of the employee who lives with the employee, foster child, grandchild, parent, grandparent, sibling, spouse, or parent of the employee’s spouse.

(b) During the leave, at the employee’s option, the employee may use accrued sick leave ~~or,~~ vacation leave ~~or,~~ any other accrued paid leave, ~~not to exceed six weeks~~ Parental and Family Leave Insurance benefits pursuant to subchapter 13 of this chapter, or short-term disability insurance or other insurance benefits. Utilization Use of accrued paid leave, Parental and Family Leave Insurance benefits, or insurance benefits shall not extend the leave provided herein by this section.

* * *

(d) The employer shall post and maintain in a conspicuous place in and about each of ~~his or her~~ its places of business printed notices of the provisions of this subchapter on forms provided by the Commissioner of Labor.

(e)(1) An employee shall give his or her employer reasonable written notice of intent to take family leave under this subchapter. Notice shall include the date the leave is expected to commence and the estimated duration of the leave.

(2) In the case of the adoption or birth of a child, an employer shall not require that notice be given more than six weeks prior to the anticipated commencement of the leave.

(3) In the case of an unanticipated serious illness or premature birth, the employee shall give the employer notice of the commencement of the leave as

soon as practicable.

(4) In the case of serious illness of the employee or a member of the employee's family, an employer may require certification from a physician to verify the condition and the amount and necessity for the leave requested.

(5) An employee may return from leave earlier than estimated upon approval of the employer.

(6) An employee shall provide reasonable notice to the employer of his or her need to extend the leave to the extent provided by this chapter.

* * *

(h) Except for serious illness of the employee, an employee who does not return to employment with the employer who provided the family leave shall return to the employer the value of any compensation paid to or on behalf of the employee during the leave, except payments of Parental and Family Leave Insurance benefits and payments for accrued sick leave or vacation leave. An employer may elect to waive the rights provided pursuant to this subsection.

Sec. 3. 21 V.S.A. chapter 5, subchapter 13 is added to read:

Subchapter 13. Parental and Family Leave Insurance

§ 571. DEFINITIONS

(a) As used in this subchapter:

(1) "Employee" means an individual who performs services in employment for an employer.

(2) "Employer" means an individual, organization, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within this State.

(3) "Employment" has the same meaning as in subdivision 1301(6) of this title.

(4) "Enrolled employee" means an employee who has enrolled in the Parental and Family Leave Insurance Program established pursuant to this subchapter.

(5) "Family leave" means a leave of absence from employment by an employee for the serious illness of the employee's child, stepchild or ward who lives with the employee, foster child, parent, grandparent, sibling, spouse, or parent of the employee's spouse.

(6) "Parental and bonding leave" means a leave of absence from employment by an employee for:

(A) the birth of the employee's child;

(B) the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption or foster care; or

(C) the purpose of bonding with the employee's grandchild if the leave is taken within a year following the birth of the employee's grandchild, the employee is the primary caregiver or guardian of the child, and the child's biological parents are not using Parental and Family Leave Insurance Benefits for parental and bonding leave in relation to the birth.

(7) "Qualified employee" means an enrolled employee who has made contributions to the Program during at least 12 of the previous 13 months.

(8) "Serious illness" means an accident, disease, or physical or mental condition that:

(A) poses imminent danger of death;

(B) requires inpatient care in a hospital; or

(C) requires continuing in-home care under the direction of a physician.

§ 572. PARENTAL AND FAMILY LEAVE INSURANCE; SPECIAL FUND; ADMINISTRATION

(a) The Parental and Family Leave Insurance Program is established in the Department of Labor for the provision of Parental and Family Leave Insurance benefits to eligible employees pursuant to this subchapter.

(b) The Parental and Family Leave Insurance Special Fund is created pursuant to 32 V.S.A. chapter 7, subchapter 5. The Fund may be expended by the Commissioner for the administration of the Parental and Family Leave Insurance Program and payment of Parental and Family Leave Insurance benefits provided pursuant to this subchapter.

(c)(1)(A) The Fund shall consist of contributions equal to 1.00 percent of each enrolled employee's covered wages, which an employer shall deduct and withhold from each of its enrolled employee's wages.

(B) In lieu of deducting and withholding the full amount of the contribution pursuant to subdivision (1)(A) of this subsection, an employer may elect to pay all or a portion of the contributions due from the enrolled employee's covered wages.

(C) As used in this subsection, the term "covered wages" does not include the amount of wages paid to an employee after he or she has received wages equal to \$150,000.00.

(2)(A) Notwithstanding subdivision (1) of this subsection (c), the General Assembly shall annually establish the rate of contribution for the next fiscal year. The rate shall equal the amount necessary to provide Parental and Family Leave Insurance benefits pursuant to this subchapter and to administer the Parental and Family Leave Insurance Program during the next fiscal year, adjusted by any balance in the Fund from the prior fiscal year.

(B) On or before February 1 of each year, the Commissioner shall report to the General Assembly the rate of contribution necessary to provide Parental and Family Leave Insurance benefits pursuant to this subchapter, to maintain adequate reserves in the Fund, and to administer the Program during the next fiscal year, adjusted by any balance in the Fund from the prior fiscal year.

(d) An employer shall submit these contributions to the Commissioner in a form and at times determined by the Commissioner.

§ 573. BENEFITS

(a) Except as otherwise provided pursuant to section 572 of this subchapter, a qualified employee awarded Parental and Family Leave Insurance benefits under this section shall receive 80 percent of his or her average weekly wage or an amount equal to a 40-hour workweek paid at a rate double that of the livable wage, as determined by the Joint Fiscal Office pursuant to 2 V.S.A. § 505, whichever is less.

(b) A qualified employee shall be permitted to receive not more than 12 weeks of Parental and Family Leave Insurance benefits in a 12-month period for family leave or parental and bonding leave, or both.

§ 574. APPLICATION FOR BENEFITS; PAYMENT; TAX WITHOLDING

(a) A qualified employee shall file an application for Parental and Family Leave Insurance benefits with the Commissioner under this section on a form provided by the Commissioner. The Commissioner shall determine whether the qualified employee is eligible to receive Parental and Family Leave Insurance benefits based on the following criteria:

(1) The purposes for which the claim is made are documented.

(2) The qualified employee satisfies the eligibility requirements for the requested leave.

(3) The benefits are being requested in relation to a family leave or a parental and bonding leave.

(b) The Commissioner of Labor shall make a determination of each claim not later than five days after the date the claim is filed, and Parental and Family Leave Insurance benefits shall be paid from the Fund created pursuant

to this section. A person aggrieved by a decision of the Commissioner under this subsection may file with the Commissioner a request for reconsideration within 30 days after receipt of the Commissioner's decision. Thereafter, an applicant denied reconsideration may file an appeal to the Civil Division of the Superior Court in the county where the employment is located.

(c)(1) A qualified employee filing a claim for benefits pursuant to this section shall, at the time of filing, be advised that Parental and Family Leave Insurance benefits may be subject to income tax and that the individual's benefits may be subject to withholding.

(2) The Commissioner shall follow all procedures specified by 26 U.S.C. chapter 24 and 32 V.S.A. chapter 151, subchapter 4 pertaining to the withholding of income tax.

§ 575. FALSE STATEMENT OR REPRESENTATION; PENALTY

A person who willfully makes a false statement or representation for the purpose of obtaining any benefit or payment or to avoid payment of any required contributions under the provisions of this section, either for himself or herself 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 section, 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.

§ 576. ELECTION OF COVERAGE; APPLICATION

(a) An employee may elect to enroll in the Parental and Family Leave Insurance Program by submitting to the Commissioner an application on a form provided by the Commissioner. Not more than ten days after the application is received, the Commissioner shall notify the employee's employer of the application.

(b) Upon approval of the application, the Commissioner shall provide written notice to the employer and employee that the application has been approved and the date by which the employer shall begin deducting and withholding contributions pursuant to section 572 of this section.

§ 577. RULEMAKING

The Commissioner may adopt rules as necessary to implement this subchapter.

Sec. 4. ADOPTION OF RULES

On or before January 1, 2018, the Commissioner of Labor shall adopt rules necessary to implement 21 V.S.A. chapter 5, subchapter 13.

Sec. 5. EDUCATION AND OUTREACH

On or before January 1, 2018, the Commissioner of Labor shall develop and make available on the Department of Labor's website information and materials to educate and inform employers and employees about the Parental and Family Leave Insurance Program established pursuant to 21 V.S.A. chapter 5, subchapter 13.

Sec. 6. IMPLEMENTATION OF PROGRAM

(a) Beginning on July 1, 2018:

(1) employees shall be permitted to enroll in the Parental and Family Leave Insurance Program pursuant to 21 V.S.A. § 576; and

(2) contributions from each enrolled employee's covered wages shall begin being paid pursuant to 21 V.S.A. § 572.

(b) Beginning on July 1, 2019, qualified employees may begin to receive benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

Sec. 7. EFFECTIVE DATES

(a) This section and Secs. 3, 4, 5, and 6 shall take effect on July 1, 2017.

(b) Secs. 1 and 2 shall take effect on July 1, 2019.

Recess

At twelve o'clock and ten minutes in the afternoon, the Speaker declared a recess until two o'clock in the afternoon.

At two o'clock and eight minutes in the afternoon, the Speaker called the House to order.

Message from the Senate No. 59

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

Madam 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. 4. An act relating to publicly accessible meetings of an accountable care organization's governing body.

And has concurred therein.

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

H. 327. An act relating to the charter of the Northeast Kingdom Solid Waste Management District.

H. 524. An act relating to approval of amendments to the charter of the Town of Hartford.

H. 527. An act relating to approval of amendments to the charter of the Town of East Montpelier and to the merger of the Town and the East Montpelier Fire District No. 1.

H. 536. An act relating to approval of amendments to the charter of the Town of Colchester.

And has passed the same in concurrence.

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

H. 22. An act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council.

H. 130. An act relating to approval of amendments to the charter of the Town of Hartford.

H. 238. An act relating to modernizing and reorganizing Title 7.

H. 347. An act relating to the State Telecommunications Plan.

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

**Consideration on Bill Resumed; Bill Amended;
Third Reading Ordered**

H. 196

Consideration resumed on House bill, entitled

An act relating to paid family leave

Pending the question, Shall the amendment offered by Rep. Donahue of Northfield be substituted for the report of the Committee on Ways and Means? **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 amendment offered by Rep. Donahue of Northfield be substituted for the report of the Committee on Ways and Means? was decided in the negative. Yeas, 57. Nays, 88.

Those who voted in the affirmative are:

Ainsworth of Royalton
Bancroft of Westford

Gamache of Swanton
Graham of Williamstown

Murphy of Fairfax
Myers of Essex

Batchelor of Derby	Harrison of Chittenden	Nolan of Morristown
Beck of St. Johnsbury	Hebert of Vernon	Norris of Shoreham
Beyor of Highgate	Helm of Fair Haven	Olsen of Londonderry
Brennan of Colchester	Higley of Lowell	Pearce of Richford
Browning of Arlington	Hooper of Brookfield	Quimby of Concord
Burditt of West Rutland	Hubert of Milton	Rosenquist of Georgia
Canfield of Fair Haven	Juskiewicz of Cambridge	Savage of Swanton
Condon of Colchester	Keefe of Manchester	Scheuermann of Stowe
Corcoran of Bennington	Kimbell of Woodstock	Shaw of Pittsford
Cupoli of Rutland City	LaClair of Barre Town	Smith of New Haven
Devereux of Mount Holly	Lawrence of Lyndon	Strong of Albany
Dickinson of St. Albans Town	Lefebvre of Newark	Terenzini of Rutland Town
Donahue of Northfield *	Lewis of Berlin	Turner of Milton
Fagan of Rutland City	Marcotte of Coventry	Van Wyck of Ferrisburgh
Feltus of Lyndon	Martel of Waterford	Viens of Newport City
Frenier of Chelsea	McCoy of Poultney	Wright of Burlington
Gage of Rutland City	McFaun of Barre Town	
	Morrissey of Bennington	

Those who voted in the negative are:

Ancel of Calais	Giambatista of Essex	Poirier of Barre City
Baser of Bristol	Gonzalez of Winooski	Potter of Clarendon
Belaski of Windsor	Grad of Moretown	Pugh of South Burlington
Bissonnette of Winooski	Greshin of Warren	Rachelson of Burlington
Bock of Chester	Haas of Rochester	Scheu of Middlebury
Botzow of Pownal	Head of South Burlington	Sharpe of Bristol
Briglin of Thetford	Hill of Wolcott	Sheldon of Middlebury
Brumsted of Shelburne	Hooper of Montpelier	Sibilia of Dover
Buckholz of Hartford	Houghton of Essex	Squirrell of Underhill
Burke of Brattleboro	Howard of Rutland City	Stevens of Waterbury
Carr of Brandon	Jessup of Middlesex	Stuart of Brattleboro
Chesnut-Tangerman of Middletown Springs	Jickling of Brookfield	Sullivan of Dorset
Christensen of Weathersfield	Joseph of North Hero	Sullivan of Burlington
Christie of Hartford	Kitzmiller of Montpelier	Taylor of Colchester
Cina of Burlington	Krowinski of Burlington	Till of Jericho
Colburn of Burlington	Lalonde of South Burlington	Toleno of Brattleboro
Conlon of Cornwall	Lanpher of Vergennes	Toll of Danville
Connor of Fairfield	Lippert of Hinesburg	Townsend of South Burlington
Conquest of Newbury	Long of Newfane	Trieber of Rockingham
Copeland-Hanzas of Bradford	Lucke of Hartford	Troiano of Stannard
Dakin of Colchester	Masland of Thetford	Walz of Barre City
Deen of Westminster	McCormack of Burlington	Webb of Shelburne
Donovan of Burlington	McCullough of Williston	Weed of Enosburgh
Dunn of Essex	Miller of Shaftsbury	Willhoit of St. Johnsbury
Emmons of Springfield	Morris of Bennington	Wood of Waterbury
Fields of Bennington	Mrowicki of Putney	Yacovone of Morristown
Forguites of Springfield	Noyes of Wolcott	Yantachka of Charlotte
Gannon of Wilmington	Ode of Burlington	Young of Glover
	O'Sullivan of Burlington	
	Parent of St. Albans Town	

Gardner of Richmond

Partridge of Windham

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

Bartholomew of Hartland
Keenan of St. Albans City

Macaig of Williston
Smith of Derby

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

If the 70% of Vermonters who are reported to want this insurance, voluntarily participated, there would be no problem in sustaining it fiscally – and we would not have to impose it on those who do not want it.”

Pending the question, Shall the report of the committee on General, Housing and Military Affairs be amended by the committee on Ways and Means? **Rep. Parent of St. Albans Town** moved that the bill be committed to the committee on Ways and Means, which was disagreed to on a division of Yeas, 45 and Nays, 75.

Pending the question, Shall the report of the Committee on General, Housing and Military Affairs be amended as recommended by the Committee on Ways and Means? **Rep. Dunn of Essex** 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 on General, Housing and Military Affairs be amended as recommended by the Committee on Ways and Means? was decided in the affirmative. Yeas, 89. Nays, 57.

Those who voted in the affirmative are:

Ancel of Calais
Bartholomew of Hartland
Baser of Bristol
Beck of St. Johnsbury
Belaski of Windsor
Bissonnette of Winooski
Bock of Chester
Botzow of Pownal
Briglin of Thetford
Brumsted of Shelburne
Buckholz of Hartford
Burke of Brattleboro
Carr of Brandon
Chesnut-Tangerman of
Middletown Springs *
Christensen of Weathersfield
Christie of Hartford
Cina of Burlington

Gannon of Wilmington
Gardner of Richmond
Giambatista of Essex
Gonzalez of Winooski
Grad of Moretown
Haas of Rochester
Head of South Burlington
Hebert of Vernon
Hill of Wolcott
Hooper of Montpelier
Hooper of Brookfield
Houghton of Essex
Howard of Rutland City
Jessup of Middlesex
Joseph of North Hero
Kimbell of Woodstock *
Kitzmiller of Montpelier
Krowinski of Burlington

Ode of Burlington
O'Sullivan of Burlington
Partridge of Windham
Poirier of Barre City
Potter of Clarendon
Pugh of South Burlington
Rachelson of Burlington
Scheu of Middlebury
Sharpe of Bristol
Sheldon of Middlebury
Squirrell of Underhill
Stevens of Waterbury
Stuart of Brattleboro *
Sullivan of Dorset
Sullivan of Burlington
Till of Jericho
Toleno of Brattleboro *
Toll of Danville

Colburn of Burlington	Lalonde of South Burlington	Townsend of South Burlington
Condon of Colchester	Lanpher of Vergennes	Trieber of Rockingham
Conlon of Cornwall	Lippert of Hinesburg	Troiano of Stannard
Connor of Fairfield	Long of Newfane	Walz of Barre City
Conquest of Newbury	Lucke of Hartford	Webb of Shelburne
Copeland-Hanzas of Bradford	Masland of Thetford	Weed of Enosburgh
Deen of Westminster	McCormack of Burlington	Willhoit of St. Johnsbury
Donovan of Burlington	McCullough of Williston	Wood of Waterbury
Dunn of Essex	McFaun of Barre Town	Yacovone of Morristown
Emmons of Springfield	Miller of Shaftsbury	Yantachka of Charlotte
Fields of Bennington	Morris of Bennington *	Young of Glover
Forguites of Springfield	Mrowicki of Putney	
	Noyes of Wolcott	

Those who voted in the negative are:

Ainsworth of Royalton	Graham of Williamstown	Norris of Shoreham
Bancroft of Westford	Greshin of Warren	Olsen of Londonderry
Batchelor of Derby	Harrison of Chittenden	Parent of St. Albans Town
Beyor of Highgate	Helm of Fair Haven	Pearce of Richford
Brennan of Colchester	Higley of Lowell	Quimby of Concord
Browning of Arlington	Hubert of Milton	Rosenquist of Georgia
Burditt of West Rutland	Jickling of Brookfield	Savage of Swanton
Canfield of Fair Haven	Juskiewicz of Cambridge	Scheuermann of Stowe
Corcoran of Bennington	Keefe of Manchester	Shaw of Pittsford
Cupoli of Rutland City	LaClair of Barre Town	Sibilia of Dover
Dakin of Colchester	Lawrence of Lyndon	Smith of New Haven
Devereux of Mount Holly	Lefebvre of Newark	Strong of Albany
Dickinson of St. Albans Town	Lewis of Berlin	Taylor of Colchester
Donahue of Northfield	Marcotte of Coventry	Terenzini of Rutland Town
Fagan of Rutland City	Martel of Waterford	Turner of Milton
Feltus of Lyndon	McCoy of Poultney	Van Wyck of Ferrisburgh
Frenier of Chelsea	Morrissey of Bennington	Viens of Newport City
Gage of Rutland City	Murphy of Fairfax	Wright of Burlington
Gamache of Swanton	Myers of Essex	
	Nolan of Morristown	

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

Keenan of St. Albans City	Macaig of Williston	Smith of Derby
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Rep. Chestnut-Tangerman of Middletown Springs explained his vote as follows:

“Madam Speaker:

My vote for this bill is not supporting an unwarranted tax. It is my direct investment in the health and wellbeing of my state.”

Rep. Kimbell of Woodstock explained his vote as follows:

“Madam Speaker:

I opposed the original bill that came out of Ways and Means because of the cost to small businesses and the length of the leave at 12 weeks. I am concerned about the impact on small businesses. I was slow to embrace the amendment from Ways and Means, but now accept it, still with reservations, but find it more palatable. I trust that we will see this bill again after the senate considers it in the next few months.”

Rep. Morris of Bennington explained her vote as follows

“Madam Speaker:

I stand in support of this amendment because it fundamentally changes the experience of working Vermonters in a way that honors their humanity. Last year, I watched my husband anguish over having to choose between his employment, financial insecurity or being present to care for his little sister Karen in the times that hospice could not be there. Her own son was absent when she finally passed after a long journey with cancer because no other option was available. I voted to end this cycle and dismantle the unjust narrative we currently have. Working Vermonters deserve better.

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

I wholeheartedly support the committee’s work on this amendment and the General, Housing and Military Affairs committee work on the underlying bill. Madam Speaker, My husband’s firm took it on the chin for the last four years when his secretary of sixteen years was dying. For the last year, my husband’s secretary was barely at his firm because she wanted to be where she rightly belonged, by her cancer-ridden husband’s side. Madam Speaker, My husband’s firm took it on the chin for the last year, as his secretary stayed by her husband’s side as he perished from this earth. Madam Speaker, this amendment and this bill are the right thing to do.”

Rep. Toleno of Brattleboro explained his vote as follows:

“Madam Speaker:

When Vermonters are forced to choose between economic security and investing in critical life moments such as bonding with a new child or caring for an ill or injured loved one, no one wins. The private markets have not found a way to solve this problem, leaving many of us vulnerable and without choices. This is exactly the kind of complex problem that Vermonters expect and need us to solve and I am proud of the work of our committees to forge a new path forward. This is an important start toward healthier families, a thriving state economy, and more competitive small businesses.”

Thereupon the recommendation of the committee on General, Housing and

Military Affairs, as amended, was further amended as recommended by the Committee on Appropriations.

Pending the question, Shall the House amend the bill as recommended by the committee on General, Housing and Military Affairs, as amended? **Rep. Stevens of Waterbury** moved to amend the recommendation the committee on General, Housing and Military Affairs, as amended, as follows:

Sec. 8. 21 V.S.A. § 1344 is amended to read:

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

* * *

(5) For any week with respect to which the individual is receiving or has received remuneration in the form of:

* * *

(F) Parental and Family Leave Insurance benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

* * *

Sec. 9. EFFECTIVE DATES

(a) This section and Secs. 3, 4, 5, 6, and 7 shall take effect on July 1, 2017.

(b) Secs. 1, 2, and 8 shall take effect on October 1, 2019.

(c) Contributions shall begin being paid pursuant to 21 V.S.A. § 572 on July 1, 2018, and, beginning on October 1, 2019, employees may begin to receive benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

Which was agreed to. Thereupon the report of the committee on General, Housing and Military Affairs, as amended, was agreed to and third reading was ordered.

Action on Bill Postponed

H. 509

House bill, entitled

An act relating to calculating statewide education tax rates

Was taken up and pending the question, Will the House concur in the Senate proposal of amendment? on motion of **Rep. Savage of Swanton**, action on the bill was postponed until May 3, 2017.

**Joint Resolution Read Third Time;
Adopted in Concurrence**

J.R.S. 18

Joint resolution, entitled

Joint resolution in support of combating the rise in hate crimes and bigotry
Was taken up, read the third time and adopted in concurrence.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 112

Senate bill, entitled

An act relating to creating the Spousal Support and Maintenance Task Force
Was taken up, read the third time and passed in concurrence.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 33

Senate bill, entitled

An act relating to the Rozo McLaughlin Farm-to-School Program
Was taken up, read the third time and passed in concurrence.

**Proposal of Amendment Agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 8

Senate bill, entitled

An act relating to establishing the State Ethics Commission and standards of
governmental ethical conduct

Was taken up and pending third reading of the bill, **Rep. Poirier of Barre
City** moved to amend the House proposal of amendment as follows:

Sec. 3. 17 V.S.A. § 2414 is added to read:

§ 2414. CANDIDATES FOR STATE AND LEGISLATIVE OFFICE;
DISCLOSURE FORM

(a) Each candidate for State office, State Senator, or State Representative shall file with the officer with whom consent of candidate forms are filed, along with his or her consent, a disclosure form prepared by the State Ethics Commission that contains the following information in regard to the previous calendar year:

(1) Each source, but not amount, of the candidate's personal income that totals more than \$5,000.00, ranked in order from highest to lowest income, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address and, if self-employed, a description of the nature of the self-

employment, without needing to disclose any individual clients; and

(B) investments, described generally as “investment income.”

(2) Any board, commission, association, or other entity on which the candidate served and a description of that position.

(3) Any company of which the candidate owned more than 10 percent.

(4) Any lease or contract with the State held or entered into by:

(A) the candidate; or

(B) a company of which the candidate owned more than 10 percent.

(b)(1) A senatorial district clerk or representative district clerk who receives a disclosure form under this section shall forward a copy of the disclosure form to the Secretary of State within three business days of receiving it.

(2) The Secretary of State shall post a copy of any disclosure form he or she receives under this section on his or her official State website.

Pending the question, Shall the House proposal of amendment be further amended as offered by Rep. Poirier of Barre City? **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 proposal of amendment be further amended as offered by Rep. Poirier of Barre City? was decided in the negative. Yeas, 33. Nays, 109.

Those who voted in the affirmative are:

Beck of St. Johnsbury	Harrison of Chittenden	Shaw of Pittsford
Brennan of Colchester	Hebert of Vernon	Smith of New Haven
Burditt of West Rutland	Helm of Fair Haven	Strong of Albany
Canfield of Fair Haven	Hill of Wolcott	Stuart of Brattleboro
Conquest of Newbury	Lefebvre of Newark	Sullivan of Dorset
Copeland-Hanzas of Bradford	McCoy of Poultney	Terenzini of Rutland Town
Cupoli of Rutland City	McCullough of Williston *	Till of Jericho
Deen of Westminster	McFaun of Barre Town	Webb of Shelburne
Donahue of Northfield	O'Sullivan of Burlington	Wright of Burlington
Frenier of Chelsea	Parent of St. Albans Town	Young of Glover
Graham of Williamstown	Poirier of Barre City	
	Quimby of Concord	

Those who voted in the negative are:

Ainsworth of Royalton	Gamache of Swanton	Murphy of Fairfax
Ancel of Calais	Gannon of Wilmington	Myers of Essex
Bancroft of Westford	Gardner of Richmond	Nolan of Morristown
Bartholomew of Hartland	Giambatista of Essex	Norris of Shoreham
Baser of Bristol	Gonzalez of Winooski	Noyes of Wolcott

Batchelor of Derby	Grad of Moretown	Ode of Burlington
Belaski of Windsor	Greshin of Warren	Olsen of Londonderry
Beyor of Highgate	Haas of Rochester	Partridge of Windham
Bissonnette of Winooski	Head of South Burlington	Pearce of Richford
Bock of Chester	Higley of Lowell	Potter of Clarendon
Botzow of Pownal	Hooper of Brookfield	Pugh of South Burlington
Briglin of Thetford	Houghton of Essex	Rachelson of Burlington
Browning of Arlington	Howard of Rutland City	Rosenquist of Georgia
Brumsted of Shelburne	Hubert of Milton	Savage of Swanton
Buckholz of Hartford	Jessup of Middlesex	Scheu of Middlebury
Burke of Brattleboro	Jickling of Brookfield	Scheuermann of Stowe
Carr of Brandon	Joseph of North Hero	Sheldon of Middlebury
Chesnut-Tangerman of	Juskiewicz of Cambridge	Sibilia of Dover
Middletown Springs	Keefe of Manchester	Squirrell of Underhill
Christensen of Weathersfield	Kimbell of Woodstock	Stevens of Waterbury
Christie of Hartford	Kitzmilller of Montpelier	Sullivan of Burlington
Cina of Burlington	Krowinski of Burlington	Taylor of Colchester
Colburn of Burlington	LaClair of Barre Town	Toleno of Brattleboro
Condon of Colchester	Lalonde of South Burlington	Townsend of South
Conlon of Cornwall	Lanpher of Vergennes	Burlington
Connor of Fairfield	Lawrence of Lyndon	Trieber of Rockingham
Corcoran of Bennington	Lewis of Berlin	Troiano of Stannard
Dakin of Colchester	Lippert of Hinesburg	Turner of Milton
Devereux of Mount Holly	Long of Newfane	Van Wyck of Ferrisburgh
Dickinson of St. Albans	Lucke of Hartford	Viens of Newport City
Town	Marcotte of Coventry	Walz of Barre City
Dunn of Essex	Martel of Waterford	Weed of Enosburgh
Emmons of Springfield	Masland of Thetford	Willhoit of St. Johnsbury
Fagan of Rutland City	McCormack of Burlington	Wood of Waterbury
Feltus of Lyndon	Miller of Shaftsbury	Yacovone of Morristown
Fields of Bennington	Morris of Bennington	Yantachka of Charlotte
Forguites of Springfield	Morrissey of Bennington	
Gage of Rutland City	Mrowicki of Putney	

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

Donovan of Burlington	Macaig of Williston	Toll of Danville
Hooper of Montpelier	Sharpe of Bristol	
Keenan of St. Albans City	Smith of Derby	

Rep. McCullough of Williston explained his vote as follows:

“Madam Speaker:

I voted to keep the cops out of my medicine cabined some years ago. I vote for this amendment as well. These are two places the public do not need to look.”

Pending the third reading of the bill, **Rep. Yantachka of Charlotte** moved to amend the House proposal of amendment as follows:

In Sec. 4, 17 V.S.A. § 2950 (State officers and State office candidates;

contractor contribution restrictions), in subdivision (a)(1), following “A person or his or her principal or spouse who makes a contribution to a State officer or a candidate for a State office shall not” by inserting the words “negotiate or”

Which was agreed to.

Pending the third reading of the bill, **Rep. Townsend of South Burlington** moved to amend the House proposal of amendment as follows:

In Sec. 3, 17 V.S.A. § 2414 (candidates for State and legislative office; disclosure form), in subdivision (d)(1) (“domestic partner” definition), following ““Domestic partner” means an individual with whom the candidate has an enduring domestic relationship” by inserting “of a spousal nature”

Which was agreed to.

Pending the third reading of the bill, **Rep. Donahue of Northfield** moved to amend the House proposal of amendment as follows:

First: In Sec. 3, 17 V.S.A. § 2414 (candidates for State and legislative office; disclosure form), in subsection (a), by striking out in its entirety subdivision (2) and inserting in lieu thereof the following:

(2) Any board, commission, or other entity that is regulated by law or that receives funding from the State on which the candidate served and the candidate’s position on that entity.

Second: In Sec. 7, 3 V.S.A. Part 1, chapter 31, in section 1211 (Executive officers; biennial disclosure), in subsection (a), by striking out in its entirety subdivision (2) and inserting in lieu thereof the following:

(2) Any board, commission, or other entity that is regulated by law or that receives funding from the State on which the officer served and the officer’s position on that entity.

Third: In Sec. 13 (State Ethics Commission funding source surcharge; repeal), in subsection (a) (surcharge), at the beginning of subdivision (1), by striking out “In” and inserting in lieu thereof “Notwithstanding the provisions of 3 V.S.A. § 2283(c) setting forth the purpose and rate of charges collected in the Human Resource Services Internal Service Fund, in”

Which was agreed to.

Pending the third reading of the bill, **Rep. Lippert of Hinesburg** moved to amend the House proposal of amendment as follows:

In Sec. 4, 17 V.S.A. § 2950 (State officers and State office candidates; contractor contribution restrictions), at the beginning of subdivision (a)(1), by striking out “A person or his or her principal or spouse who makes a contribution to a State officer or a candidate for a State office” and inserting in

lieu thereof “If a person makes a contribution to a State officer of a candidate for a State office, or if his, her, or its principal or spouse makes such a contribution, that person”

Which was agreed to. Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Gannon of Wilmington** 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, 144. Nays, 1.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gardner of Richmond	Noyes of Wolcott
Ancel of Calais	Giambatista of Essex	Ode of Burlington
Bancroft of Westford	Gonzalez of Winooski	Olsen of Londonderry
Bartholomew of Hartland	Grad of Moretown	O'Sullivan of Burlington
Baser of Bristol	Graham of Williamstown	Parent of St. Albans Town
Batchelor of Derby	Greshin of Warren	Partridge of Windham
Beck of St. Johnsbury	Haas of Rochester	Pearce of Richford
Belaski of Windsor	Harrison of Chittenden	Poirier of Barre City
Bissonnette of Winooski	Head of South Burlington	Potter of Clarendon
Bock of Chester	Hebert of Vernon	Pugh of South Burlington
Botzow of Pownal	Helm of Fair Haven	Quimby of Concord
Brennan of Colchester	Higley of Lowell	Rachelson of Burlington
Briglin of Thetford	Hill of Wolcott	Rosenquist of Georgia
Browning of Arlington	Hooper of Montpelier	Savage of Swanton
Brumsted of Shelburne	Hooper of Brookfield	Scheu of Middlebury
Buckholz of Hartford	Houghton of Essex	Scheuermann of Stowe
Burditt of West Rutland	Howard of Rutland City	Sharpe of Bristol
Burke of Brattleboro	Hubert of Milton	Shaw of Pittsford
Canfield of Fair Haven	Jessup of Middlesex	Sheldon of Middlebury
Carr of Brandon	Jickling of Brookfield	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Smith of New Haven
Christensen of Weathersfield	Juskiewicz of Cambridge	Squirrell of Underhill
Christie of Hartford	Keefe of Manchester	Stevens of Waterbury
Cina of Burlington	Kimbell of Woodstock	Strong of Albany
Colburn of Burlington	Kitzmiller of Montpelier	Stuart of Brattleboro
Condon of Colchester	Krowinski of Burlington	Sullivan of Dorset
Conlon of Cornwall	LaClair of Barre Town	Sullivan of Burlington
Connor of Fairfield	Lalonde of South Burlington	Taylor of Colchester
Conquest of Newbury	Lanpher of Vergennes	Terenzini of Rutland Town
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Till of Jericho
Corcoran of Bennington	Lefebvre of Newark	Toleno of Brattleboro
Cupoli of Rutland City	Lewis of Berlin	Toll of Danville
Dakin of Colchester	Lippert of Hinesburg	Townsend of South Burlington
Deen of Westminster	Long of Newfane	Trieber of Rockingham
	Lucke of Hartford	Troiano of Stannard
	Marcotte of Coventry	

Devereux of Mount Holly	Martel of Waterford	Turner of Milton
Dickinson of St. Albans Town	Masland of Thetford	Van Wyck of Ferrisburgh
Donahue of Northfield	McCormack of Burlington	Viens of Newport City
Dunn of Essex	McCoy of Poultney	Walz of Barre City
Emmons of Springfield	McCullough of Williston	Webb of Shelburne *
Fagan of Rutland City	McFaun of Barre Town	Weed of Enosburgh
Feltus of Lyndon	Miller of Shaftsbury	Willhoit of St. Johnsbury
Fields of Bennington	Morris of Bennington	Wood of Waterbury
Forguites of Springfield	Morrissey of Bennington	Wright of Burlington
Frenier of Chelsea	Mrowicki of Putney	Yacovone of Morristown
Gage of Rutland City	Murphy of Fairfax	Yantachka of Charlotte
Gamache of Swanton	Myers of Essex	Young of Glover
Gannon of Wilmington	Nolan of Morristown	
	Norris of Shoreham	

Those who voted in the negative are:

Beyor of Highgate

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

Donovan of Burlington	Macaig of Williston
Keenan of St. Albans City	Smith of Derby

Rep. Webb of Shelburne explained her vote as follows:

“Madam Speaker:

With an ethics commission, Vermont can finally be as ethical as New Jersey.”

Message from the Senate No. 60

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

Madam 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. 9. An act relating to the preparation of poultry products.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

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

H. 424. An act relating to the Commission on Act 250: the Next 50 Years.

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 proposals of amendment to the following Senate bills and has refused to concur therein and asks for Committees of Conference upon the disagreeing votes of the two Houses to which the President announced the appointment as members of such Committees on the part of the Senate:

S. 134. An act relating to court diversion and pretrial services.

Senator White
Senator Benning
Senator Sears

S. 136. An act relating to miscellaneous consumer protection provisions.

Senator Sirotkin
Senator Baruth
Senator Clarkson

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 10. Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

And has adopted the same in concurrence.

Message from Governor

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

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the May 1, 2017, he signed bills originating in the House of the following titles:

H. 4 **An act relating to calculating time periods in court proceedings**

H.85 **An act relating to captive insurance companies**

H.152 **An act relating to the Vermont Revised Uniform Fiduciary Access to Digital Assets Act**

Second Reading; Reports of Committees; Consideration Interrupted

H. 170

Rep. Conquest of Newbury for the committee on Judiciary, to which had been referred House bill entitled,

An act relating to possession and cultivation of marijuana by a person 21 years of age or older

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT; CIVIL AND CRIMINAL PENALTIES

It is the intent of the General Assembly to eliminate all penalties for possession of one ounce or less of marijuana for a person who is 21 years of age or older while retaining civil and criminal penalties for possession of larger amounts of marijuana and criminal penalties for unauthorized dispensing or sale of marijuana. This act also retains civil penalties for possession of marijuana by a person under 21 years of age, which are the same as for possession of alcohol by a person under 21 years of age.

Sec. 2. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

~~(15)(A) “Marijuana” means any plant material of the genus cannabis or any preparation, compound, or mixture thereof except:~~

~~(A) sterilized seeds of the plant;~~

~~(B) fiber produced from the stalks; or~~

~~(C) hemp or hemp products, as defined in 6 V.S.A. § 562 all parts of the plant Cannabis sativa L., except as provided by subdivision (B) of this subdivision (15), whether growing or harvested, and includes:~~

~~(i) the seeds of the plant;~~

~~(ii) the resin extracted from any part of the plant; and~~

~~(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.~~

~~(B) “Marijuana” does not include:~~

~~(i) the mature stalks of the plant and fiber produced from the stalks;~~

~~(ii) oil or cake made from the seeds of the plant;~~

~~(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;~~

~~(iv) the sterilized seed of the plant that is incapable of~~

germination; or

(v) hemp or hemp products, as defined in 6 V.S.A. § 562.

* * *

(43) “Immature marijuana plant” means a female marijuana plant that has not flowered and that does not have buds that may be observed by visual examination.

(44) “Mature marijuana plant” means a female marijuana plant that has flowered and that has buds that may be observed by visual examination.

Sec. 3. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) No person shall knowingly and unlawfully possess more than ~~one ounce~~ two ounces of marijuana or more than ~~five~~ 10 grams of hashish or cultivate more than three mature marijuana plants or six immature marijuana plants. For a first offense under this subdivision (A), a person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision shall be imprisoned not more than six months or fined not more than \$500.00, or both.

(B) A person convicted of a second or subsequent offense of knowingly and unlawfully possessing more than ~~one ounce~~ two ounces of marijuana or more than ~~five~~ 10 grams of hashish or cultivating more than three mature marijuana plants or six immature marijuana plants shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(C) Upon an adjudication of guilt for a first or second offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041 except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening which may be considered at sentencing in the same manner as a presentence report.

~~(2) A person knowingly and unlawfully possessing two ounces of marijuana or 10 grams of hashish or knowingly and unlawfully cultivating more than three plants of marijuana shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.~~

~~(3) A person knowingly and unlawfully possessing more than one pound~~

~~or more~~ of marijuana or more than 2.8 ounces ~~or more~~ of hashish or knowingly and unlawfully cultivating more than ~~40 plants of six~~ six mature marijuana plants or 12 immature marijuana plants shall be imprisoned not more than ~~five~~ three years or fined not more than ~~\$100,000.00~~ \$10,000.00, or both.

~~(4)~~(3) A person knowingly and unlawfully possessing more than 10 pounds ~~or more~~ of marijuana or more than one pound ~~or more~~ of hashish or knowingly and unlawfully cultivating more than ~~25 plants of 12~~ 12 mature marijuana plants or 24 immature marijuana plants shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

~~(5)~~(4) If a court fails to provide the defendant with notice of collateral consequences in accordance with 13 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and conviction for a violation of this subsection may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.

(5) The amounts of marijuana in this subsection shall not include marijuana cultivated, harvested, and stored in accordance with section 4230f of this title.

* * *

Sec. 4. 18 V.S.A. § 4230a is amended to read:

§ 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE OR OLDER; CIVIL VIOLATION

(a)(1) A person 21 years of age or older who knowingly and unlawfully possesses ~~one ounce or but less of marijuana or five grams or less of hashish~~ any of the following commits a civil violation ~~and~~:

(A) more than one ounce, but not more than two ounces of marijuana;

(B) more than five grams, but not more than 10 grams of hashish; or

(C) more than two mature marijuana plants and four immature marijuana plants, but not more than three mature marijuana plants or six immature marijuana plants.

(2) A person who violates subdivision (1) of this subsection shall be assessed a civil penalty as follows:

~~(1) of not more than \$200.00 for a first offense;~~

~~(2) not more than \$300.00 for a second offense;~~

~~(3) not more than \$500.00 for a third or subsequent offense.~~

~~(b)(1) Except as otherwise provided in this section, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish or who possesses paraphernalia for marijuana use and shall not be penalized or sanctioned in any other manner by the State or any of its political subdivisions or denied any right or privilege under State law.~~

~~(2) A violation of this section shall not result in the creation of a criminal history record of any kind.~~

~~(b) Second or subsequent violations of subdivision (1) of subsection (a) shall be punished in accordance with subdivision 4230(a)(1) of this title.~~

(c)(1) This section does not exempt any person from arrest or prosecution for being under the influence of marijuana while operating a vehicle of any kind and shall not be construed to repeal or modify existing laws or policies concerning the operation of vehicles of any kind while under the influence of marijuana.

~~(2) This section is not intended to affect the search and seizure laws afforded to duly authorized law enforcement officers under the laws of this State. Marijuana is contraband pursuant to section 4242 of this title and possessed in violation of this title is contraband and subject to seizure and forfeiture unless possessed in compliance with chapter 86 of this title (therapeutic use of cannabis).~~

(3) This section shall not be construed to prohibit a municipality from regulating, prohibiting, or providing additional penalties for the use of marijuana in public places.

(d) If a person suspected of violating this section contests the presence of cannabinoids within 10 days of receiving a civil citation, the person may request that the State Crime Laboratory test the substance at the person's expense. If the substance tests negative for the presence of cannabinoids, the State shall reimburse the person at ~~state~~ State expense.

(e)(1) A law enforcement officer is authorized to detain a person if:

(A) the officer has reasonable grounds to believe the person has violated this section; and

(B) the person refuses to identify himself or herself satisfactorily to the officer when requested by the officer.

(2) The person may be detained only until the person identifies himself or herself satisfactorily to the officer or is properly identified. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a judge in the Criminal Division of the Superior Court for that

purpose. A person who refuses to identify himself or herself to the Court on request shall immediately and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

(f) Fifty percent of the civil penalties imposed by the Judicial Bureau for violations of this section shall be deposited in the Drug Task Force Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Department of Public Safety for the funding of law enforcement officers on the Drug Task Force, except for a \$12.50 administrative charge for each violation which shall be deposited in the Court Technology Special Fund, in accordance with 13 V.S.A. § 7252. The remaining 50 percent shall be deposited in the Youth Substance Abuse Safety Program Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Court Diversion Program for funding of the Youth Substance Abuse Safety Program as required by section 4230b of this title.

Sec. 5. 18 V.S.A. § 4230b is amended to read:

§ 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS OF AGE; CIVIL VIOLATION

(a) Offense. A person under 21 years of age who knowingly and unlawfully possesses ~~one ounce~~ two ounces or less of marijuana or ~~five~~ 10 grams or less of hashish or three mature marijuana plants or fewer or six immature marijuana plants or fewer commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(1) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and

(2) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.

* * *

Sec. 6. REPEAL

18 V.S.A. § 4230d (Marijuana possession by a person under 16 years of age; delinquency) is repealed.

Sec. 7. 18 V.S.A. § 4230e is added to read:

§ 4230e. POSSESSION OF MARIJUANA BY A PERSON 21 YEARS OF AGE OR OLDER

(a)(1) Except as otherwise provided in this title, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish and two mature marijuana plants or fewer or four immature marijuana plants or fewer shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) The one-ounce limit of marijuana that may be possessed by a person 21 years of age or older shall not include marijuana cultivated, harvested, and stored in accordance with section 4230f of this title.

(b) A person shall not consume marijuana or hashish in a public place. "Public place" means any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation as defined in 9 V.S.A. § 4501, and any place where the possession of a lighted tobacco product is prohibited pursuant to section 1421 of this title or chapter 37 of this title. A person who violates this subsection shall be assessed a civil penalty as follows:

- (1) not more than \$100.00 for a first offense;
- (2) not more than \$200.00 for a second offense; and
- (3) not more than \$500.00 for a third or subsequent offense.

Sec. 8. 18 V.S.A. § 4230f is added to read:

§ 4230f. CULTIVATION OF MARIJUANA BY A PERSON 21 YEARS OF AGE OR OLDER

(a)(1) Except as otherwise provided in this section, a person 21 years of age or older who cultivates no more than two mature marijuana plants and four immature marijuana plants shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) Each dwelling unit shall be limited to two mature marijuana plants and four immature marijuana plants regardless of how many persons 21 years of age or older reside in the dwelling unit. As used in this section, "dwelling unit" means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(3) Any marijuana harvested from the plants allowed pursuant to this subsection shall not count toward the one-ounce possession limit in section 4229a of this title provided it is stored in an indoor facility on the property where the marijuana was cultivated and reasonable precautions are taken to prevent unauthorized access to the marijuana.

(4) Cultivation in excess of the limits provided in this subsection shall

be punished in accordance with sections 4230 and 4230a of this title.

(b)(1) Personal cultivation of marijuana only shall occur:

(A) on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property; and

(B) in an enclosure that is screened from public view and reasonable precautions are taken to prevent unauthorized access to the marijuana.

(2) A person who violates this subsection shall be assessed a civil penalty as follows:

(A) not more than \$100.00 for a first offense;

(B) not more than \$200.00 for a second offense; and

(C) not more than \$500.00 for a third or subsequent offense.

Sec. 9. 18 V.S.A. § 4230g is added to read:

§ 4230g. FURNISHING MARIJUANA TO A PERSON UNDER 21 YEARS OF AGE; CRIMINAL OFFENSE

(a) No person shall:

(1) furnish marijuana to a person under 21 years of age; or

(2) knowingly enable the consumption of marijuana by a person under 21 years of age.

(b) As used in this section, “enable the consumption of marijuana” means creating a direct and immediate opportunity for a person to consume marijuana.

(c) Except as provided in subsection (d) of this section, a person who violates subsection (a) of this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(d) A person who violates subsection (a) of this section, where the person under 21 years of age, while operating a motor vehicle on a public highway, causes death or serious bodily injury to himself or herself or to another person as a result of the violation, shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

(e) This section shall not apply to:

(1) A person under 21 years of age who furnishes marijuana to a person under 21 years of age or who knowingly enables the consumption of marijuana by a person under 21 years of age. Possession of an ounce or less of marijuana by a person under 21 years of age shall be punished in accordance with sections 4230b–4230d of this title and dispensing or selling marijuana shall be

punished in accordance with sections 4230 and 4237 of this title.

(2) A dispensary that lawfully provides marijuana to a registered patient or caregiver pursuant to chapter 86 of this title.

Sec. 10. 18 V.S.A. § 4230h is added to read:

§ 4230h. FURNISHING MARIJUANA TO A PERSON UNDER 21 YEARS OF AGE; CIVIL ACTION FOR DAMAGES

(a) A spouse, child, guardian, employer, or other person who is injured in person, property, or means of support by a person under 21 years of age who is impaired by marijuana, or in consequence of the impairment by marijuana of any person under 21 years of age, shall have a right of action in his or her own name, jointly or severally, against any person or persons who have caused in whole or in part such impairment by furnishing marijuana to a person under 21 years of age.

(b) Upon the death of either party, the action and right of action shall survive to or against the party's executor or administrator. The party injured or his or her legal representatives may bring either a joint action against the impaired person under 21 years of age and the person or persons who furnished the marijuana, or a separate action against either or any of them.

(c) An action to recover for damages under this section shall be commenced within two years after the cause of action accrues, and not after.

(d) In an action brought under this section, evidence of responsible actions taken or not taken is admissible if otherwise relevant.

(e) A defendant in an action brought under this section has a right of contribution from any other responsible person or persons, which may be enforced in a separate action brought for that purpose.

(f) A person who knowingly furnishes marijuana to a person under 21 years of age may be held liable under this section if the social host knew, or a reasonable person in the same circumstances would have known, that the person who received the marijuana was under 21 years of age.

Sec. 11. 18 V.S.A. § 4230i is added to read:

§ 4230i. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE PROHIBITED

(a) No person shall manufacture concentrated marijuana by chemical extraction or chemical synthesis using butane or hexane unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.

(b) A person who violates subsection (a) of this section shall be imprisoned

not more than two years or fined not more than \$2,000.00, or both. A person who violates subsection (a) of this section and causes serious bodily injury to another person shall be imprisoned not more than five years or fined not more than \$5,000.00, or both.

Sec. 12. 18 V.S.A. § 4476 is amended to read:

§ 4476. OFFENSES AND PENALTIES

~~(a) No person shall sell, possess with intent to sell, or manufacture with intent to sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a regulated drug in violation of chapter 84 of this title. Whoever violates any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than \$1,000.00, or both.~~

~~(b) Any~~ A person who violates subsection (a) of this section by ~~selling~~ sells drug paraphernalia to a person under 18 years of age shall be imprisoned for not more than two years, or fined not more than \$2,000.00, or both.

~~(e)~~(b) The distribution and possession of needles and syringes as part of an organized community-based needle exchange program shall not be a violation of this section or of chapter 84 of this title.

Sec. 13. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Rep. Olsen of Londonderry, for the committee on Human Services, recommended that the bill ought to pass when amended as recommended by the committee on Judiciary and when further amended as follows:

First: In Sec. 7, 18 V.S.A. § 4230e, in subsection (b), after “section 1421” by striking out the words “of this title” and after “chapter 37 of this title” by inserting before the period “or 16 V.S.A. § 140”

Second: In Sec. 8, 18 V.S.A. § 4230f, in subdivision (b)(1)(B), by striking out “reasonable precautions are taken to prevent unauthorized access to the marijuana” and inserting in lieu thereof is secure so that access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator

Third: By adding a new section to be Sec. 12a to read as follows:

Sec. 12a. 23 V.S.A. § 1134b is amended to read:

§ 1134b. SMOKING USING MARIJUANA OR TOBACCO IN A MOTOR

VEHICLE WITH CHILD PRESENT

(a) A person shall not use marijuana as defined in 18 V.S.A. § 4201 or a tobacco substitute as defined in 7 V.S.A. § 1001 or possess a lighted tobacco product ~~or use a tobacco substitute as defined in 7 V.S.A. § 1001~~ in a motor vehicle that is occupied by a child required to be properly restrained in a federally approved child passenger restraining system pursuant to subdivision 1258(a)(1) or (2) of this title.

(b) A person who violates subsection (a) of this section shall be subject to a ~~fine~~ civil penalty of not more than \$100.00. No points shall be assessed for a violation of this section.

Fourth: By adding a new section to be Sec. 12b to read as follows:

Sec. 12b. 33 V.S.A. § 3504 is amended to read:

§ 3504. MARIJUANA AND TOBACCO USE PROHIBITED AT CHILD CARE FACILITIES

(a) No person shall be permitted to use marijuana as defined in 18 V.S.A. § 4201 or to cultivate marijuana, or use tobacco products or tobacco substitutes as defined in 7 V.S.A. § on the premises, both indoor and outdoor, of any licensed child care center or afterschool program at any time.

(b) No person shall be permitted to use marijuana as defined in 18 V.S.A. § 4201, tobacco products, or tobacco substitutes as defined in 7 V.S.A. § 1001 on the premises, both ~~indoor~~ indoors and in any outdoor area designated for child care, of a licensed or registered family child care home while children are present and in care. If use of marijuana or smoking of tobacco products or tobacco substitutes occurs on the premises during other times, the family child care home shall notify prospective families prior to enrolling a child in the family child care home that their child will be exposed to an environment in which marijuana, tobacco products, or tobacco substitutes, or both, are used. Cultivation of marijuana in a licensed or registered family child care home is not permitted.

Thereupon, the bill was read the second time.

Recess

At six o'clock and fourteen minutes in the evening, the Speaker declared a recess until the fall of the gavel.

At seven o'clock and thirty four minutes in the evening, the Speaker called the House to order.

**Consideration Resumed; Bill Amended;
Third Reading Ordered**

H. 170

Consideration resumed on House bill, entitled

An act relating to possession and cultivation of marijuana by a person 21 years of age or older

Pending the question, Shall the recommendation of the committee on Judiciary be amended as recommended by the committee on Human Services? **Rep. Cupoli of Rutland City** moved that the bill be committed to the committee on Transportation.

Pending the question, Shall the bill be committed to the Committee on Transportation? **Rep. Cupoli 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 committed to the Committee on Transportation? was decided in the negative. Yeas, 57. Nays, 85.

Those who voted in the affirmative are:

Ainsworth of Royalton	Graham of Williamstown	Nolan of Morristown
Bancroft of Westford	Harrison of Chittenden	Norris of Shoreham
Batchelor of Derby	Hebert of Vernon	Parent of St. Albans Town
Beck of St. Johnsbury	Helm of Fair Haven	Pearce of Richford
Beyor of Highgate	Higley of Lowell	Poirier of Barre City
Bissonnette of Winooski	Hubert of Milton	Quimby of Concord
Bock of Chester	Joseph of North Hero	Rosenquist of Georgia
Brennan of Colchester	Juskiewicz of Cambridge	Savage of Swanton
Browning of Arlington	Keefe of Manchester	Scheuermann of Stowe
Canfield of Fair Haven	LaClair of Barre Town	Shaw of Pittsford
Cupoli of Rutland City	Lanpher of Vergennes	Smith of New Haven
Devereux of Mount Holly	Lawrence of Lyndon	Strong of Albany
Dickinson of St. Albans Town	Lewis of Berlin	Terenzini of Rutland Town
Donahue of Northfield	Marcotte of Coventry	Till of Jericho
Fagan of Rutland City	Martel of Waterford	Turner of Milton
Feltus of Lyndon	McCoy of Poultney	Van Wyck of Ferrisburgh
Forguites of Springfield	McFaun of Barre Town	Viens of Newport City
Frenier of Chelsea	Morrissey of Bennington	Willhoit of St. Johnsbury
Gage of Rutland City	Murphy of Fairfax	
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	Olsen of Londonderry
Bartholomew of Hartland	Giambatista of Essex	O'Sullivan of Burlington
Baser of Bristol	Gonzalez of Winooski	Partridge of Windham
Belaski of Windsor	Grad of Moretown	Potter of Clarendon

Botzow of Pownal	Greshin of Warren	Rachelson of Burlington
Briglin of Thetford	Haas of Rochester	Scheu of Middlebury
Brumsted of Shelburne	Head of South Burlington	Sharpe of Bristol
Buckholz of Hartford	Hill of Wolcott	Sheldon of Middlebury
Burditt of West Rutland	Hooper of Montpelier	Sibilia of Dover
Burke of Brattleboro	Hooper of Brookfield	Squirrell of Underhill
Carr of Brandon	Houghton of Essex	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Howard of Rutland City	Stuart of Brattleboro
Christensen of Weathersfield	Jessup of Middlesex	Sullivan of Dorset
Christie of Hartford	Jickling of Brookfield	Sullivan of Burlington
Cina of Burlington	Kimbell of Woodstock	Taylor of Colchester
Colburn of Burlington	Kitzmiller of Montpelier	Toleno of Brattleboro
Condon of Colchester	Krowinski of Burlington	Townsend of South Burlington
Conlon of Cornwall	Lalonde of South Burlington	Trieber of Rockingham
Connor of Fairfield	Lefebvre of Newark	Troiano of Stannard
Conquest of Newbury	Lippert of Hinesburg	Walz of Barre City
Copeland-Hanzas of Bradford	Long of Newfane	Webb of Shelburne
Corcoran of Bennington	Lucke of Hartford	Weed of Enosburgh
Dakin of Colchester	Masland of Thetford	Wood of Waterbury
Deen of Westminster	McCormack of Burlington	Wright of Burlington
Donovan of Burlington	McCullough of Williston	Yacovone of Morristown
Dunn of Essex	Miller of Shaftsbury	Yantachka of Charlotte
Emmons of Springfield	Morris of Bennington	Young of Glover
Fields of Bennington	Mrowicki of Putney	
	Noyes of Wolcott	
	Ode of Burlington	

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

Gamache of Swanton	Macaig of Williston	Toll of Danville
Gardner of Richmond	Pugh of South Burlington	
Keenan of St. Albans City	Smith of Derby	

Thereupon, the recommendation of the committee on Judiciary was amended as recommended by the committee on Human Services.

Pending the question, Shall the bill be amended as recommended by the committee on Judiciary, as amended? **Rep. Gannon of Wilmington** moved to amend the recommendation of the committee on Judiciary as follows:

First: In Sec. 4, 18 V.S.A. § 4230a, in subdivision (a)(1), by striking “A” and inserting in lieu thereof Except as otherwise provided in this title, a and by striking subsection (c) in its entirety and inserting in lieu thereof the following:

(c)(1) ~~This section does not exempt any person from arrest or prosecution for being under the influence of marijuana while operating a vehicle of any kind and shall not be construed to repeal or modify existing laws or policies concerning the operation of vehicles of any kind while under the influence of marijuana.~~

~~(2) This section is not intended to affect the search and seizure laws afforded to duly authorized law enforcement officers under the laws of this State. Marijuana is contraband pursuant to section 4242 of this title and possessed in violation of this title is contraband and subject to seizure and forfeiture unless possessed in compliance with chapter 86 of this title (therapeutic use of cannabis).~~

~~(3)(2) This section shall not be construed to prohibit a municipality from regulating, prohibiting, or providing additional penalties for the use of marijuana in public places. Nothing in this section or sections 4230b, 4230e, and 4230f of this title:~~

~~(A) exempts a person from arrest, citation, or prosecution for being under the influence of marijuana while operating a vehicle of any kind or for consuming marijuana while operating a motor vehicle;~~

~~(B) repeals or modifies existing laws or policies concerning the operation of vehicles of any kind while under the influence of marijuana or for consuming marijuana while operating a motor vehicle;~~

~~(C) limits the authority of primary and secondary schools to impose administrative penalties for the possession of marijuana on school property;~~

~~(D) prohibits a municipality from adopting a civil ordinance to provide additional penalties for consumption of marijuana in a public place;~~

~~(E) prohibits a landlord from banning possession or use of marijuana in a lease agreement; or~~

~~(F) allows an inmate of a correctional facility to possess or use marijuana or to limit the authority of law enforcement, the courts, the Department of Corrections, or the Parole Board to impose penalties on offenders who use marijuana in violation of a court order, conditions of furlough, parole, or rules of a correctional facility.~~

Second: By adding three sections to be Sec. 11a–11c to read as follows:

Sec. 11a. 18 V.S.A. § 4230j is added to read:

§ 4230j. EXCEPTIONS

(a) A person who is convicted of a felony for selling marijuana in violation of section 4230 of this title or selling a regulated drug to minors or on school grounds in violation of section 4237 of this title for an offense that occurred on or after July 1, 2017 and who possesses one ounce or less of marijuana or five grams or less of hashish commits a civil violation and shall be assessed a civil penalty as follows:

(1) not more than \$200.00 for a first offense;

(2) not more than \$300.00 for a second offense;

(3) not more than \$500.00 for a third or subsequent offense.

(b) A person who is convicted of a felony for selling marijuana in violation of section 4230 of this title or selling a regulated drug to minors or on school grounds in violation of section 4237 of this title for an offense that occurred on or after July 1, 2017 and who possesses any of the following commits a misdemeanor and is subject to imprisonment of not more than one year or a fine of not more than \$1,000.00, or both:

(1) more than one ounce, but not more than two ounces of marijuana;

(2) more than five grams, but not more than 10 grams of hashish; or

(3) not more than six mature marijuana plants and 12 immature marijuana plants.

Sec. 11b. 23 V.S.A. § 1134 is amended to read:

§ 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR POSSESSION OF ALCOHOL OR MARIJUANA

(a) A person shall not consume alcoholic beverages or marijuana while operating a motor vehicle on a public highway. As used in this section, “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as defined in section 1200 of this title.

(b) A person operating a motor vehicle on a public highway shall not possess any open container which contains alcoholic beverages or marijuana in the passenger area of the motor vehicle.

(c) As used in this section, “passenger area” shall mean the area designed to seat the operator and passengers while the motor vehicle is in operation and any area that is readily accessible to the operator or passengers while in their seating positions, including the glove compartment, unless the glove compartment is locked. In a motor vehicle that is not equipped with a trunk, the term shall exclude the area behind the last upright seat or any area not normally occupied by the operator or passengers.

(d) A person who violates subsection (a) of this section shall be assessed a civil penalty of not more than \$500.00. A person who violates subsection (b) of this section shall be assessed a civil penalty of not more than ~~\$25.00~~ \$50.00. A person adjudicated and assessed a civil penalty for an offense under subsection (a) of this section shall not be subject to a civil violation for the same actions under subsection (b) of this section.

Sec. 11c. 23 V.S.A. § 1134a is amended to read:

§ 1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR
POSSESSION OF ALCOHOL OR MARIJUANA

(a) Except as provided in subsection (c) of this section, a passenger in a motor vehicle shall not consume alcoholic beverages or marijuana or possess any open container which contains alcoholic beverages or marijuana in the passenger area of any motor vehicle on a public highway. As used in this section, “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as defined in section 1200 of this title.

(b) As used in this section, “passenger area” shall mean the area designed to seat the operator and passengers while the motor vehicle is in operation and any area that is readily accessible to the operator or passengers while in their seating positions, including the glove compartment, unless the glove compartment is locked. In a motor vehicle that is not equipped with a trunk, the term shall exclude the area behind the last upright seat or any area not normally occupied by the operator or passengers.

(c) A person, other than the operator, may possess an open container which contains alcoholic beverages in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation or in the living quarters of a motor home or trailer coach.

(d) A person who violates this section shall be ~~fined~~ subject to a civil penalty of not more than \$25.00 \$50.00.

Rep. Turner of Milton raised a point of order that the amendments were taken out of order which the Speaker ruled not well taken as the House rules allow the Speaker the ability to determine the order of the amendments.

Thereupon the amendment offered by **Rep. Gannon of Wilmington** was agreed to on a division of Yeas 86 and Nays 45.

Thereupon **Rep. Brennan of Colchester** moved to commit the bill to the committee on Transportation which was disagreed to on a division of Yeas, 56 and Nays, 80.

Pending the question, Shall the bill be amended as recommended by the committee on Judiciary, as amended? **Rep. Donahue of Northfield** moved to amend the recommendation of Judiciary, as amended, by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) No person shall knowingly and unlawfully possess more than one

ounce of marijuana or more than five grams of hashish ~~or cultivate marijuana~~. For a first offense under this subdivision (A), a person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision shall be imprisoned not more than six months or fined not more than \$500.00, or both.

(B) A person convicted of a second or subsequent offense of knowingly and unlawfully possessing more than one ounce of marijuana or more than five grams of hashish ~~or cultivating marijuana~~ shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(C) Upon an adjudication of guilt for a first or second offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041 except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening which may be considered at sentencing in the same manner as a presentence report.

(2) A person knowingly and unlawfully possessing two ounces or more of marijuana or 10 grams or more of hashish or knowingly and unlawfully cultivating more than three plants of marijuana shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(3) A person knowingly and unlawfully possessing one pound or more of marijuana or 2.8 ounces or more of hashish or knowingly and unlawfully cultivating more than 10 plants of marijuana shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

(4) A person knowingly and unlawfully possessing 10 pounds or more of marijuana or one pound or more of hashish or knowingly and unlawfully cultivating more than 25 plants of marijuana shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

(5) If a court fails to provide the defendant with notice of collateral consequences in accordance with 13 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and conviction for a violation of this subsection may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.

* * *

Sec. 2. 18 V.S.A. § 4230a is amended to read:

§ 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE
OR OLDER; CIVIL VIOLATION

(a) A person 21 years of age or older who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish or one mature and two immature marijuana plants as defined in section 4472 of this title or less commits a civil violation and shall be assessed a civil penalty as follows:

- (1) not more than \$200.00 for a first offense;
- (2) not more than \$300.00 for a second offense;
- (3) not more than \$500.00 for a third or subsequent offense.

(b)(1) Except as otherwise provided in this section, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish or one mature and two immature marijuana plants as defined in section 4472 of this title or less or who possesses paraphernalia for marijuana use shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) A violation of this section shall not result in the creation of a criminal history record of any kind.

* * *

Sec. 3. 18 V.S.A. § 4230b is amended to read:

§ 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS
OF AGE; CIVIL VIOLATION

(a) Offense. A person under 21 years of age who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish or one mature and two immature marijuana plants as defined in section 4472 of this title or less commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(1) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and

(2) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.

* * *

Sec. 4. 18 V.S.A. § 4230d is added to read:

§ 4230d. MARIJUANA POSSESSION BY A PERSON UNDER 16 YEARS
OF AGE; DELINQUENCY

No person shall knowingly and unlawfully possess marijuana. A person under the age of 16 years who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish or one mature and two immature marijuana plants as defined in section 4472 of this title or less commits a delinquent act and shall be subject to 33 V.S.A. chapter 52. The person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Which was disagreed to.

Pending the question, Shall the bill be amended as recommended by the committee on Judiciary as amended? **Rep. Browning of Arlington** moved to amend recommendation by the committee on Judiciary, as amended as follows by striking out Sec. 13 in its entirety and inserting in lieu thereof the following:

Sec. 13. MARIJUANA YOUTH EDUCATION AND PREVENTION;
PUBLIC EDUCATION CAMPAIGN

(a)(1) Relying on lessons learned from tobacco and alcohol prevention efforts, the Department of Health, in collaboration with the Department of Public Safety, the Agency of Education, the Governor's Highway Safety Program, and representatives of youth and prevention professionals serving youth, shall develop and administer an education and prevention program focused on use of marijuana by youth under 25 years of age. In so doing, the Department shall consider at least the following:

(A) Community- and school-based youth and family-focused prevention initiatives that strive to:

(i) expand the number of school-based grants for substance abuse services to enable each supervisory union to develop and implement a plan for comprehensive substance abuse prevention education in a flexible manner that ensures the needs of individual communities are addressed;

(ii) improve the Screening, Brief Intervention and Referral to Treatment (SBIRT) practice model for professionals serving youth in schools and other settings; and

(iii) expand family education programs.

(B) An informational and counter-marketing campaign using a public website, printed materials, mass and social media, and advertisements for the purpose of preventing underage marijuana use.

(C) Education for parents and health care providers to encourage screening for substance use disorders and other related risks.

(D) Expansion of the use of SBIRT among the State's pediatric practices and school-based health centers.

(E) Strategies specific to youth who have been identified by the Youth Risk Behavior Survey as having an increased risk of substance abuse.

(2) The Department shall adopt rules to implement the education and prevention program described in this subsection and implement the program no later than six months from the date of adoption of the final rules.

(b) The Department shall include questions in its biannual Youth Risk Behavior Survey to monitor the use of marijuana by youth in Vermont and to understand the source of marijuana used by this population.

(c) Any data collected by the Department on the use of marijuana by youth shall be maintained and organized in a manner that enables the pursuit of future longitudinal studies.

(d) The Department shall develop and implement a public campaign to educate the general public about the health implications of marijuana use.

Sec. 14. EFFECTIVE DATES

(a) This section shall take effect on passage.

(b) Sec. 13 shall take effect on the date state funding is appropriated for implementation of that section. Costs of implementation of Sec. 13 shall not be an unfunded mandate on school districts or supervisory unions.

(c) The remaining sections shall take effect 18 months from the date subsection (b) of this section takes effect.

Which was disagreed to on a division of Yeas, 61 and Nays, 78.

Pending the question, Shall the bill be amended as recommended by the committee on Judiciary, as amended? **Rep. Browning of Arlington** moved to amend the recommendation of the committee on Judiciary, as amended as follows by striking Sec. 13 in its entirety and inserting in lieu thereof the following:

Sec. 13. EFFECTIVE DATE

This act shall take effect 90 days from either of the following, whichever occurs first:

(1) The date of employment by the Vermont State Police of a field testing device for marijuana presence that demonstrates accuracy in controlled, published scientific studies in providing evidence correlating the results of the presence of marijuana in an operator of a motor vehicle with impairment level. The Commissioner of Public Safety shall notify the Governor and the General Assembly, in writing, that such devices have been employed within seven days of such employment.

(2) The date of employment by the Vermont State Police of a field testing device for marijuana presence in saliva or blood and there are in this State at least 50 active law enforcement officers who are trained as Drug Recognition Experts and at least 600 law enforcement officers who are trained in Advanced Roadside Impaired Driving Enforcement.

Pending the question, Shall the report of the Committee on Judiciary be amended as recommended by Rep. Browning of Arlington? **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 report of the Committee on Judiciary be amended as recommended by Rep. Browning of Arlington? was decided in the negative. Yeas, 64. Nays, 77.

Those who voted in the affirmative are:

Ainsworth of Royalton	Graham of Williamstown	Nolan of Morristown
Bancroft of Westford	Greshin of Warren	Norris of Shoreham
Batchelor of Derby	Harrison of Chittenden	Parent of St. Albans Town
Beck of St. Johnsbury	Hebert of Vernon	Pearce of Richford
Beyor of Highgate	Helm of Fair Haven	Poirier of Barre City
Brennan of Colchester	Higley of Lowell	Potter of Clarendon
Briglin of Thetford	Howard of Rutland City	Quimby of Concord
Browning of Arlington	Hubert of Milton	Rosenquist of Georgia
Canfield of Fair Haven	Joseph of North Hero	Savage of Swanton
Corcoran of Bennington	Juskiewicz of Cambridge	Scheuermann of Stowe
Cupoli of Rutland City	Keefe of Manchester	Shaw of Pittsford
Dakin of Colchester	Kimbell of Woodstock	Sibilia of Dover
Devereux of Mount Holly	LaClair of Barre Town	Smith of New Haven
Dickinson of St. Albans Town	Lanpher of Vergennes	Strong of Albany
Donahue of Northfield	Lawrence of Lyndon	Till of Jericho
Fagan of Rutland City	Lewis of Berlin	Turner of Milton
Feltus of Lyndon	Marcotte of Coventry	Van Wyck of Ferrisburgh
Fields of Bennington	Martel of Waterford	Viens of Newport City
Frenier of Chelsea	McCoy of Poultney	Willhoit of St. Johnsbury
Gage of Rutland City	McFaun of Barre Town	Wright of Burlington
Gamache of Swanton	Morrissey of Bennington	Yantachka of Charlotte
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Forguites of Springfield	Noyes of Wolcott
Bartholomew of Hartland	Gannon of Wilmington	Ode of Burlington
Baser of Bristol	Giambatista of Essex	Olsen of Londonderry
Belaski of Windsor	Gonzalez of Winooski	O'Sullivan of Burlington
Bissonnette of Winooski	Grad of Moretown	Partridge of Windham
Bock of Chester	Haas of Rochester	Rachelson of Burlington
Botzow of Pownal	Head of South Burlington	Scheu of Middlebury
Brumsted of Shelburne	Hill of Wolcott	Sharpe of Bristol
Buckholz of Hartford	Hooper of Montpelier	Sheldon of Middlebury
Burditt of West Rutland	Hooper of Brookfield	Squirrell of Underhill
Burke of Brattleboro	Houghton of Essex	Stevens of Waterbury
Carr of Brandon	Jessup of Middlesex	Stuart of Brattleboro
Chesnut-Tangerman of	Jickling of Brookfield	Sullivan of Dorset
Middletown Springs	Kitzmiller of Montpelier	Sullivan of Burlington
Christensen of Weathersfield	Krowinski of Burlington	Taylor of Colchester
Christie of Hartford	Lalonde of South Burlington	Toleno of Brattleboro
Cina of Burlington	Lefebvre of Newark	Townsend of South
Colburn of Burlington	Lippert of Hinesburg	Burlington
Conlon of Cornwall	Long of Newfane	Trieber of Rockingham
Connor of Fairfield	Lucke of Hartford	Troiano of Stannard
Conquest of Newbury	Masland of Thetford	Walz of Barre City
Copeland-Hanzas of	McCormack of Burlington	Webb of Shelburne
Bradford	McCullough of Williston	Weed of Enosburgh
Deen of Westminster	Miller of Shaftsbury	Wood of Waterbury
Donovan of Burlington	Morris of Bennington	Yacovone of Morristown
Dunn of Essex	Mrowicki of Putney	Young of Glover
Emmons of Springfield	Murphy of Fairfax	

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

Condon of Colchester	Macaig of Williston	Terenzini of Rutland Town
Gardner of Richmond	Pugh of South Burlington	Toll of Danville
Keenan of St. Albans City	Smith of Derby	

Pending the question, Shall the bill be amended as recommended by the committee on Judiciary, as amended? **Rep. O'Sullivan of Burlington** moved to amend the recommendation of the committee on Judiciary, as amended as follows by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Misdemeanor Possession of Drugs Study * * *

Sec. 1. MISDEMEANOR POSSESSION OF DRUGS; PRETRIAL
SERVICES

(a) It is the intent of the General Assembly to encourage persons cited or arrested for a misdemeanor drug possession charge to engage with pretrial services, and, if appropriate, enter treatment, and that, in turn, a person who complies with such conditions will be eligible for dismissal of the charge.

(b) The Attorney General, the Defender General, and the Executive Director of the Department of State's Attorneys and Sheriffs shall work collaboratively to develop a specific legislative proposal to accomplish this intent with an implementation date of July 1, 2018 and report to the Senate and House Committees on Judiciary and on Appropriations, the Senate Committee on Health and Welfare, and the House Committee on Human Services on or before November 1, 2017.

* * * Findings * * *

Sec. 2. LEGISLATIVE FINDINGS AND INTENT

The General Assembly finds the following:

(1) According to a 2014 study commissioned by the administration and conducted by the RAND Corporation, marijuana is commonly used in Vermont with an estimated 80,000 residents having used marijuana in the last month.

(2) For over 75 years, Vermont has debated the issue of marijuana regulation and amended its marijuana laws numerous times in an effort to protect public health and safety. Criminal penalties for possession rose in the 1940s and 50s to include harsh mandatory minimums, dropped in the 1960s and 70s, rose again in the 1980s and 90s, and dropped again in the 2000s. A study published in the American Journal of Public Health found that no evidence supports the claim that criminalization reduces marijuana use.

(3) Vermont seeks to take a new comprehensive approach to marijuana use and abuse that incorporates prevention, education, regulation, treatment, and law enforcement which results in a net reduction in public harm and an overall improvement in public safety. Responsible use of marijuana by adults 21 years of age or older should be treated the same as responsible use of alcohol, the abuse of either treated as a public health matter, and irresponsible use of either that causes harm to others sanctioned with penalties.

(4) Policymakers recognize legitimate federal concerns about marijuana reform and seek through this legislation to provide better control of access and distribution of marijuana in a manner that prevents:

(A) distribution of marijuana to persons under 21 years of age;

(B) revenue from the sale of marijuana going to criminal enterprises;

(C) diversion of marijuana to states that do not permit possession of marijuana;

(D) State-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or activity;

(E) violence and the use of firearms in the cultivation and distribution

of marijuana;

(F) drugged driving and the exacerbation of any other adverse public health consequences of marijuana use;

(G) growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and

(H) possession or use of marijuana on federal property.

(5) Revenue generated by this act shall be used to provide for the implementation, administration, and enforcement of this chapter and to provide additional funding for State efforts on the prevention of substance abuse, treatment of substance abuse, and criminal justice efforts to combat the illegal drug trade and impaired driving. As used in this subdivision, "criminal justice efforts" shall include efforts by both State and local criminal justice agencies, including law enforcement, prosecutors, public defenders, and the courts.

* * * Prevention * * *

Sec. 3. MARIJUANA YOUTH EDUCATION AND PREVENTION

(a)(1) Relying on lessons learned from tobacco and alcohol prevention efforts, the Department of Health, in collaboration with the Agency of Agriculture, Food, and Markets, the Agency of Education, and the Governor's Highway Safety Program, shall develop and administer an education and prevention program focused on use of marijuana by youth under 25 years of age. In so doing, the Department shall consider at least the following:

(A) Community- and school-based youth and family-focused prevention initiatives that strive to:

(i) expand the number of school-based grants for substance abuse services to enable each Supervisory Union to develop and implement a plan for comprehensive substance abuse prevention education in a flexible manner that ensures the needs of individual communities are addressed;

(ii) improve the Screening, Brief Intervention and Referral to Treatment (SBIRT) practice model for professionals serving youth in schools and other settings; and

(iii) expand family education programs.

(B) An informational and counter-marketing campaign using a public website, printed materials, mass and social media, and advertisements for the purpose of preventing underage marijuana use.

(C) Education for parents and health care providers to encourage screening for substance use disorders and other related risks.

(D) Expansion of the use of SBIRT among the State's pediatric practices and school-based health centers.

(E) Strategies specific to youth who have been identified by the Youth Risk Behavior Survey as having an increased risk of substance abuse.

(2) On or before March 15, 2018, the Department shall adopt rules to implement the education and prevention program described in subsection (a) of this section and implement the program on or before September 15, 2018.

(b) The Department shall include questions in its biannual Youth Risk Behavior Survey to monitor the use of marijuana by youth in Vermont and to understand the source of marijuana used by this population.

(c) Any data collected by the Department on the use of marijuana by youth shall be maintained and organized in a manner that enables the pursuit of future longitudinal studies.

* * * Legal Possession; Civil and Criminal Penalties * * *

Sec. 4. LEGISLATIVE INTENT; CIVIL AND CRIMINAL PENALTIES

It is the intent of the General Assembly to eliminate all civil penalties for possession of one ounce or less of marijuana and a small number of marijuana plants for a person who is 21 years of age or older while retaining the current criminal penalties for possession of larger amounts of marijuana and criminal penalties for unauthorized dispensing or sale of marijuana. This act also retains the current civil and criminal penalties for possession of marijuana by a person under 21 years of age, which are the same as possession of alcohol by a person under 21 years of age.

Sec. 5. 18 V.S.A. § 4201(15) is amended to read:

(15)(A) "Marijuana" means any plant material of the genus *Cannabis* or any preparation, compound, or mixture thereof except:

(A) sterilized seeds of the plant;

(B) fiber produced from the stalks; or

(C) hemp or hemp products, as defined in 6 V.S.A. § 562 all parts of the plant *Cannabis sativa* L., except as provided by subdivision (B) of this subdivision (15), whether growing or harvested, and includes:

(i) the seeds of the plant;

(ii) the resin extracted from any part of the plant; and

(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

(B) "Marijuana" does not include:

(i) the mature stalks of the plant and fiber produced from the stalks;

(ii) oil or cake made from the seeds of the plant;

(iii) any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake; or

(iv) the sterilized seed of the plant that is incapable of germination.

Sec. 6. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) No person shall knowingly and unlawfully possess more than one ounce of marijuana or more than five grams of hashish or cultivate more than two mature marijuana plants or four immature marijuana plants. For a first offense under this subdivision (A), a person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision shall be imprisoned not more than six months or fined not more than \$500.00, or both.

(B) A person convicted of a second or subsequent offense of knowingly and unlawfully possessing more than one ounce of marijuana or more than five grams of hashish or cultivating more than two mature marijuana plants or four immature marijuana plants shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(C) Upon an adjudication of guilt for a first or second offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041 except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening which may be considered at sentencing in the same manner as a presentence report.

(2) A person knowingly and unlawfully possessing two ounces of marijuana or 10 grams of hashish or knowingly and unlawfully cultivating more than ~~three plants~~ of four mature marijuana plants or eight immature marijuana plants shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(3) A person knowingly and unlawfully possessing more than one pound or more of marijuana or more than 2.8 ounces or more of hashish or knowingly and unlawfully cultivating more than 10 plants of six mature marijuana plants or 12 immature marijuana plants shall be imprisoned not more than five years or fined not more than ~~\$100,000.00~~ \$10,000.00, or both.

(4) A person knowingly and unlawfully possessing more than 10 pounds or more of marijuana or more than one pound or more of hashish or knowingly and unlawfully cultivating more than 25 plants of 12 mature marijuana plants or 24 immature marijuana plants shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

(5) If a court fails to provide the defendant with notice of collateral consequences in accordance with 13 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and conviction for a violation of this subsection may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.

(6) The amounts of marijuana in this subsection shall not include marijuana cultivated, harvested, and stored in accordance with section 4230e of this title.

* * *

Sec. 7. 18 V.S.A. § 4230a is amended to read:

§ 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE
OR OLDER; CIVIL VIOLATION

~~(a)(1) A person 21 years of age or older who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish commits a civil violation and shall be assessed a civil penalty as follows:~~

- ~~(1) not more than \$200.00 for a first offense;~~
- ~~(2) not more than \$300.00 for a second offense;~~
- ~~(3) not more than \$500.00 for a third or subsequent offense.~~

~~(b)(1) Except as otherwise provided in this section, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish and two mature marijuana plants or fewer or four immature marijuana plants or fewer or who possesses paraphernalia for marijuana use shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law. The one-ounce limit of marijuana or five grams of hashish that may be possessed~~

by a person 21 years of age or older shall not include marijuana cultivated, harvested, and stored in accordance with section 4230e of this title.

~~(2)(A) A violation of this section shall not result in the creation of a criminal history record of any kind~~ A person shall not consume marijuana in a public place. "Public place" means any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation as defined in 9 V.S.A. § 4501, and any place where the possession of a lighted tobacco product is prohibited pursuant to section 1421 or chapter 37 of this title or 16 V.S.A. § 140.

(B) A person who violates this subdivision (a)(2) shall be assessed a civil penalty as follows:

- (i) not more than \$100.00 for a first offense;
- (ii) not more than \$200.00 for a second offense; and
- (iii) not more than \$500.00 for a third or subsequent offense.

~~(e)(1)(b) This section does not exempt any person from arrest or prosecution for being under the influence of marijuana while operating a vehicle of any kind and shall not be construed to repeal or modify existing laws or policies concerning the operation of vehicles of any kind while under the influence of marijuana.~~

~~(2) This section is not intended to affect the search and seizure laws afforded to duly authorized law enforcement officers under the laws of this State. Marijuana is contraband pursuant to section 4242 of this title and subject to seizure and forfeiture unless possessed in compliance with chapter 86 of this title (therapeutic use of cannabis).~~

~~(3) This section shall not be construed to prohibit a municipality from regulating, prohibiting, or providing additional penalties for the use of marijuana in public places.~~

~~(d) If a person suspected of violating this section contests the presence of cannabinoids within 10 days of receiving a civil citation, the person may request that the State Crime Laboratory test the substance at the person's expense. If the substance tests negative for the presence of cannabinoids, the State shall reimburse the person at state expense.;~~

(1) exempt a person from arrest, citation, or prosecution for being under the influence of marijuana while operating a vehicle of any kind or for consuming marijuana while operating a motor vehicle;

(2) repeal or modify existing laws or policies concerning the operation of vehicles of any kind while under the influence of marijuana or for consuming marijuana while operating a motor vehicle;

(3) limit the authority of primary and secondary schools to impose administrative penalties for the possession of marijuana on school property;

(4) prohibit a municipality from adopting a civil ordinance to provide additional penalties for consumption of marijuana in a public place;

(5) prohibit a landlord from banning possession or use of marijuana in a lease agreement; or

(6) allow an inmate of a correctional facility to possess or use marijuana or to limit the authority of law enforcement, the courts, the Department of Corrections, or the Parole Board to impose penalties on offenders who use marijuana in violation of a court order, conditions of furlough, parole, or rules of a correctional facility.

~~(e)~~(c)(1) A law enforcement officer is authorized to detain a person if:

(A) the officer has reasonable grounds to believe the person has violated subsection (b) of this section; and

(B) the person refuses to identify himself or herself satisfactorily to the officer when requested by the officer.

(2) The person may be detained only until the person identifies himself or herself satisfactorily to the officer or is properly identified. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a judge in the Criminal Division of the Superior Court for that purpose. A person who refuses to identify himself or herself to the Court on request shall immediately and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

~~(f)~~(d) Fifty percent of the civil penalties imposed by the Judicial Bureau for violations of this section shall be deposited in the Drug Task Force Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Department of Public Safety for the funding of law enforcement officers on the Drug Task Force, except for a \$12.50 administrative charge for each violation which shall be deposited in the Court Technology Special Fund, in accordance with 13 V.S.A. § 7252. The remaining 50 percent shall be deposited in the Youth Substance Abuse Safety Program Special Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Court Diversion Program for funding of the Youth Substance Abuse Safety Program as required by section 4230b of this title.

(e) Nothing in this section shall be construed to do any of the following:

(1) require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of

marijuana in the workplace;

(2) prevent an employer from adopting a policy that prohibits the use of marijuana in the workplace;

(3) create a cause of action against an employer that discharges an employee for violating a policy that restricts or prohibits the use of marijuana by employees; or

(4) prevent an employer from prohibiting or otherwise regulating the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana on the employer's premises.

Sec. 8. 18 V.S.A. § 4230b is amended to read:

§ 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS
OF AGE; CIVIL VIOLATION

(a) Offense. A person under 21 years of age who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish or two mature marijuana plants or fewer or four immature marijuana plants or fewer commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(1) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 30 days, for a first offense; and

(2) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a second or subsequent offense.

* * *

Sec. 9. 18 V.S.A. § 4230e is added to read:

§ 4230e. CULTIVATION OF MARIJUANA BY A PERSON 21 YEARS OF
AGE OR OLDER

(a)(1) Except as otherwise provided in this section, a person 21 years of age or older who cultivates no more than two mature marijuana plants and four immature marijuana plants shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) Each dwelling unit shall be limited to two mature marijuana plants and four immature marijuana plants regardless of how many persons 21 years of age or older reside in the dwelling unit. As used in this section, "dwelling

unit” means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(3) Any marijuana harvested from the plants allowed pursuant to this subsection shall not count toward the one-ounce possession limit in section 4230a of this title provided it is stored in an indoor facility on the property where the marijuana was cultivated and reasonable precautions are taken to prevent unauthorized access to the marijuana.

(4) Cultivation in excess of the limits provided in this subsection shall be punished in accordance with section 4230 of this title.

(b)(1) Personal cultivation of marijuana only shall occur:

(A) on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property; and

(B) in an enclosure that is screened from public view and reasonable precautions are taken to prevent unauthorized access to the marijuana.

(2) A person who violates this subsection shall be assessed a civil penalty as follows:

(A) not more than \$100.00 for a first offense;

(B) not more than \$200.00 for a second offense; and

(C) not more than \$500.00 for a third or subsequent offense.

Sec. 10. 18 V.S.A. § 4230f is added to read:

§ 4230f. SALE OR FURNISHING MARIJUANA TO A PERSON UNDER
21 YEARS OF AGE

(a) No person shall:

(1) sell or furnish marijuana to a person under 21 years of age; or

(2) knowingly enable the consumption of marijuana by a person under 21 years of age.

(b) As used in this section, “enable the consumption of marijuana” means creating a direct and immediate opportunity for a person to consume marijuana.

(c) A person who violates subsection (a) of this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(d) An employee of a marijuana establishment licensed pursuant to chapter 87 of this title, who, in the course of employment, violates subdivision (a)(1) of this section during a compliance check conducted by a law enforcement officer shall be:

(1) assessed a civil penalty of not more than \$100.00 for the first violation and a civil penalty of not less than \$100.00 nor more than \$500.00 for a second violation that occurs more than one year after the first violation; and

(2) subject to the criminal penalties provided in subsection (c) of this section for a second violation within a year of the first violation, and for a third or subsequent violation within three years of the first violation.

(e) An employee alleged to have committed a violation of subsection (d) of this section may plead as an affirmative defense that:

(1) the purchaser exhibited and the employee carefully viewed photographic identification that indicated the purchaser to be 21 years of age or older;

(2) an ordinary prudent person would believe the purchaser to be of legal age to make the purchase; and

(3) the sale was made in good faith, based upon the reasonable belief that the purchaser was of legal age to purchase marijuana.

(f) A person who violates subsection (a) of this section, where the person under 21 years of age, while operating a motor vehicle on a public highway, causes death or serious bodily injury to himself or herself or to another person as a result of the violation, shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

(g) This section shall not apply to:

(1) A person under 21 years of age who sells or furnishes marijuana to a person under 21 years of age or who knowingly enables the consumption of marijuana by a person under 21 years of age. Possession of an ounce or less of marijuana by a person under 21 years of age shall be punished in accordance with sections 4230b–4230d of this title and dispensing or selling marijuana shall be punished in accordance with sections 4230 and 4237 of this title.

(2) A dispensary registered pursuant to chapter 86 of this title.

Sec. 11. 18 V.S.A. § 4230g is added to read:

§ 4230g. SALE OR FURNISHING MARIJUANA TO A PERSON UNDER
21 YEARS OF AGE; CIVIL ACTION FOR DAMAGES

(a) A spouse, child, guardian, employer, or other person who is injured in person, property, or means of support by a person under 21 years of age who is impaired by marijuana, or in consequence of the impairment by marijuana of any person under 21 years of age, shall have a right of action in his or her own name, jointly or severally, against any person or persons who have caused in whole or in part such impairment by selling or furnishing marijuana to a person

under 21 years of age.

(b) Upon the death of either party, the action and right of action shall survive to or against the party's executor or administrator. The party injured or his or her legal representatives may bring either a joint action against the impaired person under 21 years of age and the person or persons who sold or furnished the marijuana, or a separate action against either or any of them.

(c) An action to recover for damages under this section shall be commenced within two years after the cause of action accrues, and not after.

(d) In an action brought under this section, evidence of responsible actions taken or not taken is admissible if otherwise relevant. Responsible actions may include a marijuana establishment's instruction to employees as to laws governing the sale of marijuana to adults 21 years of age or older and procedures for verification of age of customers.

(e) A defendant in an action brought under this section has a right of contribution from any other responsible person or persons, which may be enforced in a separate action brought for that purpose.

(f)(1) Except as provided in subdivision (2) of this subsection, nothing in this section shall create a statutory cause of action against a social host for furnishing marijuana to any person without compensation or profit. However, this subdivision shall not be construed to limit or otherwise affect the liability of a social host for negligence at common law.

(2) A social host who knowingly furnishes marijuana to a person under 21 years of age may be held liable under this section if the social host knew, or a reasonable person in the same circumstances would have known, that the person who received the marijuana was under 21 years of age.

(3) As used in this subsection, "social host" means a person who is not the holder of a marijuana establishment license and is not required under chapter 87 of this title to hold a marijuana establishment license.

Sec. 12. 18 V.S.A. § 4230h is added to read:

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE

PROHIBITED

(a) No person shall manufacture concentrated marijuana by chemical extraction or chemical synthesis using butane or hexane unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both. A person

who violates subsection (a) of this section and causes serious bodily injury to another person shall be imprisoned not more than five years or fined not more than \$5,000.00, or both.

* * * Commercial Marijuana Regulation * * *

Sec. 13. 18 V.S.A. chapter 87 is added to read:

CHAPTER 87. MARIJUANA ESTABLISHMENTS

Subchapter 1. General Provisions

§ 4501. DEFINITIONS

As used in this chapter:

(1) “Affiliate” means a person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person.

(2) “Agency” means the Agency of Agriculture, Food, and Markets.

(3) “Applicant” means a person that applies for a license to operate a marijuana establishment pursuant to this chapter.

(4) “Child care facility” means a child care facility or family day care home licensed or registered under 33 V.S.A. chapter 35.

(5) “Commissioner” means the Commissioner of Public Safety.

(6) “Department” means the Department of Public Safety.

(7) “Dispensary” means a person registered under section 4474e of this title that acquires, possesses, cultivates, manufactures, transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her center and to his or her registered caregiver for the registered patient’s use for symptom relief.

(8) “Enclosed, locked facility” shall be either indoors or outdoors, not visible to the public, and may include a building, room, greenhouse, fully enclosed fenced-in area, or other location enclosed on all sides and equipped with locks or other security devices that permit access only by:

(A) Employees, agents, or owners of the cultivator, all of whom shall be 21 years of age or older.

(B) Government employees performing their official duties.

(C) Contractors performing labor that does not include marijuana cultivation, packaging, or processing. Contractors shall be accompanied by an employee, agent, or owner of the cultivator when they are in areas where

marijuana is being grown, processed, or stored.

(D) Registered employees of other cultivators, members of the media, elected officials, and other individuals 21 years of age or older visiting the facility, provided they are accompanied by an employee, agent, or owner of the cultivator.

(9) "Financier" means a person, other than a financial institution as defined in 8 V.S.A. § 11101, that makes an equity investment, a gift, loan, or otherwise provides financing to a person with the expectation of a financial return.

(10) "Marijuana" shall have the same meaning as provided in section 4201 of this title.

(11) "Marijuana cultivator" or "cultivator" means a person registered with the Agency to engage in commercial cultivation of marijuana in accordance with this chapter.

(12) "Marijuana establishment" means a marijuana cultivator, retailer, or testing laboratory licensed by the Agency to engage in commercial marijuana activity in accordance with this chapter.

(13) "Marijuana retailer" or "retailer" means a person licensed by the Agency to sell marijuana to consumers for off-site consumption in accordance with this chapter.

(14) "Marijuana testing laboratory" or "testing laboratory" means a person licensed by the Agency to test marijuana for cultivators and retailers in accordance with this chapter.

(15) "Owns or controls," "is owned or controlled by," and "under common ownership or control" mean direct ownership or beneficial ownership of an equity interest, or the equivalent thereof, of ten percent or more, and the power to direct, or cause the direction of, the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(16) "Person" shall include any natural person; corporation; municipality; the State of Vermont or any department, agency or subdivision of the State; and any partnership, unincorporated association, or other legal entity.

(17) "Plant canopy" means the square footage dedicated to live plant production and does not include areas such as office space or areas used for the storage of fertilizers, pesticides, or other products.

(18) "Principal" means an individual vested with the authority to conduct, manage, or supervise the business affairs of a person, and may

include the president, vice-president, secretary, treasurer, manager, or similar executive officer of a business; a director of a corporation, nonprofit corporation, or mutual benefit enterprise; a member of a nonprofit corporation, cooperative, or member-managed limited liability company; and a partner of a partnership.

(19) “Public place” means any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation as defined in 9 V.S.A. § 4501, and any place where the possession of a lighted tobacco product is prohibited pursuant to section 1421 of this title or chapter 37 of this title.

(20) “Resident” means a person who is domiciled in Vermont, subject to the following:

(A) The process for determining the domicile of an individual shall be the same as that required by rules adopted by the Department of Taxes related to determining domicile for the purpose of the interpretation and administration of 32 V.S.A. § 5401(14).

(B) The domicile of a business entity is the State in which it is organized.

(21) “School” means a public school, independent school, or facility that provides early childhood education as those terms are defined in 16 V.S.A. § 11.

(22) “Secretary” means the Secretary of Agriculture, Food, and Markets.

§ 4502. MARIJUANA POSSESSED UNLAWFULLY SUBJECT TO
SEIZURE AND FORFEITURE

Marijuana possessed unlawfully in violation of this chapter may be seized by law enforcement and is subject to forfeiture.

§ 4503. NOT APPLICABLE TO HEMP OR THERAPEUTIC USE OF
CANNABIS

This chapter shall not apply to activities regulated by 7 V.S.A. chapter 34 (hemp) or chapter 86 (therapeutic use of cannabis) of this title.

§ 4504. CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE
PROHIBITED

This chapter shall not be construed to permit consumption of marijuana in a public place. Violations shall be punished in accordance with section 4230a of this title.

§ 4505. REGULATION BY LOCAL GOVERNMENT

(a)(1) A marijuana establishment shall obtain a permit from a town, city, or incorporated village prior to beginning operations within the municipality.

(2) A municipality that hosts a marijuana establishment may establish a board of marijuana control commissioners, who shall be the members of the municipal legislative body. The board shall administer the municipal permits under this subsection (a) for the marijuana establishments within the municipality.

(b) Nothing in this chapter shall be construed to prevent a town, city, or incorporated village from regulating marijuana establishments through local ordinances as set forth in 24 V.S.A. § 2291 or through land use bylaws as set forth in 24 V.S.A. § 4414.

(c)(1) A town, city, or incorporated village, by majority vote of those present and voting at annual or special meeting warned for the purpose, may prohibit the operation of a marijuana establishment within the municipality. The provisions of this subdivision shall not apply to a marijuana establishment that is operating within the municipality at the time of the vote.

(2) A vote to prohibit the operation of a marijuana establishment within the municipality shall remain in effect until rescinded by majority vote of those present and voting at an annual or special meeting warned for the purpose.

§ 4506. YOUTH RESTRICTIONS

(a) A marijuana establishment shall not dispense or sell marijuana to a person under 21 years of age or employ a person under 21 years of age.

(b) A marijuana establishment shall not be located within 1,000 feet of a preexisting public or private school or licensed or regulated child care facility.

(c) A marijuana establishment shall not permit a person under 21 years of age to enter a building or enclosure on the premises where marijuana is located. This subsection shall not apply to a registered patient visiting his or her designated dispensary even if that dispensary is located in a building that is located on the same premises of a marijuana establishment.

§ 4507. ADVERTISING

(a) Marijuana advertising shall not contain any statement or illustration that:

(1) is false or misleading;

(2) promotes overconsumption; or

(3) is designed to appeal to children or persons under 18 years of age by

portraying anyone under 18 years of age or objects suggestive of the presence of anyone under 18 years of age, or containing the use of a figure, a symbol, or language that is customarily associated with anyone under 18 years of age.

(b) Outdoor marijuana advertising shall not be located within 1,000 feet of a preexisting public or private school or licensed or regulated child care facility.

(c) In accordance with section 4512 of this chapter, the Agency shall adopt regulations on marijuana establishment advertising that reflect the policies of subsection (a) of this section and place restrictions on the time, place, and manner, but not content, of the advertising.

(d) All advertising shall contain the following warnings:

(1) For use only by adults 21 years of age or older. Keep out of the reach of children.

(2) Marijuana has intoxicating effects and may impair concentration, coordination, and judgment. Do not operate a motor vehicle or heavy machinery or enter into any contractual agreement under the influence of marijuana.

Subchapter 2. Administration

§ 4511. AUTHORITY

(a) For the purpose of regulating the cultivation, processing, packaging, transportation, testing, purchase, and sale of marijuana in accordance with this chapter, the Agency shall have the following authority and duties:

(1) rulemaking in accordance with this chapter and 3 V.S.A. chapter 25;

(2) administration of a program for the licensure of marijuana establishments, which shall include compliance and enforcement; and

(3) submission of an annual budget to the Governor.

(b)(1) There is established the Marijuana Advisory Board within the Agency for the purpose of advising the Agency and other administrative agencies and departments regarding policy for the implementation and operation of this chapter. The Board shall be composed of the following members:

(A) the Secretary of Agriculture, Food and Markets or designee;

(B) the Commissioner of Public Safety or designee;

(C) the Commissioner of Health or designee;

(D) the Commissioner of Taxes or designee; and

(E) a member of local law enforcement appointed by the Governor.

(2) The Secretary of Administration shall convene the first meeting of the Board on or before June 1, 2017 and shall attend Board meetings.

§ 4512. RULEMAKING

(a) The Agency shall adopt rules to implement this chapter on or before March 15, 2018, in accordance with subdivisions (1)–(4) of this subsection.

(1) Rules concerning any marijuana establishment shall include:

(A) the form and content of license and renewal applications;

(B) qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment, including submission of an operating plan and the requirement for a fingerprint-based criminal history record check and regulatory record check pursuant to subsection 4522(d) of this title;

(C) oversight requirements;

(D) inspection requirements;

(E) records to be kept by licensees and the required availability of the records;

(F) employment and training requirements, including requiring that each marijuana establishment create an identification badge for each employee;

(G) security requirements, including lighting, physical security, video, and alarm requirements;

(H) restrictions on advertising, marketing, and signage;

(I) health and safety requirements;

(J) regulation of additives to marijuana, including those that are toxic or designed to make the product more addictive, more appealing to children, or to mislead consumers;

(K) procedures for seed to sale traceability of marijuana, including any requirements for tracking software;

(L) regulation of the storage and transportation of marijuana;

(M) sanitary requirements;

(N) pricing guidelines with a goal of ensuring marijuana is sufficiently affordable to undercut the illegal market;

(O) procedures for the renewal of a license, which shall allow

renewal applications to be submitted up to 90 days prior to the expiration of the marijuana establishment's license;

(P) procedures for suspension and revocation of a license; and

(Q) requirements for banking and financial transactions.

(2) Rules concerning cultivators shall include:

(A) labeling requirements for products sold to retailers; and

(B) regulation of visits to the establishments, including the number of visitors allowed at any one time and recordkeeping concerning visitors.

(3) Rules concerning retailers shall include:

(A) labeling requirements, including appropriate warnings concerning the carcinogenic effects and other potential negative health consequences of consuming marijuana, for products sold to customers;

(B) requirements for proper verification of age and residency of customers;

(C) restrictions that marijuana shall be stored behind a counter or other barrier to ensure a customer does not have direct access to the marijuana; and

(D) regulation of visits to the establishments, including the number of customers allowed at any one time and recordkeeping concerning visitors.

(4) Rules concerning testing laboratories shall include:

(A) procedures for destruction of all samples; and

(B) requirements for chain of custody recordkeeping.

(b) The Agency shall consult with the Department in the development and adoption of the following rules identified in subsection (a) of this section:

(1) regarding any marijuana establishment, subdivisions (1)(B), (G), (K), (L), (P), and (Q);

(2) regarding cultivators, subdivision (2)(A)(vi);

(3) regarding retailers, subdivisions (4)(B), (C), and (E); and

(4) regarding testing laboratories, subdivisions (5)(B), (C), and (D).

§ 4513. IMPLEMENTATION

(a)(1) On or before April 15, 2018, the Agency shall begin accepting applications for cultivator licenses and testing laboratory licenses. The initial application period shall remain open for 30 days. The Agency may reopen the application process for any period of time at its discretion.

(2) On or before June 15, 2018, the Agency shall begin issuing cultivator licenses and testing laboratory licenses to qualified applicants.

(b)(1) On or before May 15, 2018, the Agency shall begin accepting applications for retail licenses. The initial application period shall remain open for 30 days. The Agency may reopen the application process for any period of time at its discretion.

(2) On or before September 15, 2018, the Agency shall begin issuing retailer licenses to qualified applicants. A license shall not permit a licensee to open the store to the public or sell marijuana to the public prior to January 2, 2019.

(c)(1) Prior to July 1, 2019, provided applicants meet the requirements of this chapter, the Agency shall issue:

(A) an unlimited number of cultivator licenses that permit a cultivation space of not more than 500 square feet;

(B) a maximum of 20 cultivator licenses that permit a cultivation space of more than 500 square feet but not more than 1,000 square feet;

(C) a maximum of 15 cultivator licenses that permit a cultivation space of more than 1,000 square feet up to 2,500 square feet;

(D) a maximum of 10 cultivator licenses that permit a cultivation space of more than 2,500 square feet up to 5,000 square feet;

(E) a maximum of five cultivator licenses that permit a cultivation space of more than 5,000 square feet up to 10,000 square feet;

(F) a maximum of five testing laboratory licenses; and

(G) a maximum of 42 retailer licenses.

(2) On or after July 1, 2019, the limitations in subdivision (1) of this subsection shall not apply and the Agency shall use its discretion to issue licenses in a number and size for the purpose of competing with and undercutting the illegal market based on available data and recommendations of the Marijuana Program Review Commission. A cultivator licensed prior to July 1, 2019 may apply to the Agency to modify its license to expand its cultivation space.

§ 4514. CIVIL CITATIONS; SUSPENSION AND REVOCATION OF LICENSES

(a) The Agency shall have the authority to adopt rules for the issuance of civil citations for violations of this chapter and the rules adopted pursuant to section 4512 of this title. Any proposed rule under this section shall include

the full, minimum, and waiver penalty amounts for each violation.

(b) The Agency shall have the authority to suspend or revoke a license for violations of this chapter in accordance with rules adopted pursuant to section 4512 of this title.

Subchapter 3. Licenses

§ 4521. GENERAL PROVISIONS

(a) Except as otherwise permitted by this chapter, a person shall not engage in the cultivation, preparation, processing, packaging, transportation, testing, or sale of marijuana without obtaining a license from the Agency.

(b) All licenses shall expire at midnight, April 30, of each year beginning no earlier than 10 months after the original license was issued to the marijuana establishment.

(c) Applications for licenses and renewals shall be submitted on forms provided by the Agency and shall be accompanied by the fees provided for in section 4528 of this section.

(d)(1) Except as provided in subdivision (2) of this subsection (d), an applicant and its affiliates may obtain only one license, either a cultivator license, a retailer license, or a testing laboratory license under this chapter.

(2) A dispensary or a subsidiary of a dispensary may obtain one of each type of license under this chapter, provided that a dispensary or its subsidiary obtains no more than one cultivator license, one retailer license, and one testing laboratory license total.

(e) Each license shall permit only one location of the establishment.

(f) A dispensary that obtains a retailer license pursuant to this chapter shall maintain the dispensary and retail operations in a manner that protects patient and caregiver privacy in accordance with rules adopted by the Agency. If the dispensary and retail establishment are located on the same premises, the dispensary and retail establishment shall provide separate entrances and common areas designed to serve patients and caregivers and customers.

(g) Each licensee shall obtain and maintain commercial general liability insurance in accordance with rules adopted by the Agency. Failure to provide proof of insurance to the Agency, as required, may result in revocation of the license.

(h) All records relating to security, transportation, public safety, and trade secrets in an application for a license under this chapter shall be exempt from public inspection and copying under the Public Records Act.

(i) This subchapter shall not apply to possession regulated by chapters 84

or 86 of this title.

§ 4522. LICENSE QUALIFICATIONS AND APPLICATION PROCESS

(a) To be eligible for a marijuana establishment license:

(1) An applicant shall be a resident of Vermont.

(2) A principal of an applicant, and a person who owns or controls an applicant, shall have been a resident of Vermont for two or more years immediately preceding the date of application.

(3) An applicant, principal of an applicant, or person who owns or controls an applicant, who is a natural person:

(A) shall be 21 years of age or older; and

(B) shall consent to the release of his or her criminal and administrative history records.

(b) A financier of an applicant shall have been a resident of Vermont for two or more years immediately preceding the date of application.

(c) As part of the application process, each applicant shall submit, in a format proscribed by the Agency, an operating plan. The plan shall include a floor plan or site plan drawn to scale that illustrates the entire operation being proposed. The plan shall also include the following:

(1) For a cultivator license, information concerning:

(A) security;

(B) traceability;

(C) employee qualifications and training;

(D) transportation of product;

(E) destruction of waste product;

(F) description of growing operation, including growing media, size of grow space allocated for plant production, space allowed for any other business activity, description of all equipment to be used in the cultivation process, and a list of soil amendments, fertilizers, or other crop production aids, or pesticides, utilized in the production process;

(G) how the applicant will meet its operation's need for energy services at the lowest present value life-cycle cost, including environmental and economic costs, through a strategy combining investments and expenditures on energy efficiency and energy supply;

(H) testing procedures and protocols;

(I) description of packaging and labeling of products transported to retailers; and

(J) any additional requirements contained in rules adopted by the Agency in accordance with this chapter.

(2) For a retailer license, information concerning:

(A) security;

(B) traceability;

(C) employee qualifications and training;

(D) destruction of waste product;

(E) description of packaging and labeling of products sold to customers;

(F) the products to be sold and how they will be displayed to customers; and

(G) any additional requirements contained in rules adopted by the Agency in accordance with this chapter.

(3) For a testing laboratory license, information concerning:

(A) security;

(B) traceability;

(C) employee qualifications and training;

(D) destruction of waste product; and

(E) the types of testing to be offered.

(d) The Department shall obtain a Vermont criminal history record, an out-of-state criminal history record, a criminal history record from the Federal Bureau of Investigation, and any regulatory records relating to the operation of a business in this State or any other jurisdiction for each of the following who is a natural person:

(1) an applicant or financier;

(2) a principal of an applicant or financier; and

(3) a person who owns or controls an applicant or financier.

(e) When considering applications for a marijuana establishment license, the Agency shall:

(1) give priority to a qualified applicant that is a dispensary or subsidiary of a dispensary;

(2) strive for geographic distribution of marijuana establishments based on population.

§ 4523. EDUCATION

(a) An applicant for a marijuana establishment license shall meet with a Agency designee for the purpose of reviewing Vermont laws and rules pertaining to the possession, purchase, storage, and sale of marijuana prior to receiving a license.

(b) A licensee shall complete an enforcement seminar every three years conducted by the Agency. A license shall not be renewed unless the records of the Agency show that the licensee has complied with the terms of this subsection.

(c) A licensee shall ensure that each employee involved in the sale of marijuana completes a training program approved by the Agency prior to selling marijuana and at least once every 24 months thereafter. A licensee shall keep a written record of the type and date of training for each employee, which shall be signed by each employee. A licensee may comply with this requirement by conducting its own training program on its premises, using information and materials furnished by the Agency. A licensee who fails to comply with the requirements of this section shall be subject to a suspension of no less than one day of the license issued under this chapter.

§ 4524. IDENTIFICATION CARD; CRIMINAL BACKGROUND CHECK

(a) The Agency shall issue each employee an identification card or renewal card within 30 days of receipt of the person's name, address, and date of birth and a fee of \$50.00. The fee shall be paid by the marijuana establishment and shall not be passed on to an employee. A person shall not work as an employee until that person has received an identification card issued under this section. Each card shall contain the following:

(1) the name, address, and date of birth of the person;

(2) the legal name of the marijuana establishment with which the person is affiliated;

(3) a random identification number that is unique to the person;

(4) the date of issuance and the expiration date of the identification card; and

(5) a photograph of the person.

(b) Prior to acting on an application for an identification card, the Agency shall obtain from the Department the person's Vermont criminal history record, out-of-state criminal history record, and criminal history record from

the Federal Bureau of Investigation. Each person shall consent to the release of criminal history records to the Agency and the Department on forms developed by the Vermont Crime Information Center.

(c) When the Department obtains a criminal history record, the Department shall promptly provide a copy of the record to the person and the marijuana establishment. The Department shall inform the person of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Agency.

(d) The Department shall comply with all laws regulating the release of criminal history records and the protection of individual privacy. No person shall confirm the existence or nonexistence of criminal history record information to any person who would not be eligible to receive the information pursuant to this chapter.

(e) The Agency, in consultation with the Department, shall adopt rules for the issuance of an identification card and shall set forth standards for determining whether a person should be denied a registry identification card because his or her criminal history record indicates that the person's association with a marijuana establishment would pose a demonstrable threat to public safety. Previous nonviolent drug-related convictions shall not automatically disqualify an applicant. A marijuana establishment may deny a person the opportunity to serve as an employee based on his or her criminal history record. A person who is denied an identification card may appeal the Agency's determination in Superior Court in accordance with Rule 75 of the Vermont Rules of Civil Procedure.

(f) An identification card shall expire one year after its issuance or upon the expiration of the marijuana establishment's license, whichever occurs first.

§ 4525. CULTIVATOR LICENSE

(a) A cultivator licensed under this chapter may cultivate, package, label, transport, test, and sell marijuana to a licensed retailer.

(b) Cultivation of marijuana shall occur only in an enclosed, locked facility which is either indoors, or if outdoors, not visible to the public, and which can only be accessed by principal officers and employees of the licensee who have valid identification cards.

(c) An applicant shall designate on his or her operating plan the size of the premises and the amount of actual square footage that will be dedicated to plant canopy.

(d) Representative samples of each lot or batch of marijuana intended for human consumption shall be tested for safety and potency in accordance with

rules adopted by the Agency.

(e) Each cultivator shall create packaging for its marijuana.

(1) Packaging shall include:

(A) The name and registration number of the cultivator.

(B) The strain of marijuana contained. Marijuana strains shall be either pure breeds or hybrid varieties of marijuana and shall reflect properties of the plant.

(C) The potency of the marijuana represented by the percentage of tetrahydrocannabinol and cannabidiol by mass.

(D) A “produced on” date reflecting the date that the cultivator finished producing marijuana.

(E) Warnings, in substantially the following form, stating, “Consumption of marijuana impairs your ability to drive a car and operate machinery,” “Keep away from children,” and “Possession of marijuana is illegal under federal law.”

(F) Any additional requirements contained in rules adopted by the Department in accordance with this chapter. Rules shall take into consideration that different labeling requirements may be appropriate depending on whether the marijuana is sold to a wholesaler, product manufacturer, or retailer.

(2) Packaging shall not be designed to appeal to persons under 21 years of age.

(f)(1) Only unadulterated marijuana shall be offered for sale. If, upon inspection, the Agency finds any violative pesticide residue or other contaminants of concern, the Agency shall order the marijuana, either individually or in blocks, to be:

(A) put on stop-sale;

(B) treated in a particular manner; or

(C) destroyed according to the Agency’s instructions.

(2) Marijuana ordered destroyed or placed on stop-sale shall be clearly separable from salable marijuana. Any order shall be confirmed in writing within seven days. The order shall include the reason for action, a description of the marijuana affected, and any recommended treatment.

(3) A person may appeal an order issued pursuant to this section within 15 days of receiving the order. The appeal shall be made in writing to the Secretary and shall clearly identify the marijuana affected and the basis for the

appeal.

§ 4526. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) transport, possess, and sell marijuana to the public for consumption off the registered premises;

(2) purchase marijuana from a licensed cultivator; and

(3) provide marijuana to a licensed testing laboratory.

(b)(1) In a single transaction, a retailer may provide:

(A) one-half ounce of marijuana to a person 21 years of age or older upon verification of a valid government-issued photograph identification card that indicates the person is domiciled in Vermont; or

(B) one-quarter of an ounce of marijuana to a person 21 years of age or older upon verification of a valid government-issued photograph identification card that indicates the person is domiciled outside Vermont.

(2) A retailer shall not knowingly and willfully sell an amount of marijuana to a person that causes the person to exceed the possession limit.

(c) A retailer shall only sell “useable marijuana” which means the dried flowers of marijuana, and does not include the seeds, stalks, leaves, and roots of the plant, and shall not package marijuana with other items, such as paraphernalia, for sale to customers.

(d)(1) Packaging shall include:

(A) The name and registration number of the retailer.

(B) The strain of marijuana contained. Marijuana strains shall be either pure breeds or hybrid varieties of marijuana and shall reflect properties of the plant.

(C) The potency of the marijuana represented by the percentage of tetrahydrocannabinol and cannabidiol by mass.

(D) A “produced on” date reflecting the date that the cultivator finished producing marijuana.

(E) Warnings, in substantially the following form, stating, “Consumption of marijuana impairs your ability to drive a car and operate machinery,” “Keep away from children,” and “Possession of marijuana is illegal under federal law.”

(F) Any additional requirements contained in rules adopted by the Agency in accordance with this chapter.

(2) Packaging shall not be designed to appeal to persons under 21 years of age.

(e) A retailer shall display a safety information flyer developed or approved by the Agency and supplied to the retailer free of charge. The flyer shall contain information concerning the methods for administering marijuana, the potential dangers of marijuana use, the symptoms of problematic usage, and how to receive help for marijuana abuse.

(f) Internet sales and delivery of marijuana to customers are prohibited.

§ 4527. MARIJUANA TESTING LABORATORY

(a) A testing laboratory licensed under this chapter may acquire, possess, analyze, test, and transport marijuana samples obtained from a licensed marijuana establishment.

(b) Testing may address the following:

- (1) residual solvents;
- (2) poisons or toxins;
- (3) harmful chemicals;
- (4) dangerous molds, mildew, or filth;
- (5) harmful microbials, such as E.coli or salmonella;
- (6) pesticides; and
- (7) tetrahydrocannabinol and cannabidiol potency.

(c) A testing laboratory shall have a written procedural manual made available to employees to follow meeting the minimum standards set forth in rules detailing the performance of all methods employed by the facility used to test the analytes it reports.

(d) In accordance with rules adopted pursuant to this chapter, a testing laboratory shall establish a protocol for recording the chain of custody of all marijuana samples.

(e) A testing laboratory shall establish, monitor, and document the ongoing review of a quality assurance program that is sufficient to identify problems in the laboratory systems when they occur.

§ 4528. FEES

(a) The Agency shall charge and collect initial license application fees and annual license renewal fees for each type of marijuana license under this chapter. Fees shall be due and payable at the time of license application or renewal.

(b)(1) The nonrefundable fee accompanying an application for a cultivator license pursuant to section 4525 of this chapter shall be:

(A) \$1,000.00 for a cultivation space that does not exceed 500 square feet.

(B) \$3,000.00. for a cultivation space of more than 500 square feet but not more than 1,000 square feet.

(C) \$7,500.00 for a cultivation space of 1,001–2,500 square feet.

(D) \$15,000.00 for a cultivation space of 2,501–5,000 square feet.

(E) \$30,000.00 for a cultivation space of 5,001–10,000 square feet.

(2) The nonrefundable fee accompanying an application for a retailer license pursuant to section 4526 of this chapter shall be \$15,000.00.

(3) The nonrefundable fee accompanying an application for a marijuana testing laboratory license pursuant to section 4527 of this chapter shall be \$500.00.

(4) If a person submits a qualifying application for a marijuana establishment license during an open application, pays the nonrefundable application fee, but is not selected to receive a license due to the limited number of licenses available, the person may reapply, based on availability, for such a license within two years by resubmitting the application with any necessary updated information, and shall be charged a fee that is fifty percent of the application fees set forth in subdivision (1)–(3) of this subsection if the original application was submitted prior to July 1, 2019.

(c)(1) The initial annual license fee and subsequent annual renewal fee for a cultivator license pursuant to section 4525 of this chapter shall be:

(A) \$1,000.00 for a cultivation space that does not exceed 500 square feet.

(B) \$3,000.00. for a cultivation space of more than 500 square feet but not more than 1,000 square feet.

(C) \$7,500.00 for a cultivation space of 1,001–2,500 square feet.

(D) \$15,000.00 for a cultivation space of 2,501–5,000 square feet.

(E) \$30,000.00 for a cultivation space of 5,001–10,000 square feet.

(2) The initial annual license fee and subsequent annual renewal fee for a retailer license pursuant to section 4526 of this chapter shall be \$15,000.00.

(3) The initial annual license fee and subsequent annual renewal fee for a marijuana testing laboratory license pursuant to section 4527 of this chapter

shall be \$2,500.00.

(d) The following administrative fees shall apply:

(1) Change of corporate structure fee (per person) shall be \$1,000.00.

(2) Change of name fee shall be \$1,000.00.

(3) Change of location fee shall be \$1,000.00.

(4) Modification of license premises fee shall be \$250.00.

(5) Addition of financier fee shall be \$250.00.

(6) Duplicate license fee shall be \$100.00.

§ 4529. MARIJUANA REGULATION AND RESOURCE FUND

(a) The Marijuana Regulation and Resource Fund is hereby created. The Fund shall be maintained by the Agency of Administration.

(b) The Fund shall be composed of:

(1) all application fees, license fees, renewal fees, and civil penalties collected pursuant to this chapter; and

(2) all taxes collected by the Commissioner of Taxes pursuant to this chapter.

(c)(1) Funds shall be appropriated as follows:

(A) For the purpose of implementation, administration, and enforcement of this chapter.

(B) Proportionately for the prevention of substance abuse, treatment of substance abuse, and criminal justice efforts by State and local law enforcement to combat the illegal drug trade and impaired driving. As used in this subdivision, "criminal justice efforts" shall include efforts by both State and local criminal justice agencies, including law enforcement, prosecutors, public defenders, and the courts.

(2) Appropriations made pursuant to subdivision (1) of this subsection shall be in addition to current funding of the identified priorities and shall not be used in place of existing State funding.

(d) 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 into the Fund.

(e) This Fund is established in the State Treasury pursuant to 32 V.S.A. chapter 7, subchapter 5. The Commissioner of Finance and Management shall anticipate receipts in accordance with 32 V.S.A. § 588(4)(C).

(f) The Secretary of Administration shall report annually to the Joint Fiscal Committee on receipts and expenditures through the prior fiscal year on or before the Committee's regularly scheduled November meeting.

Subchapter 4. Marijuana Program Review Commission

§ 4546. PURPOSE; MEMBERS

(a) Creation. There is created a temporary Marijuana Program Review Commission for the purpose of facilitating efficient and lawful implementation of this act and examination of issues important to the future of marijuana regulation in Vermont.

(b) Membership. The Commission shall be composed of the following members:

(1) two members of the public appointed by the Governor;

(2) two members of the House of Representatives, appointed by the Speaker of the House;

(3) two members of the Senate, appointed by the Committee on Committees; and

(4) the Attorney General or designee.

(c) Term. Legislative members shall serve only while in office.

§ 4547. POWERS; DUTIES

(a) The Commission shall:

(1) collect information about the implementation, operation, and effect of this act from members of the public, State agencies, and private and public sector businesses and organizations;

(2) communicate with other states that have legalized marijuana and monitor those states regarding their implementation of regulation, policies, and strategies that have been successful and problems that have arisen;

(3) examine the issue of marijuana concentrates and edible marijuana products and whether Vermont safely can allow and regulate their manufacture and sale and, if so, how;

(4) keep updated on the latest information in Vermont and other jurisdictions regarding the prevention and detection of impaired driving as it relates to marijuana;

(5) study the opportunity for a cooperative agriculture business model and licensure and community supported agriculture;

(6) examine whether Vermont should allow additional types of

marijuana establishment licenses, including a processor license and product manufacturer license;

(7) review the statutes and rules for the therapeutic marijuana program and dispensaries and determine whether additional amendments are necessary to maintain patient access to marijuana and viability of the dispensaries;

(8) monitor supply and demand of marijuana cultivated and sold pursuant to this act for the purpose of assisting the Agency of Agriculture, Food, and Markets and policymakers with determining appropriate numbers of licenses and limitations on the amount of marijuana cultivated and offered for retail sale in Vermont so that the adult market is served without unnecessary surplus marijuana;

(9) monitor the extent to which marijuana is accessed through both the legal and illegal market by persons under 21 years of age;

(10) identify strategies for preventing youth from using marijuana;

(11) identify academic and scientific research, including longitudinal research questions, that when completed may assist policymakers in developing marijuana policy in accordance with this act;

(12) consider whether to create a local revenue stream which may include a local option excise tax on marijuana sales or municipally assessed fees;

(13) recommend the appropriate maximum amount of marijuana sold by a retailer in a single transaction and whether there should be differing amounts for Vermonters and nonresidents; and

(14) report any recommendations to the General Assembly and the Governor, as needed.

(b) On or before January 15, 2020, the Commission shall issue a final report to the General Assembly and the Governor regarding its findings and any recommendations for legislative or administrative action.

§ 4548. ADMINISTRATION

(a) Assistance. The Commission shall have the administrative, technical, and legal assistance of the Administration.

(b) Meetings.

(1) The Administration shall call the first meeting of the Commission to occur on or before August 1, 2017.

(2) The Commission shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Commission shall cease meeting regularly after the issuance of its final report, but members shall be available to meet with Administration officials and the General Assembly until July 1, 2019 at which time the Commission shall cease to exist.

(c) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for as many meetings as the Chair deems necessary.

(2) Other members of the Commission who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

Sec. 14. 32 V.S.A. chapter 207 is added to read:

CHAPTER 207. MARIJUANA TAXES

§ 7901. TAX IMPOSED

(a) There is imposed a marijuana excise tax equal to 25 percent of the sales price, as that term is defined in subdivision 9701(4) of this title, on each retail sale of marijuana in this State. The tax imposed by this section shall be paid by the buyer to the retailer. Each retailer shall collect from the buyer the full amount of the tax payable on each taxable sale.

(b) The tax imposed by this section is separate from the general sales and use tax imposed by chapter 233 of this title. The tax imposed under this section shall be separately itemized from any State and local retail sales tax on the sales receipt provided to the buyer.

(c) The following sales shall be exempt from the tax imposed under this section:

(1) sales under any circumstances in which the State is without power to impose the tax; and

(2) sales made by any dispensary, provided the marijuana will be provided only to registered qualifying patients directly or through their registered caregivers.

§ 7902. LIABILITY FOR TAX AND PENALTIES

(a) Any tax collected under this chapter shall be deemed to be held by the retailer in trust for the State of Vermont. Any tax collected under this chapter

shall be accounted for separately so as to clearly indicate the amount of tax collected, and that the tax receipts are the property of the State of Vermont.

(b) Every retailer required to collect the tax imposed by this chapter shall be personally and individually liable for the amount of tax together with such interest and penalty as has accrued under this title. If the retailer is a corporation or other entity, the personal liability shall extend to any officer or agent of the corporation or entity who as an officer or agent of the same has the authority to collect the tax and transmit it to the Commissioner of Taxes as required in this chapter.

(c) A retailer shall have the same rights in collecting the tax from his or her purchaser or regarding nonpayment of the tax by the purchaser as if the tax were a part of the purchase price of the marijuana and payable at the same time; provided, however, if the retailer required to collect the tax has failed to remit any portion of the tax to the Commissioner of Taxes, the Commissioner of Taxes shall be notified of any action or proceeding brought by the retailer to collect the tax and shall have the right to intervene in such action or proceeding.

(d) A retailer required to collect the tax may also refund or credit to the purchaser any tax erroneously, illegally, or unconstitutionally collected. No cause of action that may exist under State law shall accrue against the retailer for the tax collected unless the purchaser has provided written notice to a retailer, and the retailer has had 60 days to respond.

(e) To the extent not inconsistent with this chapter, the provisions for the assessment, collection, enforcement, and appeals of the sales and use taxes in chapter 233 of this title shall apply to the tax imposed by this chapter.

§ 7903. BUNDLED TRANSACTIONS

(a) Except as provided in subsection (b) of this section, a retail sale of a bundled transaction that includes marijuana is subject to the tax imposed by this chapter on the entire selling price of the bundled transaction.

(b) If the selling price is attributable to products that are taxable and products that are not taxable under this chapter, the portion of the price attributable to the nontaxable products are subject to the tax imposed by this chapter unless the retailer can identify by reasonable and verifiable standards the portion that is not subject to tax from its books and records that are kept in the regular course of business.

(c) As used in this section, “bundled transaction” means:

(1) the retail sale of two or more products where the products are otherwise distinct and identifiable, are sold for one nonitemized price, and at

least one of the products includes marijuana subject to the tax under this chapter; or

(2) marijuana provided free of charge with the required purchase of another product.

§ 7904. RETURNS

(a) Any retailer required to collect the tax imposed by this chapter shall, on or before the 15th day of every month, return to the Department of Taxes, under oath of a person with legal authority to bind the retailer, a statement containing its name and place of business, the amount of marijuana sales subject to the excise tax imposed by this subchapter sold in the preceding month, and any other information required by the Department of Taxes, along with the tax due.

(b) Every retailer shall maintain, for not less than three years, accurate records showing all transactions subject to tax liability under this chapter. These records are subject to inspection by the Department of Taxes at all reasonable times during normal business hours.

§ 7905. LICENSES

(a) Every retailer required to collect the tax imposed by this chapter shall apply for a marijuana excise tax license in the manner prescribed by the Commissioner of Taxes. The Commissioner shall issue, without charge, to each registrant a license empowering him or her to collect the marijuana excise tax. Each license shall state the place of business to which it is applicable. The license shall be prominently displayed in the place of business of the registrant. The licenses shall be nonassignable and nontransferable and shall be surrendered to the Commissioner immediately upon the registrant's ceasing to do business at the place named. A license to collect marijuana excise tax shall be in addition to the licenses required by sections 9271 (meals and rooms tax) and 9707 (sales and use tax) of this title and any license required by the Agency of Agriculture, Food, and Markets.

(b) The Agency of Agriculture, Food, and Markets may require the Commissioner of Taxes to suspend or revoke the tax license of any person for failure to comply with any provision of this chapter.

Sec. 15. 32 V.S.A. § 5811 is amended to read:

§ 5811. DEFINITIONS

The following definitions shall apply throughout this chapter unless the context requires otherwise:

* * *

(18) "Vermont net income" means, for any taxable year and for any

corporate taxpayer:

(A) the taxable income of the taxpayer for that taxable year under the laws of the United States, without regard to 26 U.S.C. § 168(k) of the Internal Revenue Code, and excluding income which under the laws of the United States is exempt from taxation by the states:

(i) increased by:

(I) the amount of any deduction for State and local taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business and capital stock taxes; and

(II) to the extent such income is exempted from taxation under the laws of the United States by the amount received by the taxpayer on and after January 1, 1986 as interest income from State and local obligations, other than obligations of Vermont and its political subdivisions, and any dividends or other distributions from any fund to the extent such dividend or distribution is attributable to such Vermont State or local obligations;

(III) the amount of any deduction for a federal net operating loss; and

(ii) decreased by:

(I) the “gross-up of dividends” required by the federal Internal Revenue Code to be taken into taxable income in connection with the taxpayer’s election of the foreign tax credit; ~~and~~

(II) the amount of income which results from the required reduction in salaries and wages expense for corporations claiming the Targeted Job or WIN credits; and

(III) any federal deduction that the taxpayer would have been allowed for the cultivation, testing, processing, or sale of marijuana, as authorized under 18 V.S.A. chapter 86 or 87, but for 26 U.S.C. § 280E.

* * *

(21) “Taxable income” means federal taxable income determined without regard to 26 U.S.C. § 168(k) and:

(A) Increased by the following items of income (to the extent such income is excluded from federal adjusted gross income):

(i) interest income from non-Vermont state and local obligations;

(ii) dividends or other distributions from any fund to the extent they are attributable to non-Vermont state or local obligations;

(iii) the amount of State and local income taxes deducted from federal adjusted gross income for the taxable year, but in no case in an amount

that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; and

(iv) the amount of total itemized deductions, other than deductions for State and local income taxes, medical and dental expenses, or charitable contributions, deducted from federal adjusted gross income for the taxable year, that is in excess of two and one-half times the standard deduction allowable to the taxpayer; and

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

(i) income from United States government obligations;

(ii) with respect to adjusted net capital gain income as defined in 26 U.S.C. § 1(h) reduced by the total amount of any qualified dividend income: either the first \$5,000.00 of such adjusted net capital gain income; or 40 percent of adjusted net capital gain income from the sale of assets held by the taxpayer for more than three years, except not adjusted net capital gain income from:

(I) the sale of any real estate or portion of real estate used by the taxpayer as a primary or nonprimary residence; or

(II) the sale of depreciable personal property other than farm property and standing timber; or stocks or bonds publicly traded or traded on an exchange, or any other financial instruments; regardless of whether sold by an individual or business; and provided that the total amount of decrease under this subdivision (21)(B)(ii) shall not exceed 40 percent of federal taxable income; ~~and~~

(iii) recapture of State and local income tax deductions not taken against Vermont income tax; and

(iv) any federal deduction that the taxpayer would have been allowed for the cultivation, testing, processing, or sale of marijuana, as authorized under 18 V.S.A. chapter 86 or 87, but for 26 U.S.C. § 280E.

* * *

Sec. 16. 32 V.S.A. § 9741(51) is added to read:

(51) Marijuana sold by a dispensary as authorized under 18 V.S.A. chapter 86 or by a retailer as authorized under 18 V.S.A. chapter 87.

* * * Impaired Driving * * *

Sec. 17. 23 V.S.A. § 1134 is amended to read:

§ 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR
POSSESSION OF ALCOHOL OR MARIJUANA

(a) A person shall not consume alcoholic beverages or marijuana while operating a motor vehicle on a public highway. As used in this section, “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as defined in section 1200 of this title.

(b) A person operating a motor vehicle on a public highway shall not possess any open container which contains alcoholic beverages or marijuana in the passenger area of the motor vehicle.

(c) As used in this section, “passenger area” shall mean the area designed to seat the operator and passengers while the motor vehicle is in operation and any area that is readily accessible to the operator or passengers while in their seating positions, including the glove compartment, unless the glove compartment is locked. In a motor vehicle that is not equipped with a trunk, the term shall exclude the area behind the last upright seat or any area not normally occupied by the operator or passengers.

(d) A person who violates subsection (a) of this section shall be assessed a civil penalty of not more than \$500.00. A person who violates subsection (b) of this section shall be assessed a civil penalty of not more than ~~\$25.00~~ \$50.00. A person adjudicated and assessed a civil penalty for an offense under subsection (a) of this section shall not be subject to a civil violation for the same actions under subsection (b) of this section.

Sec. 18. 23 V.S.A. § 1134a is amended to read:

§ 1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR
POSSESSION OF ALCOHOL OR MARIJUANA

(a) Except as provided in subsection (c) of this section, a passenger in a motor vehicle shall not consume alcoholic beverages or marijuana or possess any open container which contains alcoholic beverages or marijuana in the passenger area of any motor vehicle on a public highway. As used in this section, “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as defined in section 1200 of this title.

(b) As used in this section, “passenger area” shall mean the area designed to seat the operator and passengers while the motor vehicle is in operation and any area that is readily accessible to the operator or passengers while in their seating positions, including the glove compartment, unless the glove compartment is locked. In a motor vehicle that is not equipped with a trunk, the term shall exclude the area behind the last upright seat or any area not normally occupied by the operator or passengers.

(c) A person, other than the operator, may possess an open container which contains alcoholic beverages or marijuana in the passenger area of a motor

vehicle designed, maintained, or used primarily for the transportation of persons for compensation or in the living quarters of a motor home or trailer coach.

(d) A person who violates this section shall be fined not more than \$25.00.

Sec. 19. 23 V.S.A. § 1219 is amended to read:

§ 1219. COMMERCIAL MOTOR VEHICLE; DETECTABLE AMOUNT;
OUT-OF-SERVICE

A person who is operating, attempting to operate, or in actual physical control of a commercial motor vehicle with any measurable or detectable amount of alcohol or marijuana in his or her system shall immediately be placed out-of-service for 24 hours by an enforcement officer. A law enforcement officer who has reasonable grounds to believe that a person has a measurable or detectable amount of alcohol or marijuana in his or her system on the basis of the person's general appearance, conduct, or other substantiating evidence, may request the person to submit to a test, which may be administered with a preliminary screening device. The law enforcement officer shall inform the person at the time the test is requested that refusal to submit will result in disqualification. If the person refuses to submit to the test, the person shall immediately be placed out-of-service for 24 hours and shall be disqualified from driving a commercial motor vehicle as provided in section 4116 of this title.

Sec. 20. 23 V.S.A. § 4116 is amended to read:

§ 4116. DISQUALIFICATION

(a) A person shall be disqualified from driving a commercial motor vehicle for a period of one year if convicted of a first violation of:

* * *

(4) refusal to submit to a test to determine the operator's alcohol or marijuana concentration, as provided in section 1205, 1218, or 1219 of this title;

* * *

Sec. 21. VERMONT GOVERNOR'S HIGHWAY SAFETY PROGRAM

(a) Impaired driving, operating a motor vehicle while under the influence of alcohol or drugs, is a significant concern for the General Assembly. While Vermont has made a meaningful effort to educate the public about the dangers of drinking alcohol and driving, the public seems to be less aware of the inherent risks of driving while under the influence of drugs, whether it is marijuana, a validly prescribed medication, or other drugs. It is the intent of the General Assembly that the State reframe the issue of drunk driving as

impaired driving in an effort to comprehensively address the risks of such behavior through prevention, education, and enforcement.

(b)(1) The Agency of Transportation, through its Vermont Governor's Highway Safety Program, shall expand its public education and prevention campaign on drunk driving to impaired driving, which shall include drugged driving.

(2) The Agency shall report to the Senate and House Committees on Judiciary and on Transportation on or before January 15, 2018 regarding implementation of this section.

Sec. 22. REPORTING IMPAIRED DRIVING DATA

The Commissioner of Public Safety and the Secretary of Transportation, in collaboration, shall report to the Senate and House Committees on Judiciary and on Transportation on or before January 15 each year regarding the following issues concerning impaired driving:

(1) the previous year's data in Vermont,

(2) the latest information regarding best practices on prevention and enforcement, and

(3) their recommendations for legislative action.

Sec. 23. TRAINING FOR LAW ENFORCEMENT; IMPAIRED DRIVING

(a) It is imperative that Vermont provide adequate training to both local and State law enforcement officers regarding the detection of impaired driving. Advanced Roadside Impaired Driving Enforcement (ARIDE) training provides instruction to officers at a level above Basic Standardized Sobriety Testing and proves helpful to an officer in determining when a Drug Recognition Expert (DRE) should be called. Vermont should endeavor to train as many law enforcement officers as possible in ARIDE. DREs receive a more advanced training in the detection of drugged driving and should be an available statewide resource for officers in the field.

(b) The Secretary of Transportation and the Commissioner of Public Safety shall work collaboratively to ensure that funding is available, either through the Governor's Highway Safety Program's administration of National Highway Traffic Safety Administration funds or other State funding sources, for training the number of officers necessary to provide sufficient statewide coverage for the enforcement impaired driving.

* * * Appropriations and Positions * * *

Sec. 24. FISCAL YEAR 2018 APPROPRIATIONS FROM THE MARIJUANA REGULATION AND RESOURCE FUND

In fiscal year 2018 the following amounts are appropriated from the Marijuana Regulation and Resource Fund:

(1) Department of Health: \$350,000.00 for initial prevention, education, and counter marketing programs.

(2) Department of Taxes: \$660,000.00 for the acquisition of an excise tax module and staffing expenses to administer the excise tax established in this act.

(3) Agency of Agriculture, Food and Markets:

(A) \$112,500.00 for the Vermont Agriculture and Environmental Lab.

(B) \$272,500.00 for staffing expenses related to rulemaking, program administration, and processing of applications and licenses.

(4) Agency of Administration: \$150,000.00 for expenses and staffing of the Marijuana Program Review Commission established in this act.

Sec. 25. EXECUTIVE BRANCH POSITION AUTHORIZATIONS

The establishment of the following new permanent classified positions is authorized in fiscal year 2018 as follows:

(1) In the Department of Health—one (1) Substance Abuse Program Manager.

(2) In the Department of Taxes—one (1) Business Analyst AC: Tax and one (1) Tax Policy Analyst.

(3) In the Agency of Agriculture, Food and Markets—one (1) Agriculture Chemist and two (2) Program Administrator.

(4) In the Marijuana Program Review Commission—one (1) exempt Commission Director.

Sec. 26. MARIJUANA REGULATION AND RESOURCE FUND

BUDGET AND REPORT

Annually, through 2019, the Secretary of Administration shall report to the Joint Fiscal Committee on receipts and expenditures through the prior fiscal year on or before the Committee's regularly scheduled November meeting on the following:

(1) an update of the administration's efforts concerning implementation, administration, and enforcement of this act;

(2) any changes or updates to revenue expectations from fees and taxes based on changes in competitive pricing or other information;

(3) projected budget adjustment needs for current year appropriations from the Marijuana Regulation and Resource Fund; and

(4) a comprehensive spending plan with recommended appropriations from the Fund for the next the fiscal year, by department, including an explanation and justification for the expenditures and how each recommendation meets the intent of this act.

* * * Miscellaneous * * *

Sec. 27. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(29) To prohibit or regulate, by means of a civil ordinance adopted pursuant to chapter 59 of this title, the number, time, place, manner, or operation of a marijuana establishment, or any class of marijuana establishments, located in the municipality; provided, however, that amendments to such an ordinance shall not apply to restrict further a marijuana establishment in operation within the municipality at the time of the amendment. As used in this subdivision, "marijuana establishment" is as defined in 18 V.S.A. chapter 87.

Sec. 28. 24 V.S.A. § 4414 is amended to read:

§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

Any of the following types of regulations may be adopted by a municipality in its bylaws in conformance with the plan and for the purposes established in section 4302 of this title.

* * *

(16) Marijuana establishments. A municipality may adopt bylaws for the purpose of regulating marijuana establishments as defined in 18 V.S.A. chapter 87.

Sec. 29. WORKFORCE STUDY COMMITTEE

(a) Creation. There is created the Workforce Study Committee to examine the potential impacts of alcohol and drug use on the workplace.

(b) Membership. The Committee shall be composed of the following five members:

(1) the Secretary of Commerce and Community Development or designee;

- (2) the Commissioner of Labor or designee;
- (3) the Commissioner of Health or designee;
- (4) one person representing the interests of employees appointed by the Governor; and
- (5) one person representing the interests of employers appointed by the Governor.

(c) Powers and duties. The Committee shall study:

(1) whether Vermont's workers' compensation and unemployment insurance systems are adversely impacted by alcohol and drug use and identify regulatory or legislative measures to mitigate any adverse impacts;

(2) the issue of alcohol and drugs in the workplace and determine whether Vermont's workplace drug testing laws should be amended to provide employers with broader authority to conduct drug testing, including by permitting drug testing based on a reasonable suspicion of drug use, or by authorizing employers to conduct post-accident, employer-wide, or post-rehabilitation follow-up testing of employees; and

(3) the impact of alcohol and drug use on workplace safety and identify regulatory or legislative measures to address adverse impacts and enhance workplace safety.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Commerce and Community Development, the Department of Labor, and the Department of Health.

(e) Report. On or before December 1, 2017, the Committee shall submit a written report with findings and recommendations to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Secretary of Commerce or designee shall call the first meeting of the Committee to occur on or before September 15, 2017.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Committee shall cease to exist on December 31, 2017.

Sec. 30. 4 V.S.A. § 1102 is amended to read:

 § 1102. JUDICIAL BUREAU; JURISDICTION

(a) A Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(24) Violations of 18 V.S.A. §§ 4230a and 4230b, relating to possession public consumption of marijuana and 18 V.S.A. § 4230e relating to cultivation of marijuana.

* * * Effective Dates * * *

Sec. 31. EFFECTIVE DATES

(a) This section and Secs. 1 (misdemeanor drug possession study), 2 (legislative findings and intent), 3 (marijuana youth education and prevention), 13 (marijuana establishments), 14 (marijuana taxes), and 29 (Workforce Study Committee) shall take effect on passage.

(b) Secs. 12 (chemical extraction via butane or hexane prohibited), 17 (consumption or possession of marijuana by the operator of a motor vehicle), 18 (consumption or possession of marijuana by a passenger of a motor vehicle), 21 (Vermont Governor's Highway Safety Program), 22 (reporting impaired driving data), 23 (training for law enforcement; impaired driving), 24 (appropriations), 25 (positions), 26 (Marijuana Regulation and Resource Fund budget and report), 27 (local authority to regulate marijuana establishments), and 28 (zoning) shall take effect on July 1, 2017.

(c) Sec. 15 (taxes; definitions) shall take effect on January 1, 2018 and shall apply to taxable year 2018 and after.

(d) Secs. 4 (legislative intent; civil and criminal penalties), 5 (marijuana definition), 6 (marijuana; criminal), 7 (marijuana; civil), 8 (marijuana possession by a person under 21 years of age), 9 (cultivation of marijuana by a person 21 years of age or older), 10 (sale or furnishing marijuana to a person under 21 years of age; criminal), 11 (sale of furnishing marijuana to a person under 21 years of age; civil action for damages), 16 (sales tax), 19 (commercial motor vehicle), 20 (disqualification; commercial motor vehicle), and 30 (Judicial Bureau; jurisdiction) shall take effect on January 2, 2019.

Pending the question, Shall the report of the committee on Judiciary, as amended, be further amended as offered by Rep. O'Sullivan of Burlington? **Rep. O'Sullivan 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 report of the committee on Judiciary, as amended, be further amended as offered by Rep. O'Sullivan of Burlington?

was decided in the negative. Yeas, 42. Nays, 99.

Those who voted in the affirmative are:

Ancel of Calais	Giambatista of Essex	Sheldon of Middlebury
Bartholomew of Hartland	Haas of Rochester	Sibilia of Dover
Bock of Chester	Hill of Wolcott	Sullivan of Burlington
Buckholz of Hartford	Hooper of Brookfield	Taylor of Colchester
Burke of Brattleboro	Lefebvre of Newark	Toleno of Brattleboro
Chesnut-Tangerman of Middletown Springs	Long of Newfane	Trieber of Rockingham
Cina of Burlington	McCormack of Burlington	Troiano of Stannard
Colburn of Burlington	McCullough of Williston	Walz of Barre City
Copeland-Hanzas of Bradford *	Miller of Shaftsbury	Webb of Shelburne
Corcoran of Bennington	Morris of Bennington	Willhoit of St. Johnsbury
Donovan of Burlington	Mrowicki of Putney	Wood of Waterbury
Dunn of Essex	Noyes of Wolcott	Yacovone of Morristown *
Fields of Bennington	O'Sullivan of Burlington	Yantachka of Charlotte
	Scheu of Middlebury	Young of Glover
	Sharpe of Bristol	

Those who voted in the negative are:

Ainsworth of Royalton	Gage of Rutland City	McCoy of Poultney
Bancroft of Westford	Gamache of Swanton	McFaun of Barre Town
Baser of Bristol	Gannon of Wilmington	Morrissey of Bennington
Batchelor of Derby	Gonzalez of Winooski	Murphy of Fairfax
Beck of St. Johnsbury	Grad of Moretown	Myers of Essex
Belaski of Windsor	Graham of Williamstown	Nolan of Morristown
Beyor of Highgate	Greshin of Warren	Norris of Shoreham
Bissonnette of Winooski	Harrison of Chittenden	Ode of Burlington
Botzow of Pownal	Head of South Burlington	Olsen of Londonderry
Brennan of Colchester	Hebert of Vernon	Parent of St. Albans Town
Briglin of Thetford	Helm of Fair Haven	Partridge of Windham
Browning of Arlington	Higley of Lowell	Pearce of Richford
Brumsted of Shelburne	Hooper of Montpelier	Poirier of Barre City
Burditt of West Rutland	Houghton of Essex	Potter of Clarendon
Canfield of Fair Haven	Howard of Rutland City	Quimby of Concord
Carr of Brandon	Hubert of Milton	Rachelson of Burlington
Christensen of Weathersfield	Jessup of Middlesex	Rosenquist of Georgia
Christie of Hartford	Jickling of Brookfield	Savage of Swanton
Condon of Colchester	Joseph of North Hero	Scheuermann of Stowe
Conlon of Cornwall	Juskiewicz of Cambridge	Shaw of Pittsford
Connor of Fairfield	Keefe of Manchester	Smith of New Haven
Conquest of Newbury	Kimbell of Woodstock	Squirrell of Underhill
Cupoli of Rutland City	Kitzmilller of Montpelier	Stevens of Waterbury
Dakin of Colchester	Krowinski of Burlington	Strong of Albany
Deen of Westminster	LaClair of Barre Town	Sullivan of Dorset
Devereux of Mount Holly	Lalonde of South Burlington	Till of Jericho
Dickinson of St. Albans Town	Lanpher of Vergennes	Townsend of South Burlington
Donahue of Northfield	Lawrence of Lyndon	Turner of Milton
Emmons of Springfield	Lewis of Berlin	Van Wyck of Ferrisburgh
	Lippert of Hinesburg	

Fagan of Rutland City	Lucke of Hartford	Viens of Newport City
Feltus of Lyndon	Marcotte of Coventry	Weed of Enosburgh
Forguites of Springfield	Martel of Waterford	Wright of Burlington
Frenier of Chelsea	Masland of Thetford	

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

Gardner of Richmond	Pugh of South Burlington	Terenzini of Rutland Town
Keenan of St. Albans City	Smith of Derby	Toll of Danville
Macaig of Williston	Stuart of Brattleboro	

Rep. Copeland-Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

A little over a year from now we will have regulated retail markets for cannabis on our northern and southern borders and in our neighboring state of Maine. The sooner we recognize that treating cannabis the way we treat other intoxicating substances the sooner will be able to achieve the youth prevention we are so sorely failing at now.”

Rep. Yacovone of Morristown explained his vote as follows:

“Madam Speaker:

Eighty thousand Vermonters using without any regulation. If that does not scare you I don’t know what will.”

Pending the question Shall the bill be amended as recommended by the committee on Judiciary, as amended? **Rep. Fagan of Rutland City** moved to postpone action one legislative day which was disagreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Judiciary, as amended? **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 bill be amended as recommended by the Committee on Judiciary, as amended? was decided in the affirmative. Yeas, 74. Nays, 68.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Noyes of Wolcott
Bartholomew of Hartland	Giambatista of Essex	Olsen of Londonderry
Baser of Bristol	Gonzalez of Winooski	O'Sullivan of Burlington
Belaski of Windsor	Grad of Moretown	Partridge of Windham
Bock of Chester	Greshin of Warren	Rachelson of Burlington
Botzow of Pownal	Haas of Rochester	Scheu of Middlebury
Buckholz of Hartford	Head of South Burlington	Sharpe of Bristol
Burditt of West Rutland	Hill of Wolcott	Sheldon of Middlebury
Burke of Brattleboro	Hooper of Montpelier	Squirrell of Underhill
Carr of Brandon	Hooper of Brookfield	Stevens of Waterbury
Chesnut-Tangerman of	Houghton of Essex	Stuart of Brattleboro

Middletown Springs	Jessup of Middlesex	Sullivan of Dorset
Christensen of Weathersfield	Kimbell of Woodstock	Sullivan of Burlington
Cina of Burlington	Kitzmiller of Montpelier	Toleno of Brattleboro
Colburn of Burlington	Krowinski of Burlington	Townsend of South Burlington
Condon of Colchester	Lalonde of South Burlington	Trieber of Rockingham
Conlon of Cornwall	Lefebvre of Newark	Troiano of Stannard
Connor of Fairfield	Lippert of Hinesburg	Walz of Barre City
Conquest of Newbury	Long of Newfane	Webb of Shelburne
Copeland-Hanzas of Bradford	Lucke of Hartford	Weed of Enosburgh
Deen of Westminster	Masland of Thetford	Wood of Waterbury
Donovan of Burlington	McCormack of Burlington	Yacovone of Morristown
Dunn of Essex	McCullough of Williston	Yantachka of Charlotte
Emmons of Springfield	Miller of Shaftsbury	Young of Glover
Fields of Bennington	Morris of Bennington	
	Mrowicki of Putney	

Those who voted in the negative are:

Ainsworth of Royalton	Gage of Rutland City	Myers of Essex
Bancroft of Westford	Gamache of Swanton	Nolan of Morristown
Batchelor of Derby	Graham of Williamstown	Norris of Shoreham
Beck of St. Johnsbury	Harrison of Chittenden	Ode of Burlington
Beyor of Highgate	Hebert of Vernon	Parent of St. Albans Town
Bissonnette of Winooski	Helm of Fair Haven	Pearce of Richford
Brennan of Colchester	Higley of Lowell	Poirier of Barre City *
Briglin of Thetford	Howard of Rutland City	Potter of Clarendon
Browning of Arlington	Hubert of Milton	Quimby of Concord
Brumsted of Shelburne	Jickling of Brookfield	Rosenquist of Georgia
Canfield of Fair Haven	Joseph of North Hero	Savage of Swanton
Christie of Hartford	Juskiewicz of Cambridge	Scheuermann of Stowe
Corcoran of Bennington	Keefe of Manchester	Shaw of Pittsford
Cupoli of Rutland City	LaClair of Barre Town	Sibilia of Dover
Dakin of Colchester	Lanpher of Vergennes	Smith of New Haven
Devereux of Mount Holly	Lawrence of Lyndon	Strong of Albany
Dickinson of St. Albans Town	Lewis of Berlin	Taylor of Colchester
Donahue of Northfield	Marcotte of Coventry	Till of Jericho
Fagan of Rutland City	Martel of Waterford	Turner of Milton
Feltus of Lyndon	McCoy of Poultney	Van Wyck of Ferrisburgh
Forguites of Springfield	McFaun of Barre Town	Viens of Newport City
Frenier of Chelsea	Morrissey of Bennington	Willhoit of St. Johnsbury
	Murphy of Fairfax	Wright of Burlington

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

Gardner of Richmond	Pugh of South Burlington	Toll of Danville
Keenan of St. Albans City	Smith of Derby	
Macaig of Williston	Terenzini of Rutland Town	

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

“Madam Speaker: