

Senate Calendar

TUESDAY, MARCH 17, 2009

70th DAY OF BIENNIAL SESSION

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ORDERS OF THE DAY

ACTION CALENDAR

CALLED UP

Second Reading

Favorable with Recommendation of Amendment

S. 7

An act to prohibit the use of lighted tobacco products in the workplace.

PENDING QUESTION: Shall the bill be amended as recommended by the Committee on Health and Welfare?

Reported favorably with recommendation of amendment by Senator Mullin for the Committee on Health and Welfare.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. §§ 1421 and 1426 are amended to read:

§ 1421. DEFINITIONS SMOKING IN THE WORKPLACE; PROHIBITION

~~As used in this subchapter:~~

~~(1) "Smoking area" means an area that nonsmoking employees are not required to visit on a regular basis where smoking is permitted pursuant to a policy established under this subchapter. Up to 30 percent of employee cafeteria and lounge areas may be designated as a smoking area.~~

~~(2) "Workplace" The use of lighted tobacco products is prohibited in any "workplace," which, for the purposes of this subchapter, means an enclosed structure where employees perform services for an employer or, in the case of an employer who assigns employees to departments, divisions, or similar organizational units, the enclosed portion of a structure where the unit to which the employee is assigned is located. "Workplace" includes a vehicle owned or leased by the employer. Except for schools, workplace does not include areas commonly open to the public nor any portion of a structure which that also serves as the employee's or employer's personal residence. For schools, workplace shall include includes any enclosed location at which where instruction or other school-sponsored functions are occurring and students are present.~~

§ 1426. ENFORCEMENT

(a) An employee aggrieved by an employer's failure to comply with the provisions of this subchapter may file a complaint with the department of health.

~~(b) If the complaint is based on an employer's alleged failure to establish a smoking policy or post the policy and summary as required under section 1424 of this title, the department shall not initiate an action under this section until it has given the employer written notice of the alleged violation and ten days to come into voluntary compliance with the provisions of this subchapter.~~

(e) The commissioner of health or a hearing officer designated by the commissioner may, after notice and an opportunity for hearing, impose an administrative penalty of \$100.00 against an employer who violates a ~~provision~~ of this chapter. The hearing before the commissioner shall be a contested case subject to the provisions of chapter 25 of Title 3 (Administrative Procedure Act).

(c) Nothing in this section shall limit the commissioner's authority under any other provisions of law.

Sec. 2. 18 V.S.A. § 1743 is amended to read:

§ 1743. EXCEPTIONS

The restrictions in this chapter on possession of lighted tobacco products ~~shall~~ do not apply to:

~~(1) Workplace smoking areas designated under subchapter 2 of chapter 28 of this title.~~

~~(2) Areas~~ areas not commonly open to the public of owner-operated businesses with no employees.

Sec. 3. REPEAL

18 V.S.A. §§ 1422, 1423, 1424, and 1425 (dealing with a smoking policy) are repealed.

(Committee vote: 5-0-1)

AMENDMENT TO S. 7 TO BE OFFERED BY SENATOR MULLIN

Senator Mullin moves to amend the bill in Sec. 1, 18 V.S.A. §1421 by striking out subdivision (2) and inserting in lieu thereof the following:

~~(2) "Workplace"~~ The use of lighted tobacco products is prohibited in any "workplace," which, for the purposes of this subchapter, means an enclosed structure where employees perform services for an employer or, in the case of an employer who assigns employees to departments, divisions, or similar organizational units, the enclosed portion of a structure where the unit

to which the employee is assigned ~~is located~~. Except for schools, workplace does not include areas commonly open to the public nor any portion of a structure ~~which~~ that also serves as the employee's or employer's personal residence. For schools, workplace ~~shall include~~ includes any enclosed location ~~at which~~ where instruction or other school-sponsored functions are occurring and students are present.

NEW BUSINESS

Second Reading

Favorable

H. 166

An act relating to the Vermont Student Assistance Corporation.

Reported favorably by Senator Cummings for the Committee on Finance.

(Committee vote: 6-0-1)

Favorable with Recommendation of Amendment

S. 2

An act relating to offenders with a mental illness or other functional impairment.

Reported favorably with recommendation of amendment by Senator Sears for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 28 V.S.A. § 701a is amended to read:

§ 701a. ~~SEGREGATION OF INMATES WITH A SERIOUS MENTAL ILLNESS~~ FUNCTIONAL IMPAIRMENT

(a) The commissioner shall adopt rules pursuant to chapter 25 of Title 3 regarding the classification, treatment, and segregation of an inmate with a serious ~~mental illness~~ functional impairment as defined in ~~subdivision 906(1)~~ and identified under subchapter 6 of this ~~title~~ chapter; provided that the length of stay in segregation for an inmate with a serious ~~mental illness~~ functional impairment:

(1) Shall not exceed 15 days if the inmate is segregated for disciplinary reasons.

(2) Shall not exceed 30 days if the inmate requested the segregation, except that the inmate may remain segregated for successive 30-day periods following assessment by a qualified mental health professional and approval of a physician for each extension.

(3) Shall not exceed 30 days if the inmate is segregated for any reason other than the reasons set forth in subdivision (1) or (2) of this subsection, except that the inmate may remain segregated for successive 30-day periods following a due process hearing for each extension, which shall include assessment by a qualified mental health professional and approval of a physician.

(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.

(c) On or before the 15th day of each month, the department's health services director shall provide to the joint legislative corrections oversight committee a report that, while protecting inmate confidentiality, lists each inmate who was in segregation during the preceding month by a unique indicator and identifies the reason the inmate was placed in segregation, the length of the inmate's stay in segregation, whether the inmate has a serious ~~mental illness~~, functional impairment or is otherwise ~~on the department's mental health roster~~ identified as receiving mental health services, and, if so, the nature of the ~~mental illness~~ functional impairment or services provided. The report shall also indicate any incident of self harm or attempted suicide by inmates in segregation. The ~~committee chair~~ department shall ensure that a copy of the report is forwarded to the Vermont defender general and the executive director of Vermont Protection and Advocacy, Inc. on a monthly basis.

Sec 2. 28 V.S.A. chapter 11, subchapter 6 is amended to read:

Subchapter 6. Services for Inmates with Serious

~~Mental Illness~~ Functional Impairment

§ 906. DEFINITIONS

As used in this subchapter:

(1) "Serious ~~mental illness~~ functional impairment" means:

(A) a ~~substantial~~ disorder of thought, mood, perception, orientation, or memory, ~~any of~~ as diagnosed by a qualified mental health professional, which ~~grossly~~ substantially impairs judgment, behavior, capacity to recognize reality,

or ability to meet the ordinary demands of life and which substantially impairs the ability to function within the correctional setting; or

(B) a developmental disability, traumatic brain injury, or other organic brain disorder, or various forms of dementia or other neurological disorders, as diagnosed by a qualified mental health professional, which substantially impair the ability to function in the correctional setting.

(2) “~~Mental~~ Qualified mental health professional” means a person with professional training, experience, and demonstrated competence in the treatment of mental illness or serious functional impairments who is a physician, psychiatrist, psychologist, social worker, nurse, or other qualified person determined by the commissioner of mental health.

(3) “Mental illness or disorder” means a condition that falls under any Axis I diagnostic categories or the following Axis II diagnostic categories as listed in the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders DSM-IV-TR Fourth Edition (Text Revision), as updated from time to time: borderline personality disorder, histrionic personality disorder, mental retardation, obsessive-compulsive personality disorder, paranoid personality disorder, schizoid personality disorder, or schizotypal personality disorder.

(4) “Screening” means an initial survey to identify whether an inmate has immediate treatment needs or is in need of further evaluation.

§ 907. MENTAL HEALTH SERVICE FOR INMATES; POWERS AND RESPONSIBILITIES OF COMMISSIONER

The commissioner shall administer a program of mental health services which shall be available to all inmates and shall provide adequate staff to support the program. The program shall provide the following services:

(1) Within 24 hours of admittance to a correctional facility all inmates shall be screened for any signs of ~~serious~~ serious mental illness 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 services waiver or is currently receiving community rehabilitation and treatment services, he or she will automatically be designated as having a serious functional impairment.

(2) A thorough evaluation, conducted in a timely and reasonable fashion by a qualified mental health professional, which includes a review of available medical and psychiatric records. The evaluation shall be made of each inmate who:

(A) has a history of ~~serious~~ serious mental illness or disorder;

(B) has received community rehabilitation and treatment services; or

(C) who shows signs or symptoms of serious mental illness or disorder or of serious functional impairment at the initial screening or as observed subsequent to entering the department in a timely and reasonable fashion. The evaluation shall be conducted by a mental health professional who is qualified by training and experience to provide diagnostic, rehabilitative, treatment or therapeutic services to persons with serious mental illness. The evaluation shall include review of available medical and psychiatric records facility.

(3) The development and implementation of an individual treatment plan, when a clinical diagnosis by a qualified mental health professional indicates an inmate is suffering from serious mental illness or disorder or from serious functional impairment. The treatment plan shall be developed in accord with the National Commission on Corrections Health Care Standards and explained to the inmate by a qualified mental health professional.

(4) Access to a variety of services and levels of care consistent with the treatment plan to inmates suffering serious mental illness or disorder or serious functional impairment. These services shall include, as appropriate, the following:

(A) Follow-up evaluations.

(B) Crisis intervention.

(C) Crisis beds.

(D) Residential care within a correctional institution.

(E) Clinical services provided within the general population of the correctional facility.

(F) Services provided in designated special needs units.

(G) As a joint responsibility with the department of mental health and the department of disabilities, aging, and independent living, and working with community mental health centers designated agencies, the implementation of discharge planning developed in accord with the National Commission on Corrections Health Care Standards and for community services for which the offender is eligible.

(H) Other services that the department of corrections, the department of disabilities, aging, and independent living, and the department of mental health jointly determine to be appropriate.

(5) Procedures to actively seek and identify any inmate who has not received the enhanced screening, evaluation, and access to mental health

services appropriate for inmates suffering from a ~~serious~~ mental illness or disorder or a serious functional impairment.

(6) Special training to medical and correctional staff to enable them to identify and initially deal with inmates with a ~~serious~~ mental illness or disorder or a serious functional impairment. This training shall include the following:

(A) Recognition of signs and symptoms of ~~serious~~ mental illness or disorder or a serious functional impairment in the inmate population.

(B) Recognition of signs and symptoms of chemical dependence and withdrawal.

(C) Recognition of adverse reactions to psychotropic medication.

(D) Recognition of improvement in the general condition of the inmate.

(E) Recognition of mental retardation.

(F) Recognition of mental health emergencies and specific instructions on contacting the appropriate professional care provider and taking other appropriate action.

(G) Suicide potential and prevention.

(H) Precise instructions on procedures for mental health referrals.

(I) Any other training determined to be appropriate.

Sec. 3. REPORT

The agency of human services shall make a quarterly report to the corrections oversight committee regarding the status of the Enhanced Integration of AHS Services for Seriously Functionally Impaired Persons in Corrections pilot program.

Sec. 4. SUNSET

Sec. 3 of this act shall be repealed on July 1, 2012.

(Committee vote: 5-0-0)

S. 26

An act relating to recovery of profits from crime.

Reported favorably with recommendation of amendment by Senator Mullin for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 5351(8) is added to read:

(8) “Profits from crimes” means:

(A) any property obtained through or income generated from the commission of a crime in which the defendant was convicted;

(B) any property obtained by or income generated from the sale, conversion, or exchange of proceeds of a crime, including any gain realized by such sale, conversion, or exchange;

(C) any property that the defendant obtained or any income generated as a result of having committed the crime, including any assets obtained through the use of unique knowledge acquired during the commission of or in preparation for the commission of the crime, as well as any property obtained or income generated from the sale, conversion, or exchange of such property and any gain realized by such sale, conversion, or exchange, and

(d) any property defendant obtained or any income generated from the sale of tangible property the value of which is increased by the notoriety gained from the conviction of an offense by the person accused or convicted of the crime.

Sec. 2. 13 V.S.A. chapter 167, subchapter 4 is added to read:

Subchapter 4. Profits from Crime

§ 5421. NOTICE OF PROFITS FROM A CRIME

(a) Every person, firm, corporation, partnership, association, or other legal entity which knowingly contracts for, pays, or agrees to pay any profits from a crime, as defined in subdivision 5351(8) of this title, to a person charged with or convicted of that crime shall give written notice to the attorney general of the payment or obligation to pay as soon as is practicable after discovering that the payment is or will be a profit from a crime.

(b) The attorney general, upon receipt of notice of a contract, agreement to pay, or payment of profits of the crime shall send written notice of the existence of such profits to all known victims of the crime at their last known addresses.

§ 5422. ACTIONS TO RECOVER PROFITS FROM A CRIME

(a) Notwithstanding any other provision of law, including any statute of limitations, any crime victim shall have the right to bring a civil action in a court of competent jurisdiction to recover money damages from a person convicted of that crime, or the legal representative of that convicted person, within three years of the discovery of any profits from the crime. Any damages awarded in such action shall be recoverable only up to the value of

the profits of the crime. This section shall not limit the right of a victim to proceed or recover under another cause of action.

(b) The attorney general may, within three years of the discovery of any profits from the crime, bring a civil action on behalf of the state to enforce the subrogation rights described in section 5357 of this title.

(c) If the full value of any profits from the crime has not yet been claimed by either the victim of the crime or the victim's representative, the attorney general, or both, within three years of the discovery of such profits, then the state may bring a civil action in a court of competent jurisdiction to recover the costs incurred by providing the defendant with counsel, if any, and other costs reasonably incurred in the incarceration of the defendant.

(d) Upon the filing of an action pursuant to subsection (a) of this section, the victim shall deliver a copy of the summons and complaint to the attorney general. Upon receipt of a copy of the summons and complaint, the attorney general shall send written notice of the alleged existence of profits from the crime to all other known victims at their last known addresses.

(e) To avoid the wasting of assets identified in the complaint as newly discovered profits of the crime, the attorney general, acting on behalf of the plaintiff and all other victims, shall have the right to apply for all remedies that are also otherwise available to the victim.

Sec. 3. 27 V.S.A. § 2 is amended to read:

§ 2. ESTATE IN COMMON PREFERRED TO JOINT TENANCY; JOINT TENANCY WITH UNEQUAL SHARES

(a) Conveyances and devises of lands, whether for years, for life or in fee, made to two or more persons, shall be construed to create estates in common and not in joint tenancy, unless it is expressed therein that the grantees or devisees shall take the lands jointly or as joint tenants or in joint tenancy or to them and the survivors of them. This provision shall not apply to devises or conveyances made in trust or made to husband and wife or to conveyance in which it manifestly appears from the tenor of the instrument that it was intended to create an estate in joint tenancy.

(b)(1) An instrument may create a joint tenancy in which the interests of the joint tenants are equal or unequal.

(2) Unless the instrument creating a joint tenancy contains language indicating a contrary intent:

(A) It shall be presumed that the joint tenants' interests are equal.

(B) Upon the death of a joint tenant, the deceased joint tenant's interest shall be allocated among the surviving joint tenants, as joint tenants, in proportion to their respective joint interests at the time of the deceased joint tenant's death.

(c) Any joint tenant who unlawfully and intentionally kills another joint tenant thereby effects a severance of the interest of the decedent so that the share of the decedent passes immediately to the decedent's estate, and the killer has no rights of survivorship. This provision applies to joint tenancies with right of survivorship and tenancies by the entirety in real and personal property; joint and multiple-party accounts in banks, savings and loan associations, credit unions, and other institutions; and any other form of co-ownership with survivorship incidents.

(d) A final judgment of conviction of an unlawful and intentional killing is conclusive for purposes of this section. In the absence of a conviction a court may determine by clear and convincing evidence whether the killing was unlawful and intentional for purposes of this section.

(e) A severance under subsection (c) of this section does not affect any third-party interest in property acquired for value and in good faith reliance on an apparent title by survivorship in the killer unless a certified copy of the judgment referenced in subsection (d) is recorded in records appropriate to the kind and location of the property which are relied upon, in the ordinary course of transactions involving such property, as evidence of ownership, but the killer is liable for the amount of the proceeds or the value of the property.

(f) The rights of a mortgage or lienholder in any property that is severed under subsection (c) of this section shall not be affected.

(Committee vote: 5-0-0)

S. 27

An act relating to tastings and sale of wines by wineries.

Reported favorably with recommendation of amendment by Senator Miller for the Committee on Economic Development, Housing and General Affairs.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 2(15), (16), and (28) are amended to read:

(15) "Manufacturer's or rectifier's license": a license granted by the liquor control board that permits the holder to manufacture or rectify, as the case may be, malt beverages and vinous beverages for export and for sale to bottlers or

wholesale dealers, or spirituous liquors for export and for sale to the liquor control board, upon application of a manufacturer or rectifier and the payment to the liquor control board of the license fee as required by subdivision 231(1) of this title for either license. The liquor control board may grant to a licensed manufacturer or rectifier a first class restaurant or cabaret license or first and third class restaurant or cabaret license permitting the licensee to sell alcoholic beverages to the public only at the manufacturer's premises. A manufacturer of malt beverages who also holds a first class restaurant or cabaret license may serve to a customer malt beverages by the glass, not to exceed eight glasses at one time and not to exceed four ounces in each glass. The liquor control board may grant to a licensed manufacturer or a rectifier of malt or vinous beverages a second class license permitting the licensee to sell alcoholic beverages to the public only at the manufacturer's or rectifier's premises. A licensed manufacturer or rectifier of vinous beverages may serve, with or without charge, at an event held on or near the premises of the licensee, vinous and malt beverages, provided the licensee gives the department written notice of the event, including details required by the department, at least 15 days before the event. Any beverages not manufactured by the licensee and served at the event shall be purchased on invoice from a licensed manufacturer or wholesale dealer. Upon application and payment of the license fee as required by subdivision 231(11) of this title, the liquor control board may grant to a licensed manufacturer or rectifier of vinous beverages fourth class or farmers' market licenses permitting the licensee to sell ~~these~~ fortified wines and vinous beverages by the bottle to the public at the licensed premises or at a farmers' market, provided that the beverages were produced by the manufacturer or rectifier. No more than a combined total of ten fourth class and farmers' market licenses may be granted to any licensed manufacturer or rectifier. An application for a farmers' market license shall include copies of the farmers' market regulations, the agreement between the farmers' market and the applicant, and the location and dates of operation of the farmers' market. A farmers' market license shall be valid for all dates of operation for a specific farmers' market location. However, in no case may a person with an interest in more than one manufacturer's or rectifier's license have an interest in more than four fourth class licenses. The manufacturer or rectifier shall pay directly to the commissioner of taxes the sum of \$0.265 cents per gallon for every gallon of malt beverage and the sum of \$0.55 cents per gallon for each gallon of vinous beverage manufactured by the manufacturer or rectifier and provided for sale pursuant to the first class license or the second class license or the fourth class license or combination thereof held by the manufacturer or rectifier. Holders of a manufacturer's or rectifier's second class license for malt beverages may distribute, with or without charge, malt beverages by the glass, not to exceed two ounces per product and eight ounces in total, to all persons of legal

drinking age. The malt beverages must be consumed upon the premises of the holder of the license. At the request of a person holding a first class or second class license, a holder of a manufacturer's or rectifier's license for malt beverages may distribute without charge to the management and staff of the license holder, provided they are of legal drinking age, no more than four ounces per person of a malt beverage for the purpose of promoting the beverage. Written notice shall be provided to the department of liquor control at least 10 days prior to the date of the tasting. A licensed manufacturer or rectifier of spirits may do either or both of the following:

(1) Sell by the glass or bottle spirits manufactured by the licensee to the public only at the manufacturer's or rectifier's premises.

(2) Dispense by the glass, with or without charge, spirits manufactured by the licensee provided that no more than one-quarter ounce per product and no more than one ounce in total is dispensed to each individual of legal age.

(16) "Person," as applied to licensees: means individuals who are both citizens and residents of the state of the United States, partnerships composed solely of individuals, a majority of whom are both citizens and residents of the state United States, and to corporations organized under the laws of this or another state whereof in which a majority of the directors are both citizens of the United States and residents of this state, or to corporations subject to the jurisdiction of the public service board, and to limited liability companies organized under the laws of this or another state in which a majority of the members or managers are both citizens of the United States and residents of this state.

(28) "Fourth class license": the license granted by the liquor control board permitting a manufacturer or rectifier of vinous beverages to sell fortified wines manufactured by the licensed manufacturer or rectifier and vinous beverages by the bottle and distribute ~~vinous~~ those beverages by the glass as hereinbefore defined.

Sec. 2. 7 V.S.A. § 223 is amended to read:

§ 223. ~~FIRST AND SECOND CLASS LICENSES; RESIDENCE REQUIREMENTS; LICENSES TO ENFORCEMENT OFFICER OR CONTROL BOARD MEMBER; EXCEPTIONS~~

~~(a) No first or second class license for the sale of malt or vinous beverages shall be granted to an individual, unless the individual is, at the time of application, a legal resident of the town or city in which the application is made. No first or second class license shall be granted to a partnership unless one or more of its general partners is a legal resident of the town or city in which the application is made and a majority of the partners are both legal~~

~~residents of Vermont and U.S. citizens. No license of any class shall be granted to any enforcement officer or to any person or corporation acting in his or her the officer's behalf. A member of a local control board to whom or in behalf of whom a first or second class license was issued by that board shall not participate in any control board action regarding any first or second class license. If a majority of the members of a local control board is unable to participate in a control board action regarding any first or second class license, that action shall be referred to the state liquor control board for investigation and action. An application for a first or second class license by or in behalf of a member of the local control board or a complaint or disciplinary action regarding a first or second class license issued by a board on which any member is a licensee shall be referred to the state liquor control board for investigation and action. The provisions of this section, however, shall not apply where application is made by a citizen and legal resident of a town or city in Vermont for a license to sell malt or vinous beverages in a town or city wherein he or she is not a legal resident, provided such applicant owns improved real estate or personal property other than stock of goods for sale in the town wherein such license is to be issued upon which he or she pays taxes appraised by the listers at not less than \$2,500.00 on real estate or \$1,000.00 on personal property. The provisions of this title shall not apply to an individual who applies for a license to be used at the site of flood control projects or national guard encampments whose application is approved by the commanding officer thereof.~~

~~(b) A second class license may be granted, however, where an application is made by a citizen and legal resident of any town or city in the state and who has openly conducted a place of business in such town or city in which the application is made for one year next prior to the making of the application, or who has purchased a going business which has been conducted openly in such town or city for a period of one year next prior to the making of the application, and who is a legal resident of the town or city in which he resides.~~

~~(Committee vote: 5-0-0)~~

~~**Reported without recommendation by Senator Carris for the Committee on Finance.**~~

NOTICE CALENDAR

Favorable

S. 85

An act relating to the patients' privilege.

Reported favorably by Senator Nitka for the Committee on Judiciary.

(Committee vote: 4-0-1)

Favorable with Recommendation of Amendment

S. 3

An act relating to prohibiting retaliation for legislative testimony.

Reported favorably with recommendation of amendment by Senator Mullin for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 499 is amended to read:

§ 499. JURORS AND; WITNESSES; RETALIATION PROHIBITED

(a) ~~No employer may~~ An employer shall not discharge or otherwise penalize an employee by reason of his service as a juror, or penalize such employee or deprive him of any right, privilege, or benefit on a basis which discriminates between such employee and other employees not serving as jurors. All employees ~~depriving the employee of any right, privilege, or benefit of employment:~~

(1) For serving as a juror, and the employee who is absent from work for jury duty shall be considered in the service of their employer an employee during all times while serving as jurors in accordance with this section a juror for purposes of determining seniority, fringe benefits, credit toward vacations and other rights, privileges, and benefits of employment.

~~(b) No employer may discharge an employee by reason of the employee's~~

(2) For absence from work while in attendance as a witness pursuant to a summons duly issued and served in any proceeding, civil or criminal, in any court of competent jurisdiction within or without the state, or in any other proceeding before a board, commission, attorney, or other person or tribunal in the state authorized by law to hear testimony under oath; nor shall an employer penalize such employee or deprive him of any right, privilege, or benefit on a basis which discriminates between such employee and other employees not appearing as witnesses. All employees shall be considered in the service of their employer while appearing as witnesses in accordance with this section for purposes of determining seniority, fringe benefits, credit toward vacations, and other rights, privileges, and benefits of employment.

(3) For absence from work while in attendance as a witness before, and pursuant to a request from, a committee of the state legislature or federal Congress.

(e)(b) Subdivision (a)(3) of this section shall not apply to state employees whose communications with the general assembly are protected by section 974 of Title 3.

(c) A person who violates a provision of this section shall be fined not more than \$200.00.

(Committee vote: 5-0-1)

S. 25

An act relating to the repeal or revision of certain state agency reporting requirements.

Reported favorably with recommendation of amendment by Senator Doyle for the Committee on Government Operations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2 V.S.A. § 20 is amended to read:

§ 20. LIMITATION ON DISTRIBUTION AND DURATION OF AGENCY REPORTS

* * *

(d) Unless otherwise provided by law, whenever it is required by statute, regulation, or otherwise that an agency submit an annual, biennial, or other periodic report to the general assembly, that requirement shall no longer be required after five years and the legislative council, pursuant to section 424 of Title 2, shall revise the Vermont Statutes Annotated accordingly.

Sec. 2. 2 V.S.A. § 603 is amended to read:

§ 603. FUNCTIONS

The joint energy committee shall:

* * *

~~(2) at least annually report to the general assembly the results of its deliberations;~~

~~(3)(2)~~ work with, assist, and advise other committees of the general assembly, the executive, and the public, in ~~energy-related~~ energy-related matters within their respective responsibilities.

Sec. 3. 3 V.S.A. § 22(h) is amended to read:

(h) The powers of the commission shall include, but not be limited to, the following:

* * *

~~(6) To report by January 15 of each year to the governor, speaker of the house and senate president pro tempore an annual summary of Vermont women's social and economic status including, but not limited to, employment and earnings, economic autonomy, and political participation and representation;~~

~~(7) To utilize such voluntary and uncompensated services of private individuals, agencies, and organizations as may, from time to time, be offered and needed;~~

~~(8)(7) To accept and solicit funds, including any gifts, donations, grants, or bequests or any federal funds, for any commission related purposes.~~

Sec. 4. 3 V.S.A. § 123(g) is amended to read:

~~(g) On or before January 1 of each year, the director shall file a report of all rules adopted for professions attached to the office of professional regulation within the last 12 months to the house and senate committees on government operations of the general assembly.~~

Sec. 5. 3 V.S.A. § 631(d) is amended to read:

~~(d)(1) Notwithstanding any other provision of this section to the contrary, and in addition to the powers and duties described in sections 2852 and 2853 of this title and section 2603 of Title 10, the secretary of natural resources, through the commissioner of the department of forests, parks and recreation, is authorized to expend funds for purposes of continuing employee medical insurance benefits provided to seasonal temporary state employees by their off-season employers. Any such expenditure shall be subject to the following limitations:~~

~~(A)(1) funds may be paid either directly to the benefit provider or to the off-season employer as a reimbursement;~~

~~(B)(2) the total amount paid for any temporary employee medical insurance reimbursement shall not exceed the costs of group medical benefits for a permanent state employee as determined by the commissioner of human resources, and it shall be within the discretion of the commissioner of the department of forests, parks and recreation to pay some lesser amount than the maximum;~~

~~(C)(3) the commissioner of the department of forests, parks and recreation shall establish written guidelines regarding the administration of this program, subject to the approval of the commissioner of human resources;~~

~~(D)~~(4) the amount expended by the commissioner for this program shall be limited to the amount directly saved by the department of forests, parks and recreation on expenses, such as advertising, unemployment compensation, and training, as a result of encouraging the return to state seasonal employment by seasonal employees who have consistent off-season employment; and

~~(E)~~(5) this subsection shall expire on July 1, 2004, unless sooner extended.

~~(2) The secretary of natural resources, through the commissioner of the department of forests, parks and recreation, shall report to the legislature on the effectiveness of this program, to include information on the number of employees affected, the amounts spent to pay for benefits, and any amounts saved by the department of forests, parks and recreation.~~

Sec. 6. 3 V.S.A. § 2222(i) is amended to read:

(i) The secretary of administration is authorized to transfer vacant positions throughout the executive branch of state government, and to adjust appropriations in the executive branch in accordance with the secretary's statewide vacancy savings plan that reflects realistic savings due to vacant positions. Such appropriation adjustments shall result in no change to the total statewide legislative appropriations to the executive branch. This authority is separate from the secretary's authority provided in section 706 of Title 32. ~~A report of all actions taken during the preceding fiscal year pursuant to this authority shall be furnished to the legislature no later than January 15 of each year. The report shall include a list of all authorized filled and vacant positions by department and all positions subject to this subdivision and shall indicate whether each position is classified, exempt, or temporary. In addition, the secretary shall periodically furnish the legislature with a report of accomplishments and recommendations concerning improvements in better managing resources on a statewide basis.~~

Sec. 7. 3 V.S.A. § 2422 is amended to read:

§ 2422. BUDGET AND REPORT

The secretary shall be responsible to the governor and shall plan, coordinate, and direct the functions vested in the agency. ~~He shall prepare and submit to the governor an annual budget and shall prepare and submit to the governor and the general assembly in November of each year a report concerning the operation of the agency for the preceding fiscal year and the future goals and objectives of the agency.~~

Sec. 8. 3 V.S.A. § 2472a is amended to read:

§ 2472a. HISTORIC SITE MARKERS PROGRAM

A program for the erection of historic site markers is created within the agency of commerce and community development and shall be administered by the state historic preservation officer. The preservation officer shall ~~annually recommend 30 sites for the funding of historic site markers to the house and senate institutions committees, and shall~~ oversee the erection, restoration and maintenance of historic site markers. In performing these duties, the preservation officer shall consult with the Vermont Historical Society, the University of Vermont Historic Preservation Program, the Preservation Trust of Vermont, and other similar entities.

Sec. 9. 3 V.S.A. § 3022 is amended to read:

§ 3022. BUDGET AND REPORT

The secretary shall be responsible to the governor and shall plan, coordinate, and direct the functions vested in the agency. ~~He shall prepare and submit to the governor an annual budget and shall prepare and submit to the governor and the general assembly in November of each year a report concerning the operations of the agency for the preceding fiscal year and the future goals and objectives of the agency.~~

Sec. 10. 3 V.S.A. § 4021 is amended to read:

§ 4021. ADOPTION OF STATE AGENCY PLANS

By January 1, 1991, each state agency that has programs or that takes actions affecting land use shall adopt an interim plan that is compatible with regional and approved municipal plans, and that is consistent with the goals established in 24 V.S.A. § 4302. By January 1, 1993, each state agency that has programs or that takes actions affecting land use shall adopt a plan that is compatible with regional plans and approved municipal plans, and that is consistent with the goals established in 24 V.S.A. § 4302. Thereafter, the agency shall readopt its plan biennially, to ensure that its plan remains compatible with regional plans and approved municipal plans, and remains consistent with the goals established in 24 V.S.A. § 4302. ~~All proposed, adopted and readopted state agency plans and amendments, including interim plans and amendments, shall be submitted to the council of regional commissions for review pursuant to the procedures set out in 24 V.S.A. § 4305.~~ The term “approved municipal plans” as used in this section has the meaning established in 24 V.S.A. § 4350.

Sec. 11. 5 V.S.A. § 38 is amended to read:

§ 38. FEES OF WITNESSES; DUTIES OF EXECUTIVE SECRETARY;
DUTIES OF SECRETARY OF AGENCY

The fees of witnesses before the board or the agency shall be the same as in the superior court. In all causes on behalf of or for the convenience or safety of the public, and in the investigation of accidents, the fees of witnesses, and the expense of summoning them shall be paid by the executive secretary or the secretary of the agency. Periodically, the executive secretary and the secretary of the agency of transportation may request money from the commissioner of finance and management to pay fees and expenses, and the commissioner of finance and management shall issue his or her warrants. ~~The executive secretary and the secretary of the agency of transportation shall quarterly, on February, May, August and November 1, render to the commissioner of finance and management an account of his or her receipts and disbursements under this section, and pay any unexpended balance into the state treasury.~~

Sec. 12. 6 V.S.A. § 1102(d) is amended to read:

(d) The functions of the council are:

* * *

~~(5) To prepare annually or more frequently as deemed necessary, a summary of pesticides which because of their hazardous characteristics or properties warrant special surveillance and stricter control of availability and use.~~

~~(6)~~ To recommend studies necessary for the performance of its functions as established under this section.

~~(7)~~(6) To recommend benchmarks with respect to the state goal of achieving an overall reduction in the use of pesticides consistent with sound pest or vegetative management practices, and to issue an annual report to the general assembly, detailing the state's progress in reaching those benchmarks and attaining that goal. The benchmarks should be designed to enable evaluation of multiple indicators of pesticide usage, use patterns, and associated risks. Benchmarks should take into consideration, but shall not be limited to, the following:

* * *

Sec. 13. 6 V.S.A. § 2763 is amended to read:

§ 2763. SECRETARY'S VERIFICATION

* * *

~~(e) The secretary shall annually prepare a list of each milk handler, and of each milk or dairy product of the handler concerned, whose claim of non rbST use pursuant to section 2762 of this title has been validated. The list shall be available to the public upon request.~~

(f) If the secretary determines that the claims of a milk handler of non-rbST use pursuant to section 2762 of this title cannot be verified, the secretary shall immediately so notify the attorney general and the handler concerned.

~~(g) The secretary shall annually by January 15 report to the general assembly on implementing this section, consistent with the confidentiality requirements of section 2766 of this title.~~

Sec. 14. 6 V.S.A. § 2963a(b) is amended to read:

(b) Comprehensive plan. The agricultural development division shall prepare a comprehensive plan for the most efficient and productive future development of diversified agriculture in Vermont. In so doing, the division shall continue its initiative to organize and lead the dozens of commodity groups in a collaborative self-assessment and planning effort. Through this initiative plus the assistance of educational institutions and other government agencies, the division shall organize and manage:

* * *

(3) The preparation of an action and finance plan, based on the needs assessment and market evaluation, including annual performance benchmarks and annual budgets for at least a five-year period. The plan shall be updated annually, and shall be presented annually by January 15 to ~~the governor, the general assembly and~~ the public. The plan presented in January 2000 may be preliminary in nature.

Sec. 15. 6 V.S.A. § 2963a(e) is amended to read:

(e) Coordination; reports.

(4) In the implementation of this section, the agricultural development division shall collaborate with the Vermont economic development authority to ensure that the economic development activities provided for by chapter 12 of Title 10 are consistent with the needs of Vermont producers of diverse agricultural commodities. The division shall also collaborate with relevant private and public organizations, including the sustainable agricultural council established by section 4701 of this title.

~~(2) The agricultural development division shall report annually by January 15 to the general assembly on the implementation of this section, including the extent to which performance benchmarks contained in the comprehensive plan were achieved during the previous fiscal year, and a description of and justification for the allocation of state, federal or other funds during the previous fiscal year. Such information contained in the report submitted in January 2000 shall cover the first half of fiscal year 2000.~~

Sec. 16. 6 V.S.A. § 4701(d) is amended to read:

(d) By January 15, annually, the council shall prepare a report for distribution to participating organizations, ~~the general assembly~~ and the public summarizing developments in sustainable agriculture in Vermont and nationally. The report shall also make recommendations for future activities that will promote the objectives of this section.

Sec. 17. 8 V.S.A. § 4089b(h) is amended to read:

(h) The commissioner shall establish a task force to develop performance quality measures, address oversight issues for managed behavioral health care organizations, and review the results of any quality improvement projects not otherwise confidential or privileged; undertaken by managed care organizations for mental health and substance abuse care and treatment under subdivision (d)(1)(A)(vii) of this section and section 9414(i) of Title 18. ~~The task force shall report to the senate committee on health and welfare and the house committees on health care and on human services on or before January 15 of each year with a report on the activities and recommendations of the task force.~~ The task force shall include the following:

* * *

Sec. 18. 10 V.S.A. § 7(c) is amended to read:

(c) Each economic development recipient shall report annually, in a manner and on a form prescribed by the commissioner of economic development, the amount or monetary value of economic assistance or incentive granted, awarded or approved, and such information as is necessary to determine whether the recipient has reached its job creation or other public benefit goals stated pursuant to subsection (b) of this section. ~~On or before January 15 of each year the commissioner of economic development shall submit to the general assembly a benchmarks report identifying for each economic development assistance or incentives program subject to the provisions of this section, and for each economic development recipient, the amount or monetary value of economic assistance or incentive granted, awarded or approved, and the number of new jobs that have been created and existing jobs that have been retained as a result of such assistance, the wages and employee benefits associated with such jobs, and any other public benefits associated with such economic development assistance or incentives. The benchmarks report shall also compare the performance of such programs with the performance anticipated by economic development recipients under subsection (b) of this section. Such annual reports shall not be considered confidential, and may be inspected and copied pursuant to subchapter 3, chapter 5 of Title 1 (public records law), notwithstanding the provisions of section 317(b)(17) of Title 1, section 3102 of Title 32, or any other law.~~

Sec. 19. 10 V.S.A. § 175(b) is amended to read:

~~(b) Each year, prior to February 1, the authority shall submit a report of its activities for the preceding fiscal year to the governor and to the general assembly. The report shall set forth a complete operating and financial statement covering its operations during the year.~~ The authority shall cause an audit of its books and accounts to be made at least once in each year by a certified public accountant. The cost of the audit shall be considered an expense of the authority, and a copy of the audit shall be filed with the state treasurer.

Sec. 20. 10 V.S.A. § 283 is amended to read:

§ 283. LIMITATIONS ON PURPOSES AND POWERS

The Vermont venture capital fund raised from Vermont taxpayers shall form as either a business corporation or limited partnership as set forth in Title 11, subject to the following:

* * *

(3) the Vermont venture capital fund shall cause to be prepared a report which shall include an audited financial statement certified by an independent certified public accountant, within 120 days after the close of each fiscal year of its operations. This report shall be ~~distributed to the governor and legislative council and~~ made available to the public. The report shall include a discussion of the fund's impact on the Vermont economy and employment;

* * *

Sec. 21. 10 V.S.A. § 541(i) is amended to read:

(i) The workforce development council shall:

* * *

~~(6) Receive annual reports from the department of labor on the workforce education and training revenues and expenditures of agencies and institutions which are members of the council.~~

* * *

~~(10) Annually, on or before January 15, report to the general assembly on activities carried out during the previous year in order to accomplish its mandate.~~

Sec. 22. 10 V.S.A. § 542(d) is amended to read:

(d) Subject to available resources, each investment board shall report to the workforce development council in the manner described by the council. The report shall include the following:

* * *

~~(3) An annual evaluation and report on the success of the members in carrying out the following:~~

~~(A) The annual workforce development work plan, including information about the effectiveness and rate of workforce retention of any training programs implemented in the work plan.~~

~~(B) The workforce education training fund programs based on the indicators in the workforce investment act and any other performance indicators requested by the workforce development council.~~

Sec. 23. 10 V.S.A. § 543(g) is amended to read:

(g) Accountability. The commissioner of labor in consultation with the commissioner of economic development and the workforce development council shall ~~do all the following:~~

~~(1) develop evaluation standards that measure the effectiveness of the programs and projects funded by this section, which shall include an objective process that documents the state's return on investment; and,~~

~~(2) on or before December 1 of each year, submit a report to the governor, the speaker of the house, the president pro tempore of the senate, the chair of the house committee on commerce, and the chair of the senate committee on economic development, housing and general affairs that includes all the following information for the prior fiscal year:~~

~~(A) the number of applications received, grants awarded, jobs created, including wages for each, jobs filled, including wages for each, internships created, and interns served; the information shall be categorically posted every quarter on the department of labor's website;~~

~~(B) funds needed for the next fiscal year; and~~

~~(C) the extent to which the program has improved coordination, cooperation, and effective expenditure of resources by workforce education and training entities and increased employers' participation in and provision of workforce training opportunities and internships by employers, educational institutions, and other private entities.~~

Sec. 24. 10 V.S.A. § 675 is amended to read:

§ 675. AUDITS OF A SMALL BUSINESS INVESTMENT COMPANY;
REPORT

The Vermont small business investment company shall annually submit to the board an independent financial audit of the company conducted by a certified public accountant at the company's expense in accordance with rules adopted by the board under subsection 673(b) of this title. The company shall also submit an annual report of its activities to the board. The board in its discretion may examine the financial accounts and any other records of the company at any time. ~~The board shall report annually to the general assembly, on or before November 1. The board's report shall contain all audits conducted of the company since the board's last report, and the board's findings and recommendations concerning whether the activities of the Vermont small business investment company are fulfilling the purposes of this chapter.~~

Sec. 25. 10 V.S.A. § 1253(d) is amended to read:

(d) The board shall determine what degree of water quality and classification should be obtained and maintained for those waters not classified by it before 1981 following the procedures in sections 1254 and 1258 of this title. Those waters shall be classified in the public interest. The secretary shall revise all 17 basin plans by January 1, 2006, and update them every five years thereafter. ~~On or before January 1 of each year, the secretary shall report to the house committees on agriculture and natural resources and energy and to the senate committees on agriculture and natural resources and energy regarding the progress made and difficulties encountered in revising basin plans.~~ By January 1, 1993, the secretary shall prepare an overall management plan to ensure that the water quality standards are met in all state waters.

Sec. 26. 10 V.S.A. § 1264(f) is amended to read:

(f)(1) In a stormwater-impaired water, the secretary may issue:

* * *

(3) By January 15, 2010, the secretary shall issue a watershed improvement permit, issue a general or individual permit implementing a TMDL approved by the EPA, or issue a general or individual permit implementing a water quality remediation plan for each of the stormwater-impaired waters on the Vermont Year 2004 Section 303(d) List of Waters required by 33 U.S.C.1313(d). In developing a TMDL or a water quality remediation plan for a stormwater-impaired water, the secretary shall consult "A Scientifically Based Assessment and Adaptive Management Approach to Stormwater Management" and "Areas of Agreement about the Scientific Underpinnings of the Water Resources Board's Original Seven

Questions” set out in appendices A and B, respectively, of the final report of the water resources board’s “Investigation Into Developing Cleanup Plans For Stormwater Impaired Waters, Docket No. Inv-03-01,” issued March 9, 2004. ~~Beginning January 30, 2005 and until a watershed improvement permit, a general or individual permit implementing a TMDL, or a general or individual permit implementing a water quality remediation plan is set for each of the stormwater impaired waters on the Vermont Year 2004 Section 303(d) List of Waters required by 33 U.S.C. § 1313(d), the secretary shall report annually to the general assembly on agency progress in establishing the watershed improvement permits, TMDLs, and water quality remediation plans for the stormwater impaired waters of the state; on the accuracy of assessment and environmental efficacy of any stormwater impact fee paid to the state stormwater impaired waters restoration fund; and on the efforts by the secretary to educate and inform owners of real estate in watersheds of stormwater impaired waters regarding the requirements of the state stormwater law.~~

* * *

Sec. 27. 10 V.S.A. § 1941(e) is amended to read:

(e) The secretary shall establish a petroleum cleanup fund advisory committee which shall meet not less than annually to review receipts and disbursements from the fund, to evaluate the effectiveness of the fund in meeting its purposes, the reasonableness of the cost of cleanup and to recommend alterations and statutory amendments deemed appropriate. ~~The advisory committee shall submit an annual report of its findings to the general assembly on January 15 of each year. In its annual report, the advisory committee shall review the financial stability of the fund, evaluate the implementation of assistance related to underground farm or residential heating fuel storage tanks and aboveground storage tanks, and the need for continuing assistance, and shall include recommendations for sustainable funding sources to finance the provision of that assistance.~~ The membership of the committee shall include the following or their designated representative:

* * *

Sec. 28. 10 V.S.A. § 1961(a) is amended to read:

(a) The advisory committee shall:

* * *

(4) ~~By June 15, 1991 and every January thereafter, recommend to the secretary, a Vermont policy for Lake Champlain or changes to existing policy. By June 15, 1991 and every January thereafter, the secretary shall recommend~~

~~to the legislature a policy or policy changes regarding Lake Champlain. The policy shall:~~

~~* * *~~

~~(5) On or before June 15, 1991 and every January thereafter present a report to the Vermont legislature. The report shall include the following:~~

~~(A) An update on the quality of the waters of the lake.~~

~~(B) Findings of pertinent research.~~

~~(C) An action plan including, but not limited to, water quality and fishery improvement measures and ways to enhance public use of and access to the lake.~~

~~(D) Recommended budgets and revenue sources including an expanded lake user fee structure.~~

~~* * *~~

Sec. 29. 10 V.S.A. § 6083(d) is amended to read:

(d) The panels of the board and commissions shall make all practical efforts to process matters before the board and permits in a prompt manner. The land use panel shall establish time limits for the processing of land use permits issued under section 6086 of this title as well as procedures and time periods within which to notify applicants whether an application is complete. ~~The land use panel shall report annually by February 15 to the house and senate committees on natural resources and energy and on government operations, and the house committee on fish, wildlife and water resources. The annual report shall assess the performance of the board and commissions in meeting the limits; identify areas which hinder effective performance; list fees collected for each permit; summarize changes made to improve performance; and describe staffing needs for the coming year. The annual report shall list the number of enforcement actions taken by the land use panel, the disposition of such cases, and the amount of penalties collected.~~

Sec. 30. 10 V.S.A. § 6523(d) is amended to read:

(d) Expenditures authorized.

~~* * *~~

~~(3) By January 15 of each year, commencing in 2007, the department of public service shall provide to the house and senate committees on natural resources and energy, the senate committee on finance, and the house committee on commerce a report detailing the revenues collected and the expenditures made under this subchapter, together with recommended~~

~~principles to be followed in the allocation of funds and a proposed five-year plan for future expenditures from the fund.~~

(4) Projects for funding may include the following:

* * *

~~(5)~~(4) If during a particular year, the department determines that there is a lack of high value projects eligible for funding, as identified in the five-year plan, or as otherwise identified, the department may consult with the board, and shall consider transferring funds to the energy efficiency fund established under the provisions of 30 V.S.A. § 209(d). Such a transfer may take place only in response to an opportunity for a particularly cost-effective investment in energy efficiency, and only as a temporary supplement to funds collected under that subsection, not as replacement funding.

~~(6)~~(5) The sum of \$20,000.00 shall be transferred annually from the clean energy development fund to the general fund to support the cost of the solar energy income tax credits.

Sec. 31. 10 V.S.A. § 7002(a) is amended to read:

(a) The following timetable and responsibilities shall be adhered to:

* * *

~~(20) Every year after the initial report required by subdivision (a)(12) of this section, and until otherwise directed by the legislature, the authority shall, after public comment, report to the legislature its recommendations for the permanent disposal of the long-lived waste and, no later than the beginning of operations of the disposal facility authorized by this chapter, propose to the legislature a specific disposal plan for the permanent disposal of the long-lived waste.~~

~~(21)~~ Within 120 days of the completion of decommissioning of the Vermont Yankee nuclear generating facility, the authority shall begin closure of the disposal facility.

Sec. 32. 10 V.S.A. § 7108(d) is amended to read:

(d) Agency responsibility.

* * *

~~(3) The agency shall report to the general assembly, no later than January 15, 2008, and each year thereafter, on the effectiveness of the mercury-added switch recovery program, including the amount of mercury removed and recycled and the status of compliance by motor vehicle recyclers and auto manufacturers with this section. In consultation with the advisory~~

~~committee on mercury pollution, the agency shall make recommendations for other actions, including a defined incentive based system, if the program does not succeed in achieving high participation rates and switch capture rates sufficient to assure that a majority of switches is collected.~~

Sec. 33. 10 V.S.A. § 7113(a) is amended to read:

(a) There is created an advisory committee on mercury pollution to consist of one member of the house of representatives, appointed by the speaker; one member of the senate, appointed by the committee on committees; the secretary of natural resources or the secretary's designee; the commissioner of fish and wildlife or the commissioner's designee; and the following persons, as appointed by the governor: one representative of an industry that manufactures consumer products that contain mercury; one public health specialist; one hospital representative; one representative of the Abenaki Self-Help Association, Inc.; one toxicologist; one representative of a municipal solid waste district; and one scientist who is knowledgeable on matters related to mercury contamination. The advisory committee shall advise the general assembly, the executive branch, and the general public on matters relating to the prevention and cleanup of mercury pollution and the latest science on the remediation of mercury pollution. ~~By January 15 of each year, the advisory committee will report to the general assembly updated information on the following:~~

~~(1) The extent of mercury contamination in the soil, waters, air, and biota of Vermont.~~

~~(2) The extent of any health risk from mercury contamination in Vermont, especially to pregnant women, children of the Abenaki Self-Help Association, Inc., and other communities that use fish as a major source of food.~~

~~(3) Methods available for minimizing risk of further contamination or increased health risk to the Vermont public.~~

~~(4) Potential costs of minimizing further risk and recommendations of how to raise funds necessary to reduce contamination and minimize risk of mercury-related problems in Vermont.~~

~~(5) Coordination needed with other states to address effectively mercury contamination.~~

~~(6) The effectiveness of the established programs, including manufacturer based reverse distribution systems for in state collection, subsequent transportation, and subsequent recycling of mercury from waste~~

~~mercury added products, and recommendations for altering the programs to make them more effective.~~

~~(7) Ways to reduce the extent to which solid waste produced within the state is incinerated at incinerators, regardless of location, that fail to use the best available technology in scrubbing and filtering emissions from the incinerator stack.~~

Sec. 34. 13 V.S.A. § 5231 is amended to read:

§ 5231. RIGHT TO REPRESENTATION, SERVICES AND FACILITIES

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, is entitled:

* * *

(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, 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 or a state's attorney prosecuting a violation of the law. ~~The court shall annually submit a report of such approvals to the house and senate committees on appropriations on January 1 of each year.~~ 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. 35. 13 V.S.A. § 7283 is amended to read:

§ 7283. COLLECTION AND TRANSMITTAL

The court shall collect the amount due under this subchapter and transmit it to the state treasurer for deposit in the general fund. ~~Annually, on or before July 1, the court administrator shall prepare and file with the state treasurer a report setting out the amounts collected under this subchapter.~~

Sec. 36. 16 V.S.A. § 2281(f) is amended to read:

(f) Control of funds appropriated and of the work carried on under the terms of section 2321 of this title shall be vested in the board of trustees of the University of Vermont and State Agricultural College. ~~The University of Vermont and State Agricultural College shall provide an accounting service which shall account for the expenditure of funds by divisions and shall make~~

~~an annual financial report to the governor of the state.~~ All funds appropriated to the agricultural college shall be kept in a separate account and shall be audited annually by an independent accounting firm registered in the state of Vermont in accordance with government auditing standards issued by the United States Government Accountability Office (GAO).

Sec. 37. 16 V.S.A. § 2325 is amended to read:

§ 2325. AGENCY FOR COOPERATION UNDER FEDERAL SOIL CONSERVATION LAW

In order that the policy of cooperating with the governments and agencies of other states and of the United States in carrying out the policy and purposes specified in section 7(a) of the act of Congress, known as the “Soil Conservation and Domestic Allotment Act” may become established in the state of Vermont, and in order to effectuate such policy, the University of Vermont and State Agricultural College is hereby authorized and empowered:

* * *

(10) To provide for the submission to the secretary of agriculture of such reports as may be required to ascertain whether such plans are being carried out according to their terms and to assure the correctness of and make possible verification of such reports; ~~and~~

~~(11) To submit to the governor of the state an annual report for each year covering the administration and operation of such program.~~

Sec. 38. 16 V.S.A. § 2879f is amended to read:

§ 2879f. ANNUAL REPORTS

The corporation shall review, on an annual basis, the financial status of the program and the participation rate in the program. The corporation shall also review the continued viability of the program and the administration of the program by the corporation. ~~The corporation shall report by January 15th the findings to the speaker of the house, the president pro tem of the senate, and to the house and senate committees on education.~~

Sec. 39. 18 V.S.A. § 9406(b) is amended to read:

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

* * *

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

Sec. 40. 19 V.S.A. § 10h(a) is amended to read:

(a) The agency shall report to the transportation board each project for which the current construction cost estimate exceeds the last approved construction cost estimate by a substantial level, as substantial level is defined by the transportation board. The transportation board shall review such a project, and may grant approval to proceed. If not approved by the transportation board, the project shall not proceed to contract award until approved by the general assembly. ~~On or before December 31 of each year, the agency shall inform the house and senate committees on transportation of any project for which the current construction cost estimate exceeds the last approved construction cost estimate by a substantial level, as defined by the transportation board, regardless of whether such a project has been submitted to the transportation board for its approval to proceed, or regardless of the status of such a project before the transportation board.~~

Sec. 41. 20 V.S.A. § 38(a) is amended to read:

(a)(1) There is created a radiological emergency response plan fund, into which any entity operating a nuclear reactor or storing nuclear fuel and radioactive waste in this state (referred to hereinafter as “the nuclear power plant”) shall deposit the amount appropriated to support the Vermont radiological response plan for that fiscal year, adjusted by any balance in the radiological emergency response plan fund from the prior fiscal year. There shall also be deposited into the fund any monies received from any other source, public or private, that is intended to support the radiological emergency response planning process. The fund shall be managed in accordance with subchapter 5 of chapter 7 of Title 32. Any interest earned on the balance in the fund shall be retained by the fund.

* * *

~~(4) By January 15 of each year, the division of emergency management shall submit to the general assembly a report detailing expenditures from the fund for the preceding fiscal year.~~

* * *

Sec. 42. 20 V.S.A. § 3132(b) is amended to read:

(b) The state fire marshal shall have power to adopt reasonable rules and regulations for granting permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or

groups of individuals. ~~The state fire marshal shall compile an annual report of all injuries to person and property resulting from the use of fireworks and sparklers reported for the preceding fiscal year. The state fire marshal shall annually by March 15 submit a report to the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs.~~

Sec. 43. 21 V.S.A. § 641(a) is amended to read:

(a) When as a result of an injury covered by this chapter, an employee is unable to perform work for which the employee has previous training or experience, the employee shall be entitled to vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore the employee to suitable employment. Vocational rehabilitation services shall be provided as follows:

* * *

~~(6) The commissioner shall make annual reports to the general assembly on the success and status of the workers' compensation vocational rehabilitation program.~~

Sec. 44. 22 V.S.A. § 606 is amended to read:

§ 606. OTHER DUTIES AND FUNCTIONS

The department, in addition to the functions specified in section 605 of this title:

* * *

~~(2) Shall compile and publish annual statistics covering all libraries in the state, including those maintained by the department of libraries.~~

~~(3)~~ (3) Shall provide consultative services to other libraries in the state, and shall encourage formation of central records of library holdings.

~~(4)~~(3) Shall promote improved communications among libraries in the state as well as cooperative use of facilities.

~~(5)~~(4) May provide facilities in cooperation with other libraries for storage of little used materials.

~~(6)~~(5) May conduct seminars, workshops, and other programs to increase the professional competence of librarians in the state.

~~(7)~~(6) May receive and administer gifts of real and personal property accepted by the governor on behalf of the state under section 101 of Title 29.

~~(8)~~(7) May dispose of by sale or exchange, or may discard, material which is obsolete or has ceased to be useful, because of its physical condition or otherwise. Any proceeds from the sale or disposition of materials shall be credited to a special fund established and managed pursuant to subchapter 5 of chapter 7 of Title 32, and shall be available to the department for the purchase of library materials. Materials constituting public records or which are archival in nature may be disposed of only following ~~thirty~~ 30 days' notice to the commissioner of buildings and general services.

~~(9)~~(8) Shall be the primary access point for state information, and provide advice on state information technology policy.

Sec. 45. 22 V.S.A. § 610 is amended to read:

§ 610. NONPROFIT FOUNDATION FOR PUBLIC LIBRARY SERVICES

The state librarian is authorized to establish a nonprofit foundation for the purpose of raising funds from private sources to enhance public library services in Vermont. All funds from private sources shall be used for grants to Vermont public libraries as defined by section 101 of this title to further any purpose considered to be in harmony with the original purpose of the gift. The state librarian shall not spend more than \$5,000.00 of appropriated funds in any one fiscal year to establish and to administer the nonprofit foundation. No funds raised from private sources shall be used by the state librarian to replace funds appropriated for the operation of the department of libraries. ~~Annually, the state librarian shall file a report with the general assembly describing the funds received and grants made by the foundation.~~

Sec. 46. 23 V.S.A. § 304b(a) is amended to read:

(a) The commissioner shall, upon application, issue conservation registration plates for use only on vehicles registered at the pleasure car rate and on trucks registered for less than 26,001 pounds and excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The commissioner of motor vehicles and the commissioner of fish and wildlife shall determine the graphic design of the special plates in a manner which serves to enhance the public awareness of the state's interest in restoring and protecting its wildlife and major watershed areas. The commissioner of motor vehicles and the commissioner of fish and wildlife may alter the graphic design of these special plates provided that plates in use at the time of a design alteration shall remain valid subject to the operator's payment of the annual registration fee. Applicants shall apply on forms prescribed by the commissioner and shall pay an initial fee of \$20.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a

conservation plate shall pay a renewal fee of \$20.00. The commissioner shall adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection. ~~The commissioner of motor vehicles and the commissioner of fish and wildlife shall annually submit to the members of the house committees on transportation and fish, wildlife and water resources, and the members of the senate committees on transportation and natural resources and energy a report detailing, over a three-year period, the revenue generated, the number of new conservation plates sold and the number of renewals, and recommendations for program enhancements.~~

Sec. 47. 24 V.S.A. § 4753a(a) is amended to read:

(a) Pollution control. The general assembly shall approve all categories of awards made from the special funds established by section 4753 of this title for water pollution control facility construction, in order to assure that such awards conform with state policy on water quality and pollution abatement, and with the state policy that, except as provided in subsection (c) of this section, municipal entities shall receive first priority in the award of public monies for such construction, including monies returned to the revolving funds from previous awards. ~~To facilitate this legislative oversight, the secretary of natural resources shall annually no later than January 15 report to the house and senate committees on institutions and on natural resources and energy on all awards made from the relevant special funds during the prior and current fiscal years, and shall report on and seek legislative approval of all the types of projects for which awards are proposed to be made from the relevant special funds during the current or any subsequent fiscal year. Where feasible, the specific projects shall be listed.~~

Sec. 48. 28 V.S.A. § 102(c) is amended to read:

(c) The commissioner is charged with the following responsibilities:

* * *

~~(13) To report biennially to the general assembly, submitting a summary of the operations of the department during the preceding two years.~~

(14) To collect a fee up to the amount of \$30.00 per month as a supervisory fee from each person under the supervision of the department who is on probation, furlough, pre-approved furlough, supervised community sentence, or parole. Supervisory fees collected by the department shall be credited to a special supervision and victim restitution fund, established and managed pursuant to subchapter 5 of chapter 7 of Title 32, for this purpose. The commissioner shall adopt rules governing the collection of supervisory fees, including the maximum period of time offenders are subject to supervision fees and the offender's ability to pay such fees.

~~(15)~~(14) To lease farms or lands, with the approval of the department of buildings and general services in accordance with section 160 of Title 29, and to administer and manage such farms.

~~(16)~~(15) To exercise all powers and perform all duties established in the office of commissioner by the agency of human services and stated in sections 3052 and 3053 of Title 3.

~~(17)~~(16) To exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities and in fulfilling the purposes and objectives of this title.

~~(18)~~(17) To establish within the department programs for inmates to participate in work, industry, community service, public works activities, and employment at correctional facilities.

~~(19)~~(18) If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of a convicted and sentenced offender to the country of which the offender is a citizen or national, the commissioner may, with the written consent of such offender obtained only after the opportunity to consult with counsel, and in accordance with the terms of the treaty, consent to the transfer or exchange of any such offender and take any other action necessary to initiate the participation of the state in the treaty.

~~(20)~~(19) To utilize the department of buildings and general services' competitive bidding practices in order to determine the most effective and cost-effective alternatives for housing inmates in any out-of-state correctional facility.

~~(21)~~(20) The commissioner is authorized to contract for payment processing services for receiving deposits to inmate financial accounts. The department, directly or through a processing agent, may assess a fee for deposits to each account so long as the fee does not exceed the costs incurred.

Sec. 49. 28 V.S.A. § 121 is amended to read:

§ 121. COMMUNITY HIGH SCHOOL OF VERMONT BOARD

* * *

~~(d) The board shall report on its activities annually to the state board of education.~~

~~(e) The board may, with the approval of the commissioner of corrections, appoint the education supervisor of the independent school.~~

Sec. 50. 28 V.S.A. § 701b(a) is amended to read:

(a) When a defendant or person in a civil or criminal action is sentenced to the custody of the commissioner or committed to the commissioner's custody pending a prosecution on a misdemeanor charge or for sentencing, the commissioner or the commissioner's designee shall within five days of sentencing or commitment, excluding weekends and holidays, classify the person to determine whether he or she shall be incarcerated, held at a community work camp or furloughed. Failure to classify within the five-day period shall not create a private right of action against the state, its political subdivisions or its employees. ~~The department shall annually report to the house and senate institutions committees on the time within which individuals have been classified upon commitment or sentencing.~~

Sec. 51. 28 V.S.A. § 751b is amended to read:

§ 751b. GENERAL PROVISIONS GOVERNING OFFENDER WORK

* * *

(c) The commissioner shall establish written guidelines governing the hours and conditions of offender work, and the rates of compensation of offenders for employment. Wage payments of offenders shall be set aside in a separate fund. The guidelines of the department may provide for the making of deductions from wages of offenders to defray part or all of the cost of offender maintenance or payments to victims of crime. The guidelines may also provide for the setting aside by the department of a portion of an offender's wages to enable the offender to contribute to the support of his or her dependents, if any, to make necessary purchases from a commissary, to purchase approved books, instruments and instruction not supplied by a correctional facility and to set aside sums to be paid to the offender upon release from the custody or supervision of the commissioner. Any interest which accrues from these wages during the period of such custody of an offender shall be credited to any fund maintained by the correctional facility for the welfare of offenders. ~~The commissioner shall annually, by January 1, provide a current copy of any guidelines promulgated under this section to the chairs of the senate and house committees on institutions and the offender work programs board established under section 761 of this title.~~

(d) The labor, work product, or time of an offender may be sold, contracted, or hired out by the state only:

* * *

(2) To any state or political subdivision of a state, or to any nonprofit organization which is exempt from federal or state income taxation, subject to federal law, to the laws of the recipient state and to the rules of the department. ~~The director of work offender programs shall annually, by January 1, submit to~~

~~the chairs of the senate and house committees on institutions and to the offender work programs board a list of any such nonprofit organizations receiving goods or services in the prior and current fiscal year. Five members of such the offender work programs board at a scheduled and warned board meeting may vote to disapprove any future sales of offender produced goods or services to any nonprofit organization and such vote shall be binding on the department.~~

* * *

~~(f) Annual report and two year work programs plan. Annually by October 1, the director of offender work programs shall submit to the offender work programs board, and to the chairs of the house and senate committees on institutions, a written report on all offender work program activities authorized under this section for the previous fiscal year and a two year plan for the current and future fiscal years.~~

~~(1) The annual report shall include, but not be limited to, appropriations, income, production costs, offender injury compensation, prices as they relate to enterprise performance, depreciation of equipment, capital expanses, the status and progress of vocational training programs for offenders, including the number of offenders placed in private or public sector jobs upon release from custody of the commissioner, the reasons for not expanding its operations or not developing new products and any other related operational or financial considerations.~~

~~(2) The two year plan shall address the direction of offender work programs authorized by this section working at full capacity in the current and following fiscal years, identify recipients of offender produced goods or services, and analyze any potential impact on existing private businesses.~~

~~(g) The department of corrections shall, in any new initiative involving sales of offender work products, seek to use the provisions of the ~~federally authorized~~ federally authorized Prison Industries Enhancement Program.~~

~~(h)(g) Assembled products shall not be sold to any person, enterprise, or entity unless the offender work programs board has first reviewed any such proposed sale, and five members of the board have voted in favor of the proposal at a scheduled and warned meeting of the board.~~

~~(+)(h) The commissioner shall consult and collaborate with the commissioner of labor at least annually to seek funding and support for vocational training for offenders to help offenders achieve a successful transition from the custody of the commissioner to private life. To the extent feasible, any vocational training program for offenders shall incorporate the~~

professional training standards applicable to the construction and other trades, and industries, existing in the private sector.

Sec. 52. 28 V.S.A. § 761 is amended to read:

§ 761. OFFENDER WORK PROGRAMS BOARD

(a) Offender work programs board established. An offender work programs board is established for the purpose of advising the commissioner on the use of offender labor for the public good. The board shall base its considerations and recommendations to the commissioner on a review of plans for offender work programs pursuant to subsection (b) of this section, and on other information as it deems appropriate.

* * *

~~(3) The board shall report on its activities at the request of the commissioner, and at least annually to the commissioner and to the joint fiscal office.~~

* * *

~~(b) Review of the annual report and two year plan. In reviewing the annual report and two year plan submitted by the director of offender work programs as required by subsection 751b(f) of this title, and forming its recommendations concerning them to the commissioner, the board shall:~~

~~(1) assure itself that the plan is informed by thorough and accurate analysis of private business activity in the specific market segments concerned, for which purpose the board may, with the commissioners' approval of funds, hire by contract such persons the board deems necessary to assist it in analyzing the plan. The board shall also conduct public hearings to hear from members of the public or from potentially affected private businesses and labor groups;~~

~~(2) forward annually by January 1 to the joint fiscal office a maximum level of offender work program activity in each market segment during the term of the plan; and~~

~~(3) make publicly known and available its recommendations for offender work programs operations.~~

* * *

Sec. 53. 28 V.S.A. § 1154(b) is amended to read:

(b) The supervising officer of the Weeks School is hereby authorized to sell articles made by the children in the handiwork departments in such school and the proceeds thereof shall be used to create a revolving fund for the purchase

of materials for these departments. The revolving fund shall be held by the supervising officer ~~and an annual report submitted to the commissioner.~~

Sec. 54. 29 V.S.A. § 152(a) is amended to read:

(a) The commissioner of buildings and general services, in addition to the duties expressly set forth elsewhere by law, shall have the authority to:

* * *

(24) Accept from the Federal Emergency Management Agency (FEMA) hazard mitigation grants on behalf of the state on an as-needed basis, or accept from any municipality any funds received by the municipality from FEMA. This authority is intended to permit the state to assist towns in certain situations by taking advantage of federal money in order to avoid depletion of state resources. ~~Each receipt of a grant or gift as authorized by this subdivision shall be reported to the chairs of the house and senate committees on institutions and to the joint fiscal office.~~

* * *

(26) Be available to consult with and share the department's expertise with school districts regarding the design, construction, or purchase of any new buildings or alterations of existing buildings in connection with any technical center receiving funding under Title 16. The commissioner, in collaboration with the commissioner of education, shall periodically update the standards developed pursuant to Sec. 44 of No. 148 of the Acts of the 1999 Adj. Sess. (2000), ~~and shall report the updated standards to the house and senate committees on institutions on or before January 15 of the next occurring legislative session.~~

(27) After consulting with the state treasurer to determine the effect of the contract on the state's debt and reviewing the creditworthiness of the company with which the state proposes to contract, and with the approval of the emergency board, enter into multiyear contracts with energy service companies or third-party leasing companies for energy efficiency and fuel switching improvements to state facilities, the cost of which will be recovered through the avoided fuel, utility, operating, and maintenance costs resulting from the improvements. Improvements must within 20 years achieve savings sufficient to cover their costs. ~~The commissioner shall report annually to the house and senate committees on institutions regarding the status of contracts undertaken under this subsection.~~

(28) With the approval of the emergency board, enter into performance contracts with private sector providers to create energy-smart state buildings and facilities primarily through revised operating strategies that will result in

operating cost savings. The commissioner shall work with private energy contractors and utilities companies to develop a plan to conduct energy audits, analyze the state's energy needs, improve purchasing procedures to speed the conversion to new technology, and develop revised operating strategies to identify the best use of the latest energy-saving technology. ~~The commissioner shall report annually to the house and senate committees on institutions regarding the status of contracts undertaken under this section.~~

* * *

Sec. 55. 29 V.S.A. § 160(c) is amended to read:

(c) Moneys from the fund shall be expended for rental of property for the purposes contemplated herein, and to defray the cost of custodial services and other expenses necessary to the proper use and enjoyment of such premises by the occupant. Moneys from the fund may also be expended for management of buildings and property under the jurisdiction of the department of buildings and general services including but not limited to inventory, appraisal, space study and allocation, and renovations. Cost of studies, renovations, alterations, and modifications shall not exceed \$50,000.00 unless approved by the secretary of administration. ~~The secretary shall furnish the legislature each year a listing of projects which he or she approved that exceeded the \$50,000.00 limit.~~

Sec. 56. 29 V.S.A. § 168(b) is amended to read:

(b) Revolving fund.

* * *

(7) The commissioner of buildings and general services shall maintain accurate and complete records of all receipts by and expenditures from the fund ~~and shall report to the general assembly on January 15 of each year regarding projects approved through the fund, the status of the fund, and a consolidated amortization schedule.~~

* * *

Sec. 57. 29 V.S.A. § 903(d) is amended to read:

(d) The commissioner of buildings and general services, with the assistance of all state agencies, shall cooperate with the generators and managers of waste materials which may be recycled and with the producers of products which use recycled materials to maximize the state's use of those materials and products, particularly where the added cost of using waste materials rather than virgin materials is less than the cost avoided by not having that waste in the waste stream. Proceeds from the sale of waste materials collected by the department of buildings and general services shall be credited to a special fund and shall

be available to the department to offset the cost of recycling efforts. The goal for the purchase of recycled materials shall be at least 40 percent by the end of 2008. For purposes of this section, "recycled materials" include, but are not limited to, recycled paper products, retreaded automobile tires, re-refined lubricating oil, used automotive parts, reclaimed solvents, recycled asphalt, recycled concrete, and compost materials. ~~By January 15 of each odd-numbered year, the commissioner of buildings and general services shall submit a report to the governor and to the natural resources committees of the general assembly reporting on the implementation of this subsection.~~

Sec. 58. 30 V.S.A. § 22 is amended to read:

§ 22. TAX TO FINANCE DEPARTMENT OF PUBLIC SERVICE AND PUBLIC SERVICE BOARD

* * *

~~(c) The board and the department shall report to the general assembly on or before January 15 of each year stating their revenues and expenditures, including receipts authorized in sections 20 and 21 of this title, during the previous fiscal year and their anticipated revenues and expenditures in the current and succeeding fiscal year. The reports shall also state for the previous fiscal year the allocation of time and resources devoted to regulation of each type of regulated utility and the allocation of time and resources devoted to the wholesale and retail sale of electrical energy by the department. The report shall also contain a review of the rules of the board and department, regardless of the process for adopting such rules, at a frequency such that each rule is reviewed at least every five years for efficiency and effectiveness in carrying out the public service policies and goals of this state. Copies of the report shall be sent to the members of the house committee on ways and means, the house committee on commerce, and the senate committee on finance.~~

~~(d)~~ Of the revenue deposited into the special fund for the maintenance of engineering and accounting forces, 40 percent shall be allocated to the public service board and 60 percent shall be allocated to the department of public service.

~~(e)~~(d)(1) On June 30 of each year any balance in the amount allocated to the public service board from the special fund for the maintenance of engineering and accounting forces, after accounting for expenditures and encumbrances, in excess of 20 percent of the board's allocation for that year shall be used in the manner provided by subdivision (3) of this subsection.

(2) On June 30 of each year any balance in the amount allocated to the department of public service from the special fund for the maintenance of engineering and accounting forces, after accounting for expenditures and

encumbrances, in excess of 20 percent of the department's allocation for that year shall be used in the manner provided by subdivision (3) of this subsection.

(3) The excess balances determined under subdivisions (1) and (2) of this subsection shall be used in the next succeeding year to directly reduce the rates otherwise collected from the ratepayers of this state for the costs of the telephone lifeline program authorized by section 218(c) of this title.

Sec. 59. 30 V.S.A. § 226a(d) is amended to read:

(d) The board shall retain jurisdiction over any contract under this section and shall hear and resolve any disputes or claims which may arise regarding its application. During the period of any contract under this section, a company shall continue to file with the board and the department its rates, tariffs, and tolls for any service provided including any service subject to the contract, and shall also file on a monthly basis its rate of return under the contract. ~~No less than annually, the department shall report to the senate finance and house commerce committees of the general assembly, or such subcommittees or joint committee thereof as may be established for this purpose, a summary and analysis of the rates, tariffs and tolls for any service provided by a company under a contract, the rate of return of a company under the contract, and any other information pertaining to the contract which the committees may request. Concurrently, the public contract advocate shall report to such committees, subcommittees or joint committees, his or her analysis of the effect of the contract on the cost and quality of basic exchange telecommunications services and intrastate toll rates and modernization of telecommunications services.~~

Sec. 60. 30 V.S.A. § 8059 is amended to read:

§ 8059. RECORDS; ANNUAL REPORT; AUDIT

(a) The authority shall keep an accurate account of all its activities and of all its receipts and expenditures.

~~(b) Each year, prior to February 1, the authority shall submit a report of its activities for the preceding fiscal year to the governor and to the general assembly. The report shall set forth a complete operating and financial statement covering its operations during the year. The authority shall cause an audit of its books and accounts to be made at least once in each year by a certified public accountant. The cost of the audit shall be considered an expense of the authority, and a copy of the audit shall be filed with the state treasurer.~~

Sec. 61. 31 V.S.A. § 642(d) is amended to read:

(d) Annually, the board shall make a report of the distribution of funds under subsection (c) of this section, including amount and recipient, ~~to the~~

~~secretary of agriculture, food and markets, the governor, and the general assembly, and that shall be available to the public.~~

Sec. 62. 32 V.S.A. § 466(a) is amended to read:

(a) Upon requisition of an officer having authority to expend money for the payment of expenses chargeable to the state, with the approval of the governor, the commissioner of finance and management is authorized to issue his or her warrant on the treasurer for funds necessary for such expenses. Such advances shall not be made until such officer files with the state treasurer a good and sufficient bond, approved by the governor and commissioner of finance and management, to indemnify the state against all loss or shortage of sums so advanced. The expense of such bond shall be paid by the state. ~~Such officer shall quarterly, and at such other times as the commissioner of finance and management requires, render an account, in such form as the commissioner of finance and management prescribes, of the expenditures of moneys so advanced and furnish vouchers therefor.~~

Sec. 63. 32 V.S.A. § 954(c) is amended to read:

(c) Notwithstanding any other provisions of law, the state treasurer with the approval of the secretary of administration is hereby authorized to transfer to any authorized projects unspent proceeds derived from the sale of state bonds or notes previously issued for projects heretofore authorized; and the state treasurer is hereby further authorized to issue bonds or notes of the state to replenish such transferred funds for application to the original authorized capital projects. ~~The state treasurer shall by January 15 of each year provide the chairs of the house and senate institutions committees with a report of all such transfers during the preceding fiscal year.~~

Sec. 64. 32 V.S.A. § 3113(c) is amended to read:

(c) ~~Every agency shall, upon request of the commissioner, furnish a list of licenses and contracts issued or renewed by such agency during the reporting period; provided, however, that the secretary of state shall, with respect to certificates of authority to transact business issued to foreign corporations, furnish to the commissioner only those certificates originally issued by the secretary of state during the reporting period and not renewals of such certificates. The lists should include the name, address, social security or federal identification number of such licensee or provider, and such other information as the commissioner may require.~~

Sec. 65. 33 V.S.A. § 143b is amended to read:

§ 143b. EDUCATION AND INFORMATION

(a) Within six months of the effective date of section 143a of this title, the office of Vermont health access shall issue rules establishing a procedure for health care providers enrolled in ~~state-~~ state and ~~federally funded~~ federally funded medical assistance programs to obtain advisory opinions regarding coverage and reimbursement under those programs. Each advisory opinion issued by the office shall be binding on the office and the party or parties requesting the opinion only with regard to the specific questions posed in the opinion, the facts and information set forth in it, and the statutes and rules specifically noted in the opinion.

~~(b) At least four times a year, the office of Vermont health access shall alert health care providers enrolled in state and federally funded assistance programs by publication distributed to such health care providers, regarding current issues relating to fraud and abusive billing in such programs.~~

Sec. 66. 33 V.S.A. § 308(c) is amended to read:

(c) The board shall advise the director of the division of child development and the commissioner for children and families on all functions related to child care that are within the jurisdiction of state government. The board shall review and evaluate the child-care-related programs and activities of the division of child development. ~~On or before January 15, the board shall report its findings and recommendations to the general assembly.~~

Sec. 67. 33 V.S.A. § 4305 is amended to read:

§ 4305. COORDINATED SYSTEM OF CARE

* * *

~~(c) The commissioners of developmental and mental health services, social and rehabilitation services and education shall jointly submit to the general assembly a report on the status of programs for children and adolescents with a severe emotional disturbance and their families which shall include a system of care plan. The report shall be submitted together with the general appropriation bill provided for by section 701 of Title 32. The system of care plan shall~~

~~(1) identify the characteristics and number of children and adolescents with a severe emotional disturbance in need of appropriate services, describe the educational, residential, mental health or other treatment services needed, describe currently available programs and resources, recommend a plan to meet the needs of such children, recommend priorities for the continuation or development of programs and resources, and make an assessment of the success of such programs; and~~

~~(2) provide information as available on the extent to which children and adolescents with a severe emotional disturbance have not received services, the~~

~~characteristics and number of those children and adolescents who have not received services and recommendations on how to address their identified needs.~~

(d) The secretary of human services and the commissioner of education shall report to the general assembly by January 15, 1991 with their recommendations concerning the coordination and provision of adequate and appropriate services to all children with disabilities. The report shall identify the characteristics and number of children with disabilities in need of services, describe the educational, residential, mental health, or other services needed, describe currently available programs and resources, recommend priorities for the needs of children with disabilities, and recommend a plan to meet the continuation or development of programs and resources.

(d) Nothing contained in this chapter shall be construed to diminish the rights of children with disabilities, their parents, guardians, or surrogate parents under federal or state law, including ~~but not limited to~~ confidentiality, consent for services and evaluation, and parental involvement.

(e) Nothing contained in this chapter shall entitle children and adolescents with a severe emotional disturbance to special education services unless they are otherwise eligible for such services under state or federal law.

(f) Except as otherwise provided in chapter 55 of this title, the receipt of appropriate services for a child or adolescent with a severe emotional disturbance or the child or adolescent's family, including an out-of-home placement, shall not be conditioned on placement of the child or adolescent in the legal custody, protective supervision or protection of the department of social and rehabilitation services.

Sec. 68. 33 V.S.A. § 6703(b) is amended to read:

(b) The director shall not be required to enter into contracts under this section if:

* * *

(2) the director determines that the program is not accomplishing its goal of protecting dual eligible individuals from improper denials of Medicare coverage. The director shall base his or her determination under this subdivision on information obtained from the contractors, providers of health care, area agencies on aging, and other individuals and organizations affected by the program. ~~On or before January 15 of any fiscal year in which a determination is made under this subdivision, the director shall report his or her determination to the general assembly.~~

Sec. 69. Sec. 87a(A) of No. 1 of the Acts of 1999 is amended to read:

(A) To the Vermont housing and conservation board for Champion land and acquisition and affordable housing \$5,500,000

(i) Of this appropriation, \$4,500,000 shall be used to purchase and ensure that the lands commonly referred to as the Champion lands in northeastern Vermont are conserved as a working forest for the sustainable production of wood products, for natural resources, including the maintenance of wildlife habitat and conservation of identified natural heritage sites, and for perpetual public access for traditional recreational uses. The Vermont housing and conservation board and its grantees, through easements and through agreements with its state, federal and private partners, shall permanently protect the following uses:

(I) Camp leases. On state lands renewal shall be for the life of the leaseholder or, in the event of the leaseholder's death, renewal by immediate family members for not more than 20 years. The state shall make a special effort to repair roads, whenever possible, on state-owned land ~~and annually shall file a report with the general assembly and the municipality describing any road maintenance performed during the year.~~ In the event of extreme erosion due to natural causes on a road leading to a camp, the department of fish and wildlife shall fix the roads if funding is available for the purpose. Camp owners shall be responsible for maintaining driveways to their respective camps. Lease payments on land which is owned and managed by the department of fish and wildlife shall be set aside for road maintenance on department of fish and wildlife property. Further the Vermont housing and conservation board shall negotiate aggressively and diligently to obtain for camp holders on private lands the same or greater protections as are provided to camp holders on state lands, and to provide for free access thereto.

* * *

Sec. 70. Sec. 114(d) of No. 62 of the Acts of 1999 is amended to read:

(d) Of the above tobacco settlement fund appropriation, \$500,000.00 is to support the Vermont coalition of clinics for the uninsured health care and dental services provided by clinics for uninsured individuals and families. ~~The coalition shall report to the general assembly on or before January 1 of each year with a fiscal and program accounting of expenditures made with the monies appropriated by the general assembly.~~

Sec. 71. Sec. 2(b) of No. 125 of the Acts of the 1999 Adj. Sess. (2000) is amended to read:

(b) The commissioners of health and of buildings and general services, education and health, with help from the secretary of the agency of natural resources when appropriate, shall:

* * *

~~(7) Report annually to the house and senate committees on education on the extent of indoor air and hazardous exposure problems in Vermont schools and on the percentage of Vermont schools that have established a school environmental health program or qualified for environmental health certification.~~

Sec. 72. Sec. 111(c) of No. 152 of the Acts of the 1999 Adj. Sess. (2000) is amended to read:

(c) Of the above appropriation, \$200,000.00 is to support the Burlington Health Clinic. ~~The Burlington Health Clinic shall report to the general assembly on or before January 1 of each year with a fiscal and program accounting of expenditures made with the monies appropriated by the general assembly.~~

Sec. 73. Sec. 251(a) of No. 152 of the Acts of the 1999 Adj. Sess. (2000) is amended to read:

(a) The following amounts are appropriated from the general fund to the secretary of administration, for transfer and use by the referenced departments as indicated in fiscal year 2000:

* * *

(22) To the agency of natural resources for a one-time enhancement of watershed basin planning initiatives. The agency must prepare these basin plans in conformance with all applicable state and federal law, including but not limited to the water quality management planning regulations at 40 C.F.R. 130.6, ~~and must report back to the legislature on its progress annually.~~

* * *

Sec. 74. Sec. 3(a) of No. 156 of the Acts of the 1999 Adj. Sess. (2000) is amended to read:

(a) To enable the state of Vermont to take advantage of additional federal funds that may be made available, the secretary of transportation is authorized to accelerate projects in the state's transportation capital program and project development plan. ~~The secretary shall report quarterly to the members of the joint transportation oversight committee and members of the House and Senate committees on transportation on any changes in the scheduling of the projects in the transportation capital program or project development plan, and shall additionally submit the report required in 19 V.S.A. § 10h, relating to cost overruns.~~

Sec. 75. Sec. 4 of No. 62 of the Acts of 2001 is amended to read:

Sec. 4. DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS;
AFFORDABLE HOUSING; DEVELOPMENT INCENTIVES; VERMONT
HOUSING BUDGET; HOUSING INVESTMENT PLAN

The commissioner of housing and community affairs shall:

(1) ~~Compile~~ compile a list of discretionary loans, grants and other funding over which the Agency of Natural Resources, the Department of Labor and Industry and the Department of Transportation, or any other state entity, has discretion or control, and for which the addition or adaptation of criteria would create incentives for communities and developers to build more affordable housing. On or before November 15, 2001, the commissioner shall submit to the General Assembly a written report outlining recommendations for program or criteria changes that will provide incentives for affordable housing development.

(2) ~~Create a Vermont housing budget designed to assure efficient expenditure of state funds appropriated for housing development, to encourage and enhance cooperation among housing organizations, to eliminate overlap and redundancy in housing development efforts, and to ensure appropriate geographic distribution of housing funds. The Vermont housing budget shall include any state funds of \$50,000.00 or more awarded or appropriated for housing. The Vermont housing budget and appropriation recommendations shall be submitted to the General Assembly annually on or before January 15, and shall include the amounts and purposes of funds appropriated for or awarded to the following:~~

(A) ~~The Vermont Housing and Conservation Trust Fund.~~

(B) ~~The Agency of Human Services.~~

(C) ~~The Agency of Commerce and Community Development.~~

(D) ~~Any other entity that fits the funding criteria.~~

(3) ~~Annually, develop a Vermont housing investment plan in consultation with the Vermont housing council. The housing investment plan shall be consistent with the Vermont consolidated plan for housing, in order to coordinate the investment of state, federal and other resources, such as state appropriations, tax credits, rental assistance and mortgage revenue bonds, to increase the availability and improve the quality of Vermont's housing stock. The housing investment plan shall be submitted to the General Assembly, annually on January 15, and shall:~~

(A) ~~target investments at single family housing, mobile homes, multifamily housing and housing for homeless persons and people with special needs;~~

~~(B) recommend approaches that maximize the use of available state and federal resources;~~

~~(C) identify areas of the state that face the greatest housing shortages; and~~

~~(D) recommend strategies to improve coordination among state, local and regional offices in order to remedy identified housing shortages.~~

Sec. 76. Sec. 113(b) of No. 63 of the Acts of 2001 is amended to read:

(b) Of the above general fund appropriation, \$300,000.00 is to support the Vermont coalition of clinics for the uninsured health care and dental services provided by clinics for uninsured individuals and families. ~~The coalition shall report to the general assembly on or before January 1 of each year with a fiscal and program accounting of expenditures made with the monies appropriated by the general assembly.~~

Sec. 77. Sec. 123c of No. 63 of the Acts of 2001 is amended to read:

Sec. 123c. **FEDERALLY-QUALIFIED HEALTH CENTERS**

* * *

~~(e) The commissioner of health and its contractor shall report to the general assembly on or before January 15 of each year with its progress in implementing the provisions of this section, and with an accounting of its use of grant funds.~~

~~(f)~~ Vermont's Congressional Delegation is urged to take all actions necessary and desirable in securing designations, approvals and other actions by the federal government required to carry out the purposes of this section.

~~(g)~~(f) The commissioner of health may exercise sole source contracting authority to carry out the provisions of this section.

Sec. 78. Sec. 20 of No. 149 of the Acts of the 2001 Adj. Sess. (2002) is amended to read:

Sec. 20. **AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT; REALLOCATION**

The state historic preservation officer, with the concurrence of the commissioner of buildings and general services, may reallocate the funds in Sec. 4(a) of this act (commerce and community development) to other state historic sites only for major maintenance, should a more pressing need arise following the session. ~~If a reallocation occurs, the state historic preservation officer and the commissioner of buildings and general services shall notify the house and senate committees on institutions that a reallocation has taken place.~~

Sec. 79. Sec. 7 of No. 45 of the Acts of 2003 is amended to read:

Sec. 7. STRATEGIC PLAN

On or before January 15, 2005, the secretary shall prepare a strategic plan which shall be updated biannually ~~and presented to the general assembly and to members of the house and senate health and welfare committees.~~ The strategic plan shall include desired outcomes for Vermonters, shall report on the outcomes experienced by individuals and measured by quality indicators, shall set and clarify goals, shall describe the process for engagement of agency staff, community partners, clients, advocacy groups, providers, advisory groups, and other affected agencies, shall provide an ongoing assessment of the effectiveness of the plan and shall establish and describe milestones for development of the plan.

Sec. 80. Sec. 25 of No. 53 of the Acts of 2003 is amended to read:

Sec. 25. REPORT ON COLLABORATION AMONG HOSPITALS

The commissioner of banking, insurance, securities, and health care administration shall invite Fletcher Allen Health Care and the Dartmouth Hitchcock Medical Center to identify fields of excellence or discrete areas of specialty focus for the respective health care institutions, and to make recommendations for collaboration. ~~The commissioner shall report to the general assembly on or before December 15, 2003 and annually thereafter on the progress of the collaboration.~~

Sec. 81. Sec. 129(b) of No. 66 of the Acts of 2003 is amended to read:

(b) Of the above appropriation, \$300,000.00 is to support the Vermont coalition of clinics for the uninsured health care and dental services provided by clinics for uninsured individuals and families. ~~The coalition shall report to the general assembly on or before January 1 of each year, with a fiscal and program accounting of expenditures made with the monies appropriated by the general assembly.~~

Sec. 82. Sec. 3(b) of No. 43 of the Acts of 2005 is amended to read:

(b) Vermont state hospital; future planning.

* * *

~~(2) The department shall provide regular reports to the joint legislative mental health oversight committee and to the chairs of the house and senate committees on institutions regarding the status of the work authorized in this subsection.~~

Sec. 83. REPEAL

(a) The following sections in Title 2 are repealed:

(1) § 203 (report of the uniform legislation commission);

(2) § 264(g) (compilation of lobbyist disclosure reports).

(b) The following sections in Title 3 are repealed:

(1) § 161 (report by the attorney general on activities for the year);

(2) § 2476(d) (report on the status of the Connecticut River valley tourism district);

(3) § 2826 (environmental notice bulletin and permit handbook update);

(4) § 3085c(g) (report on the activities and findings of the commission on juvenile justice).

(c) The following sections in Title 6 are repealed:

(1) § 5 (annual report by the secretary of agriculture, food and markets);

(2) § 335 (publication of information regarding commercial feeds);

(3) § 612 (publication of information regarding standards, regulations, and forms for seeds);

(4) § 925 (notice of judgments in insecticide-, fungicide-, and rodenticide-related actions);

(5) § 2962(6) (report by the agricultural development commission on its activities for the year).

(d) 8 V.S.A. § 14 (annual report by the commissioner of banking, insurance, securities, and health care administration) is repealed.

(e) The following sections in Title 10 are repealed:

(1) § 15(c) (Vermont qualifying facility contract mitigation authority's annual report on activities, including operating and financial statements);

(2) § 276 (report by the Vermont rehabilitation corporation on its progress and recommendations for improvements to the family farm assistance program);

(3) § 1283(e) (report on the condition and disbursements from the environmental contingency fund);

(4) § 4049b(c) (report on the Green Mountain Conservation Camp endowment fund's expenditures and balance);

(5) § 4050(d) (report on the watershed management account);

(6) § 4255(f) (report on recipients of free and honorary licenses issued by the fish and wildlife department);

(7) § 4609(d) (report on the impact of fishing license reciprocity with New York on state revenues);

(8) § 6622a (report on the status of whether there are sufficient quantities of quality recycled newsprint at a reasonable price);

(9) § 6631 (report on efforts to encourage toxics use reduction and hazardous waste reduction);

(10) § 7065(d) (report on the Texas Low-Level Radioactive Waste Disposal Compact);

(11) § 8017 (report on enforcement actions taken through administrative environmental law enforcement).

(f) 12 V.S.A. § 5601(h) (report on the adequacy of dollar limits on liability for state employee actions) is repealed.

(g) The following sections in Title 16 are repealed.

(1) § 128 (report on the activities of the council on civics education);

(2) § 1049a(d) (report on participation in and the cost of the graduation education plan);

(3) § 2177(c) (report on the amount appropriated to the corporation and expended for the current fiscal biennium by the Vermont state colleges);

(4) § 2281(b) (report on the amount appropriated and expended for the current fiscal biennium by the University of Vermont and State Agricultural College);

(5) § 2531f (report of the name of each student receiving a scholarship from a state senator).

(h) 18 V.S.A. § 9507(b) (report itemizing all administrative and programmatic expenses of the department of social welfare, the department of education, and the department of health pertaining to preventing the use of tobacco) is repealed.

(i) The following sections in Title 20 are repealed:

(1) § 45(e) (report on expenditures for disaster relief);

(2) § 487 (report of the quartermaster general concerning the disposition of the ordnance, arms, ammunition, and other property belonging to the department);

(3) § 1487 (report of the adjutant general on activities and expenditures);
(j) 24 V.S.A. § 367(e) (report by the department of state's attorneys on its activities and expenditures).

(k) 26 V.S.A. § 1449 (report on the progress of the Vermont Program for Quality in Health Care, Inc.) is repealed.

(l) The following sections in Title 28 are repealed:

(1) § 104(e) (report by the commissioner of corrections on implementing notice of community placements);

(2) § 911(d) (report by the alternatives to incarceration board on its activities and the programs it oversees);

(3) § 1101(7) (report on studies relating to community conditions which affect the problem of delinquency)

(m) The following sections in Title 32 are repealed:

(1) § 308b(c) (report by the secretary of human services and the secretary of administration on carry-forward cases which would transfer to the human services caseload management reserve);

(2) § 505 (report by county clerks regarding money collected for the state);

(3) § 543 (report from district courts on cost bills and returns);

(4) § 561 (report by probate judges on all fees paid to their offices due the state);

(5) § 1059 (report of a list of officers, members, and employees entitled to mileage and the amount due to each);

(6) § 3463 (report by county treasurers of the grand list, the rate per dollar, and the amount of county taxes assessed in the county for the previous year).

(n) The following sections in Title 33 are repealed:

(1) § 2001(d) (report on the implementation of a pharmacy benefit manager contract entered into by the pharmacy best practices and cost control program);

(2) § 2001(e) (requirements for the fiscal report on the pharmacy benefit manager contract);

(3) § 3308 (report by the children and family council for prevention programs on its activities for the previous year);

(4) § 3703 (report by the secretary of the agency of human services on the status of parent-child center programs);

(5) § 6105 (report on the activities of the Vermont independence fund for the previous year);

(6) § 6303(e) (report on findings and recommendations regarding the provision of home health services in Vermont).

(o) The following sections of the Acts of 1997 are repealed:

(1) Sec. 3 of No. 33 (report on the status of the youthful offender system);

(2) Sec. 13(c) of No. 58 (report on the methodology and results of compliance tests for tobacco licensees);

(3) Sec. 29 of No. 63 (report on the consequences and effectiveness of amending the child support statute to comply with the Federal Welfare Act of 1996);

(p) The following sections of the Acts of the 1997 Adj. Sess. (1998) are repealed:

(1) Sec. 58(c) of No. 66 (report on disbursements by and obligations of the financial management system development special fund);

(2) Sec. 5 of No. 114 (report on involuntary medication for mental health patients);

(3) Sec. 3(a) and (b) of No. 117 (report on DUI enforcement and reduction programs);

(4) Sec. 32 of No. 117 (report on time limits for conducting drivers' license suspension hearings);

(5) Sec. 120(d) of No. 147 (as added by Sec. 118a of No. 62 of the Acts of 1999) (report on services provided under the job access/reverse commute program).

(q) The following sections of the Acts of 1999 are repealed:

(1) Sec. 6 of No. 56 (report on statistics relating to hate crimes);

(2) Sec. 100(c) of No. 62 (report on the development and accomplishments of state and regional partnerships).

(r) The following sections of the Acts of the 1999 Adj. Sess. (2000) are repealed:

(1) Sec. 97(c) of No. 152 (report on the development and accomplishments of the state team for children, families and individuals and regional and community partnerships);

(2) Sec. 111b(b) of No. 152 (evaluation of family partnership programs).

(s) The following sections of the Acts of 2001 are repealed:

(1) Sec. 28(b) of No. 61 (report by the commissioners of environmental conservation and of corrections on grants and gifts accepted from the federal government);

(2) Sec. 272(c) of No. 63 (report from the commissioner of personnel on the status of limited service positions).

(t) Sec. 22(b) of No. 149 of the Acts of the 2001 Adj. Sess. (2002) (report by the commissioners of environmental conservation, of corrections, of health, and of buildings and general services, and the chancellor of the Vermont State Colleges on grants and gifts accepted from the federal government) is repealed.

(u) The following sections of the Acts of 2003 are repealed:

(1) Sec. 22(b) of No. 63 (report by the commissioners of environmental conservation, of corrections, and of health on grants and gifts accepted from the federal government);

(2) Sec. 149a of No. 66 (report on the status and demands on the weatherization fund).

(v) The following sections of the Acts of the 2003 Adj. Sess. (2004) are repealed:

(1) Sec. 22(b) of No. 121 (report by the commissioners of environmental conservation, of corrections, and of buildings and general services on grants and gifts accepted from the federal government and other sources);

(2) Sec. 12(a) of No. 122 (report by the department of personnel on position reclassifications throughout state government).

(w) The following sections of the Acts of 2005 are repealed:

(1) Sec. 24(b) of No. 43 (report by the commissioners of environmental conservation, of corrections, and of buildings and general services on grants and gifts accepted from the federal government and other sources);

(2) Sec. 12 of No. 79 (report by the secretary of the agency of human services on reports received by adult protective services and by the attorney general on issues arising from an amendment to 13 V.S.A. § 1375(8)(C));

(3) Sec. 48(c) of No. 80 (report by the agency of transportation on the status of all Connecticut River bridge projects).

(x) Sec. 22(b) of No. 147 of the Acts of the 2005 Adj. Sess. (2006) (report by the commissioners of environmental conservation, of corrections, and of buildings and general services on grants and gifts accepted from the federal government and other sources) is repealed.

(y) The following sections of the Acts of 2007 are repealed:

(1) Sec. 110g(c) of No. 65 (report by the health access oversight committee on recommendations to changes in reimbursement contained in the deficit reduction act); and

(2) Sec. 131(b) of No. 65 (report on the weatherization data management system).

(Committee vote: 5-0-0)

Favorable with Proposal of Amendment

H. 11

An act relating to the disposition of property upon death, transfer of interest in vehicle upon death, and homestead exemption.

Reported favorably with recommendation of proposal of amendment by Senator Campbell for the Committee on Judiciary.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 2, 14 V.S.A. § 314, in subdivision (b)(2), by striking out the word “or” and inserting in lieu thereof the word and

Second: In Sec. 2, 14 V.S.A. § 336, by striking out the last sentence in its entirety and inserting in lieu thereof a new sentence to read: Before an order is made for the payment or distribution of any money or estate as authorized in this section, notice shall be given as provided by the Vermont Rules of Probate Procedure.

(Committee Vote: 4-0-1)

(For House amendments, see House Journal for January 16, 2009, page 5.)

Committee Bills for Notice

S. 107

An act relating to an entrepreneurial manifesto for Vermont.

By the Committee on Economic Development, Housing and General Affairs.

S. 109

An act relating to brominated flame retardants.

By the Committee on Natural Resources and Energy.

House Proposal of Amendment

J. R. S. 22

Joint resolution providing for a Joint Assembly to vote on the retention of three Superior Judges, and one District Judge.

The House proposes to the Senate to amend the resolution by striking the following:

“Thursday, March 19” and inserting in lieu thereof the following:
Wednesday, March 25

Proposed Amendment to the Constitution

PROPOSAL 5

(Third day on Notice Calendar pursuant to Rule 83)

Pursuant to Rule 83 of the Senate Rules, notice is hereby given that proposed amendment to the Constitution, Proposal 5, set forth below, will be read the third time and acted upon, on the seventh legislative day following Wednesday, February 25, 2009. At that time, the following question shall be presented: “Shall the Senate concur in the proposal and request the concurrence of the House?”

SUBJECT: Elections; voter’s oath; self-administration

PENDING ACTION: Third reading of the proposal (second biennium)

PROPOSAL 5

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide that a person who will attain the age of 18 by the date of the general election shall have the right to vote in the primary election.

Sec. 2. Section 42 of Chapter II of the Vermont Constitution is amended to read:

§ 42. [VOTER'S QUALIFICATIONS AND OATH]

Every person of the full age of eighteen years who is a citizen of the United States, having resided in this State for the period established by the General Assembly and who is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a voter of this state:

You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any person.

Every person who will attain the full age of eighteen years by the date of the general election who is a citizen of the United States, having resided in this State for the period established by the General Assembly and who is of a quiet and peaceable behavior, and will take the oath or affirmation set forth in this section, shall be entitled to vote in the primary election.

Sec. 3. EFFECTIVE DATE

This proposal of amendment shall take effect from the date of its approval by a majority vote of the voters of the state.

CONSENT CALENDAR

Concurrent Resolutions for Adoption under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to Senate Calendar of Friday, February 27, 2009.

Senate Concurrent Resolutions

S.C.R. 12.

Senate concurrent resolution commemorating the tenth anniversary of the sister-state relationship between the state of Vermont and the province of Taiwan.

S.C.R. 13.

Senate concurrent resolution honoring the civic education role of the Bridport Grange's legislative breakfast.

House Concurrent Resolutions

H.C.R. 63

House concurrent resolution congratulating the Pico Ski Club on its 60th anniversary

H.C.R. 64

House concurrent resolution in memory of John C. Donahue Jr. of Northfield

H.C.R. 65

House concurrent resolution congratulating the Roxbury Free Library on its 75th anniversary

H.C.R. 66

House concurrent resolution commemorating the 60th anniversary of U.S. Senator George Aiken's popularizing the geographic designation Northeast Kingdom

H.C.R. 67

House concurrent resolution honoring retiring Putney town moderator John Caldwell

H.C.R. 68

House concurrent resolution recognizing the 62 years of extraordinary school board service of Dr. Harry Rowe

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Susan D. Plaustiner of Brownsville – Member of the Vermont Economic Development Authority – By Sen. Maynard for the Committee on Finance.
(1/21)

Rachel Schumacher of North Bennington – Member of the Vermont Economic Development Authority – By Sen. Hartwell for the Committee on Finance. (1/21)

Steven J. Bourgeois of Swanton – Member of the Vermont Economic Development Authority – By Sen. Carris for the Committee on Finance. (1/28)

Thomas Pelletier of Montpelier – Member of the Vermont Housing Finance Agency – By Sen. Cummings for the Committee on Finance. (1/28)

Neale F. Lunderville of Burlington – Secretary of the Agency of Administration – By Sen. Flanagan for the Committee on Government Operations. (2/17)

Neale F. Lunderville of Burlington – Secretary of the Agency of Administration – By Sen. Flanagan for the Committee on Government Operations. (2/17)

Michael Welch of St. Johnsbury – Member of the Valuation Appeals Board – By Sen. McCormack for the Committee on Finance. (2/18/09)

David R. Coates of Colchester – Member of the Vermont Municipal Bond Bank – By Sen. Carris for the Committee on Finance. (2/18/09)

Sonia D. Alexander of Wilmington – Member of the Valuation Appeals Board – By Sen. Hartwell for the Committee on Finance. (2/25/09)

Paulette Thabault of South Burlington – Commissioner of the Department of Banking, Insurance, Securities and Health Care Administration – By Sen. Cummings for the Committee on Finance. (3/3/09)

Kathryn T. Boardman of Shelburne – Member of the Vermont Municipal Bond Bank – By Sen. Maynard for the Committee on Finance. (3/4/09)

CROSSOVER

Joint Rules Committee has adopted the following:

All bills must be reported out by the committees of reference by the end of the day of Friday, March 20.

Bills that are then referred to a money committee must be reported out of the money committees by the end of the day of the following Friday, March 27.

Exceptions to the foregoing deadlines include the major money bills (Appropriations, Transportation, Capital, and Miscellaneous Taxes) and other bills as determined by the President *pro tempore* and the Speaker.

PUBLIC HEARINGS

Tuesday, March 17, 2009 – 2:45-4:30 p.m. and 6:30-8:00 p.m.- Room 11
– Vermont’s revenue situation – (House Committee on Ways and Means).

JOINT ASSEMBLY

Thursday, March 19, 2009 – Time: (TBA) – House Chamber –
Retention of Superior Court Judges: Hon. Geoffrey Crawford, Hon.
Mary Teachout, Hon. Howard Van Benthuisen.

Retention of District Judge: Hon. Brian Grearson.