

# Journal of the House

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**Tuesday, May 3, 2011**

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

## **Devotional Exercises**

Devotional exercises were conducted by Rev. Ann Grady of Christ Episcopal Church, Montpelier, VT.

## **Pledge of Allegiance**

**Page Benjamin Janis of Brattleboro** led the House in the Pledge of Allegiance.

## **Message from the Senate No. 53**

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

Mr. Speaker:

I am directed to inform the House that:

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

**H. 56.** An act relating to the Vermont Energy Act of 2011.

**H. 153.** An act relating to human trafficking.

**H. 369.** An act relating to health professionals regulated by the board of medical practice.

**H. 420.** An act relating to the office of professional regulation.

**H. 438.** An act relating to the department of banking, insurance, securities, and health care administration.

**H. 448.** An act relating to contributions to the state and municipal employees' retirement systems.

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

## **Message from the Senate No. 54**

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

Mr. Speaker:

I am directed to inform the House that:

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

**H. 73.** An act relating to establishing a government transparency office to enforce the public records act.

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

The Senate has considered House proposals of amendment to Senate bills of the following titles:

**S. 30.** An act relating to assault of a health care worker.

**S. 73.** An act relating to raising the penalties for eluding a police officer.

**S. 90.** An act relating to respectful language in state statutes in referring to people with disabilities.

**S. 101.** An act relating to child support enforcement.

**S. 105.** An act relating to miscellaneous agricultural subjects.

And has concurred therein.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

**H. 287.** An act relating to job creation and economic development.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Illuzzi  
Senator Ashe  
Senator Carris.

The Senate has considered House proposals of amendment to the following Senate bills and has refused to concur therein and asks for Committees of Conference upon the disagreeing votes of the two Houses to which the President announced the appointment as members of such Committees on the part of the Senate:

**S. 37.** An act relating to expungement of a nonviolent misdemeanor criminal history record.

Senator Nitka  
Senator Sears  
Senator Snelling

S. 94. An act relating to miscellaneous amendments to the motor vehicle laws.

Senator Flory  
Senator Kitchel  
Senator Mazza

S. 100. An act relating to making miscellaneous amendments to education laws.

Senator Mullin  
Senator Baruth  
Senator Kittell.

**Bill Referred to Committee on Appropriations**

**S. 104**

Senate bill, entitled

An act relating to modifications to the ban on gifts by manufacturers of prescribed products

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

**Remarks Journalized**

On motion of **Rep. Klein of East Montpelier**, the following remarks by **Rep. Mitchell of Barnard** were ordered printed in the Journal:

“Mr. Speaker:

As most of you know, I have cancer and my doctor has told me it would be unrealistic for me to expect to take my seat next January. I will therefore, resign during the recess so there can be an orderly process to replace me.

On a more important note, I would like to thank each and every one of you and to express my pleasure in serving with you during the past five years. When I arrived, I was amazed to find that I had 149 colleagues whom I came to know as intelligent, knowledgeable, honest, respectful, hard working, dedicated and compassionate friends. You have been a joy to work with.

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I will miss you all but have faith that the future of Vermont is safe in your hands with your dedication to just and humane causes. These qualities will survive us and carry on after we all have gone.

In resigning, I was intrigued for a while by the thought of using Shakespeare's words about nothing in his life became him like his leaving of it, but when I looked up the quote, I found it was about the Thane of Cawdor who Duncan murdered so he could give his seat in the legislature to Macbeth. Under these circumstances I don't think it would be prudent to give the Governor any ideas.

Thank you."

### **Remarks Journalized**

On motion of **Rep. Deen of Westminster**, the following remarks by **Rep. Klein of East Montpelier** were ordered printed in the Journal:

"Mr. Speaker:

On behalf of the Natural Resources and Energy Committee, I need to say a few words about the Representative from Barnard. This has been a very difficult time for the committee and many of us here, today. But amazingly, not for Rep. Mitchell. I have known Mark for five years. He has been a valued member of the House Committee on Natural Resources and Energy for five years. He has been a good friend for five years. Mark is a wonderful family man. He is a brilliant architect. Please ask to see his portfolio of work. It is truly amazing.

Mark has taught me a lot about life. His willingness to share, openly, what he has faced, and is facing, is an incredible lesson about something we have all thought about. If you get a chance this week, share some time with Mark. You will be glad that you did, and he will be glad, too.

Mark has shared his journey with us from the beginning. He will long be remembered as a great friend and a great representative. Mark, we thank you for your source. We thank you for your friendship. And we say to you, Mark, we love you.

Mr. Speaker, I would move that Rep. Mitchell's previous remarks be journalized.

### **Bill Amended, Read Third Time and Passed**

#### **H. 237**

House bill, entitled

An act relating to the use value program

Was taken up and pending third reading of the bill, **Rep. Smith of New Haven** moved to amend the bill as follows:

By adding a subdivision (d)(10) to read as follows:

(10) Deferral of the land use change tax payment for development of on-farm housing.

Which was agreed to. Thereupon, the bill was read the third time and passed.

**Action Postponed Until the end of the Orders of the Day**

**S. 77**

House bill, entitled

An act relating to water testing of private wells

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved to propose to the Senate to amend the bill as follows:

In Sec. 4, 27 V.S.A. § 616, by adding a new subsection (b) as follows:

(b) If within 72 hours of receipt of the informational materials required under subsection (a) of this section, a buyer of a property tests a potable water supply and discovers contamination, the buyer shall have the option to render the purchase and sales agreement unenforceable.

and by relettering the existing subsections to be alphabetically correct

On motion of **Rep. Deen of Westminster** action on the bill was postponed until the end of the Orders of the Day.

**Action on Bill Postponed**

**S. 78**

Senate bill, entitled

An act relating to the advancement of cellular, broadband, and other technology infrastructure in Vermont

Pending third reading of the bill, on motion of **Rep. Shand of Weathersfield**, action on the bill was postponed for one legislative day.

**Bill Amended, Read Third Time and Passed**

**S. 92**

Senate bill, entitled

An act relating to the protection of students' health by requiring the use of safe cleaning products in schools

Was taken up and pending third reading of the bill, **Rep. Olsen of Jamaica** moved to propose to the Senate to amend the bill as follows:

In Sec. 1, 18 V.S.A. chapter 39, by striking out section 1783 in its entirety and inserting in lieu thereof a new section 1783 to read:

§ 1783. ENVIRONMENTALLY PREFERABLE AIR FRESHENERS

(a) A distributor or manufacturer shall sell, offer for sale, or distribute air fresheners to a school, school district, supervisory union, or procurement consortium only if the air fresheners are certified as environmentally preferable by an independent third party.

(b) A person who contracts with a school, school district, or supervisory union to provide cleaning services for a school shall only use air fresheners that meet the requirements of subsection (a) of this section.

Which was agreed to.

Pending third reading of the bill, **Rep. Crawford of Burke** moved to propose to the Senate to amend the bill as follows:

By adding a new Sec. 1 to read:

Sec. 1. STATEMENT OF POLICY

The general assembly has long been committed to improving the indoor air quality of schools and the environmental health of students. To that end, the envision program, adopted by this body in No. 125 of the Acts of the 1999 Adj. Sess. (2000), shall be instructional in carrying out the requirements set forth in 18 V.S.A. chapter 39.

and by renumbering the existing Sec. 1 to be Sec. 1a

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Donahue of Northfield** moved to postpone action for one legislative day, which was disagreed to.

Thereupon, **Rep. Consejo of Sheldon** asked leave of the House to offer an amendment after third reading.

Pending the question, Shall the House allow Rep. Consejo of Sheldon to offer an amendment after third reading? **Rep. Peltz of Woodbury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House allow Rep. Consejo of Sheldon to offer an amendment after third reading? was decided in the negative. Yeas, 51. Nays, 88.

Those who voted in the affirmative are:

Acinapura of Brandon	Eckhardt of Chittenden	Myers of Essex
Atkins of Winooski *	Fagan of Rutland City	O'Brien of Richmond
Batchelor of Derby	Greshin of Warren	Olsen of Jamaica
Bouchard of Colchester	Hebert of Vernon	Pearce of Richford
Branagan of Georgia	Helm of Fair Haven	Peaslee of Guildhall
Brennan of Colchester	Higley of Lowell	Perley of Enosburgh
Browning of Arlington	Howard of Cambridge	Poirier of Barre City
Burditt of West Rutland	Hubert of Milton	Reis of St. Johnsbury
Canfield of Fair Haven	Johnson of Canaan	Savage of Swanton
Conquest of Newbury	Koch of Barre Town *	Scheuermann of Stowe
Consejo of Sheldon	Komline of Dorset	Shaw of Pittsford
Crawford of Burke	Krebs of South Hero	Smith of New Haven
Degree of St. Albans City	Larocque of Barnet	Stevens of Shoreham
Devereux of Mount Holly	Lawrence of Lyndon	Strong of Albany
Dickinson of St. Albans Town	Lewis of Derby	Turner of Milton
Donaghy of Poultney	McAllister of Highgate	Wright of Burlington
Donahue of Northfield	McFaun of Barre Town	
	Morrissey of Bennington	

Those who voted in the negative are:

Ancel of Calais	Donovan of Burlington	Johnson of South Hero
Andrews of Rutland City	Edwards of Brattleboro	Keenan of St. Albans City
Aswad of Burlington	Ellis of Waterbury	Kitzmiller of Montpelier
Bartholomew of Hartland	Emmons of Springfield	Klein of East Montpelier
Bissonnette of Winooski	Evans of Essex	Lanpher of Vergennes
Bohi of Hartford	Fisher of Lincoln	Larson of Burlington
Burke of Brattleboro	Font-Russell of Rutland City	Lenes of Shelburne
Buxton of Royalton	Frank of Underhill	Leriche of Hardwick
Campion of Bennington	French of Shrewsbury	Lewis of Berlin
Cheney of Norwich	French of Randolph	Lippert of Hinesburg
Christie of Hartford	Gilbert of Fairfax	Lorber of Burlington
Clarkson of Woodstock	Grad of Moretown	Macaig of Williston
Copeland-Hanzas of Bradford	Haas of Rochester	Malcolm of Pawlet
Corcoran of Bennington	Head of South Burlington	Manwaring of Wilmington
Courcelle of Rutland City	Heath of Westford	Marek of Newfane
Dakin of Chester	Hooper of Montpelier	Martin of Springfield
Davis of Washington	Howrigan of Fairfield	Martin of Wolcott
Deen of Westminster	Jerman of Essex	Masland of Thetford
	Jewett of Ripton	McCullough of Williston

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Miller of Shaftsbury	Ralston of Middlebury	Townsend of Randolph
Mitchell of Barnard	Ram of Burlington	Trieber of Rockingham
Mook of Bennington	Shand of Weathersfield	Waite-Simpson of Essex
Moran of Wardsboro	Sharpe of Bristol	Webb of Shelburne
Munger of South Burlington	South of St. Johnsbury	Weston of Burlington
Nuovo of Middlebury	Stevens of Waterbury	Wilson of Manchester
Partridge of Windham	Stuart of Brattleboro	Wizowaty of Burlington
Pearson of Burlington	Sweaney of Windsor	Woodward of Johnson
Peltz of Woodbury	Taylor of Barre City	Yantachka of Charlotte
Potter of Clarendon	Till of Jericho	Young of Albany
Pugh of South Burlington	Toll of Danville	

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

Botzow of Pownal	Kupersmith of South	Mrowicki of Putney
Clark of Vergennes	Burlington	Spengler of Colchester
Condon of Colchester	Marcotte of Coventry	Winters of Williamstown
Kilmartin of Newport City	McNeil of Rutland Town	

**Rep. Atkins of Winooski** explained his vote as follows:

“Mr. Speaker:

I voted yes.

A Minor Bird, by Robert Frost

I have wished a bird would fly away, and not sing by my door all day.  
Have clapped at him from the door, when it seemed I could take no more.  
The fault lies primarily with me. The bird is not to blame for his key.  
But there must be something very wrong in trying to silence any song..”

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

“Mr. Speaker:

I vote yes to extend a simple courtesy to a member who is not known for abusing his privileges in this chamber.”

Thereupon, the bill was passed in concurrence with proposal of amendment.

### **Committee of Conference Appointed**

#### **S. 100**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to making miscellaneous amendments to education laws



The Speaker appointed as members of the Committee of Conference on the part of the House:

**Rep. Crawford of Burke**  
**Rep. Donovan of Burlington**  
**Rep. Gilbert of Fairfax**

**Committee of Conference Appointed**

**S. 37**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to expungement of a nonviolent misdemeanor criminal history record

The Speaker appointed as members of the Committee of Conference on the part of the House:

**Rep. Koch of Barre Town**  
**Rep. Wizowaty of Burlington**  
**Rep. French of Shrewsbury**

**Committee of Conference Appointed**

**S. 94**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to miscellaneous amendments to the motor vehicle laws

The Speaker appointed as members of the Committee of Conference on the part of the House:

**Rep. Lanpher of Vergennes**  
**Rep. Bissonnette of Winooski**  
**Rep. Burke of Brattleboro**

**Orders of the Day Interrupted**

**Rep. Turner of Milton** moved to interrupt the Orders of the Day to introduce House bill 460, which was agreed to.

**House Bill Introduced**

**H. 460**

House bill, entitled

An act relating to amending the charter of the city of Barre

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To the committee on Government Operations.

**Recess**

At ten o'clock and forty-five minutes in the forenoon, the Speaker declared a recess until two o'clock and thirty minutes in the afternoon.

At two o'clock and forty minutes in the afternoon, the Speaker called the House to order.

**Proposal of Amendment Agreed to; Third Reading Ordered**

**S. 34**

**Rep. Munger of South Burlington**, for the committee on Fish, Wildlife & Water Resources, to which had been referred Senate bill, entitled

An act relating to the collection and disposal of mercury-containing lamps

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds and declares that:

(1) Extended producer responsibility programs are an effective method of managing certain types of potentially hazardous waste, such as mercury-containing lamps;

(2) In implementing extended producer responsibility programs, states are often faced with the issue of how to regulate products sold in the state by a manufacturer with no corporate presence in Vermont or the United States.

(3) Under Huey v. Bates, 135 Vt. 160 (1977), Northern Aircraft, Inc. v. Reed, 154 Vt. 36 (1990), and Hedges Western Auto Supply Co., 161 Vt. 614 (1994), a clear intention by a manufacturer or a distributor to participate in the Vermont market through the sale or purposeful utilization of an in-state distribution system is sufficient to provide the state with jurisdiction over the manufacturer or distributor.

(4) Thus, an extended producer responsibility program for the collection and disposal of mercury containing lamps may regulate a manufacturer or distributor that purposefully and intentionally sells or distributes mercury-containing lamps in Vermont.

Sec. 2. 10 V.S.A. chapter 164A is added to read:

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CHAPTER 164A. COLLECTION AND DISPOSAL OF MERCURY-CONTAINING LAMPS

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§ 7151. DEFINITIONS

As used in this chapter:

- (1) “Agency” means the agency of natural resources.
- (2) “Covered entity” means any person who presents 10 or fewer mercury-containing lamps for collection at a collection facility included in an approved plan.
- (3) “Lamp” means an electric lamp, including mercury-containing lamps, incandescent lamps, halogen lamps, and light-emitting diode lamps.
- (4) “Manufacturer” means a person who:
  - (A) Manufactures or manufactured a mercury-containing lamp under its own brand or label for sale in the state;
  - (B) Sells in the state under its own brand or label a mercury-containing lamp produced by another supplier;
  - (C) Owns a brand that it licenses or licensed to another person for use on a mercury-containing lamp sold in the state;
  - (D) Imports into the United States for sale in the state a mercury-containing lamp manufactured by a person without a presence in the United States;
  - (E) Manufactures a mercury-containing lamp for sale in the state without affixing a brand name; or
  - (F) Assumes the responsibilities, obligations, and liabilities of a manufacturer as defined under subdivisions (A) through (E) of this subdivision (4), provided that the secretary may enforce the requirements of this chapter against a manufacturer defined under subdivisions (A) through (E) of this subdivision (4) if a person who assumes the manufacturer’s responsibilities fails to comply with the requirements of this chapter.
- (5) “Mercury-containing lamp” means a lamp designed for residential or commercial general purpose use to which mercury is intentionally added during the manufacturing process. “Mercury-containing lamp” does not mean a lamp used for medical, disinfection, treatment, or industrial purposes.
- (6) “Program year” means the period from July 1 through June 30.

(7) “Retailer” means a person who sells a mercury-containing lamp to a person in the state through any means, including a sales outlet, a catalogue, the telephone, the Internet, or any electronic means.

(8) “Secretary” means the secretary of natural resources.

(9) “Sell” or “sale” means any transfer for consideration of title or of the right to use by lease or sales contract a mercury-containing lamp to a person in the state of Vermont. “Sell” or “sale” does not include the sale, resale, lease, or transfer of a used mercury-containing lamp or a manufacturer’s or a distributor’s wholesale transaction with a distributor or a retailer.

(10) “Stewardship organization” means an organization, association, or entity that has developed a system, method, or other mechanism which assumes the responsibilities, obligations, and liabilities under this chapter of multiple manufacturers of mercury-containing lamps.

§ 7152. SALE OF MERCURY-CONTAINING LAMPS; STEWARDSHIP ORGANIZATION REGISTRATION

(a) Sale prohibited. Beginning on July 1, 2012, except as set forth under section 7155 of this title, a manufacturer of a mercury-containing lamp shall not sell, offer for sale, or deliver to a retailer for subsequent sale a mercury-containing lamp unless all the following have been met:

(1) The manufacturer is implementing an approved collection plan;

(2) The manufacturer has paid its registration fee under section 7158 of this title;

(3) The name of the manufacturer and the manufacturer’s brand are designated on the agency of natural resources’ website as covered by an approved plan.

(4) The manufacturer has submitted an annual report under section 7153 of this title;

(5) The manufacturer has conducted a plan audit consistent with the requirements of subsection 7153(b) of this title; and

(6) The manufacturer has demonstrated that no alternative non-mercury energy efficient lamp is available that provides the same or better overall performance at a cost equal to or better than the classes of lamps that the manufacturer proposes to sell.

(b) Stewardship organization registration requirements.

(1) Beginning January 1, 2012 and annually thereafter, a stewardship organization shall file a registration form with the secretary. The secretary shall provide the registration form to a stewardship organization. The registration form shall include:

(A) a list of the manufacturers participating in the stewardship organization;

(B) the name, address, and contact information of a person responsible for ensuring the manufacturer's compliance with this chapter;

(C) a description of how the stewardship organization meets the requirements of 10 V.S.A. § 7155(b), including any reasonable requirements for participation in the stewardship organization; and

(D) the name, address, and contact information of a person for a nonmember manufacturer to contact on how to participate in the stewardship organization to satisfy the requirements of this chapter.

(2) A renewal of a registration without changes may be accomplished through notifying the agency of natural resources on a form provided by the agency.

#### § 7153. ANNUAL REPORT; PLAN AUDIT

(a) Annual report. At the end of each program year, a manufacturer of a mercury-containing lamp shall submit an annual report to the secretary that contains the following:

(1) a description of the collection program;

(2) The number and type of mercury-containing lamps collected and the collection facility from which the lamps were collected.

(3) an estimate of the number of mercury-containing lamps available for collection and the methodology used to develop this number. Sales data and other confidential business information provided under this section shall not be subject to inspection and review pursuant to subchapter 3 of chapter 5 of Title 1 (access to public records). Confidential information shall be redacted from any final public report.

(4) the steps that the manufacturer has taken during the past program year to improve the collection rate and life cycle performance of mercury-containing lamps.

(b) Plan audit. Once every five years, the manufacturer shall hire an independent third party to audit the plan and plan operation. The auditor shall examine the effectiveness of the program in collecting and disposing of

mercury-containing lamps. The auditor shall examine the cost-effectiveness of the program and compare it to that of collection programs for mercury-containing lamps in other jurisdictions. The auditor shall make recommendations to the secretary on ways to increase program efficacy and cost-effectiveness.

§ 7154. COLLECTION PLANS

(a) Collection plan required. Prior to February 1, 2012, a manufacturer, individually or as a participant in a stewardship organization, shall submit a collection plan to the secretary for review.

(1) Free collection of mercury-containing lamps. The collection program shall provide for free collection of mercury-containing lamps from covered entities. A manufacturer shall accept all mercury-containing lamps collected from a covered entity and shall not refuse the collection of a mercury-containing lamp based on the brand or manufacturer of the mercury-containing lamp. The collection program shall also provide for the payment of the costs for recycling and transportation from a collection facility to a recycler.

(2) Convenient collection location. The manufacturer shall develop a collection program that:

(A) allows all municipal collection locations and all retailers that sell mercury-containing lamps to opt to be a collection facility; and

(B) at a minimum, has not less than two collection facilities in each county.

(3) Public education and outreach. The collection plan shall include an education and outreach program that may include media advertising, retail displays, articles in trade and other journals and publications, and other public educational efforts. At a minimum, the education and outreach program shall notify the public of the following:

(A) that there is a free collection program for mercury-containing lamps;

(B) the location of collection points and how a covered entity can access this collection program; and

(C) the special handling considerations associated with mercury-containing lamps.

(4) Compliance with appropriate environmental standards. In implementing a collection plan, a manufacturer shall comply with all

applicable laws related to the collection, transportation, and disposal of mercury-containing lamps. A manufacturer shall comply with any special handling or disposal standards established by the secretary for a mercury-containing lamp or for the collection plan of the manufacturer.

(b) Term of collection plan. A collection plan approved by the secretary under section 7156 of this title shall have a term not to exceed five years, provided that the manufacturer remains in compliance with the requirements of this chapter and the terms of the approved plan.

#### § 7155. STEWARDSHIP ORGANIZATIONS

(a) Participation in a stewardship organization. A manufacturer may meet the requirements of this chapter by participating in a stewardship organization that undertakes the manufacturer's responsibilities under sections 7152, 7153, and 7154 of this title.

(b) Qualifications for a stewardship organization. To qualify as a stewardship organization under this chapter, an organization shall:

(1) Commit to assume the responsibilities, obligations, and liabilities of all manufacturers participating in the stewardship organization;

(2) Represent at least 45 percent of the market share of mercury-containing lamps sold in the state;

(3) Not create unreasonable barriers for participation in the stewardship organization; and

(4) Maintain a public website that lists all manufacturers and manufacturers' brands covered by the stewardship organization's approved collection plan.

(c) Exemption from antitrust provisions. A stewardship organization and manufacturers participating in a stewardship organization subject to the requirements of this chapter may engage in anticompetitive conduct to the extent necessary to develop and implement the collection plan required by this chapter. A stewardship organization or a manufacturer participating within a stewardship organization that is engaged in anticompetitive conduct under this subsection shall be immune from liability for conduct under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce if the stewardship organization is exercising due diligence to comply with the requirements of this chapter.

#### § 7156. AGENCY RESPONSIBILITIES

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(a) Review and approve collection plans. The secretary shall review and approve or deny collection plans submitted under section 7154 of this title. The secretary shall approve a collection plan if the secretary finds that the plan:

(1) complies with the requirements of subsection 7154(a) of this title.

(2) provides adequate notice to the public of the collection opportunities available for mercury-containing lamps.

(3) ensures that collection of mercury-containing lamps will occur in an environmentally sound fashion that is consistent with the law or with any special handling requirements adopted by the secretary.

(4) promotes the collection and disposal of mercury-containing lamps.

(b) Plan amendment. The secretary, in his or her discretion or at the request of a manufacturer or a stewardship organization, may require a manufacturer or a stewardship organization to amend an approved plan. Plan amendments shall be subject to the public input provisions of subsection (c) of this section.

(c) Public input. The agency shall establish a process under which a collection plan for a mercury-containing lamp is, prior to plan approval or amendment, available for public review and comment for 30 days. In establishing such a process, the agency shall consult with interested persons, including manufacturers, environmental groups, wholesalers, retailers, municipalities, and solid waste districts.

(d) Registrations. The secretary shall accept, review, and approve or deny registrations required by this chapter.

(e) Supervisory capacity. The secretary shall act in a supervisory capacity over the actions of a stewardship organization registered under this section. In acting in this capacity, the secretary shall review the actions of the stewardship organization to ensure that they are reasonable, necessary, and limited to carrying out requirements of and policy established by this chapter.

(f) Special handling requirements. The secretary may adopt, by rule, special handling requirements for the collection, transport, and disposal of mercury-containing lamps.

(g) Approved plans; Internet posting. The secretary shall post on the agency website all manufacturers and manufacturers' brands that are covered under an approved plan. For stewardship organizations, the agency may link to the list of manufacturers and manufacturers' brands on the stewardship organization's website.



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§ 7157. RETAILER OBLIGATIONS

(a) Sale prohibited. Beginning July 1, 2012, no retailer shall sell or offer for sale a mercury-containing lamp unless the retailer has reviewed the agency website required in subsection 7156(e) of this title to determine that the manufacturer of the mercury-containing lamp is implementing an approved collection plan or is a member of a stewardship organization.

(b) Expiration or revocation of manufacturer registration. A retailer shall not be responsible for an unlawful sale of a mercury-containing lamp under this subsection if:

(1) the manufacturer's collection plan expired or was revoked; and

(2) the retailer took possession of the mercury-containing lamp prior to the expiration or revocation of the manufacturer's collection plan, and the unlawful sale occurred within six months of the expiration or revocation of the collection plan.

§ 7158. FEES; DISPOSITION

(a) A manufacturer or stewardship organization shall pay \$10,000.00 for each collection plan submitted to the agency for review under section 7154 of this title.

(b) The fees collected under subsection (a) of this section shall be deposited in the environmental permit fund established under 3 V.S.A. § 2805. The agency shall utilize no more than \$20,000.00 annually of the fees collected under subsection (a) for the performance of its responsibilities under section 7156 of this title.

§ 7159. MERCURY CONTENT STANDARDS

(a) Mercury content standards for lamps. Beginning January 1, 2013, a mercury-containing lamp sold in this state shall satisfy the mercury-content standard for lamps set by California.

(b) Rulemaking; implementation. The agency of natural resources may adopt rules to implement the requirements of this chapter, including exemptions from the mercury content standards established under subsection (a) of this section.

(c) Certificate of compliance.

(1) Beginning April 1, 2013, the secretary may request a manufacturer of a lamp or lamps to submit a certification, supported by technical information, that the manufacturer's lamp or lamps that are sold or offered for sale in the state comply with the standard established under subsection (a) of

this section. A manufacturer shall submit a certificate of compliance within 30 days of the secretary's request. If a manufacturer fails to provide a requested certification within 30 days of the request, the manufacturer shall be prohibited from selling lamps or offering lamps for sale in the state.

(2) Upon request of a retailer or other person selling a manufacturer's lamps, a manufacturer shall provide a certification that the manufacturer's lamp or lamps comply with the standard established under subsection (a) of this section. A manufacturer shall provide a certificate of compliance within 30 days of the retailer's request. The certification must specify that the lamp or lamps are not prohibited from sale in the state. If a manufacturer fails to provide a certification under this subdivision (c)(2), the manufacturer shall be prohibited from selling lamps or offering lamps for sale in the state.

#### § 7160. OTHER DISPOSAL PROGRAMS

A municipality or other public agency may not require covered entities to use public facilities to dispose of mercury-containing lamps to the exclusion of other lawful programs available. A municipality and other public agencies are encouraged to work with manufacturers to assist them in meeting their collection and disposal obligations under this chapter. Nothing in this chapter prohibits or restricts the operation of any program collecting and disposing of mercury-containing lamps in addition to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or disposing mercury-containing lamps, provided that all other applicable laws are met.

Sec. 3. 10 V.S.A. § 8003 is amended to read:

#### § 8003. APPLICABILITY

(a) The secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes:

\* \* \*

(20) 10 V.S.A. chapter 50, relating to the control of aquatic species and introduction of algicides, pesticides, and herbicides; ~~and~~

(21) 10 V.S.A. chapter 166, relating to collection and recycling of electronic waste; and

(22) 10 V.S.A. chapter 164A, collection and disposal of mercury-containing lamps.

\* \* \*

Sec. 4. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

(A) chapter 23 (air pollution control).

(B) chapter 50 (aquatic species control).

(C) chapter 41 (regulation of stream flow).

(D) chapter 43 (dams).

(E) chapter 47 (water pollution control).

(F) chapter 48 (groundwater protection).

(G) chapter 53 (beverage containers; deposit-redemption system).

(H) chapter 55 (aid to municipalities for water supply, pollution abatement, and sewer separation).

(I) chapter 56 (public water supply).

(J) chapter 59 (underground and aboveground liquid storage tanks).

(K) chapter 64 (potable water supply and wastewater system permit).

(L) section 2625 (regulation of heavy cutting).

(M) chapter 123 (protection of endangered species).

(N) chapter 159 (waste management).

(O) chapter 37 (wetlands protection and water resources management).

(P) chapter 166 (collection and recycling of electronic waste).

(Q) chapter 164 (collection and disposal of mercury-containing lamps).

(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

\* \* \*

Sec. 5. 24 V.S.A. § 2248(a) is added to read:

(a) Beginning July 1, 2010, a salvage yard shall meet the following operational standards:

(1) The salvage yard shall comply with the screening and fencing requirements of section 2257 of this title.

(2) Motor vehicles shall be drained of all fluids prior to crushing and within 365 days of receipt by the salvage yard, except that a vehicle with visible signs of leaking fluids shall be drained immediately. Fluids shall be drained, collected, and stored according to standards established by the secretary in order to prevent release to the environment. The fluids that shall be drained, collected, and stored under this subdivision include antifreeze, oil, brake fluid, fuel, refrigerants, and transmission fluid.

(3) Vehicles shall be drained and crushed:

(A) on or over a surface that is designed to retain seepage or draining fluids and that is designed to prevent releases to groundwater, discharges to surface waters, or other releases to the environment; or

(B) by a crusher with an onboard fluid-recovery and storage system that prevents releases to groundwater, discharges to surface waters, or other releases to the environment.

(4) A salvage yard issued a certificate of registration under section 2242 of this title after July 1, 2010, shall not be sited or operated within 100 feet of a Class I or Class II wetland as those terms are defined in 10 V.S.A. § 902. This subdivision shall not apply to the renewal of a valid certificate of registration under this subchapter.

(5)(A) A salvage yard issued a certificate of registration under section 2242 of this title after July 1, 2010, shall not be sited or operated within 300 feet of a potable water supply, as that term is defined in 10 V.S.A. § 1972, unless:

(i) the water supply provides water to the salvage yard; or

(ii) the agency of natural resources approves management practices or remedial measures to prevent contamination of the potable water supply.

(B) This subdivision shall not apply to the renewal of a valid certificate of registration under this subchapter.

Sec. 6. REPEAL

24 V.S.A. § 2248(a) (statutory operational standards for salvage yards) is repealed on the effective date of the rules required by 24 V.S.A. § 2248(b).

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

**Rep. Masland of Thetford**, for the committee on Ways and Means recommended that the House amend the recommendation of proposal of amendment offered by the committee on Fish, Wildlife and Water Resources as follows:

First: In Sec. 2, 10 V.S.A. § 7152(a)(2), by striking out “its registration” where it appears and inserting in lieu thereof “the”

Second: In Sec. 2, 10 V.S.A. § 7156(d), by adding a second sentence to read:

The secretary may revoke a registration of a stewardship organization for actions that are unreasonable, unnecessary, or contrary to the requirements or the policy of this chapter.

Third: In Sec. 2, by striking 10 V.S.A. § 7157 in its entirety and inserting in lieu thereof the following:

§ 7157. RETAILER OBLIGATIONS

(a) Sale prohibited. Except as set forth under subsection (b) of this section, beginning July 1, 2012, no retailer shall sell or offer for sale a mercury-containing lamp unless the retailer has reviewed the agency website required in subsection 7156(e) of this title to determine that the manufacturer of the mercury-containing lamp is implementing an approved collection plan or is a member of a stewardship organization.

(b) Inventory exception; expiration or revocation of manufacturer registration. A retailer shall not be responsible for an unlawful sale of a mercury-containing lamp under this subsection if:

(1) the retailer purchased the mercury-containing lamp prior to July 1, 2012; or

(2) the manufacturer’s collection plan expired or was revoked, and the retailer took possession of the mercury-containing lamp prior to the expiration or revocation of the manufacturer’s collection plan.

Fourth: In Sec. 2, 10 V.S.A. § 7158, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

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(a) A manufacturer or stewardship organization shall pay \$2,000.00 annually for operation under a collection plan approved by the secretary under section 7156 of this title.

Thereupon, the bill was read the second time.

Pending the question, Shall the House amend the recommendation of proposal of amendment offered by the committee on Fish, Wildlife and Water Resources, as recommended by the committee on Ways and Means? **Rep. Deen of Westminster** moved to amend the recommendation of proposal of amendment offered by the the committee on Ways and Means, as follows:

In Sec. 2, 10 V.S.A. § 7157, in subdivision (b)(2), by striking out “the mercury-containing lamp” where it appears and inserting in lieu thereof “in-store inventory of mercury-containing lamps”

Which was agreed to and the recommendation of proposal of amendment offered by the committee on Ways and Means, as amended was agreed to.

Pending the question, Shall the recommendation of proposal of amendment offered by the committee on Fish, Wildlife and Water Resources, as amended, be agreed to? **Rep. Munger of South Burlington** moved to amend the recommendation of proposal of amendment offered by the committee on Fish, Wildlife and Water Resources, as amended, as follows:

First: In Sec. 2, 10 V.S.A. § 7151, by striking out subdivision (2) in its entirety and inserting in lieu thereof the following:

(2) “Covered entity” means any person who presents to a collection facility that is included in an approved plan:

(A) any number of compact fluorescent mercury-containing lamps; or

(B) 10 or fewer mercury-containing lamps that are not compact fluorescent lamps.

Second: In Sec. 2, 10 V.S.A. § 7151, in subdivision (5) by striking out “lamp designed for residential or commercial general purpose use” where it appears and inserting in lieu thereof “general purpose lamp”

Which was agreed to and the recommendation of proposal of amendment offered by the committee on Fish, Wildlife and Water Resources, as amended, was agreed to and third reading was ordered.

**Rules Suspended; Senate Proposal of Amendment Concurred in****H. 153**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to human trafficking

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

**Sec. 1. FINDINGS**

The general assembly finds that:

(1) According to the report of the Vermont Human Trafficking Task Force:

(A) the number of human beings estimated to be enslaved today has reached over 27 million worldwide, the highest in recorded history; and

(B) Vermont and all of its bordering states have seen elements of human trafficking, yet Vermont is the only remaining state in the Northeast and one of the remaining five in the nation lacking legislation on this issue. Vermont's geographical location bordering Canada makes it susceptible to human trafficking activity.

(2) As a result of the efforts of the Vermont Human Trafficking Task Force and numerous national organizations dedicated to combating human trafficking, Vermont will with the passage of this act make substantial progress toward protecting citizens of this state and persons everywhere from the dangers and tragic consequences of human trafficking.

Sec. 2. 13 V.S.A. chapter 60 is added to read:

**CHAPTER 60. HUMAN TRAFFICKING****Subchapter 1. Criminal Acts****§ 2651. DEFINITIONS**

As used in this subchapter:

(1) "Blackmail" means the extortion of money, labor, commercial sexual activity, or anything of value from a person through use of a threat to

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expose a secret or publicize an asserted fact, whether true or false, that would tend to subject the person to hatred, contempt, ridicule, or prosecution.

(2) “Coercion” means:

(A) threat of serious harm, including physical or financial harm, to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious bodily or financial harm to or physical restraint of any person;

(C) the abuse or threatened abuse of law or the legal process;

(D) withholding, destroying, or confiscating any actual or purported passport, immigration document, or any other government identification document of another person;

(E) providing a drug, including alcohol, to another person with the intent to impair the person’s judgment or maintain a state of chemical dependence;

(F) wrongfully taking, obtaining, or withholding any property of another person;

(G) blackmail;

(H) asserting control over the finances of another person;

(I) debt bondage; or

(J) withholding or threatening to withhold food or medication.

(3) “Commercial sex act” means any sex act or sexually explicit performance on account of which anything of value is promised to, given to, or received by any person.

(4) “Debt bondage” means a condition or arrangement in which a person requires that a debtor or another person under the control of a debtor perform labor, services, sexual acts, sexual conduct, or a sexually explicit performance in order to retire, repay, or service a real or purported debt which the person has caused with the intent to defraud the debtor.

(5) “Family member” means a spouse, child, sibling, parent, next of kin, domestic partner, or legal guardian of a victim.

(6) “Human trafficking” means:

(A) to subject a person to a violation of section 2652 of this title; or



(B) “severe form of trafficking” as defined by 21 U.S.C. § 7105.

(7) “Labor servitude” means labor or services performed or provided by a person which are induced or maintained through force, fraud, or coercion. “Labor servitude” shall not include labor or services performed by a family member of a person who is engaged in the business of farming as defined in 10 V.S.A. § 6001(22) unless force, fraud, or coercion is used.

(8) “Serious bodily injury” shall have the same meaning as in subdivision 1021(2) of this title.

(9) “Sexual act” shall have the same meaning as in subdivision 3251(1) of this title.

(10) “Sexual conduct” shall have the same meaning as in subdivision 2821(2) of this title.

(11) “Sexually explicit performance” means a public, live, photographed, recorded, or videotaped act or show which:

(A) Depicts a sexual act or sexual conduct;

(B) Is intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers; and

(C) Lacks literary, artistic, political, or scientific value.

(12) “Venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

(13) “Victim of human trafficking” means a victim of a violation of section 2652 of this title.

#### § 2652. HUMAN TRAFFICKING

(a) No person shall knowingly:

(1) recruit, entice, harbor, transport, provide, or obtain by any means a person under the age of 18 for the purpose of having the person engage in a commercial sex act;

(2) recruit, entice, harbor, transport, provide, or obtain a person through force, fraud, or coercion for the purpose of having the person engage in a commercial sex act;

(3) compel a person through force, fraud, or coercion to engage in a commercial sex act;

(4) benefit financially or by receiving anything of value from participation in a venture, knowing that force, fraud, or coercion was or will be

used to compel any person to engage in a commercial sex act as part of the venture;

(5) subject a person to labor servitude;

(6) recruit, entice, harbor, transport, provide, or obtain a person for the purpose of subjecting the person to labor servitude; or

(7) benefit financially or by receiving anything of value from participation in a venture, knowing that a person will be subject to labor servitude as part of the venture.

(b) A person who violates subsection (a) of this section shall be imprisoned for a term up to and including life or fined not more than \$500,000.00, or both.

(c)(1)(A) A person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)–(4) of this title shall not be found in violation of or be the subject of a delinquency petition based on chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title for any conduct committed as a victim of sex trafficking.

(B) Notwithstanding any other provision of law, a person under the age of 18 shall be immune from prosecution in the criminal division of the superior court for a violation of section 2632 of this title (prohibited acts; prostitution), but may be treated as a juvenile under chapter 52 of Title 33 or referred to the department for children and families for treatment under chapter 53 of Title 33.

(2) If a person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)–(4) of this title is prosecuted for any offense or is the subject of any delinquency petition other than a violation of chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title which arises out of the sex trafficking or benefits the sex trafficker, the person may raise as an affirmative defense that he or she committed the offense as a result of force, fraud, or coercion by a sex trafficker.

(d) In a prosecution for a violation of this section, the victim's alleged consent to the human trafficking is immaterial and shall not be admitted.

(e) If a person who is a victim of human trafficking is under 18 years of age at the time of the offense, the state may treat the person as the subject of a child in need of care or supervision proceeding.

§ 2653. AGGRAVATED HUMAN TRAFFICKING

(a) A person commits the crime of aggravated human trafficking if the person commits human trafficking in violation of section 2652 of this title under any of the following circumstances:

(1) The offense involves a victim of human trafficking who is a child under the age of 18;

(2) The person has previously been convicted of a violation of section 2652 of this title;

(3) The victim of human trafficking suffers serious bodily injury or death; or

(4) The actor commits the crime of human trafficking under circumstances which constitute the crime of sexual assault as defined in section 3252 of this title, aggravated sexual assault as defined in section 3253 of this title, or aggravated sexual assault of a child as defined in section 3253a of this title.

(b) A person who violates this section shall be imprisoned not less than 20 years and a maximum term of life or fined not more than \$100,000.00, or both.

(c) The provisions of this section do not limit or restrict the prosecution for murder or manslaughter.

#### § 2654. PATRONIZING OR FACILITATING HUMAN TRAFFICKING

(a) No person shall knowingly:

(1) Permit a place, structure, or building owned by the person or under the person's control to be used for the purpose of human trafficking;

(2) Receive or offer or agree to receive or offer a person into a place, structure, or building for the purpose of human trafficking; or

(3) Permit a person to remain in a place, structure, building, or conveyance for the purpose of human trafficking.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

#### § 2655. SOLICITATION

(a) No person shall knowingly solicit a commercial sex act from a victim of human trafficking.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

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§ 2656. HUMAN TRAFFICKING BY A BUSINESS ENTITY; DISSOLUTION

If a business entity, including a corporation, partnership, association, or any other legal entity, is convicted of violating this chapter, the attorney general may commence a proceeding in the civil division of the superior court to dissolve the entity pursuant to 11A V.S.A. § 14.30–14.33.

§ 2657. RESTITUTION

(a) A person convicted of a violation of this subchapter shall be ordered to pay restitution to the victim pursuant to section 7043 of this title.

(b) If the victim of human trafficking to whom restitution has been ordered dies before restitution is paid, any restitution ordered shall be paid to the victim's heir or legal representative, provided that the heir or legal representative has not benefited in any way from the trafficking.

(c) The return of the victim of human trafficking to his or her home country or other absence of the victim from the jurisdiction shall not limit the victim's right to receive restitution pursuant to this section.

Subchapter 2. Resource Guide Posting; Private Cause  
of Action for Victims; Victim Protection

§ 2661. RESOURCE GUIDE POSTING

(a) A notice offering help to victims of human trafficking shall be accessible on the official website of the Vermont department of labor and may be posted in a prominent and accessible location in workplaces.

(b) The notice should provide contact information for at least one local law enforcement agency and provide information regarding the National Human Trafficking Resource Center (NHTRC) hotline as follows:

“If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work, or any other activity – call the toll-free National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. The toll-free hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a nonprofit, nongovernmental organization
- Anonymous and confidential
- Accessible in 170 languages

- Able to provide help, referral to services, training, and general information.”

(c) The notice described in this section should be made available in English, Spanish, and, if requested by an employer, another language.

(d) The Vermont department of labor shall develop and implement an education plan to raise awareness among Vermont employers about the problem of human trafficking, about the hotline described in this section, and about other resources that may be available to employers, employees, and potential victims of human trafficking. On or before January 15, 2013, the department shall report to the house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare on the progress achieved in developing and implementing the notice requirement and education plan required by this section.

#### § 2662. PRIVATE CAUSE OF ACTION

(a) A victim of human trafficking may bring an action against the offender in the civil division of the superior court for damages, injunctive relief, punitive damages in the case of a willful violation, and reasonable costs and attorney’s fees. Actual damages may include any loss for which restitution is available under section 2657 of this chapter.

(b) If the victim is deceased or otherwise unable to represent himself or herself, the victim may be represented by a legal guardian, family member, or other representative appointed by the court, provided that the legal guardian, family member, or other representative appointed by the court has not benefited in any way from the trafficking.

(c) In a civil action brought under this section, the victim’s alleged consent to the human trafficking is immaterial and shall not be admitted.

#### § 2663. CLASSIFICATION OF VICTIMS; IMMIGRATION ASSISTANCE

(a) Classification of victims of human trafficking. As soon as practicable after the initial encounter with a person who reasonably appears to a law enforcement agency, a state’s attorneys’ office, or the office of the attorney general to be a victim of human trafficking, such agency or office shall:

(1) notify the victim’s compensation program at the center for crime victim services that such person may be eligible for services under this chapter; and

(2) make a preliminary assessment of whether such victim or possible victim of human trafficking appears to meet the criteria for certification as a

victim of a severe form of trafficking in persons as defined in section 7105 of Title 22 of the United States Code (Trafficking Victims Protection Act) or appears to be otherwise eligible for any federal, state, or local benefits and services. If it is determined that the victim appears to meet such criteria, the agency or office shall report the finding to the victim and shall refer the victim to services available, including legal service providers. If the possible victim is under the age of 18 or is a vulnerable adult, the agency or office shall also notify the family services division of the department for children and families or the office of adult protective services in the department of disabilities, aging, and independent living.

(b) Law enforcement assistance with respect to immigration. After the agency or office makes a preliminary assessment pursuant to subdivision (a)(2) of this section that a victim of human trafficking or a possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking in persons, as defined in section 7105 of Title 22 of the United States Code and upon the request of such victim, the agency or office shall provide the victim of human trafficking with a completed and executed United States citizenship and immigration service (USCIS) form I-914 supplement B declaration of law enforcement officer for victim of human trafficking in persons or a USCIS form I-918, supplement B, U nonimmigrant status certification, or both. These endorsements shall be completed by the certifying officer in accordance with the forms' instructions and applicable rules and regulations. The victim of human trafficking may choose which form to have the certifying officer complete.

### Sec. 3. SERVICES FOR VICTIMS OF HUMAN TRAFFICKING

(a) The Vermont center for crime victim services may convene a task force to assist social service providers, victim service providers, state agencies, law enforcement agencies, state's attorneys' offices, the office of the attorney general, and other agencies and nongovernmental organizations as necessary to develop a statewide protocol to provide services for victims of human trafficking in Vermont. The protocol may include a public awareness and education campaign.

(b) The Vermont center for crime victim services may enter into contracts with individuals and nongovernmental organizations in order to develop a statewide protocol and to coordinate services to victims of human trafficking, insofar as funds are available for that purpose. Such services may include:

- (1) Case management;
- (2) Emergency temporary housing;

(3) Health care;

(4) Mental health counseling;

(5) Drug addiction screening and treatment;

(6) Language interpretation and translation services;

(7) English language instruction;

(8) Job training and placement assistance;

(9) Post-employment services for job retention; and

(10) Services to assist the victim of human trafficking and any of his or her family members to establish a permanent residence in Vermont or the United States.

(c) Nothing in this section precludes the Vermont center for crime victim services or any local social services organization from providing victims of human trafficking in Vermont with any benefits or services for which they may otherwise be eligible.

Sec. 4. 13 V.S.A. § 4501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN FELONIES

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, human trafficking, aggravated human trafficking, murder, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

\* \* \*

Sec. 5. 13 V.S.A. § 9 is amended to read:

§ 9. ATTEMPTS

(a) A person who attempts to commit an offense and does an act toward the commission thereof, but by reason of being interrupted or prevented fails in the execution of the same, shall be punished as herein provided unless other express provision is made by law for the punishment of the attempt. If the offense attempted to be committed is murder, aggravated murder, kidnapping, arson causing death, human trafficking, aggravated human trafficking, aggravated sexual assault, or sexual assault, a person shall be punished as the offense attempted to be committed is by law punishable.

\* \* \*

Sec. 6. 13 V.S.A. § 5301 is amended to read:

§ 5301. DEFINITIONS

\* \* \*

(7) For the purpose of this chapter, “listed crime” means any of the following offenses:

\* \* \*

(CC) aggravated sexual assault of a child in violation of section 3253a of this title; ~~and~~

~~(DD) sex trafficking of children or sex trafficking by force, fraud, or coercion as defined in section 2635a of this title~~ human trafficking in violation of section 2652 of this title; and

(EE) aggravated human trafficking in violation of section 2653 of this title.

Sec. 7. 13 V.S.A. § 7043 is amended to read:

§ 7043. RESTITUTION

(a)(1) Restitution shall be considered in every case in which a victim of a crime, as defined in subdivision 5301(4) of this title, has suffered a material loss.

(2) For purposes of this section, “material loss” means uninsured property loss, uninsured out-of-pocket monetary loss, uninsured lost wages, and uninsured medical expenses.

(3) In cases where restitution is ordered to the victim as a result of a human trafficking conviction under chapter 60 of this title, “material loss” shall also mean:

(A) attorney’s fees and costs; and

(B) the greater of either:

(i) the gross income or value of the labor performed for the offender by the victim; or

(ii) the value of the labor performed by the victim as guaranteed by the minimum wage and overtime provisions of 21 V.S.A. § 385.

\* \* \*

Sec. 8. 13 V.S.A. § 3255 is amended to read:

§ 3255. EVIDENCE



(a) In a prosecution for a crime defined in this chapter and in sections 2601 and 2602 of this title, for human trafficking or aggravated human trafficking under chapter 60 of this title, or for abuse of ~~an~~ a vulnerable adult under chapter 28 of this title or chapter 69 of Title 33:

(1) Neither opinion evidence of, nor evidence of the reputation of the complaining witness' sexual conduct shall be admitted.

(2) Evidence shall be required as it is for all other criminal offenses and additional corroborative evidence heretofore set forth by case law regarding sexual assault shall no longer be required.

(3) Evidence of prior sexual conduct of the complaining witness shall not be admitted; provided, however, where it bears on the credibility of the complaining witness or it is material to a fact at issue and its probative value outweighs its private character, the court may admit:

(A) Evidence of the complaining witness' past sexual conduct with the defendant;

(B) Evidence of specific instances of the complaining witness' sexual conduct showing the source of origin of semen, pregnancy or disease;

(C) Evidence of specific instances of the complaining witness' past false allegations of violations of this chapter.

(b) In a prosecution for a crime defined in this chapter and in a prosecution pursuant to sections 2601 and 2602 of this title, for human trafficking or aggravated human trafficking under chapter 60 of this title, or for abuse or exploitation of ~~an~~ a vulnerable adult under subsection 6913(b) of Title 33, if a defendant proposes to offer evidence described in subdivision (a)(3) of this section, the defendant shall prior to the introduction of such evidence file written notice of intent to introduce that evidence, and the court shall order an in camera hearing to determine its admissibility. All objections to materiality, credibility and probative value shall be stated on the record by the prosecutor at the in camera hearing, and the court shall rule on the objections forthwith, and prior to the taking of any other evidence.

(c) In a prosecution for a crime defined in this chapter and in sections 2601 and 2602 of this title or for human trafficking or aggravated human trafficking under chapter 60 of this title, if the defendant takes the deposition of the complaining witness, questions concerning the evidence described in subdivisions (a)(1) and (3) of this section shall not be permitted.

Sec. 9. 13 V.S.A. § 5401 is amended to read:

§ 5401. DEFINITIONS

\* \* \*

(10) “Sex offender” means:

(A) A person who is convicted in any jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court of any of the following offenses:

(i) sexual assault as defined in 13 V.S.A. § 3252.

(ii) aggravated sexual assault as defined in 13 V.S.A. § 3253.

(iii) lewd and lascivious conduct as defined in 13 V.S.A. § 2601.

(iv) sexual abuse of a vulnerable adult as defined in 13 V.S.A. § 1379.

(v) second or subsequent conviction for voyeurism as defined in 13 V.S.A. § 2605(b) or (c).

(vi) kidnapping with intent to commit sexual assault as defined in 13 V.S.A. § 2405(a)(1)(D).

(vii) aggravated sexual assault of a child in violation of section 3253a of this title; ~~and~~

(viii) human trafficking in violation of subdivisions 2652(a)(1)–(4) of this title;

(ix) aggravated human trafficking in violation of subdivision 2653(a)(4) of this title; and

(x) a federal conviction in federal court for any of the following offenses:

(I) Sex trafficking of children as defined in 18 U.S.C. § 1591.

(II) Aggravated sexual abuse as defined in 18 U.S.C. § 2241.

(III) Sexual abuse as defined in 18 U.S.C. § 2242.

(IV) Sexual abuse of a minor or ward as defined in 18 U.S.C. § 2243.

(V) Abusive sexual contact as defined in 18 U.S.C. § 2244.

(VI) Offenses resulting in death as defined in 18 U.S.C. § 2245.

(VII) Sexual exploitation of children as defined in 18 U.S.C. § 2251.

(VIII) Selling or buying of children as defined in 18 U.S.C. § 2251A.

(IX) Material involving the sexual exploitation of minors as defined in 18 U.S.C. § 2252.

(X) Material containing child pornography as defined in 18 U.S.C. § 2252A.

(XI) Production of sexually explicit depictions of a minor for import into the United States as defined in 18 U.S.C. § 2260.

(XII) Transportation of a minor for illegal sexual activity as defined in 18 U.S.C. § 2421.

(XIII) Coercion and enticement of a minor for illegal sexual activity as defined in 18 U.S.C. § 2422.

(XIV) Transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, and engaging in illicit sexual conduct in foreign places as defined in 18 U.S.C. § 2423.

(XV) Transmitting information about a minor to further criminal sexual conduct as defined in 18 U.S.C. § 2425.

(XVI) Trafficking in persons as defined in 18 U.S.C. sections 2251–2252(a), 2260, or 2421–2423 if the violation included sexual abuse, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse.

~~(ix)~~(xi) an attempt to commit any offense listed in this subdivision (A).

\* \* \*

Sec. 10. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

(a) Notwithstanding 20 V.S.A. §§ 2056a-2056e, the department shall electronically post information on the Internet in accordance with subsection (b) of this section regarding the following sex offenders, upon their release from confinement:

(1) Sex offenders who have been convicted of:

(A) Aggravated sexual assault of a child (13 V.S.A. § 3253a).

- 
- (B) Aggravated sexual assault (13 V.S.A. § 3253).
- (C) Sexual assault (13 V.S.A. § 3252).
- (D) Kidnapping with intent to commit sexual assault (13 V.S.A. § 2405(a)(1)(D)).
- (E) Lewd or lascivious conduct with child (13 V.S.A. § 2602).
- (F) A second or subsequent conviction for voyeurism (13 V.S.A. § 2605(b) or (c)).
- (G) Slave traffic if a registrable offense under subdivision 5401(10)(B)(iv) of this title (13 V.S.A. § 2635).
- (H) Sex trafficking of children or sex trafficking by force, fraud, or coercion (13 V.S.A. § 2635a).
- (I) Sexual exploitation of a minor (13 V.S.A. § 3258(b)).
- (J) Any offense regarding the sexual exploitation of children (chapter 64 of this title).
- (K) Sexual abuse of a vulnerable adult (13 V.S.A. § 1379).
- (L) Human trafficking as defined in subdivisions 2652(a)(1)–(4) of this title.
- (M) Aggravated human trafficking as defined in subdivision 2653(a)(4) of this title.
- (N) A federal conviction in federal court for any of the following offenses:
- (i) Sex trafficking of children as defined in 18 U.S.C. § 1591.
  - (ii) Aggravated sexual abuse as defined in 18 U.S.C. § 2241.
  - (iii) Sexual abuse as defined in 18 U.S.C. § 2242.
  - (iv) Sexual abuse of a minor or ward as defined in 18 U.S.C. § 2243.
  - (v) Abusive sexual contact as defined in 18 U.S.C. § 2244.
  - (vi) Offenses resulting in death as defined in 18 U.S.C. § 2245.
  - (vii) Sexual exploitation of children as defined in 18 U.S.C. § 2251.
  - (viii) Selling or buying of children as defined in 18 U.S.C. § 2251A.

(ix) Material involving the sexual exploitation of minors as defined in 18 U.S.C. § 2252.

(x) Material containing child pornography as defined in 18 U.S.C. § 2252A.

(xi) Production of sexually explicit depictions of a minor for import into the United States as defined in 18 U.S.C. § 2260.

(xii) Transportation of a minor for illegal sexual activity as defined in 18 U.S.C. § 2421.

(xiii) Coercion and enticement of a minor for illegal sexual activity as defined in 18 U.S.C. § 2422.

(xiv) Transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, and engaging in illicit sexual conduct in foreign places as defined in 18 U.S.C. § 2423.

(xv) Transmitting information about a minor to further criminal sexual conduct as defined in 18 U.S.C. § 2425.

(xvi) Trafficking in persons as defined in 18 U.S.C. sections 2251–2252(a), 2260, or 2421–2423 if the violation included sexual abuse, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse.

~~(M)~~(O) An attempt to commit any offense listed in this subdivision (a)(1).

\* \* \*

#### Sec. 11. STATE'S ATTORNEYS; FORFEITURE ATTORNEY; REPORT

On or before January 15, 2012, the department of state's attorneys and sheriffs shall report to the general assembly a plan for funding and hiring a forfeiture attorney in this state.

Sec. 12. 13 V.S.A. § 5322 is added to read:

#### § 5322. CONFIDENTIALITY

When responding to a request for public records, or on any state website or state payment report, the state of Vermont shall not disclose to the public the name or any other identifying information, including the town of residence or the type or purpose of the payment, of an applicant to the victim's compensation program, a victim named in a restitution judgment order, or a recipient of the domestic and sexual violence survivors' transitional employment program.

Sec. 13. 13 V.S.A. § 5363 is amended to read:

§ 5363. CRIME VICTIMS' RESTITUTION SPECIAL FUND

\* \* \*

(d)(1) The restitution unit is authorized to advance up to \$10,000.00 to a victim or to a deceased victim's heir or legal representative if the victim:

(A) was first ordered by the court to receive restitution on or after July 1, 2004;

(B) is a natural person or the natural person's legal representative; and

(C) has not been reimbursed under subdivision (2) of this subsection.

(2) The restitution unit may make advances of up to \$10,000.00 under this subsection to the following persons or entities:

(A) A victim service agency approved by the restitution unit if the agency has advanced monies which would have been payable to a victim under subdivision (1) of this subsection.

(B) A victim who is a natural person or the natural person's legal representative in a case where the defendant, before or after an adjudication of guilt, enters into a drug court contract requiring payment of restitution.

(3) An advance under this subsection shall not be made to the government or to any governmental subdivision or agency.

(4) An advance under this subsection shall not be made to a victim who:

(A) fails to provide the restitution unit with the documentation necessary to support the victim's claim for restitution; or

(B) violated a criminal law of this state which caused or contributed to the victim's material loss.

(5) An advance under this subsection shall not be made for the amount of cash loss included in a restitution judgment order.

\* \* \*

Sec. 14. 13 V.S.A. § 7043(n) is amended to read:

~~(n)(1) All restitution orders made or modified on or after January 1, 2008 shall include an order for wage withholding unless the court in its discretion finds good cause not to order wage withholding or the parties have entered into an alternative arrangement by written agreement which is affirmatively stated~~

~~in the order. The wage withholding order shall direct current and subsequent employers of the offender to pay a portion of the offender's wages directly to the restitution unit until the offender's restitution obligation is satisfied. The wages of the offender shall be exempt as follows:~~

~~(A) to the extent provided under Section 303(b) of the Consumer Credit Protection Act (15 U.S.C. § 1673(b)); or~~

~~(B) if the court finds the weekly expenses reasonably incurred by the debtor for his or her maintenance and that of dependents exceed the amounts exempted by subdivision (1)(A) of this subsection, such greater amount of earnings as the court shall order.~~

~~(2) The court shall transmit all wage withholding orders issued under this section to the restitution unit, which shall forward the orders to the offender's employers. Upon receipt of a wage withholding order from the restitution unit, an employer shall:~~

~~(A) withhold from the wages paid to the offender the amount specified in the order for each wage period;~~

~~(B) forward the withheld wages to the restitution unit within seven working days after wages are withheld, specifying the date the wages were withheld;~~

~~(C) retain a record of all withheld wages;~~

~~(D) cease withholding wages upon notice from the restitution unit;~~  
and

~~(E) notify the restitution unit within 10 days of the date the offender's employment is terminated.~~

~~(3) In addition to the amounts withheld pursuant to this section, the employer may retain not more than \$5.00 per month from the offender's wages as compensation for administrative costs incurred.~~

~~(4) Any employer who fails to withhold wages pursuant to a wage withholding order within 10 working days of receiving actual notice or upon the next payment of wages to the employee, whichever is later, shall be liable to the restitution unit in the amount of the wages required to be withheld.~~

~~(5) An employer who makes an error in the amount of wages withheld shall not be held liable if the error was made in good faith.~~

~~(6) For purposes of this subsection, "wages" means any compensation paid or payable for personal services, whether designated as wages, salary, commission, bonuses, or otherwise, and shall include periodic payments under~~

~~pension or retirement programs and workers' compensation or insurance policies of any type.~~

After restitution is ordered and prior to sentencing, the court shall order the offender to provide the court with full financial disclosure on a form approved by the court administrator. The disclosure shall include copies of the offender's most recent state and federal tax returns. The court shall provide copies of the form and the tax returns to the restitution unit.

Sec. 15. 13 V.S.A. § 7043(d)(3) is added to read:

(3) An order of restitution may require the offender to pay restitution for an offense for which the offender was not convicted if the offender knowingly and voluntarily executes a plea agreement which provides that the offender pay restitution for that offense.

Sec. 16. PILOT PROJECT; REPORT

(a) The restitution unit shall develop and implement a pilot project in Chittenden County which permits the unit to require a crime victim who may be eligible for an advance payment of restitution from the crime victims' restitution special fund pursuant to section 5363(d) of this title to submit a request for restitution to the restitution unit prior to sentencing. The unit shall investigate the victim's request and may require that the victim submit supporting documentation in order to verify the claimed material loss. If the unit determines that the victim appears to be eligible for an advance payment, the unit shall notify the victim and the court of the amount that appears eligible to be advanced to the victim from the fund.

(b) The restitution unit shall report the results of the pilot project established by this section to the senate and house committees on judiciary on or before January 15, 2012.

Sec. 17. REPEALS

(a) Sec. 27a of No. 1 of the Acts of 2009 (July 1, 2011 sunset of amendment to Rule 15 of Vermont Rules of Criminal Procedure related to depositions of minors in sexual assault cases) is repealed.

(b) Sec. 1 (amendment to Rule 15 of Vermont Rules of Criminal Procedure) and Sec. 5(a) (July 1, 2011 effective date of amendment to Rule 15 of Vermont Rules of Criminal Procedure) of No. 66 of the Acts of the 2009 Adj. Sess. (2010) are repealed.

(c) 13 V.S.A. § 2635a (sex trafficking of children; sex trafficking of any person by force, fraud, or coercion) is repealed.



## Sec. 18. EFFECTIVE DATE

This act shall take effect on July 1, 2011.

Sec. 19. Sec. 13 of No. 40 of the Acts of 2007 is amended to read:

## Sec. 13. EFFECTIVE DATE

Sec. 9 of this act shall take effect on ~~July 1, 2012~~ July 1, 2014.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Senate Proposal of Amendment Concurred in****H. 448**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to contributions to the state and municipal employees' retirement systems

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill as follows:

By striking Secs. 1, 2, and 3 and by renumbering the remaining sections to be numerically correct

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Senate Proposal of Amendment Concurred in****H. 438**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the department of banking, insurance, securities, and health care administration Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill as follows:

First: By adding a new Sec. 11a to read as follows:

Sec. 11a. 8 V.S.A. § 12603 is amended to read:

§ 12603. MERCHANT BANKS

\* \* \*

(f) ~~The minimum amount of initial capital for a merchant bank is \$10,000,000.00~~ \$1,000,000.00, all of which at least \$5,000,000.00 shall be common stock or equity interest in the merchant bank. The balance may be composed of qualifying subordinated or similar debt A merchant bank may use qualified subordinated debt or senior debt as part of its capital structure above \$1,000,000.00, provided that the amount of subordinated debt or senior debt used as capital above \$1,000,000.00 is not greater than the amount of common stock or equity interest used as capital above \$1,000,000.00. The commissioner, in his or her discretion, may increase the minimum capital required for a merchant bank.

\* \* \*

(m) Any acquisition or change in control of ~~five~~ ten percent or more of the common stock or equity interests in a merchant bank shall be subject to the prior approval by the commissioner. The acquiring person shall file an application with the commissioner for approval. The application shall be subject to the provisions of subchapter 7 of chapter 201 of this title.

(n) The commissioner ~~may~~ shall examine the merchant bank and any person who controls it to the extent necessary to determine the soundness and viability of the merchant bank in the same manner as required by subchapter 5 of chapter 201 of this title.

(o) A merchant bank shall include on all its advertising a prominent disclosure that deposits are not accepted by a merchant bank.

(p) For purposes of this section, “control” means that a person:

(1) directly, indirectly, or acting through another person owns, controls, or has power to vote ten percent or more of any class of equity interest of the merchant bank;

(2) controls in any manner the election of a majority of the directors of the merchant bank; or

(3) directly or indirectly exercises a controlling influence over the management or policies of the merchant bank.

Second: By adding a Sec. 14a to read as follows:

Sec. 14a. REPEAL

8 V.S.A. § 4089f(e) (decisions relating to mental health shall be reviewed under 8 V.S.A. § 4089a) is repealed.

Third: In Sec. 17, 8 V.S.A. § 9456(e) (hospital budget reviews; waiver), in the second sentence, by striking out the words “The rule shall permit the

commissioner to waive” in their entirety and inserting in lieu thereof the following: The ~~rule shall permit the commissioner to~~ may waive

Fourth: By adding a Sec. 19a to read as follows:

Sec. 19a. MEDICAL LOSS RATIOS; EMPLOYER DEFINITIONS

For purposes of medical loss ratio calculations only, pursuant to Section 10101(f) of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), the term “small employer” means an employer with 50 or fewer employees and the term “large employer” means an employer with 51 or more employees.

Which proposal of amendment was considered and concurred in.

**Read Third Time and Passed in Concurrence  
with Proposal of Amendment**

**S. 77**

Senate bill, entitled

An act relating to water testing of private wells

Was taken up and pending third reading of the bill, **Rep. Lewis of Berlin** moved to propose to the Senate to amend the bill as follows:

Sec. 4, 27 V.S.A. § 616, by striking subsection (b) in its entirety and inserting in lieu thereof the following:

(b) If a purchase and sales agreement for a property lacks a property inspection and contingency clause that allows for testing of a potable water supply, the buyer of the property may test a potable water supply on that property within 20 days of receipt of the informational materials required under subsection (a) of this section. If a test taken pursuant to this section reveals the presence of contamination in excess of acceptable limits set by the agency of natural resources for one of the parameters listed in 10 V.S.A. § 1981(c), the buyer, within 20 days of receipt of the informational materials required under subsection (a) of this section, shall have the option to render the purchase and sales agreement unenforceable.

(c) Non compliance with the requirements of subsection (a) of this section shall not affect the marketability of title.

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

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**Rules Suspended; Bills Messaged to Senate Forthwith**

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

**H. 237**

House bill, entitled

An act relating to the use value program;

**S. 77**

Senate bill, entitled

An act relating to water testing of private wells;

**S. 92**

Senate bill, entitled

An act relating to the protection of students' health by requiring the use of safe cleaning products in schools.

**Rules Suspended; Action Ordered Messaged to Senate Forthwith  
and Bills Delivered to the Governor Forthwith**

On motion of **Rep. Turner of Milton**, the rules were suspended and action on the bills were ordered messaged to the Senate forthwith and the bills delivered to the Governor forthwith.

**H. 153**

House bill, entitled

An act relating to human trafficking;

**H. 438**

House bill, entitled

An act relating to the department of banking, insurance, securities, and health care administration;

**H. 448**

House bill, entitled

An act relating to contributions to the state and municipal employees' retirement systems;

**Report of Committee of Conference Adopted; Rules Suspended  
and Bill Messaged to Senate Forthwith****S. 94**

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

An act relating to miscellaneous amendments to the motor vehicle laws

Respectfully reports that it has met and considered the same and recommends that the Senate concur with the House proposal of amendment, and that the bill be further amended as follows:

First: In Sec. 3, 23 V.S.A. § 304, in subdivision (d)(1), by striking “, or are “fighting words” inherently likely to provoke violent reaction when addressed to an ordinary citizen”

Second: In Sec. 14, 23 V.S.A. § 2045, in subsections (a) and (b), by replacing “15” with “12” in each subsection

COMMITTEE ON THE PART OF  
THE SENATE

COMMITTEE ON THE PART OF  
THE HOUSE

SEN. MARGARET K. FLORY  
SEN. M. JANE KITCHEL  
SEN. RICHARD T. MAZZA

REP. DIANE M. LANPHER  
REP. CLEMENT J. BISSONNETTE  
REP. MOLLIE SULLIVAN BURKE

Which was considered and adopted on the part of the House.

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

### Recess

At four o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until four o'clock and forty-five minutes in the afternoon.

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

### Message from the Senate No. 55

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

**H. 202.** An act relating to a universal and unified health system.

And has accepted and adopted the same on its part.

**Adjournment**

At four o'clock and fifty-five minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock in the forenoon.