

# Journal of the House

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**Saturday, May 5, 2012**

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

## **Devotional Exercises**

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

## **Rules Suspended; Senate Proposal of Amendment Concurred in**

### **H. 766**

On motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to the national guard

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

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

Sec. 1. The Office of the Adjutant General is directed to report by January 15, 2013 to the senate committees on judiciary and government operations and to the house committees on judiciary and general and military affairs on recommendations for statutory changes regarding discipline of enlisted personnel in the Vermont National Guard. The report shall present the various offenses that have resulted in discharges from the Vermont National Guard during the last five (5) or more years, and shall be presented in such form as to not cause to be revealed the identity of the enlisted personnel. The report shall also contain a detailed comparison of other states which have elected to make or not make similar changes, and any other information the Office of the Adjutant General believes to be relevant.

Sec. 2. 20 V.S.A. § 369 is added to read:

### § 369. AWARDS AND MEDALS

Upon the approval of the governor, the adjutant general may, from time to time, create and design such awards and medals to recognize meritorious service or outstanding achievement for members of the Vermont National

Guard. The adjutant general will cause to be published a roster of these awards and medals, the criteria and process for awarding them, and a description or specification of the award and medals. All awards and medals will be presented in the name of the state of Vermont and be awarded to a member or retired member of the Vermont National Guard or if the member is deceased to the member's spouse, child, parent, sibling, or grandchild or, if none, to a person designated by the executor of the estate.

Sec. 3. 20 V.S.A. § 603 is amended to read:

§ 603. ARMS AND EQUIPMENT; PAY AND RATIONS

When the national guard, or part thereof, is ordered out under the provisions of section 366, 601, or 602 of this title, the state shall furnish arms and equipment necessary for each officer, warrant officer, and enlisted person; and they shall be entitled to ~~pay and rations~~ pay, subsistence, and quarters allowance equivalent to that paid to members of the armed forces of the United States for officers, warrant officers, and enlisted persons of corresponding grade and time in service as designated in the U.S. pay tables.

Sec. 4. 20 V.S.A. § 608 is added to read:

§ 608. CIVILIAN LEAVE OPTION

If any member of the Vermont national guard is ordered to state active duty by the governor, the service member shall have the right to take leave without pay from his or her civilian employment. No member of the national guard shall be required to use or exhaust his or her vacation or other accrued leave from his or her civilian employment for a period of active service.

Sec. 5. 20 V.S.A. § 609 is added to read:

§ 609. STAY OF LEGAL PROCEEDINGS BECAUSE OF SERVICE IN NATIONAL GUARD

(a)(1) If a service member of the Vermont National Guard who is ordered to state active duty by the governor is a party to a civil or administrative proceeding in any Vermont court, the proceeding:

(A) may be stayed by the court on its own motion; or

(B) shall be stayed by application of the member or person acting on behalf of the member, unless the court finds that the proceeding would not be materially affected by reason of the member's absence or that the member can participate by telephone or other electronic means.

(2) A motion for a stay under this subsection may be filed or the court may issue such a stay at any time during the period of active service. Any stay

issued shall not remain in effect for more than 30 days after the completion of state active duty.

(b) An application for a stay pursuant to subdivision (a)(1)(B) of this section shall include a letter or other communication from the member or a person on his or her behalf setting forth facts stating the manner in which the member's duty requirements materially affect the member's ability to appear and stating a date when the member is expected to be available to appear, together with any information from the member's commanding officer.

(c)(1) This section shall not apply to:

(A) proceedings involving relief from abuse orders under 15 V.S.A. chapter 21, subchapter 1;

(B) proceedings involving orders against stalking or sexual assault under 12 V.S.A. chapter 178;

(C) proceedings involving abuse prevention orders for vulnerable adults under 33 V.S.A. chapter 69, subchapter 1; or

(D) civil operator's license suspension proceedings under 23 V.S.A. § 1205.

(2) If a service member is unable to appear at a hearing due to responsibilities related to state active duty service, the court may issue interim or ex parte orders in proceedings identified in subdivision (A), (B), or (C) of this subsection, and the department of motor vehicles may suspend a civil operator's license. If the court issued any order while the member was on state active duty, upon the member's return, he or she shall, upon request, be entitled to a hearing and the opportunity to move to strike or modify the order or suspension issued in his or her absence. If the civil operator's license is reinstated, there shall be no reinstatement fee.

Sec. 5a. 12 V.S.A. § 553 is amended to read:

§ 553. MEMBER OF ARMED SERVICES; TOLLING STATUTE OF LIMITATIONS

When an inhabitant of this state is in the military or naval service of the United States, or is a member of the Vermont National Guard and has been ordered to state active duty and, at the time of entering such service or duty, had a cause of action against another person, or another person had a cause of action against him or her, the time spent in such military or naval service out of this state or the time spent in state active duty shall not be taken as part of the time limited for the bringing of an action by or against him or her founded on such causes. The limitation period for a cause of action shall be tolled during

the duration of the person's out of state military or naval service, or state active duty service, plus an additional 60 days.

Sec. 6. 21 V.S.A. § 492 is amended to read:

§ 492. RIGHTS AND BENEFITS

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(c)(1) If any member of the Vermont National Guard with civilian employer-sponsored insurance coverage is ordered to state active duty by the governor for up to 30 days, the service member may, at the member's option, continue his or her civilian health insurance under the same terms and conditions as were in effect for the month preceding the member's call to state active duty, including a continuation of the same levels of employer and employee contributions toward premiums and cost-sharing.

(2) If a member of the Vermont National Guard is called to state active duty for more than 30 days, the member may continue his or her civilian health insurance. For a member whose employer chooses not to continue regular contributions toward premiums and cost-sharing during the period of the member's state active duty in excess of 30 days, the state of Vermont shall be responsible for paying the employer's share of the premium and cost-sharing.

(3) The office of the adjutant general shall administer this subsection and may adopt policies, procedures, and guidelines to carry out the purposes of this subsection, including developing employee notice requirements, enforcement provisions, and a process for the state to remit the employer's share of premiums and cost-sharing to the appropriate entities pursuant to subdivision (2) of this subsection.

Sec. 7. 16 V.S.A. § 2537 is amended to read:

§ 2537. ARMED SERVICES SCHOLARSHIPS

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(b) Definitions:

(1) "Vermont National ~~guard~~ Guard" as used in this section will be deemed to include Vermont army national guard and Vermont air national guard.

(2) "Active duty for ~~national guard~~ Vermont National Guard and for active reserve forces" means full-time duty in the active military service of the United States and includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.

(3) “Inactive duty” means training performed by members of a reserve component while not on active duty and includes unit training assemblies, training periods, military flight periods and other equivalent duty and while on state duty on order of the governor or the governor’s representative.

(4) “Armed forces of the United States” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(5) “Child” means a natural or adoptive child of a member of the Vermont National Guard or armed forces, and includes a stepchild.

Sec. 8. 16 V.S.A. § 2856 is amended to read:

§ 2856. EDUCATIONAL ASSISTANCE; INTEREST FREE LOANS

(a) An active member of the Vermont ~~army national guard or the air national guard~~ National Guard may be eligible for an interest-free loan in an academic year for financial assistance to pay for tuition and fees for courses taken at a Vermont college, university, regional technical center, or other programs approved pursuant to policies adopted in accordance with subsection (f) of this section. ~~Academic year awards may be up to the in state tuition rate at the University of Vermont for that year.~~

(b) To be eligible for an educational loan under this section, a person shall:

(1) be an active member in good standing of a ~~federally recognized~~ federally recognized unit of the Vermont ~~army national guard or air national guard~~ National Guard;

(2) have successfully completed basic training or commissioning; and

(3) ~~not hold a baccalaureate degree or higher; and~~

(4) be enrolled in a program that leads to a postsecondary degree, diploma or be studying for relevant continuing education purposes.

(c) A loan made under this section shall be interest free and may be partially or completely cancelled and forgiven for a person who:

(1) submits certification that the person has successfully completed the course; and

(2) submits certification that the person has completed two years of national guard service for each full academic year award. Service requirements for less than a full academic year award shall be proportionate to the amount of the award. The board shall determine the amount of loan to be cancelled for each completed year of service. The amount cancelled for each year of service shall not exceed 50 percent of the loan.

(d) The adjutant general shall provide ~~a certificate~~ documentation of eligibility to ~~each person who has been found to be eligible~~ for educational assistance under this section for each academic period. ~~The certificate shall be valid for one academic year.~~

(e) ~~A person shall not be eligible for educational assistance under this section for any courses taken after he or she has been awarded a baccalaureate degree or is no longer an active member in good standing of the Vermont army national guard or the air national guard~~ The loan of a person who loses eligibility under this section while enrolled in a course shall go into repayment pursuant to the terms of the loan, and the person shall be ineligible for further assistance under this section until the loan is repaid in full.

(f) The board, in consultation with the office of the adjutant general, shall adopt ~~rules~~ policies, procedures, and guidelines necessary to implement the provisions of this section, which shall include application requirements, annual loan requirements, loan forgiveness requirements, and annual loan amounts based on available funds. ~~Rules~~ The policies, procedures, and guidelines shall include definitions of “successful completion of a course,” “relevant continuing education courses” and what constitutes an “academic year.” Rules adopted by the Vermont ~~state colleges~~ State Colleges under section 2183 of this title, prior to its repeal, shall remain valid under this section and shall be administered by the corporation.

(g) [Repealed.]

(h) The availability of loans made under this subchapter is subject to funds appropriated to the Vermont ~~army or air national guard~~ National Guard for that purpose.

and that after passage the title of the bill be amended to read: “An act relating to the rehabilitation of Vermont National Guard members and certain rights and responsibilities of guard members and their employers”

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment to House Proposal of Amendment  
Concurred in with a Further Amendment Thereto;  
Rules Suspended and Bill Messaged to Senate Forthwith**

**S. 106**

The Senate concurred in the House proposal of amendment to the Senate proposal of amendment to House bill, entitled

An act relating to miscellaneous changes to municipal government law

With the following proposal of amendment thereto:

First: In Sec. 24 (auditor website; audit findings), in subdivision (a)(1), after “a summary of all embezzlements and” by striking out “other financial fraud” and inserting in lieu thereof false claims, as that term is described in 13 V.S.A. § 3016.

Second: By adding a new section to be numbered Sec. 8a to read as follows:

Sec. 8a. PLAINFIELD TOWN MEETINGS

Notwithstanding any provision of law to the contrary, for three years subsequent to the effective date of this act, the polling place of the town of Plainfield may be located; any annual and special meetings may be conducted; and with the permission of the school, any other public meetings may be conducted at the Twinfield Union School in Marshfield, Vermont.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment with a further amendment thereto? **Reps. Jewett of Ripton, Atkins of Winooski, Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of Milton, Martin of Wolcott, Mook of Bennington, Sweaney of Windsor, and Townsend of Randolph** moved to concur in the Senate proposal of amendment to the House proposal of amendment and that the House propose to the Senate that the bill be amended by striking Sec. 30 (effective date) in its entirety and inserting in lieu thereof the following:

\* \* \* Search and Rescue \* \* \*

Sec. 30. SEARCH AND RESCUE OPERATIONS; INTERIM PROTOCOL;  
DEPARTMENT OF PUBLIC SAFETY

(a) By the effective date of this act, the department of public safety (the “department”) shall develop and implement an interim protocol establishing responsibility and authority for search and rescue operations. The interim protocol shall be based upon the following standards and organizational structure:

(1) Standards. The interim protocol shall require:

(A) all search and rescue operations be made pursuant to the incident command system set forth in subdivision (2) of this subsection;

(B) an immediate response to every search and rescue call for help, which shall include an immediate call to the department’s search and rescue team without regard to whether the call for help may be classified as a missing person complaint as that term is described in 20 V.S.A. chapter 112; and

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(C) the earliest possible rescue or recovery of every person needing search and rescue assistance.

(2) Incident command system. Notwithstanding any provision of law to the contrary, the search and rescue team within the department of public safety shall have lead responsibility for search and rescue operations in any municipality in Vermont without an established police department or which is not under contract with a sheriff to provide law enforcement services pursuant to 24 V.S.A. § 291a. In any municipality with an established police department that has at least one officer who has obtained high-level search and rescue training and training on the incident command system or in any municipality under contract with a sheriff who has obtained that training, the chief of police or the sheriff shall determine whether that police department or sheriff will assume lead responsibility for search and rescue operations in that municipality. Only such a municipal police department or sheriff confirming in writing to the department its assumption of lead responsibility shall have that responsibility and, if so responsible, shall be required to collaborate with the department in the implementation of this interim protocol. In all other instances, the search and rescue team shall have lead responsibility. No matter what entity has lead responsibility in any municipality, the department shall be required to perform the following actions in order to form a reliable incident command system conforming to the standards set forth in this subsection.

(A) Assessment of resources.

(i) The department, on a barracks-by-barracks basis, shall assess all available resources existing within the state that are capable of assisting the department in search and rescue operations. These resources shall include all of those within the department and the departments of fish and wildlife and of health; sheriffs; local police departments; municipal and volunteer fire departments; local search and rescue organizations; and any other state, local, or nongovernmental agency with relevant expertise and experience.

(ii) The assessment shall include an evaluation of the strengths of each resource in terms of its capability to contribute to different aspects and types of search and rescue operations. The department shall confirm with a resource that resource's strengths and capabilities.

(B) Organization; database.

(i) Based on its assessment of resources, the department shall organize the resources into different categories based on geographic areas of the state; availability; and the capability to perform incident-specific search and rescue operations.

(ii) The department shall enter the resources into a database organized based on those categories. The database shall be maintained and continually updated by the department.

(C) Utilization. For every search and rescue call for help, the department shall utilize the database in order to deploy appropriate search and rescue resources when responding to a call for help.

(D) Training. By July 1, 2014, the department's search and rescue team and all Vermont game wardens shall obtain high level search and rescue operations training and training on the incident command system.

(b) The interim protocol shall be implemented pursuant to this section until further legislative action by the general assembly.

(c) As used in this section, "search and rescue" means the search for and provision of aid to people who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways.

#### Sec. 31. SEARCH AND RESCUE STRATEGIC PLAN DEVELOPMENT COMMITTEE

(a) Creation of committee; purpose. There is created a search and rescue strategic plan development committee to recommend how search and rescue operations should be conducted in Vermont on a permanent basis. As used in this section, "search and rescue" means the search for and provision of aid to people who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways.

(b) Membership. The search and rescue strategic plan development committee shall be composed of 13 members. The members of the committee shall be as follows:

(1) One member of the house appointed by the speaker.

(2) One member of the senate appointed by the committee on committees.

(3) The commissioner of public safety or designee.

(4) The commissioner of fish and wildlife or designee.

(5) The president of the Vermont Police Association or designee.

(6) The president of the Vermont Sheriffs' Association, Inc. or designee.

(7) The team leader of Stowe Mountain Rescue or designee.

(8) The team leader of Colchester Technical Rescue or designee.

(9) One licensed first responder appointed by the commissioner of health.

(10) Two members of the Vermont Coalition of Fire & Rescue Services, Inc. appointed by the chair of the coalition, one of whom shall be a professional firefighter and one of whom shall be a volunteer firefighter.

(11) One public member with experience in search and rescue operations and in the incident command system appointed by the governor.

(12) One member of the National Ski Patrol appointed by the northern regional director of the National Ski Patrol's eastern division.

(c) Structure; decision-making. The committee shall elect two co-chairs from its membership, at least one of whom shall be a legislative member. The provisions of 1 V.S.A. § 172 (joint authority of three or more) shall apply to the meetings and decision-making of the committee.

(d) Powers and duties. The committee shall:

(1) review the existing method, responsibility, and organizational structure for conducting search and rescue operations in Vermont, including any existing statutory, rule, or policy requirements, if any, and identify the advantages and disadvantages of the current system;

(2) consider models used in other states for managing search and rescue operations;

(3) determine whether the department of public safety or a different state agency should be responsible for supervising search and rescue operations for people who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways;

(4) consider and evaluate different organizational structures in order to recommend how to most effectively manage Vermont's search and rescue processes and resources;

(5) determine whether minimum qualifications, certification, or other credentialing should be required for persons participating in search and rescue operations and whether search and rescue responders who are not state employees should be provided with insurance coverage;

(6) develop a database of available statewide resources capable of assisting in search and rescue operations, which may be organized pursuant to different geographic regions of the state;

(7) consider the feasibility of establishing an online database of persons who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways that would provide automatic notice to first responders;

(8) develop and recommend a method of reviewing completed search and rescue operations and how those operations could be improved;

(9) recommend guidelines that would enable communication among search and rescue resources in responding to a call for help;

(10) recommend methods of balancing speed versus safety in responding to calls for help in order to create the greatest level of efficiency;

(11) determine whether a new chapter for search and rescue operations should be added within Title 20 of the Vermont Statutes Annotated; and

(12) determine whether firefighters and law enforcement officers should be required to obtain training in search and rescue operations and on the incident command system as part of certification or recertification requirements.

(e) Consultant. The co-chairs of the committee, in consultation with the commissioner of the department of public safety, may hire a consultant who professionally specializes in search and rescue operations in order to assist the committee in its duties.

(f) Report. The committee shall report its findings and recommendations, together with draft legislation in order to implement those recommendations, to the general assembly on or before December 15, 2012.

(g) Number of meetings; term of committee. The committee may meet no more than five times and shall cease to exist on December 15, 2012.

(h) Reimbursement. Members of the committee who are not employees of the state of Vermont shall be reimbursed at the per diem rate set forth in 32 V.S.A. § 1010. Legislative members shall be entitled to the same per diem compensation and reimbursement for necessary expenses for attendance at a meeting when the general assembly is not in session as provided to members of standing committees under 2 V.S.A. § 406.

(i) Assistance. The legislative council shall provide administrative, legal, and drafting support to the committee.

\* \* \* Emergency Medical Services \* \* \*

Sec. 32. 18 V.S.A. § 901 is amended to read:

§ 901. POLICY

It is the policy of the state of Vermont that all persons who suffer sudden and unexpected illness or injury should have access to the emergency medical services system in order to prevent loss of life or the aggravation of the illness or injury, and to alleviate suffering. The system should include competent emergency medical care provided by adequately trained, licensed, credentialed,

and equipped personnel acting under appropriate medical control. Persons involved in the delivery of emergency medical care should be encouraged to maintain and advance their levels of training and ~~certification~~ licensure, and to upgrade the quality of their vehicles and equipment.

Sec. 33. 18 V.S.A. § 903 is amended to read:

§ 903. AUTHORIZATION FOR PROVISION OF EMERGENCY MEDICAL SERVICES

Notwithstanding any other provision of law, including provisions of 26 V.S.A. chapter 23 ~~of Title 26~~, persons who are ~~certified~~ licensed and credentialed to provide emergency medical care pursuant to the requirements of this chapter and implementing regulations are hereby authorized to provide such care without further certification, registration or licensing.

Sec. 34. 18 V.S.A. § 904 is amended to read:

§ 904. ADMINISTRATIVE PROVISIONS

(a) In order to carry out the purposes and responsibilities of this chapter, the department of health may contract for the provision of specific services.

(b) The secretary of human services, upon the recommendation of the ~~department~~ commissioner of health, may issue regulations to carry out the purposes and responsibilities of this chapter.

Sec. 35. 18 V.S.A. § 906 is amended to read:

§ 906. EMERGENCY MEDICAL SERVICES DIVISION; RESPONSIBILITIES

To implement the policy of section 901, the department of health shall be responsible for:

(1) Developing and implementing minimum standards for training emergency medical personnel in basic life support and advanced life support, and ~~certifying their~~ licensing emergency medical personnel according to their level of training and competence.

(2) Developing and implementing minimum standards for vehicles used in providing emergency medical care, designating the types and quantities of equipment that must be carried by these vehicles, and registering those vehicles according to appropriate classifications.

(3) Developing a statewide system of emergency medical services including but not limited to planning, organizing, coordinating, improving, expanding, monitoring and evaluating emergency medical services.

(4) Establishing by rule minimum standards for the credentialing of emergency medical personnel by their affiliated agency, which shall be required in addition to the licensing requirements of this chapter in order for a person to practice as an emergency medical provider. Credentialing shall consist of the minimum and appropriate requirements necessary to ensure that an emergency medical provider can demonstrate the competence and minimum skills necessary to practice within his or her scope of licensure. Any rule shall balance the need for documenting competency against the burden placed on rural or smaller volunteer squads with little or no administrative staff.

(5) Developing volunteer and career response time standards for urban and rural requests for emergency services.

(6) Training, or assisting in the training of, emergency medical personnel.

~~(5)~~(7) Assisting hospitals in the development of programs which will improve the quality of in-hospital services for persons requiring emergency medical care.

~~(6)~~(8) Developing and implementing procedures to insure that emergency medical services are rendered only with appropriate medical control. For the provision of advanced life support, appropriate medical control shall include at a minimum:

(A) written protocols between the appropriate officials of receiving hospitals and ~~ambulance services~~ emergency medical services districts defining their operational procedures;

(B) where necessary and practicable, direct communication between emergency medical personnel and a physician or person acting under the direct supervision of a physician;

(C) when such communication has been established, a specific order from the physician or person acting under the direct supervision of the physician to employ a certain medical procedure;

(D) use of advanced life support, when appropriate, only by emergency medical personnel who are certified by the department of health to employ advanced life support procedures.

~~(7)~~(9) Establishing requirements for the collection of data by emergency medical personnel and hospitals as may be necessary to evaluate emergency medical care.

~~(8)~~(10) Establishing, by rule, levels of individual certification and application forms for advanced emergency medical care license levels for emergency medical personnel. The commissioner shall use the guidelines

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established by the National Highway Traffic Safety Administration (NHTSA) in the U.S. Department of Transportation as a standard or other comparable standards, except that a felony conviction shall not necessarily disqualify an applicant. The rules shall also provide that:

(A) An individual may apply for and obtain one or more additional ~~certifications~~ licenses, including ~~certification~~ licensure as an advanced emergency medical technician or as a paramedic.

(B) An individual ~~certified~~ licensed by the commissioner as an emergency medical technician, advanced emergency medical technician, or a paramedic, who is ~~affiliated with a licensed ambulance service, fire department, or rescue service~~ credentialed by an affiliated agency, shall be able to practice fully within the scope of practice for such level of ~~certification~~ licensure as defined by NHTSA's National EMS Scope of Practice Model ~~notwithstanding any law or rule to the contrary~~ consistent with the license level of the affiliated agency, and subject to the medical direction of the ~~commissioner or designee~~ emergency medical services district medical advisor.

(C) Unless otherwise provided under this section, an individual seeking any level of ~~certification~~ licensure shall be required to pass an examination approved by the commissioner for that level of ~~certification~~ licensure. Written and practical examinations shall not be required for ~~recertification~~ relicensure; however, to maintain ~~certification~~ licensure, all individuals shall complete a specified number of hours of continuing education as established by rule by the commissioner. The commissioner shall ensure that continuing education classes are available online and provided on a regional basis to accommodate the needs of volunteers and part-time individuals, including those in rural areas of the state.

(D) If there is a hardship imposed on any applicant for a ~~certification~~ license under this section because of unusual circumstances, the applicant may apply to the commissioner for a temporary or permanent waiver of one or more of the ~~certification~~ licensure requirements, which the commissioner may grant for good cause.

(E) An applicant who has served as ~~an advanced emergency medical technician, such as~~ a hospital corpsman or a medic in the United States Armed Forces, or who is licensed as a registered nurse or a ~~physician's~~ physician assistant shall be granted a permanent waiver of the training requirements to become a ~~certified~~ licensed emergency medical technician, an advanced emergency medical technician, or a paramedic, provided the applicant passes the applicable examination approved by the commissioner for that level of ~~certification~~ licensure and further provided that the applicant is ~~affiliated with a~~

~~rescue service, fire department, or licensed ambulance service~~ credentialed by an affiliated agency.

(F) An applicant who is ~~certified~~ registered on the National Registry of Emergency Medical Technicians as an ~~EMT-basic, EMT-intermediate, emergency medical technician, an advanced emergency medical technician,~~ or a paramedic shall be granted ~~certification~~ licensure as a Vermont ~~EMT-basic, EMT-intermediate, emergency medical technician, an advanced emergency medical technician,~~ or a paramedic without the need for further testing, provided he or she is ~~affiliated with an ambulance service, fire department, or rescue service,~~ credentialed by an affiliated agency or is serving as a medic with the Vermont National Guard.

~~(G) No advanced certification shall be required for a trainee in established advanced training programs leading to certification as an advanced emergency medical technician, provided that the trainee is supervised by an individual holding a level of certification for which the trainee is training and the student is enrolled in an approved certification program.~~

Sec. 36. 18 V.S.A. § 906a is added to read:

§ 906a. RELICENSURE; GRACE PERIOD

A person certified or licensed as an emergency medical provider shall have six months after his or her certification or license has expired to resubmit the necessary information for renewal of the certificate or license.

Sec. 37. 18 V.S.A. § 906b is added to read:

§ 906b. TRANSITIONAL PROVISION; CERTIFICATION TO LICENSURE

Every person certified as an emergency medical provider shall have his or her certification converted to the comparable level of licensure. Until such time as the department of health issues licenses in lieu of certificates, each certified emergency medical provider shall have the right to practice in accordance with his or her level of certification.

Sec. 38. 18 V.S.A. § 908 is added to read:

§ 908. EMERGENCY MEDICAL SERVICES SPECIAL FUND

(a) The emergency medical services special fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 comprising revenues received by the department from the general fund that are designated for this special fund and public and private sources as gifts, grants, and donations together with additions and interest accruing to the fund. The commissioner of health shall administer the fund to the extent funds are available to support online and

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regional training programs, data collection and analysis, and other activities relating to the training of emergency medical personnel and delivery of emergency medical services and ambulance services in Vermont, as determined by the commissioner, after consulting with the EMS advisory committee established under section 909 of this title. Any balance at the end of the fiscal year shall be carried forward in the fund.

(b) From the funds in the emergency medical services special fund, the commissioner of health shall develop and implement by September 1, 2012 online training opportunities and offer regional classes to enable individuals to comply with the requirements of subdivision 906(9)(c) of this title.

Sec. 39. 18 V.S.A. § 909 is added to read:

§ 909. EMS ADVISORY COMMITTEE

(a) The commissioner shall establish an advisory committee to advise on matters relating to the delivery of emergency medical services (EMS) in Vermont.

(b) The advisory committee shall be chaired by the commissioner or his or her designee and shall include the following 14 other members:

(1) four representatives of EMS districts. The representatives shall be selected by the EMS districts in four regions of the state. Those four regions shall correspond with the geographic lines used by the public safety districts pursuant to 20 V.S.A. § 5. For purposes of this subdivision, an EMS district located in more than one public safety district shall be deemed to be located in the public safety district in which it serves the greatest number of people;

(2) a representative from the Vermont Ambulance Association, or designee;

(3) a representative from the initiative for rural emergency medical services program at the University of Vermont, or designee;

(4) a representative from the Professional Firefighters of Vermont, or designee;

(5) a representative from the Vermont Career Fire Chiefs Association, or designee;

(6) a representative from the Vermont State Firefighters' Association, or designee;

(7) an emergency department director of a Vermont hospital appointed by the Vermont Association of Emergency Department Directors, or designee;

(8) an emergency department nurse manager of a Vermont hospital appointed by the Vermont Association of Emergency Department Nurse Managers, or designee;

(9) a representative from the Vermont State Firefighters' Association who serves on a first response or FAST squad;

(10) a representative from the Vermont Association of Hospitals and Health Systems, or designee; and

(11) a local government member not affiliated with emergency medical services, firefighter services, or hospital services, appointed by the Vermont League of Cities and Towns.

(c) The committee shall meet not less than quarterly in the first year and not less than twice annually each subsequent year and may be convened at any time by the commissioner or his or her designee or at the request of seven committee members.

(d) Beginning January 1, 2014 and for the ensuing two years, the committee shall report annually on the emergency medical services system to the house committees on commerce and economic development and on human services and to the senate committees on economic development, housing and general affairs and on health and welfare. The committee's initial and ensuing reports shall include each EMS district's response times to 911 emergencies in the previous year based on information collected from the Vermont department of health's division of emergency medical services and recommendations on the following:

(1) whether Vermont EMS districts should be consolidated such as along the geographic lines used by the four public safety districts established under 20 V.S.A. § 5;

(2) whether every Vermont municipality should be required to have in effect an emergency medical services plan providing for timely and competent emergency responses; and.

(3) whether the state should establish directives addressing when an agency can respond to a nonemergency request for transportation of a patient if doing so will leave the service area unattended or unable to respond to an emergency call in a timely fashion.

Sec. 40. 24 V.S.A. § 2651 is amended to read:

§ 2651. DEFINITIONS

As used in this chapter:

(1) “Advanced emergency medical treatment” means those portions of emergency medical treatment as defined by the department of health, which may be performed by ~~certified~~ licensed emergency medical services personnel acting under the supervision of a physician within a system of medical control approved by the department of health.

\* \* \*

(4) “Basic emergency medical treatment” means those portions of emergency medical treatment, as defined by the department of health, which may be exercised by ~~certified~~ licensed emergency medical services personnel acting under their own authority.

\* \* \*

(6) “Emergency medical personnel” means persons, including volunteers, ~~certified~~ licensed by the department of health to provide emergency medical treatment on behalf of an ~~organization such as an ambulance service or first responder service~~ affiliated agency whose primary function is the provision of emergency medical treatment. The term does not include duly licensed or registered physicians, dentists, nurses, or ~~physicians’~~ physician assistants when practicing in their customary work setting.

\* \* \*

(15) “Volunteer personnel” means persons who are ~~certified~~ licensed by the department of health to provide emergency medical treatment on behalf of an affiliated agency without expectation of remuneration for the treatment rendered other than nominal payments and reimbursement for expenses, and who do not depend in any significant way on the provision of such treatment for their livelihood.

(16) “Affiliated agency” means an ambulance service or first responder service licensed under this chapter, including a fire department, rescue squad, police department, ski patrol, hospital, or other entity licensed to provide emergency medical services under this chapter.

Sec. 41. 24 V.S.A. § 2657 is amended to read:

§ 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL SERVICES DISTRICTS

(a) It shall be the function of each emergency medical services district to foster and coordinate emergency medical services within the district, in the interest of affording adequate ambulance services within the district. Each emergency medical services district shall have powers which include, but are not limited to, the power to:

\* \* \*

(3) Enter into agreements and contracts for furnishing technical, educational ~~or~~ and support services and credentialing related to the provision of emergency medical treatment.

\* \* \*

(8) Sponsor or approve programs of education approved by the department of health which lead to the ~~certification~~ licensure of emergency medical services personnel.

(9) ~~Cooperate~~ Establish medical control within the district with physicians and representatives of medical facilities ~~to establish medical control within the district~~, including written protocols with the appropriate officials of receiving hospitals defining their operational procedures.

(10) Assist the department of health in a program of testing for ~~certification~~ licensure of emergency medical services personnel.

(11) Assure that each affiliated agency in the district has implemented a system for the credentialing of all its licensed emergency medical personnel.

(12) Develop protocols for providing appropriate response times to requests for emergency medical services.

\* \* \*

Sec. 42. 24 V.S.A. § 2682 is amended to read:

§ 2682. POWERS OF STATE BOARD

(a) The state board shall administer this subchapter and shall have power to:

(1) Issue licenses for ambulance services and first responder services under this subchapter.

\* \* \*

(3) Make, adopt, amend, and revise, as it deems necessary or expedient, reasonable rules in order to promote and protect the health, safety, and welfare of members of the public using, served by, or in need of, emergency medical treatment. Any rule may be repealed within 90 days of the date of its adoption by a majority vote of all the district boards. Such rules may cover or relate to:

(A) Age, training, credentialing, and physical requirements for emergency medical services personnel.

\* \* \*

---

Sec. 43. REPEAL

Sec. 20(c) of No. 142 of the Acts of the 2009 Adj. Sess. (2010) (EMS services exceeding scope of practice of affiliated agency) is repealed.

Sec. 44. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

\* \* \*

(12) “Public employment” means the following:

\* \* \*

(K) other municipal workers, including volunteer firefighters and rescue and ambulance squads while acting in ~~the line of duty, after the governing officials of such municipal body so vote~~ any capacity under the direction and control of the fire department or rescue and ambulance squads;

(L) members of any regularly organized private volunteer fire department while acting in ~~the line of duty after election by the organization to have its members covered by this chapter~~ any capacity under the direction and control of the fire department;

(M) members of any regularly organized private volunteer rescue or ambulance squad while acting in ~~the line of duty after election by the organization to have its members covered by this chapter~~ any capacity under the direction and control of the rescue or ambulance squad;

\* \* \*

Sec. 45. EFFECTIVE DATES

This act shall take effect on July 1, 2012 except for this section and the following sections, which shall take effect on passage:

(1) Sec. 22 (amending 30 V.S.A. § 8102);

(2) Sec. 24 (auditor website; audit findings);

(3) Sec. 30 (search and rescue operations; interim protocol; department of public safety); and

(4) Sec. 31 (search and rescue strategic plan development committee).

and that after passage the title of the bill be amended to read: “An act relating to miscellaneous changes to municipal government law, to internal financial controls, and to the management of search and rescue operations”

Pending the question, Shall the House concur with Senate proposal of amendment with further proposal of amendment? **Rep. Jewett of Ripton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House concur with Senate proposal of amendment with further proposal of amendment? was decided in the affirmative. Yeas, 133. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon	Frank of Underhill	Martin of Springfield
Ancel of Calais	French of Shrewsbury	Martin of Wolcott
Andrews of Rutland City	French of Randolph	Masland of Thetford
Atkins of Winooski	Gilbert of Fairfax	McAllister of Highgate
Bartholomew of Hartland	Grad of Moretown	McCullough of Williston
Bissonnette of Winooski	Greshin of Warren	McFaun of Barre Town
Bohi of Hartford	Haas of Rochester	Miller of Shaftsbury
Botzow of Pownal	Head of South Burlington	Mook of Bennington
Bouchard of Colchester	Heath of Westford	Moran of Wardsboro
Branagan of Georgia	Hebert of Vernon	Mrowicki of Putney
Browning of Arlington	Helm of Fair Haven	Munger of South Burlington
Burditt of West Rutland	Higley of Lowell	Myers of Essex
Burke of Brattleboro	Hooper of Montpelier	Nuovo of Middlebury
Buxton of Tunbridge	Howard of Cambridge	O'Brien of Richmond
Campion of Bennington	Hubert of Milton	Olsen of Jamaica
Cheney of Norwich	Jerman of Essex	O'Sullivan of Burlington
Christie of Hartford	Jewett of Ripton	Pearce of Richford
Clark of Vergennes	Johnson of South Hero	Pearson of Burlington
Clarkson of Woodstock	Johnson of Canaan	Peaslee of Guildhall
Condon of Colchester	Kilmartin of Newport City	Peltz of Woodbury
Conquest of Newbury	Kitzmiller of Montpelier	Perley of Enosburgh
Consejo of Sheldon	Klein of East Montpelier	Potter of Clarendon
Corcoran of Bennington	Koch of Barre Town	Pugh of South Burlington
Courcelle of Rutland City	Komline of Dorset	Ralston of Middlebury
Crawford of Burke	Krebs of South Hero	Ram of Burlington
Dakin of Chester	Krowinski of Burlington	Reis of St. Johnsbury
Davis of Washington	Kupersmith of South Burlington	Russell of Rutland City
Deen of Westminster	Lanpher of Vergennes	Savage of Swanton
Degree of St. Albans City	Larocque of Barnet	Scheuermann of Stowe
Devereux of Mount Holly	Lawrence of Lyndon	Shand of Weathersfield
Dickinson of St. Albans Town	Lenes of Shelburne	Sharpe of Bristol
Donahue of Northfield	Leriche of Hardwick	Shaw of Pittsford
Donovan of Burlington	Lewis of Berlin	Smith of New Haven *
Eckhardt of Chittenden	Lippert of Hinesburg	South of St. Johnsbury
Edwards of Brattleboro	Lorber of Burlington	Stevens of Waterbury
Ellis of Waterbury	Macaig of Williston	Stuart of Brattleboro
Emmons of Springfield	Malcolm of Pawlet	Sweaney of Windsor
Evans of Essex	Manwaring of Wilmington	Taylor of Barre City
Fagan of Rutland City	Marcotte of Coventry	Till of Jericho
Fisher of Lincoln	Marek of Newfane	Toll of Danville
		Townsend of Randolph

Trieber of Rockingham	Wilson of Manchester	Wright of Burlington
Turner of Milton	Winters of Williamstown	Yantachka of Charlotte
Waite-Simpson of Essex	Wizowaty of Burlington	Young of Glover
Webb of Shelburne	Woodward of Johnson	Zagar of Barnard

Those who voted in the negative are: none

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

Aswad of Burlington	Donaghy of Poultney	Partridge of Windham
Batchelor of Derby	Howrigan of Fairfield	Poirier of Barre City
Brennan of Colchester	Keenan of St. Albans City	Spengler of Colchester
Canfield of Fair Haven	Lewis of Derby	Stevens of Shoreham
Copeland-Hanzas of Bradford	McNeil of Rutland Town	Strong of Albany
	Morrissey of Bennington	

**Rep. Lenex of Shelburne** explained her vote as follows:

“Mr. Speaker:

This has been a long and difficult process from the beginning of why we initially introduced this legislation. I thank the members for all their ‘yes’ votes. If this legislation results in even one rescue, it is worth all our efforts. Thank you.”

**Rep. Smith of New Haven** explained his vote as follows:

“Mr. Speaker:

This bill has gone through a long process of twists and turns, presenting the legislative process at its best and at its worst. A difficult process but, in the end, we came together with a much needed bill. Thank you.”

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

### Message from the Senate No. 78

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

Mr. Speaker:

I am directed to inform the House that:

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

**J.R.S. 63.** Joint resolution relating to final adjournment of the General Assembly in 2012.

**J.R.S. 64.** Joint resolution honoring the competitive accomplishments and international educational outreach of the University of Vermont’s Lawrence

Debate Union.

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

**Favorable Report; Third Reading Ordered; Rules Suspended;  
Bill Read Third Time and Passed in Concurrence.**

**S. 180**

**Rep. Shand of Weathersfield**, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to the universal service fund and establishment of a high-cost program

Reported in favor of its passage.

**Rep. Keenan of St. Albans City**, for the committee on Appropriations, recommended that the bill ought to pass in concurrence.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence.

Thereupon, the bill was read the third time and passed in concurrence.

**Senate Proposal of Amendment Concurred in**

**H. 774**

The Senate proposed to the House to amend House bill, entitled

An act relating to meat inspection, delivery of liquid fuels, dairy operations, and animal foot baths

First: By adding Sec. 3a to read:

Sec. 3a. AGENCY OF AGRICULTURE, FOOD AND MARKETS;  
EDUCATION AND OUTREACH REGARDING HUMANE HANDLING  
AND SLAUGHTER

(a) On or before October 15, 2012, the secretary of agriculture, food and markets, after consultation with representatives of organizations with an interest in itinerant or custom slaughter, shall:

(1) conduct regional outreach regarding humane treatment of livestock, humane slaughter of livestock, and sanitary slaughtering and processing methods; and

(2) make available to the public, including itinerant slaughterers and their customers, informational materials regarding humane treatment of

livestock, humane slaughter of livestock, and sanitary slaughtering and processing methods.

(b) On or before January 15, 2013, the secretary of agriculture, food and markets shall report back to the senate and house committees on agriculture regarding how the secretary of agriculture, food and markets complied with the requirements of subsection (a) of this section.

Second: In Sec. 4, subsection (b) in the first sentence after the word “fuels”, by inserting sold at retail, as defined by 32 V.S.A. § 9701(5)

Third: In Sec. 9, in 6 V.S.A. § 796, by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b)(1) The secretary shall adopt rules to implement regulation of animal foot baths for livestock, including:

(A) if appropriate, a ban on the use of certain chemicals, such as formaldehyde, as foot baths; and

(B) requirements for the administration of foot baths, the type of chemicals used, disposal of the chemicals found in used foot baths, and additional requirements deemed necessary by the secretary.

(2) The secretary shall work with the commissioner of health and the secretary of natural resources in drafting the rules to be adopted under this subsection.

(3) In adopting the rules required by this subsection, the secretary shall utilize information regarding the use of formaldehyde from the federal Department of Health and Human Services Agency for Toxic Substances and Disease Registry and from the ongoing investigation of the use of formaldehyde for agricultural practices conducted by the commissioner of health in collaboration with the secretary of agriculture, food and markets and the secretary of natural resources.

(4) The secretary may adopt emergency rules for the use of foot baths on Vermont farms if the secretary determines such rules are necessary to protect the public health, safety, and welfare.

Fourth: By adding Secs. 10a–10e to read as follows:

Sec. 10a. STATEMENT OF PURPOSE; HUMANE TREATMENT;  
GESTATION

It shall be the purpose of Secs. 10b through 10e of this act related to humane treatment of animals to prohibit the cruel confinement of sows during gestation in a manner that does not allow them to turn around freely, lie down, stand up, or fully extend their limbs.

Sec. 10b. 13 V.S.A. § 351 is amended to read:

§ 351. DEFINITIONS

As used in this chapter:

- (1) “Animal” means all living sentient creatures, not human beings.
- (2) “Secretary” means the secretary of agriculture, food and markets.

\* \* \*

(13) “Livestock and poultry husbandry practices” means the raising, management, and using of animals to provide humans with food, fiber, or transportation in a manner consistent with:

(A) husbandry practices recommended for the species by agricultural colleges and the U.S. Department of Agriculture Extension Service;

(B) husbandry practices modified for the species to conform to the Vermont environment and terrain; and

(C) husbandry practices that minimize pain and suffering.

\* \* \*

(14) “Enclosure” means a cage, crate, or other structure used to confine an animal, including what is commonly described as a “gestation crate” for sows.

(15) “Farm” means the land, buildings, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber and does not include live animal markets.

(16) “Farm owner or operator” means any person who owns or controls the operations of a farm and does not include any nonmanagement employee, contractor, or consultant.

(17) “Fully extending the animal’s limbs” means fully extending all limbs without touching the side of an enclosure.

(18) “Sow in gestation” means a pregnant animal of the porcine species kept for the primary purpose of breeding.

(19) “Turning around freely” means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.

Sec. 10c. 13 V.S.A. § 351b is amended to read:

§ 351b. SCOPE OF SUBCHAPTER

This subchapter shall not apply to:

(1) activities regulated by the department of fish and wildlife pursuant to 10 V.S.A. Part 4 of Title 10;

(2) scientific research governed by accepted procedural standards subject to review by an institutional animal care and use committee;

(3) livestock and poultry husbandry practices for raising, management and use of animals, provided that livestock and husbandry practices for raising, management, and use of animals shall not be an exception to a violation of section 367 of this title;

(4) veterinary medical or surgical procedures; and

(5) the killing of an animal as provided by ~~sections~~ 20 V.S.A. §§ 3809 and 3545 of Title 20.

Sec. 10d. 13 V.S.A. § 353 is amended to read:

§ 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

(a) Penalties.

\* \* \*

(4)(A) Except as provided in subdivision (B) of this subdivision (4), a person found in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be imprisoned not more than one year or fined not more than \$2,000.00, or both. Second and subsequent convictions shall be punishable by a sentence of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

(B) A law enforcement officer shall issue a civil citation to a person who violates subdivision 352(3), (4), or (9) of this title if the person has not been previously adjudicated in violation of this chapter. A person adjudicated in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be assessed a civil penalty of not more than \$500.00. At any time prior to the person admitting the violation and paying the assessed penalty, the state's attorney may withdraw the complaint filed with the judicial bureau and file an information charging a violation of subdivision 352(3), (4), or (9) of this title in the criminal division of the superior court.

(b) In addition to any other sentence the court may impose, the court may require a defendant convicted of a violation under section 352 or 352a of this title to:

(1) Forfeit any rights to the animal subjected to cruelty, and to any other animal, except livestock or poultry owned, possessed, or in the custody of the defendant.

(2) Repay the reasonable costs incurred by any person, municipality, or agency for providing care for the animal prior to judgment. If the court does not order a defendant to pay all the applicable costs incurred or orders only partial payment, it shall state on the record the reasons for that action.

(3) Forfeit any future right to own, possess, or care for any animal for a period which the court deems appropriate.

(4) Participate in available animal cruelty prevention programs or educational programs, or both, or obtain psychiatric or psychological counseling, within a reasonable distance from the defendant's residence. If a juvenile is adjudicated delinquent under section 352 or 352a of this title, the court may order the juvenile to undergo a psychiatric or psychological evaluation and to participate in treatment that the court determines to be appropriate after due consideration of the evaluation. The court may impose the costs of such programs or counseling upon the defendant when appropriate.

(5) Permit periodic unannounced visits for a period up to one year by a humane officer to inspect the care and condition of any animal permitted by the court to remain in the care, custody, or possession of the defendant. Such period may be extended by the court upon motion made by the state.

(6) Enjoin a slaughterer, packer, or stockyard operator, as those terms are defined in 6 V.S.A. § 3131, from operating due to a violation of section 367 of this title.

\* \* \*

Sec. 10e. 13 V.S.A. § 367 is added to read:

§ 367. UNLAWFUL CONFINEMENT OF SOW DURING GESTATION

(a) Prohibition. No farm owner or operator may knowingly tether or confine a sow during gestation in an enclosure in a manner that prevents the sow from turning around freely, lying down, standing up, and fully extending its limbs.

(b) Exceptions. The prohibition in subsection (a) of this section shall not apply:

(1) During examination or testing or individual treatment of or operation on an animal for veterinary purposes;

(2) During transportation;

(3) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions or educational programs;

(4) To the humane slaughter of an animal in accordance with 6 V.S.A. chapter 201 and the rules adopted pursuant to 6 V.S.A. § 3133 pertaining to the slaughter of animals; and

(5) To a sow during the seven-day period prior to the sow's expected date of giving birth.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. McAllister of Highgate** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By striking Secs. 10a through 10e and inserting in lieu thereof new Secs. 10a and 10b to read:

Sec. 10a. FINDINGS

The general assembly finds and declares that for the purposes of the maple products labeling part of this act:

(1) Maple syrup production capacity has increased significantly in recent years.

(2) There is increased interest in maple syrup that is certified for food safety.

(3) The Vermont sugaring industry has requested the creation of a voluntary certification program.

Sec. 10b. 6 V.S.A. § 488a is added to read:

§ 488a. VOLUNTARY CERTIFICATION

The secretary may establish by rule a voluntary program for maple syrup production certification which shall be made available upon the request of a person engaged in producing maple syrup or maple products, a dealer, or a processor. The secretary may obtain from the person engaged in producing maple syrup or maple products, the dealer, or the processor reimbursement for the cost of the inspection certification incurred by the agency. The reimbursement fee charged for certification shall be reasonably proportionate to the cost of performing the inspection.

Which was agreed to.

### **Recess**

At eleven o'clock and fifty-five minutes in the forenoon, the Speaker declared a recess until twelve o'clock and forty-five minutes in the afternoon.

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

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**Rules Suspended; Addendum to the Committee of  
Conference Report Adopted**

**S. 113**

On motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools

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

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

To the Senate and House of Representatives:

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

Respectfully reported that it has met and considered the same and recommended that the Senate accede to the House proposals of amendment in the first, second, and fourth instances, that the House recede from its third proposal of amendment, and that the bill be further amended as follows:

First: After Sec. 2, before the internal reference preceding Sec. 3, by adding two new sections to be Secs. 2a and 2b to read:

Sec. 2a. 16 V.S.A. § 131 is amended to read:

§ 131. DEFINITIONS

For the purposes of this subchapter, “comprehensive health education” means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment. The term includes the study of:

\* \* \*

(11) How to recognize and prevent sexual abuse and sexual violence, including developmentally appropriate instruction about promoting healthy and respectful relationships, developing and maintaining effective communication with trusted adults, recognizing sexually offending behaviors, and gaining awareness of available school and community resources. An employee of the school shall be in the room during the provision of all instruction or information presented under this subdivision (11).

Sec. 2b. REPORT; MANDATORY REPORTERS

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On or before January 15, 2013, the commissioner for children and families or designee, the commissioner of education or designee, and a representative of the Vermont Network Against Domestic and Sexual Violence shall consider and present recommendations to the general assembly for best practices in responding to a student's disclosures of abuse or neglect revealed in connection with the provision of comprehensive health education under 16 V.S.A. § 131(11).

Second: By striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. EDUCATIONAL OPPORTUNITIES WORKING GROUP

(a) There is created a working group that, in consultation with the James M. Jeffords Center for Policy Research at the University of Vermont ("the Jeffords Center"), shall review and evaluate how Vermont's current education system allocates financial and other resources in a way that promotes high quality, equitable educational opportunities for students throughout the state and how impediments to opportunity, such as poverty and substance abuse, may be mitigated. Using a facilitated process, the working group shall identify the data needed to fulfill its charge, the availability of the data, and the process by which it will obtain the data.

(b) The working group shall be composed of:

- (1) one member of the house appointed by the speaker of the house;
- (2) one member of the senate appointed by the committee on committees;
- (3) one member of the administration appointed by the governor; and
- (4) three members of the public, one each appointed by the governor, the speaker, and the committee on committees.

(c) The office of legislative council, the joint fiscal office, the office of finance and management, and the departments of education, of information and innovation, and of taxes shall assist the working group to identify the data required for its examination of the issues outlined in this section.

(d) Appointments pursuant to subsection (b) of this section shall be made by June 1, 2012. The office of legislative council shall convene the first meeting of the working group by July 1, 2012, at which meeting the members shall elect a chair and design the facilitated process to guide the group's work.

(e) By December 15, 2012, the working group shall report to the house and senate committees on education its findings and recommendations for the design of further studies and implementation strategies.

(f) The working group may meet no more than six times during the 2012–2013 interim. For attendance at meetings during adjournment of the general assembly, legislative members of the working group shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406. Members of the public shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

(g) The working group may spend up to \$30,000.00 of funds appropriated to the legislature for fiscal year 2013 for research services and other assistance from the Jeffords Center as the working group establishes a work plan and conducts its evaluations.

Third: In Sec. 6, in 16 V.S.A. § 570(d)(2) (harassment, hazing, and bullying prevention advisory council), by striking out subdivision (G) in its entirety and inserting in lieu thereof a new subdivision (G) to read:

(G) other members selected by the commissioner, at least one of whom shall be a current secondary student who has witnessed or experienced harassment, hazing, or bullying in the school environment.

COMMITTEE ON THE PART OF  
THE SENATE

SEN. KEVIN J. MULLIN  
SEN. PHILIP E. BARUTH  
SEN. SARA BRANON KITTELL

COMMITTEE ON THE PART OF  
THE HOUSE

REP. JOHANNAH L. DONOVAN  
REP. GARY L. GILBERT  
REP. SARAH E. BUXTON

Pending the question, Shall the House adopt the report of the Committee of Conference? **Rep. Donovan of Burlington** moved to adopt the Addendum to the Committee of Conference report as follows:

That the initial Report of the Committee of Conference be rescinded, that the House recede from its proposals of amendment, and that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Sec. 2 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 2. SCHOOL DISTRICT MERGER INCENTIVE PROGRAM

\* \* \*

~~(c) Board vote. On or before October 1, 2012, each supervisory union board shall vote whether to perform a more comprehensive analysis of potential merger, and shall report the results of its vote to the commissioner of education and the voters of each member school district. [Repealed.]~~

\* \* \* Reimbursement; Initial Exploration of Joint Activity \* \* \*

Sec. 2. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;  
INITIAL EXPLORATION OF JOINT ACTIVITY; SUPERVISORY  
UNIONS; SCHOOL DISTRICTS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$5,000.00 of fees paid by two or more supervisory unions or two or more school districts for facilitation, legal, and other consulting services necessary for initial exploration of the value of providing services or performing duties jointly, which may include community engagement and lead to the identification of possible joint action, including the provision of shared programming, the operation of a joint contract school, the merger of supervisory unions, or the creation of union school districts pursuant to 16 V.S.A. chapter 11, subchapter 4 or the variations authorized by Secs. 15, 16, and 17 of this act and by No. 153 of the Acts of the 2009 Adj. Sess. (2010).

(b) This section is repealed on July 1, 2017.

\* \* \* Reimbursement; Joint Activity other than Merger \* \* \*

Sec. 3. REPEAL

Sec. 9a of No. 153 of the Acts of the 2009 Adj. Sess. (2010) (\$10,000.00 reimbursement of transitional costs for supervisory unions performing duties jointly) is repealed.

Sec. 4. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;  
JOINT ACTIVITY OTHER THAN MERGER; SUPERVISORY  
UNIONS; SCHOOL DISTRICTS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$10,000.00 of fees paid by two or more supervisory unions or two or more school districts for:

(1) legal and other consulting services necessary to analyze in detail the advisability of providing services or performing duties jointly that will result in a measurable increase in opportunities for students and a decrease in costs; or

(2) transitional costs necessary to enter into and implement agreements to provide those services or perform those duties jointly; or

(3) both subdivisions (1) and (2) of this subsection.

(b) Each group of supervisory unions or school districts shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon submission to the commissioner of a written statement of the entities' analysis and conclusions, provided that no payment shall cause the total amount paid to exceed the \$10,000.00 limit.

(c) A group of supervisory unions or school districts that receives reimbursement under this section shall not be eligible to receive additional reimbursement under Sec. 5 or 9 of this act for the same proposal.

(d) This section is repealed on July 1, 2017.

\* \* \* Reimbursement and Incentives; Merger of Supervisory Unions \* \* \*

Sec. 5. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;  
MERGER; SUPERVISORY UNIONS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$20,000.00 of fees paid by two or more supervisory unions for legal and other consulting services necessary to analyze the advisability of the merger into a fewer number of supervisory unions and to prepare a petition to the state board of education requesting adjustment of supervisory union boundaries.

(b) Each group of supervisory unions shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon submission of either a petition to the state board requesting that the boundaries be redrawn or a written statement of the entities' analysis supporting preservation of the current boundaries, provided that no payment shall cause the total amount paid to exceed the \$20,000.00 limit.

(c) Any transition facilitation grant funds paid pursuant to Sec. 6 of this act shall be reduced by the total amount of reimbursement provided under this section.

(d) This section is repealed on July 1, 2017.

Sec. 6. TRANSITION FACILITATION GRANT; MERGER;  
SUPERVISORY UNIONS; SUNSET

(a) After state board of education approval of the petition of two or more supervisory unions to merge into a fewer number of supervisory unions, the commissioner of education shall pay to the new supervisory union board or the new group of boards a transition facilitation grant from the education fund of \$150,000.00, less reimbursement funds received under Sec. 5 of this act.

(b) This section is repealed on July 1, 2017.

Sec. 7. APPLICABILITY; RUTLAND-WINDSOR AND WINDSOR  
SOUTHWEST SUPERVISORY UNIONS

If on or before July 1, 2012 the state board of education approves the petition of the Rutland-Windsor and Windsor Southwest Supervisory Unions

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to merge into a single, new supervisory union on or before July 1, 2013, then the new supervisory union shall be eligible to receive:

- (1) the transition facilitation grant available under Sec. 6 of this act; and
- (2) a one-time grant of \$100,000.00 from the education fund for the purposes of reducing taxes in the affected towns during fiscal year 2014.

#### Sec. 8. SUPERVISORY UNION SIZE AND STRUCTURE

(a) The secretary of administration or designee, in consultation with the commissioner of education or designee, shall explore the purpose, structure, duties, and authority of supervisory unions and design a revised structure based roughly on existing technical center service regions that results in no more than three supervisory unions within each region. The primary purpose of any design shall be to improve education quality. The secretary shall analyze the feasibility of the revised structure and shall develop a plan of transition. Among other things, the secretary shall:

(1) consider the optimal size of supervisory unions, in terms of geography and numbers of students, technical centers, schools, and school districts served;

(2) consider structural elements, such as:

(A) management models;

(B) staffing, including the most appropriate way to address existing contracts, staff consolidation, and salary equalization;

(C) special education services;

(D) financial and other data collection and management systems;

(E) transportation, including ownership of buses, merger of systems, and consolidation of routes;

(F) supervisory union boards, including structure, selection of members, district representation, and the purpose, authority, and membership of executive committees;

(G) supervisory union budgets, including the manner in which they are adopted and the method by which costs are assessed to the member districts;

(H) ownership of real and personal property;

(I) ability to borrow money; and

(J) alignment of curricula and calendars;

(3) consider ways in which the department and state board of education would support transition to a proposed structure; and

(4) estimate both the financial cost of transitioning to and the potential savings in the proposed structure.

(b) By January 15, 2013, the secretary shall report to the senate and house committees on education on the work required by this section. The secretary shall also provide recommendations for legislative action necessary to implement its proposed plan.

\* \* \* Reimbursement and Incentives; Merger of School Districts \* \* \*

Sec. 9. REIMBURSEMENT OF FEES FOR CONSULTING SERVICES;  
MERGER; SCHOOL DISTRICTS; SUNSET

(a) From the education fund, the commissioner of education shall reimburse up to \$20,000.00 of fees paid by a study committee established under 16 V.S.A. § 706 for legal and other consulting services necessary to analyze the advisability of creating a union school district or a unified union school district and to prepare the report required by 16 V.S.A. § 706b.

(b) The study committee shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the remaining one-half upon submission of the final report pursuant to 16 V.S.A. § 706c, provided that no payment shall cause the total amount paid to exceed the \$20,000.00 limit.

(c) Any transition facilitation grant funds paid to the union school board pursuant to Sec. 11 of this act shall be reduced by the total amount of reimbursement provided under this section.

(d) A regional education district ("RED") receiving incentives pursuant to Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act is not eligible to receive reimbursement under this section.

(e) This section is repealed on July 1, 2017.

Sec. 10. REPEAL

Sec. 168a of No. 122 of the Acts of the 2003 Adj. Sess. (2004), as amended by Sec. 23 of No. 66 of the Acts of 2007 and further amended by Sec. 5 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) (\$150,000.00 or five-percent transition aid to merging school districts), is repealed.

Sec. 11. TRANSITION FACILITATION GRANT; MERGER; SCHOOL  
DISTRICTS; SUNSET

(a) After voter approval of the establishment of a union, unified union, or interstate school district, the commissioner of education shall pay to the district a transition facilitation grant from the education fund equal to the lesser of:

(1) five percent of the base education amount established in 16 V.S.A. § 4001(13) multiplied by the greater of either the combined enrollment or the average daily membership of the merging districts on October 1 of the year in which the successful vote is taken; or

(2) \$150,000.00.

(b) A grant awarded under this section shall be reduced by the total amount of reimbursement paid under Sec. 9 of this act.

(c)(1) A RED receiving incentives pursuant to Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act ("Act 153") is not eligible to receive a grant under this section.

(2) An interstate, union, or unified union school district, including a RED, that expands by merging with one or more additional school districts is not eligible to receive a grant under this section if the original merged district received a transition facilitation grant under this section, Act 153, or Sec. 168a of No. 122 of the Acts of the 2003 Adj. Sess. (2004), as amended by Sec. 23 of No. 66 of the Acts of 2007, as further amended by Sec. 5 of No. 153 of the Acts of the 2009 Adj. Sess. (2010), and as repealed by Sec. 10 of this act.

(d) This section is repealed on July 1, 2017.

#### Sec. 12. APPLICABILITY; JOINT CONTRACT SCHOOL

A transition facilitation grant pursuant to Sec. 11 of this act shall be paid proportionally based on enrollment to any group of districts if in fiscal year 2012 or 2013 the voters of each district approve the issuance of bonds upon which establishment of a joint contract school is conditioned. The combined enrollment of the grades newly being offered jointly by the contracting districts shall be used to calculate the amount awarded.

\* \* \* Incentives; Regional Education Districts \* \* \*

Sec. 13. Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

#### Sec. 4. VOLUNTARY SCHOOL DISTRICT MERGER; INCENTIVES

(a) Equalized homestead property tax rates or RED incentive grant. A RED's plan of merger shall provide whether, upon merger, the RED shall receive an equalization of its homestead property tax rates during the first four years following merger or an incentive grant during the first year following merger.

(1)(A) Equalized homestead property tax rates. Subject to the provisions of subdivision ~~(2)(C)~~ of this ~~subsection~~ subdivision (1) and notwithstanding any other provision of law, the RED's equalized homestead property tax rate shall be:

- (i) decreased by \$0.08 in the first year after the effective date of merger;
- (ii) decreased by \$0.06 in the second year after the effective date of merger;
- (iii) decreased by \$0.04 in the third year after the effective date of merger; and
- (iv) decreased by \$0.02 in the fourth year after the effective date of merger.

(B) The household income percentage shall be calculated accordingly.

~~(2)(C)~~ During the years in which a RED's equalized homestead property tax rate is decreased pursuant to this subsection, the rate for each town within the RED shall not increase or decrease by more than five percent in a single year. The household income percentage shall be calculated accordingly.

(2) RED incentive grant. During the first year after the effective date of merger, the commissioner of education shall pay to the RED board a RED incentive grant from the education fund equal to \$400.00 per pupil based on the combined enrollment of the participating districts on October 1 of the year in which the successful vote was taken. The grant shall be in addition to funds received under 16 V.S.A. § 4028.

(3) ~~On~~ Common level of appraisal. Regardless of whether a RED chooses to receive an equalization of its homestead property tax rates or a RED incentive grant, on and after the effective date of merger, the common level of appraisal shall be calculated independently for each town within the RED for purposes of determining the homestead property tax rate for each town.

\* \* \*

(e) Consulting services reimbursement grant. From the education fund, the commissioner of education shall pay up to \$20,000.00 to the merger study committee established under 16 V.S.A. § 706 to reimburse the participating districts for legal and other consulting fees necessary for the analysis and report required by 16 V.S.A. § 706b. The study committee shall forward invoices to the commissioner on a quarterly basis. The commissioner shall reimburse one-half of the total amount reflected in each set of invoices and the

remaining one-half upon completion of the final report, provided that no payment shall cause the total amount paid to exceed the \$20,000.00 limit. In addition, any transition facilitation grant funds paid to the RED pursuant to ~~Sec. 5 of this act~~ subsection (g) of this section shall be reduced by the total amount of ~~funds provided~~ reimbursement paid under this subsection (e).

\* \* \*

~~(g) Recent merger. If the Addison Northwest Unified Union School District becomes a body corporate and politic on or before July 1, 2010, then the merged district shall be entitled to receive any of the benefits set forth in this section that it elects and is otherwise eligible to receive if, on or before July 1, 2011:~~

~~(1) it notifies the commissioner of its election; and~~

~~(2) it provides the commissioner with a cost benefit analysis as required by Sec. 3(h) of this act. Transition facilitation grant.~~

(1) After voter approval of the plan of merger, the commissioner of education shall pay the RED a transition facilitation grant from the education fund equal to the lesser of:

(A) five percent of the base education amount established in 16 V.S.A. § 4001(13) multiplied by the greater of either the combined enrollment or the average daily membership of the merging districts on October 1 of the year in which the successful vote is taken; or

(B) \$150,000.00.

(2) A transition facilitation grant awarded under this subsection (g) shall be reduced by the total amount of reimbursement paid under subsection (e) of this section.

(h) This section is repealed on July 1, 2017.

\* \* \* Interstate School Districts \* \* \*

Sec. 14. Sec. 2(a) of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(a) Program created. There is created a school district merger incentive program under which the incentives outlined in Sec. 4 of this act shall be available to each new unified union school district created pursuant to Sec. 3 of this act ~~and~~; to each new district created under ~~that section~~ Sec. 3 of this act by the merger of districts that provide education by paying tuition; and to the Vermont members of any new interstate school district if the Vermont members jointly satisfy the size criterion of Sec. 3(a)(1) of this act and the new, merged district meets all other requirements of Sec. 3 of this act.

Incentives shall be available, however, only if the effective date of merger is on or before July 1, 2017.

\* \* \* Other Types of Mergers Eligible for RED Incentives \* \* \*

Sec. 15. TWO OR MORE MERGERS; REGIONAL EDUCATION DISTRICT INCENTIVES

(a) Notwithstanding Sec. 3(a)(1) of No. 153 of the Acts of the 2009 Adj. Sess. (2010) that requires a single regional education district ("RED") to have an average daily membership of at least 1,250 or result from the merger of at least four districts, or both, two or more new districts shall be eligible jointly for the incentives provided in Sec. 4 of No. 153 if:

(1) each new district is formed by the merger of at least two existing districts;

(2) each new district meets all criteria for RED formation other than the size criterion of Sec. 3(a)(1) of No. 153;

(3) one of the new districts provides education in all elementary and secondary grades by operating one or more schools and the other new district or districts pay tuition for students in one or more grades;

(4) each new district has the same effective date of merger;

(5) the new districts, when merged, are members of one supervisory union; and

(6) the new districts jointly satisfy the size criterion of Sec. 3(a)(1) of No. 153.

(b) This section is repealed on July 1, 2017.

Sec. 16. UNION ELEMENTARY SCHOOL DISTRICTS; REGIONAL EDUCATION DISTRICT INCENTIVES

(a) If a majority of the local elementary school districts in the member towns of an existing union high school district merge to form a union elementary school district pursuant to 16 V.S.A. chapter 11 that operates all grades not offered by the union high school district, then, notwithstanding provisions of No. 153 of the Acts of the 2009 Adj. Sess. (2010) to the contrary, the new union elementary school district is eligible for the incentives provided to a regional education district ("RED") in Sec. 4 of that act, provided that the new district complies with the employment and labor relations provisions of Sec. 4(g) of that act and further provided that the effective date of the merger into the union elementary school district is within the period required for RED formation.

(b) This section is repealed on July 1, 2017.

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Sec. 17. MODIFIED UNIFIED UNION SCHOOL DISTRICT

(a) Notwithstanding any provision of law to the contrary:

(1)(A) if all local elementary school districts in the member towns of an existing union high school or union middle school-high school district (“union high school district”) vote whether to establish a unified union school district providing prekindergarten or kindergarten through grade 12; and

(B) if a majority but not all of the elementary school districts votes in favor of establishing the unified union school district; then

(2) a new modified union school district (the “modified union school district”) shall be established that shall:

(A) provide to the students residing in the member towns of the union high school district education in those grades provided by the union high school district; and

(B) provide elementary education to the students residing in the current elementary school districts that voted in favor of the unified union school district.

(b) Establishment of the modified union school district shall:

(1) dissolve the union high school district, and any assets or liabilities held by the union high school district shall be transferred to the modified union school district; and

(2) dissolve the elementary school districts that voted in favor of establishing the unified union school district, and any assets or liabilities they hold as individual districts shall be transferred to the modified union school district.

(c) Notwithstanding provisions of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act to the contrary, the modified union school district is eligible for the incentives provided to a regional education district (“RED”) in Sec. 4 of that act, provided that the modified union school district complies with the employment and labor relations provisions of Sec. 4(g) of that act and further provided that the effective date of the merger into the modified union school district is within the period required for RED formation.

(d) This section is repealed on July 1, 2017.

\* \* \* Union School Districts Including REDs; Process \* \* \*

Sec. 18. 16 V.S.A. § 706c is amended to read:

§ 706c. CONSIDERATION BY LOCAL SCHOOL DISTRICT BOARDS AND APPROVAL BY STATE BOARD OF EDUCATION

(a) If a study committee prepares a report under section 706b of this chapter, the committee shall transmit the report to the school boards of each school district that participated in the study committee and any other school districts that the report identifies as necessary or advisable to the establishment of the proposed union school district for the review and comment of each school board.

(b) The study committee shall transmit the report to the commissioner who shall submit the report with his or her recommendations to the state board of education. That board after notice to the study committee and after giving the committee an opportunity to be heard shall consider the report and the commissioner's recommendations, and decide whether the formation of such union school district will be for the best interest of the state, the students, and the school districts proposed to be members of the union. The board may request the commissioner and the study committee to make further investigation and may consider any other information deemed by it to be pertinent. If, after due consideration and any further meetings as it may deem necessary, the board finds that the formation of the proposed union school district is in the best interests of the state, the students, and the school districts, it shall approve the report submitted by the committee, together with any amendments, as a final report of the study committee, and shall give notice of its action to the committee. The chair of the study committee shall file a copy of the final report with the town clerk of each proposed member district at least 20 days prior to the vote to establish the union.

Sec. 19. 16 V.S.A. § 706n is amended to read:

§ 706n. AMENDMENTS TO AGREEMENTS REACHED BY  
ESTABLISHMENT VOTE, ORGANIZATION MEETING, OR  
FINAL REPORT

(a) Any A specific condition or agreement set forth as a distinct subsection under Article 1 of the warning required by section 706f of this chapter and adopted by the member districts pursuant to section 706f of this chapter at the vote held to establish the union school district, or any amendment subsequently adopted pursuant to the terms of this section, may be amended only at a special or annual union district meeting; provided that the prior approval of the state board of education shall be secured if the proposed amendment concerns reducing the number of grades that the union is to operate. The warning for the meeting shall contain each proposed amendment as a separate article. The vote on each proposed amendment shall be by Australian ballot. Ballots shall be counted in each member district, and the clerks of each member district shall transmit the results of the vote in that district to the union school district clerk. Results Although the results shall be reported to the public by member

district; ~~however, no, an~~ amendment is effective ~~unless if~~ approved by a majority of ~~those~~ the electorate of the union district voting at that meeting.

(b) Any decision at the organization meeting may be amended by a majority of those present and voting at a union district meeting duly warned for that purpose.

(c) Any provision of the final report ~~which was not contained in a separate article that was included~~ in the warning required pursuant to section 706f of this chapter for the vote to form the union by reference to or incorporation of the entire report but that was not set forth as a distinct subsection under Article 1 of the warning may be amended by a simple majority vote of the union board of school directors, or by any other majority of the board as is specified for a particular matter in the report.

\* \* \* Special Education; Transition to Employment

by Supervisory Unions \* \* \*

Sec. 20. Sec. 23(b) of No. 153 of the Acts of the 2009 Adj Sess. (2010), as amended by Sec. 1 of No. 30 of the Acts of 2011, is further amended to read:

(b) Secs. 9 through 12 of this act shall take effect on passage and shall be fully implemented on July 1, 2013, subject to the provisions of existing contracts; provided, however, that the special education provisions of Sec. 9, 16 V.S.A. § 261a(a)(6), and the transportation provisions of Sec. 9, 16 V.S.A. § 261a(a)(8)(E), shall be fully implemented on July 1, 2014.

Sec. 21. SUPERVISORY UNION EMPLOYEES; SPECIAL EDUCATION;  
WORKING GROUP

(a) On or before July 1, 2012, the commissioner of education or the commissioner's designee shall convene a working group to develop a detailed plan by which supervisory unions shall fully implement, by July 1, 2014, the transition of special education staff employed by school districts to employment by supervisory unions as required by 16 V.S.A. § 261a(a)(6).

(b) The working group shall include department staff and representatives from at least the following constituencies: superintendents; school boards; principals; special educators; a teachers' organization as defined in 16 V.S.A. chapter 57; and business managers.

(c) The working group shall report to the advisory council on special education created by 16 V.S.A. § 2945 and to the house and senate committees on education during the first week of the 2013 and 2014 legislative sessions regarding the progress of the plan required by this section, including a description of the ways in which specific impediments to implementation are being addressed. The working group also shall identify any amendments to

statute necessary to achieve implementation by July 1, 2014 of the requirements of 16 V.S.A. § 261a.

\* \* \* Appropriation \* \* \*

Sec. 22. APPROPRIATION

The sum of \$650,000.00 is appropriated from the education fund to be used for the purposes of this act in fiscal year 2013.

\* \* \* Excess Spending Provisions \* \* \*

Sec. 23. 16 V.S.A. § 4001(6)(B) is amended to read:

(B) For purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), “education spending” shall not include:

\* \* \*

(viii) Tuition paid by a district that does not operate a school and pays tuition for all resident students in kindergarten through grade 12, except in a district in which the electorate has authorized payment of an amount higher than the statutory rate pursuant to subsection 823(b) or 824(c) of this title.

\* \* \* Vermont Municipal Employees’ Retirement System; Special Education Instructional Assistants and Transportation Employees; Transfer to Supervisory Union \* \* \*

Sec. 24. 24 V.S.A. § 5051(10) and (11) are amended to read:

(10) “Employee” means the following persons employed on a regular basis by a school district or by a supervisory union for not less no fewer than 1,040 hours in a year and for not less no fewer than 30 hours a week for the school year, as defined in section 1071 of Title 16 V.S.A. § 1071, or for not less no fewer than 1,040 hours in a year and for not less no fewer than 24 hours a week year-round; provided, however, that if a person who was employed on a regular basis by a school district as either a special education or transportation employee and who was transferred to and is working in a supervisory union in the same capacity pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) and if that person is also employed on a regular basis by a school district within the supervisory union, then the person is an “employee” if these criteria are met by the combined hours worked for the supervisory union and school district. The term shall also mean persons employed on a regular basis by a municipality other than a school district for not less no fewer than 1,040 hours in a year and for not less no fewer than 24 hours per week, including persons employed in a library at least half one-half of whose operating expenses are met by municipal funding:

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\* \* \*

(11) “Employer” means a municipality ~~or~~, a library at least ~~half~~ one-half of whose operating expenses are paid from municipal funds, or a supervisory union.

Sec. 25. 24 V.S.A. § 5053a is added to read:

§ 5053a. EMPLOYEES OF A SUPERVISORY UNION

(a) For purposes of this section, the term “transferred employee” means an employee under this chapter who transitioned from employment solely by a school district to employment, wholly or in part, by a supervisory union pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) as amended on June 3, 2010.

(b) A transferred employee from a participating school district shall remain an employee of the school district solely for the purpose of employer participation and employee membership in the system regardless of whether the supervisory union is a participant in the system on the date of transition. The membership and benefits of the transferred employee shall not be impaired or reduced by either negotiations with the supervisory union or school district under 21 V.S.A. chapter 22 or otherwise.

(c) If a supervisory union is a participant in the system on the date of transition, then:

(1) a transferred employee from a nonparticipating district shall not become a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee’s behalf;

(2) an existing employee of the supervisory union on the date of transition shall be a member to the extent the supervisory union is or becomes a participant in the system on the employee’s behalf; and

(3) a new employee of the supervisory union after the date of transition shall be a member to the extent the supervisory union is or becomes a participant in the system on the employee’s behalf.

(d) If a supervisory union is not a participant in the system on the date of transition, then:

(1) a transferred employee from a nonparticipating district shall not be a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee’s behalf;

(2) an existing employee of the supervisory union on the date of transition shall not be a member of the system unless, through negotiations

with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee's behalf; and

(3) a new employee of the supervisory union after the date of transition shall not be a member of the system unless, through negotiations with the supervisory union under 21 V.S.A. chapter 22, the supervisory union becomes a participant in the system on the employee's behalf.

Sec. 26. TRANSITION; NEWLY MERGED DISTRICTS

(a) If two or more districts merge to form a union school district pursuant to 16 V.S.A. chapter 11, subchapter 4, or a regional education district pursuant to No. 153 of the Acts of the 2009 Adj. Sess. (2010) ("the new district") prior to the date on which employees covered by the municipal employees' retirement system provisions of 24 V.S.A. chapter 125 ("the system") transitioned from employment solely by a school district to employment, wholly or in part, by a supervisory union pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) as amended on June 3, 2010 ("the transition date"), then:

(1) on the first day of merger, the new district shall be a participant in the system on behalf of:

(A) an employee from a school district that merged to form the new district if the merging district was a participant in the system prior to merger; and

(B) a new employee hired by the new district after the effective date of merger into a job classification for which the new district is a participant in the system, if any;

(2) an employee from a school district that was not a participant in the system prior to merger shall not be a member of the system unless, through negotiations with the new district under 21 V.S.A. chapter 22, the new district becomes a participant in the system on the employee's behalf.

(b) If a new district is formed after the transition date, then the new district shall assume the responsibilities of any one or more of the merging districts that participate in the system; provided, however, that this subsection shall not be construed to extend benefits to an employee who would not otherwise be a member of the system under any other provision of law.

(c) The existing membership and benefits of an employee shall not be impaired or reduced either by negotiations with the new district under 21 V.S.A. chapter 22 or otherwise.

(d) In addition to general responsibility for the operation of the Vermont municipal employees' retirement system pursuant to 24 V.S.A. § 5062(a), the

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responsibility for implementation of all sections of this act relating to the system is vested in the retirement board.

\* \* \* Abuse Reporting \* \* \*

Sec. 27. 16 V.S.A. § 563a is amended to read:

§ 563a. ~~SCHOOL BOARDS;~~ PREVENTION, IDENTIFICATION, AND REPORTING OF CHILD SEXUAL ABUSE AND SEXUAL VIOLENCE

~~The~~ Each school board of a school district and governing body of an approved or recognized independent school shall ensure that adults employed in the schools ~~maintained by the district~~ within its jurisdiction receive orientation, information, or instruction on the prevention, identification, and reporting of child sexual abuse, as defined in 33 V.S.A. § 4912(8), and sexual violence. This shall include information regarding the signs and symptoms of sexual abuse, sexual violence, grooming processes, recognizing the dangers of child sexual abuse in and close to the home, and other predatory behaviors of sex offenders. The school board ~~or governing body~~ shall also provide opportunities for parents, guardians, and other interested persons to receive the same information. The department of education and the agency of human services shall provide materials and technical support to any school board or governing body that requests assistance in implementing this section.

Sec. 28. 33 V.S.A. § 4913(a) is amended to read:

(a) Any physician, surgeon, osteopath, chiropractor, or physician's assistant licensed, certified, or registered under the provisions of Title 26, any resident physician, intern, or any hospital administrator in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, emergency medical personnel as defined in 24 V.S.A. § 2651(6), dentist, psychologist, pharmacist, any other health care provider, child care worker, school superintendent, headmaster of an approved or recognized independent school as defined in 16 V.S.A. § 11, school teacher, school librarian, school principal, school guidance counselor, and any other individual who is ~~regularly~~ employed by a school district or an approved or recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services ~~for five or more hours per week during the school year~~, mental health professional, social worker, probation officer, any employee, contractor, and grantee of the agency of human services who have contact with clients, police officer, camp owner, camp administrator, camp counselor, or member of the clergy who has reasonable cause to believe that any child has been abused or neglected shall report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours. As used in this

subsection, “camp” includes any residential or nonresidential recreational program.

Sec. 29. 16 V.S.A. § 131 is amended to read:

§ 131. DEFINITIONS

For the purposes of this subchapter, “comprehensive health education” means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment. The term includes the study of:

\* \* \*

(11) How to recognize and prevent sexual abuse and sexual violence, including developmentally appropriate instruction about promoting healthy and respectful relationships, developing and maintaining effective communication with trusted adults, recognizing sexually offending behaviors, and gaining awareness of available school and community resources. An employee of the school shall be in the room during the provision of all instruction or information presented under this subdivision (11).

Sec. 30. REPORT; MANDATORY REPORTERS

On or before January 15, 2013, the commissioner for children and families or designee, the commissioner of education or designee, and a representative of the Vermont Network Against Domestic and Sexual Violence shall consider and present recommendations to the general assembly for best practices in responding to a student’s disclosures of abuse or neglect revealed in connection with the provision of comprehensive health education under 16 V.S.A. § 131(11).

\* \* \* Working Group \* \* \*

Sec. 31. EDUCATIONAL OPPORTUNITIES WORKING GROUP

(a) There is created a working group that, in consultation with the James M. Jeffords Center for Policy Research at the University of Vermont (“the Jeffords Center”), shall review and evaluate how Vermont’s current education system allocates financial and other resources in a way that promotes high quality, equitable educational opportunities for students throughout the state and how impediments to opportunity, such as poverty and substance abuse, may be mitigated. Using a facilitated process, the working group shall identify the data needed to fulfill its charge, the availability of the data, and the process by which it will obtain the data.

(b) The working group shall be composed of:

- 
- (1) one member of the house appointed by the speaker of the house;
  - (2) one member of the senate appointed by the committee on committees;
  - (3) one member of the administration appointed by the governor; and
  - (4) three members of the public, one each appointed by the governor, the speaker, and the committee on committees.

(c) The office of legislative council, the joint fiscal office, the office of finance and management, and the departments of education, of information and innovation, and of taxes shall assist the working group to identify the data required for its examination of the issues outlined in this section.

(d) Appointments pursuant to subsection (b) of this section shall be made by June 1, 2012. The office of legislative council shall convene the first meeting of the working group by July 1, 2012, at which meeting the members shall elect a chair and design the facilitated process to guide the group's work.

(e) By December 15, 2012, the working group shall report to the house and senate committees on education its findings and recommendations for the design of further studies and implementation strategies.

(f) The working group may meet no more than six times during the 2012–2013 interim. For attendance at meetings during adjournment of the general assembly, legislative members of the working group shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406. Members of the public shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

(g) The working group may spend up to \$30,000.00 of funds appropriated to the legislature for fiscal year 2013 for research services and other assistance from the Jeffords Center as the working group establishes a work plan and conducts its evaluations.

\* \* \* Harassment, Hazing, and Bullying Advisory Council \* \* \*

Sec. 32. 16 V.S.A. § 570(d)(2)(G) is amended to read:

(G) other members selected by the commissioner, at least one of whom shall be a current secondary student who has witnessed or experienced harassment, hazing, or bullying in the school environment.

\* \* \* Designated Schools; Tuition \* \* \*

Sec. 33. 16 V.S.A. § 827(e) is amended to read:

(e) Notwithstanding any other provision of law to the contrary:

(1) the school districts of Pawlet, Rupert, and Wells may designate a public high school located in New York as the public high school of the district pursuant to the provisions of this section; ~~and~~

(2) unless otherwise directed by an affirmative vote of the school district, when the Wells board approves parental requests to pay tuition to a nondesignated approved independent or public school, the board shall pay tuition in an amount not to exceed the base education amount as determined under section 4011 of this title for the fiscal year in which tuition is being paid; and

(3) unless otherwise directed by an affirmative vote of the school district, when the Strafford board approves a parental request to pay tuition to a nondesignated approved independent or public school, the board shall pay tuition to the nondesignated school pursuant to section 824 of this title for the year in which the pupil is enrolled; provided, however, that it shall not pay tuition in an amount that exceeds the tuition paid to the designated school for the same academic year.

\* \* \* Effective Dates \* \* \*

#### Sec. 34. EFFECTIVE DATES; IMPLEMENTATION

(a) This section and Secs. 7, 8, 12, 24–31, and 33 of this act shall take effect on passage; provided that Sec. 33 shall apply to enrollment in the 2012–2013 academic year and after.

(b) All other sections of this act shall take effect on July 1, 2012.

COMMITTEE ON THE PART OF  
THE SENATE

SEN. KEVIN J. MULLIN  
SEN. PHILIP E. BARUTH  
SEN. SARA BRANON KITTELL

COMMITTEE ON THE PART OF  
THE HOUSE

REP. JOHANNAH L. DONOVAN  
REP. GARY L. GILBERT  
REP. SARAH E. BUXTON

Thereupon, **Rep. Olsen of Jamaica** moved to suspend the rules to permit consideration of items in violation of Mason's Manual of Legislative Procedure, Sec. 771(2).

Pending the question, Shall the House suspend rules to take up consideration of the Addendum to the Report of the Committee of Conference? **Rep. Deen of Westminster** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House suspend rules to take up consideration of the Addendum to the Report of the Committee of Conference? was decided in the affirmative. Yeas, 127. Nays, 2. A three-quarters vote of 98 needed.

## Those who voted in the affirmative are:

Acinapura of Brandon	Gilbert of Fairfax	Munger of South Burlington
Ancel of Calais	Grad of Moretown	Nuovo of Middlebury
Andrews of Rutland City	Greshin of Warren	O'Brien of Richmond
Atkins of Winooski	Haas of Rochester	Olsen of Jamaica
Bartholomew of Hartland	Heath of Westford	O'Sullivan of Burlington
Bissonnette of Winooski	Hebert of Vernon	Pearce of Richford
Bohi of Hartford	Helm of Fair Haven	Pearson of Burlington
Bouchard of Colchester	Higley of Lowell	Peaslee of Guildhall
Branagan of Georgia	Hooper of Montpelier	Peltz of Woodbury
Browning of Arlington	Howard of Cambridge	Perley of Enosburgh
Burditt of West Rutland	Hubert of Milton	Poirier of Barre City
Burke of Brattleboro	Jerman of Essex	Potter of Clarendon
Buxton of Tunbridge	Johnson of South Hero	Pugh of South Burlington
Campion of Bennington	Johnson of Canaan	Ralston of Middlebury
Cheney of Norwich	Kilmartin of Newport City	Ram of Burlington
Christie of Hartford	Klein of East Montpelier	Reis of St. Johnsbury
Clark of Vergennes	Koch of Barre Town	Russell of Rutland City
Clarkson of Woodstock	Komline of Dorset	Savage of Swanton
Condon of Colchester	Krebs of South Hero	Scheuermann of Stowe
Conquest of Newbury	Krowinski of Burlington	Shand of Weathersfield
Consejo of Sheldon	Kupersmith of South	Shaw of Pittsford
Copeland-Hanzas of	Burlington	Smith of New Haven
Bradford	Lanpher of Vergennes	South of St. Johnsbury
Courcelle of Rutland City	Larocque of Barnet	Stevens of Waterbury
Crawford of Burke	Lawrence of Lyndon	Stuart of Brattleboro
Dakin of Chester	Lenes of Shelburne	Sweaney of Windsor
Davis of Washington	Leriche of Hardwick	Taylor of Barre City
Deen of Westminster	Lewis of Berlin	Till of Jericho
Degree of St. Albans City	Lippert of Hinesburg	Toll of Danville
Devereux of Mount Holly	Lorber of Burlington	Townsend of Randolph
Dickinson of St. Albans	Macaig of Williston	Trieber of Rockingham
Town	Malcolm of Pawlet	Turner of Milton
Donahue of Northfield	Manwaring of Wilmington	Waite-Simpson of Essex
Donovan of Burlington	Marek of Newfane	Webb of Shelburne
Eckhardt of Chittenden	Martin of Springfield	Wilson of Manchester
Edwards of Brattleboro	Martin of Wolcott	Winters of Williamstown
Ellis of Waterbury	Masland of Thetford	Wizowaty of Burlington
Emmons of Springfield	McAllister of Highgate	Woodward of Johnson
Evans of Essex	McCullough of Williston	Wright of Burlington
Fagan of Rutland City	McFaun of Barre Town	Yantachka of Charlotte
Fisher of Lincoln	Miller of Shaftsbury	Young of Glover
Frank of Underhill	Mook of Bennington	Zagar of Barnard
French of Shrewsbury	Moran of Wardsboro	
French of Randolph	Mrowicki of Putney	

## Those who voted in the negative are:

Kitzmiller of Montpelier	Sharpe of Bristol
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Those members absent with leave of the House and not voting are:

Aswad of Burlington	Head of South Burlington	Myers of Essex
Batchelor of Derby	Howrigan of Fairfield	Partridge of Windham
Botzow of Pownal	Keenan of St. Albans City	Smith of Morristown
Brennan of Colchester	Lewis of Derby	Spengler of Colchester
Canfield of Fair Haven	Marcotte of Coventry	Stevens of Shoreham
Corcoran of Bennington	McNeil of Rutland Town	Strong of Albany
Donaghy of Poultney	Morrissey of Bennington	

Pending the question, Shall the House adopt the Report of the Committee of Conference and the Addendum to the Report of the Committee of Conference? **Rep. Peltz of Woodbury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the Report of the Committee of Conference and the Addendum to the Report of the Committee of Conference? was decided in the affirmative. Yeas, 128. Nays, 2.

Those who voted in the affirmative are:

Acinapura of Brandon	Dickinson of St. Albans Town	Kitzmiller of Montpelier
Ancel of Calais	Donahue of Northfield	Klein of East Montpelier
Andrews of Rutland City	Donovan of Burlington	Koch of Barre Town
Atkins of Winooski	Eckhardt of Chittenden	Komline of Dorset
Bartholomew of Hartland	Edwards of Brattleboro	Krebs of South Hero
Bissonnette of Winooski	Ellis of Waterbury	Krowinski of Burlington
Bohi of Hartford	Emmons of Springfield	Kupersmith of South Burlington
Botzow of Pownal	Evans of Essex	Lanpher of Vergennes
Bouchard of Colchester	Fagan of Rutland City	Larocque of Barnet
Branagan of Georgia	Fisher of Lincoln	Lawrence of Lyndon
Browning of Arlington	Frank of Underhill	Lenes of Shelburne
Burditt of West Rutland	French of Shrewsbury	Lewis of Berlin
Burke of Brattleboro	French of Randolph	Lorber of Burlington
Buxton of Tunbridge	Gilbert of Fairfax	Macaig of Williston
Campion of Bennington	Grad of Moretown	Malcolm of Pawlet
Cheney of Norwich	Haas of Rochester	Manwaring of Wilmington
Christie of Hartford	Head of South Burlington	Marcotte of Coventry
Clark of Vergennes	Heath of Westford	Marek of Newfane
Clarkson of Woodstock	Hebert of Vernon	Martin of Wolcott
Condon of Colchester	Helm of Fair Haven	Masland of Thetford
Conquest of Newbury	Higley of Lowell	McAllister of Highgate
Consejo of Sheldon	Hooper of Montpelier	McCullough of Williston
Copeland-Hanzas of Bradford	Howard of Cambridge	McFaun of Barre Town
Courcelle of Rutland City	Hubert of Milton	Miller of Shaftsbury
Crawford of Burke	Jerman of Essex	Mook of Bennington
Dakin of Chester	Jewett of Ripton	Moran of Wardsboro
Deen of Westminster	Johnson of South Hero	Mrowicki of Putney
Degree of St. Albans City	Johnson of Canaan	Munger of South Burlington
Devereux of Mount Holly	Kilmartin of Newport City	Nuovo of Middlebury

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O'Brien of Richmond	Russell of Rutland City	Townsend of Randolph
Olsen of Jamaica	Savage of Swanton	Trieber of Rockingham
O'Sullivan of Burlington	Scheuermann of Stowe	Turner of Milton
Pearce of Richford	Shand of Weathersfield	Waite-Simpson of Essex
Pearson of Burlington	Sharpe of Bristol	Webb of Shelburne
Peaslee of Guildhall	Shaw of Pittsford	Wilson of Manchester
Peltz of Woodbury *	Smith of New Haven	Winters of Williamstown
Perley of Enosburgh	South of St. Johnsbury	Wizowaty of Burlington
Poirier of Barre City	Stevens of Waterbury	Woodward of Johnson
Potter of Clarendon	Stuart of Brattleboro	Wright of Burlington
Pugh of South Burlington	Sweaney of Windsor	Yantachka of Charlotte
Ralston of Middlebury	Taylor of Barre City	Young of Glover
Ram of Burlington	Till of Jericho	Zagar of Barnard
Reis of St. Johnsbury	Toll of Danville	

Those who voted in the negative are:

Davis of Washington                      Greshin of Warren

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

Aswad of Burlington	Keenan of St. Albans City	Partridge of Windham
Batchelor of Derby	Lewis of Derby	Smith of Morristown
Brennan of Colchester	Lippert of Hinesburg	Spengler of Colchester
Canfield of Fair Haven	Martin of Springfield	Stevens of Shoreham
Corcoran of Bennington	McNeil of Rutland Town	Strong of Albany
Donaghy of Poultney	Morrissey of Bennington	
Howrigan of Fairfield	Myers of Essex	

**Rep. Peltz of Woodbury** explained his vote as follows:

“Mr. Speaker:

With the passage of H.753 as part of S.113 regional education districts will receive voter approval, as will supervisory union mergers. Changing how we structurally deliver education in Vermont takes time and careful review. Thank you for supporting this endeavor.”

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

#### **Message from the Senate No. 79**

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

**H. 78.** An act relating to wages for laid-off employees.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

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

**J.R.S. 62.** Joint resolution relating to federal agriculture policy.

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

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

**H. 778.** An act relating to structured settlements.

And has accepted and adopted the same on its part.

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

**J.R.S. 54.** Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc.

And has accepted and adopted the same on its part.

### **Recess**

At two o'clock and thirty minutes in the afternoon, the Speaker declared a recess until three o'clock in the afternoon.

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

### **Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the fifth day of May, 2012, he approved and signed bills originating in the House of the following titles:

**H. 403** An act relating to foreclosure of mortgages

**H. 503** An act relating to the certification of capitol police and constables and to legislative traffic control and parking

**Rules Suspended; Senate Proposal of Amendment to House Proposal of  
Amendment to Senate Proposal of Amendment Concurred in**

**H. 78**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to wages for laid-off employees

Was taken up for immediate consideration.

The Senate concurred in the House proposal of amendment to the Senate proposal of amendment with a further proposal of amendment, as follows:

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

Sec. 1. 9 V.S.A. § 1971 is amended to read:

§ 1971. EXTENT OF LIEN UNPAID WAGES; STATUTORY LIEN;  
PRIORITY OVER SUBSEQUENT MORTGAGE OR LIEN

(a) A statutory lien is created on the real and personal property of a corporation for up to 30 days of unpaid wages.

(b) The liability of a corporation to ~~wage earners~~ an employee for unpaid wages which were earned in the ~~three months next~~ for a 30-day period prior to the filing of a new mortgage or other lien upon the property ~~and franchise of such corporation of the corporation~~, in all cases, shall be a first lien thereon, notwithstanding any mortgage or other lien thereon recorded after such wages were earned. ~~An individual who works for wages, salary or hire at a rate of compensation not exceeding \$3,000.00 a year shall be deemed to be a wage earner within the meaning of this section.~~ Notice of the lien if on personal property shall be filed with the secretary of state's office and, if on real property, in the land records, by the employee or the department of labor acting on behalf of one or more employees. An employee who is owed wages or the department of labor acting on behalf of one or more employees may file an action to execute on the lien in the civil division of the superior court in the county in which the corporation has its principal place of business in the state, or in the civil division of the Washington County superior court.

Sec. 2. 11A V.S.A. § 14.03 is amended to read:

§ 14.03. ARTICLES OF DISSOLUTION; CONTENT OF NOTICE; NOTICE  
TO DEPARTMENT OF LABOR REGARDING UNPAID WAGES

(a) At any time after dissolution is authorized, the corporation may dissolve by delivering to the secretary of state for filing articles of dissolution setting forth:

- (1) the name of the corporation;
- (2) the date dissolution was authorized;
- (3) if dissolution was approved by the shareholders:
  - (A) the number of votes entitled to be cast on the proposal to dissolve; and
  - (B) either the total number of votes cast for and against dissolution or the total number of undisputed votes cast for dissolution and a statement that the number cast for dissolution was sufficient for approval;
- (4) if voting by voting groups was required, the information required by subdivision (3) of this subsection ~~must be~~, separately provided for each voting group entitled to vote separately on the plan to dissolve;
- (5) a statement as to the settlement of debts, the distribution of property, and the status of pending litigation;
- (6) a statement whether the corporation owes any unpaid wages to its employees.

(b) Subject to the provisions of section 14.09 of this title, a corporation is dissolved upon the effective date of its articles of dissolution.

(c) If a corporation owes unpaid wages to its employees, it shall also file a statement to that effect with the department of labor.

Which proposal of amendment was considered and concurred in.

### **Rules Suspended; Bill Messaged to Senate Forthwith**

#### **H. 774**

House bill, entitled

An act relating to meat inspection, delivery of liquid fuels, dairy operations, and animal foot baths

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

### **Rules Suspended; Report of Committee of Conference Adopted**

#### **H. 778**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to structured settlements

Was taken up for immediate consideration.

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

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill recommended that the House and Senate recede from their respective proposals of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 63, subchapter 5 is added to read:

Subchapter 5. Transfers of Structured Settlements

§ 2480aa. LEGISLATIVE INTENT; PUBLIC POLICY

Structured settlement agreements, which provide for payments to a person over a period of time, are often used in the settlement of actions such as personal injury or medical claims and serve a number of valid purposes, including protection of persons from economic victimization and assuring a person's ability to provide for his or her future needs and obligations. It is the policy of this state that such agreements, which have often been approved by a court, should not be set aside lightly or without good reason.

§ 2480bb. DEFINITIONS

In this subchapter:

(1) "Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.

(2) "Dependents" includes a payee's spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including alimony.

(3) "Discounted present value" means the present value of future payments determined by discounting such payments to the present using the most recently published Applicable Federal Rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service.

(4) "Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights before any reductions for transfer expenses or other deductions to be made from such consideration.

(5) "Independent professional advice" means advice of an attorney, certified public accountant, actuary, or other licensed professional adviser meeting all of the following requirements:

(A) The advisor is engaged by the payee to render advice concerning the legal, tax, or financial implications of a structured settlement or a transfer of structured settlement payment rights;

(B) The adviser's compensation for rendering independent professional advice is not affected by occurrence or lack of occurrence of a settlement transfer; and

(C) A particular adviser is not referred to the payee by the transferee or its agent, except that the transferee may refer the payee to a lawyer referral service or agency operated by a state or local bar association.

(6) "Interested parties" means, with respect to any structured settlement, the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death, the annuity issuer, the structured settlement obligor, and any other party that has continuing rights or obligations relating to the structured settlement payment rights which are the subject of the proposed transfer.

(7) "Net advance amount" means the gross advance amount less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under subdivision 2480cc(5) of this title.

(8) "Payee" means an individual who is receiving tax-free payments under a structured settlement and proposes to make a transfer of payment rights thereunder.

(9) "Periodic payments" includes both recurring payments and scheduled future lump sum payments.

(10) "Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of section 130 of the United States Internal Revenue Code, United States Code Title 26, as amended from time to time.

(11) "Settled claim" means the original tort claim resolved by a structured settlement.

(12) "Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim but does not refer to periodic payments in settlement of a workers' compensation claim.

(13) "Structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

(14) "Structured settlement obligor" means, with respect to any structured settlement, the party that has the continuing obligation to make

periodic payments to the payee under a structured settlement agreement or a qualified assignment agreement.

(15) “Structured settlement payment rights” means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, where:

(A) the payee is domiciled in this state; or

(B) the structured settlement agreement was approved by a court in this state.

(16) “Terms of the structured settlement” include, with respect to any structured settlement, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement, and any order or other approval of any court or other government authority that authorized or approved such structured settlement.

(17) “Transfer” means any sale, assignment, pledge, hypothecation, or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration.

(18) “Transfer agreement” means the agreement providing for a transfer of structured settlement payment rights.

(19) “Transfer expenses” means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorney’s fees, escrow fees, lien recordation fees, judgment and lien search fees, finders’ fees, commissions, and other payments to a broker or other intermediary.

(20) “Transferee” means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

#### § 2480cc. REQUIRED DISCLOSURES TO PAYEE

Not less than ten days prior to the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement in bold type in a size no smaller than 14 points setting forth:

(1) the amounts and due dates of the structured settlement payments to be transferred;

(2) the aggregate amount of such payments;

(3) the discounted present value of the payments to be transferred, which shall be identified as the “calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities.”

and the amount of the applicable federal rate used in calculating such discounted present value;

(4) the gross advance amount and the annual discount rate, compounded monthly, used to determine such figure;

(5) an itemized listing of all applicable transfer expenses, other than attorneys' fees and related disbursements payable by the payee in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such fees and disbursements;

(6) the net advance amount;

(7) the amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee, as well as a description of any other financial penalties the payee might incur with the transferee as a result of such a breach; and

(8) a statement that the payee has the right to cancel the transfer agreement, without penalty or further obligation, at any time before the date on which a court enters a final order approving the transfer agreement.

§ 2480dd. APPROVAL OF TRANSFERS OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

(a) No direct or indirect transfer of structured settlement payment rights shall be effective and no structured settlement obligor or annuity issuer shall be required to make any payment directly or indirectly to any transferee of structured settlement payment rights unless the transfer has been approved in advance in a final court order based on express findings by such court that:

(1) the transfer is in the best interest of the payee taking into account the welfare and support of the payee's dependents, considering all relevant factors, including:

(A) the payee's ability to understand the financial terms and consequences of the transfer;

(B) the payee's capacity to meet his or her financial obligations, including the potential need for future medical treatment;

(C) the need, purpose, or reason for the transfer; and

(D) whether the transfer is fair and reasonable, considering the discount rate used to calculate the gross advance amount, the fees and expenses imposed on the payee, and whether the payee obtained more than one quote for the same or a substantially similar transfer.

(2)(A) the payee has been advised in writing by the transferee to seek independent professional advice regarding the financial advisability of the transfer and the other financial options available to the payee, if any, and:

(B)(i) that the payee has in fact received such advice; or

(ii) that such advice is unnecessary for good cause shown.

(3) the transfer does not contravene any applicable statute or the order of any court or other government authority.

(b) Any agreement to transfer future payments arising under a workers' compensation claim is prohibited.

(c) At the hearing on the transfer the court may, in its sole discretion, continue the hearing and require the payee to seek independent professional advice if the court determines that obtaining such advice should be required based on the circumstances of the payee or the terms of the transaction. If the court determines that independent professional advice should be required, the court may order that the costs incurred by a payee for independent professional advice be paid by the transferee, the payee, or another party, provided that the amount to be paid by the transferee shall not exceed one thousand five hundred dollars (\$1,500.00).

§ 2480ee. EFFECTS OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

Following a transfer of structured settlement payment rights under this subchapter:

(1) The structured settlement obligor and the annuity issuer shall, as to all parties except the transferee, be discharged and released from any and all liability for the transferred payments;

(2) The transferee shall be liable to the structured settlement obligor and the annuity issuer:

(A) if the transfer contravenes the terms of the structured settlement for any taxes incurred by such parties as a consequence of the transfer; and

(B) for any other liabilities or costs, including reasonable costs and attorney's fees, arising from compliance by such parties with the order of the court or arising as a consequence of the transferee's failure to comply with this subchapter;

(3) Neither the annuity issuer nor the structured settlement obligor may be required to divide any periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees; and

(4) Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of this subchapter.

§ 2480ff. PROCEDURE FOR APPROVAL OF TRANSFERS

(a) An application under this subchapter for approval of a transfer of structured settlement payment rights shall be made by the transferee and may be brought in the superior court, civil division, of the county in which the payee resides or in which the structured settlement obligor or the annuity issuer maintains its principal place of business or in any court that approved the structured settlement agreement.

(b) Not less than 20 days prior to the scheduled hearing on any application for approval of a transfer of structured settlement payment rights under section 2480dd of this title, the transferee shall file with the court and serve on all interested parties a notice of the proposed transfer and the application for its authorization, including with such notice:

(1) a copy of any court order approving the settlement;

(2) a written description of the underlying basis for the settlement;

(3) a copy of the transferee's application;

(4) a copy of the transfer agreement;

(5) a copy of the disclosure statement required under section 2481n of this title;

(6) a listing of each of the payee's dependents, together with each dependent's age;

(7) a statement setting forth whether, to the best of the transferee's knowledge after making a reasonable inquiry to the payee, the structured settlement obligor, and the annuity issuer, there have been any previous transfers or applications for transfer of any structured settlement payment rights of the payee and giving details of all such transfers or applications for transfer;

(8) if available to the transferee after making a good faith request of the payee, the structured settlement obligor and the annuity issuer, the following documents, which shall be filed under seal:

(A) a copy of the annuity contract;

(B) a copy of any qualified assignment agreement;

(C) a copy of the underlying structured settlement agreement;

(9) either a certification from an independent professional advisor establishing that the advisor has given advice to the payee on the financial advisability of the transfer and the other financial options available to the payee or a written request that the court determine that such advice is unnecessary pursuant to subdivision 2480dd(a)(2) of this title; and

(10) notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, which shall be not less than 15 days after service of the transferee's notice, in order to be considered by the court.

(c) The transferee shall file a copy of the application with the attorney general's office and a copy of the application and the payee's social security number with the office of child support, the department of taxes, and the department of financial regulation. The offices and departments receiving copies pursuant to this section shall permit the copies to be filed electronically.

(d) The payee shall attend the hearing unless attendance is excused for good cause.

§ 2480gg. GENERAL PROVISIONS; CONSTRUCTION

(a) The provisions of this subchapter may not be waived by any payee.

(b) Any transfer agreement entered into on or after the effective date of this subchapter by a payee who resides in this state shall provide that disputes under such transfer agreement, including any claim that the payee has breached the agreement, shall be determined in and under the laws of this state. No such transfer agreement shall authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

(c) No transfer of structured settlement payment rights shall extend to any payments that are life-contingent unless, prior to the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for:

(1) periodically confirming the payee's survival; and

(2) giving the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.

(d) No payee who proposes to make a transfer of structured settlement payment rights shall incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee or any assignee based on any failure of such transfer to satisfy the conditions of this subchapter.

(e) Nothing contained in this subchapter shall be construed to authorize any transfer of structured settlement payment rights in contravention of any law or to imply that any transfer under a transfer agreement entered into prior to the effective date of this subchapter is valid or invalid.

(f) Compliance with the requirements set forth in section 2480cc of this title and fulfillment of the conditions set forth in section 2480dd of this title shall be solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer shall bear any responsibility for or any liability arising from noncompliance with such requirements or failure to fulfill such conditions.

Sec. 2. 9 V.S.A. § 2451 is amended to read:

§ 2451. PURPOSE

The purpose of this chapter is to complement the enforcement of federal statutes and decisions governing unfair methods of competition, ~~and~~ unfair or deceptive acts or practices, and anti-competitive practices in order to protect the public; and to encourage fair and honest competition.

Sec. 3. 9 V.S.A. § 2451a is amended to read:

§ 2451a. DEFINITIONS

For the purposes of this chapter:

(a) “Consumer” means any person who purchases, leases, contracts for, or otherwise agrees to pay consideration for goods or services not for resale in the ordinary course of his or her trade or business but for his or her use or benefit or the use or benefit of a member of his or her household, or in connection with the operation of his or her household or a farm whether or not the farm is conducted as a trade or business, or a person who purchases, leases, contracts for, or otherwise agrees to pay consideration for goods or services not for resale in the ordinary course of his or her trade or business but for the use or benefit of his or her business or in connection with the operation of his or her business.

(b) “Goods” or “services” shall include any objects, wares, goods, commodities, work, labor, intangibles, courses of instruction or training, securities, bonds, debentures, stocks, real estate, or other property or services of any kind. The term also includes bottled liquified petroleum (LP or propane) gas.

\* \* \*

(h) "Collusion" means an agreement, contract, combination in the form of trusts or otherwise, or conspiracy to engage in price fixing, bid rigging, or market division or allocation of goods or services between or among persons.

Sec. 4. 9 V.S.A. § 2453a is added to read:

§ 2453a. PRACTICES PROHIBITED; CRIMINAL ANTITRUST VIOLATIONS

(a) Collusion is hereby declared to be a crime.

(b) Subsection (a) of this section shall not be construed to apply to activities of or arrangements between or among persons which are permitted, authorized, approved, or required by federal or state statutes or regulations.

(c) It is the intent of the general assembly that in construing this section and subsection 2451a(h) of this title, the courts of this state shall be guided by the construction of federal antitrust law and the Sherman Act, as amended, as interpreted by the courts of the United States.

(d) Nothing in this section limits the power of the attorney general or a state's attorney to bring civil actions for antitrust violations under section 2453 of this title.

(e) A violation of this section shall be punished by a fine of not more than \$100,000.00 for an individual or \$1,000,000.00 for any other person or by imprisonment not to exceed five years or both.

Sec. 5. 9 V.S.A. § 2453b is added to read:

§ 2453b. RETALIATION PROHIBITED

No person shall retaliate against, coerce, intimidate, threaten, or interfere with any other person who:

(1) has opposed any act or practice of the person which is collusive or in restraint of trade;

(2) has lodged a complaint or has testified, assisted, or participated in any manner with the attorney general or a state's attorney in an investigation of acts or practices which are collusive or in restraint of trade;

(3) is known by the person to be about to lodge a complaint or testify, assist, or participate in any manner in an investigation of acts or practices which are collusive or in restraint of trade; or

(4) is believed by the person to have acted as described in subdivision (1), (2), or (3) of this subsection.

Sec. 6. EFFECTIVE DATES

(a) Sec. 1 of this act shall take effect on July 1, 2012.

(b) Secs. 2, 3, 4, and 5 of this act and this section shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to structured settlements and to prohibiting collusion as an antitrust violation"

COMMITTEE ON THE PART OF  
THE SENATE

SEN. ALICE W. NITKA  
SEN. DIANE B. SNELLING  
SEN. JEANETTE K. WHITE

COMMITTEE ON THE PART OF  
THE HOUSE

REP. THOMAS F. KOCH  
REP. LINDA J. WAITE-SIMPSON  
REP. ELDRED M. FRENCH

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

**Message from the Senate No. 80**

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 106.** An act relating to miscellaneous changes to municipal government law.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 93.** An act relating to labeling maple products.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered the reports of the Committees of Conference upon the disagreeing votes of the two Houses upon Senate bills of the following titles:

**S. 113.** An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools.

**S. 199.** An act relating to immunization exemptions and the immunization pilot program.

And has accepted and adopted the same on its part.

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**Rules Suspended to Interrupt Orders of the Day**

On Motion of **Rep. Turner of Milton**, Orders of the Day were interrupted to consider JRS 62 and JRS 64.

**Joint Resolution Adopted in Concurrence****J.R.S. 62**

By Senate Committee on Agriculture,

**J.R.S. 62.** Joint resolution relating to federal agriculture policy.

*Whereas*, the dairy industry, a keystone industry in Vermont and the United States, supports rural communities, water recharge areas, valuable open space, recreational and sports opportunities, and tourism, and

*Whereas*, the dairy industry has an economic impact of an estimated \$14,000.00 per cow per year, primarily in the local economy, and

*Whereas*, the instability of fluid milk prices, the concentration of processing capacity, outdated regulations, and labor shortages are creating a crisis in the industry, and

*Whereas*, a significant loss of capacity would create a dependence on imported milk and other dairy products, would cause prices to consumers to increase, and would reduce our nation's food security, now therefore be it

***Resolved by the Senate and House of Representatives:***

That the General Assembly urges Congress and the U.S. Department of Agriculture to acknowledge the importance of the dairy industry nationwide as well as the unique aspects of the dairy industry region by region through:

(1) addressing the problems of labor shortages within the dairy industry by providing more opportunity for training and education as well as a fair and sensible approach to migrant labor;

(2) adopting legislation that creates a uniform definition of the ownership of milk as it leaves the farm;

(3) ensuring that all dairy producers receive, with reasonable advance notice, the information related to any referendum on the federal milk marketing orders and that they have the opportunity to cast individual ballots on such a referendum;

(4) supporting the dairy section of the current proposed federal farm bill to include Dairy Gross Margin Insurance directly tied to the Dairy Stabilization Program to stabilize the price and provide an adequate safety net for Vermont dairy producers; and

(5) supporting an effective supply management program that utilizes a fixed base, which is critical to reforming the current dairy safety net and that in combination with the current Milk Income Loss contract program would provide a fiscally responsible way to manage risk in dairy production, *and be it further*

**Resolved:** That the General Assembly urges the U.S. Department of Justice and the Commodity Futures Trading Commission to inquire into the concentration in the milk processing sectors of the dairy industry and to determine whether anticompetitive conduct is working to the detriment of producers and consumers, *and be it further*

**Resolved:** That the Secretary of State be directed to send a copy of this resolution to U.S. Secretary of Agriculture Tom Vilsack, to U.S. Attorney General Eric Holder, to U.S. Commodity Futures Trading Corporation Chairman Gary

Was taken up read and adopted in concurrence.

#### **Joint Resolution Adopted in Concurrence**

#### **J.R.S. 64**

By Senator Campbell,

**J.R.S. 64.** Joint resolution honoring the competitive accomplishments and international educational outreach of the University of Vermont's Lawrence Debate Union.

*Whereas*, debate is a defining characteristic of Vermont at the dinner table, in the classroom, during a traditional town meeting, and in the legislative chambers of the state house in Montpelier, and

*Whereas*, for over a century, University of Vermont (UVM) students have mastered the fine art of debate through participation in the Lawrence Debate Union (LDU), which ardent student debater Edwin W. Lawrence founded in 1899 and then helped to establish an endowment to perpetuate this most civilized form of verbal fisticuffs for future generations of UVM Catamounts to enjoy, and

*Whereas*, the LDU has distinguished itself among collegiate debate programs by earning an astounding International Debate Education Association global ranking of seven, immediately behind Oxford and Cambridge Universities in Great Britain and surpassing Harvard and Stanford, and

*Whereas*, this highly commendable evaluation resulted from LDU members winning debates across the globe against top competitors, and

*Whereas*, at the 2012 U.S. Universities Debating championship held in Oregon, three UVM debaters—Paul Gross (sixth), Jessica Bullock (seventh), and Drew Adamczyk (ninth)—were ranked among the top ten debaters in the United States, and no other competing school matched this feat, and

*Whereas*, at this same event, the UVM debating duo of John Sadek and Jessica Bullock reached the semifinal round of the national championship, and

*Whereas*, the members of the LDU are goodwill ambassadors for both UVM and our nation as they have conducted debating workshops since 1999 throughout the United States, in rural areas and inner cities, and abroad in Bangladesh, Chile, China, Estonia, Finland, Japan, Greece, Iraq, Latvia, Malaysia, Montenegro, Qatar, Serbia, Singapore, Slovenia, South Korea, Thailand, the United Kingdom, and Venezuela, proving that debaters are skilled diplomats, and

*Whereas*, the LDU is fortunate to have Professor Alfred Snider, affectionately known as Tuna, as its director, and outstanding faculty coaches David Register and Mary Nugent lend their expertise to the training of these truly talented and dedicated debaters, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the General Assembly honors the competitive accomplishments and international educational outreach of the University of Vermont's Lawrence Debate Union, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to Professor Alfred Snider at the University of Vermont.

Was taken up read and adopted in concurrence.

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

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

**H. 78**

House bill, entitled

An act relating to wages for laid-off employees

**H. 766**

House bill, entitled

An act relating to the national guard

**H. 778**

House bill, entitled

An act relating to structured settlements

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

**S. 180**

Senate bill, entitled

An act relating to the universal service fund and establishment of a high-cost program

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

**Action on Bill Postponed Indefinitely**

**H. 794**

House bill, entitled

An act relating to the management of search and rescue operations

Was taken up and on motion of **Rep. Leriche of Hardwick**, action on the bill was postponed indefinitely.

**Message from the Senate No. 81**

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

**H. 535.** An act relating to racial disparities in the Vermont criminal justice system.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 95.** An act relating to employment decisions based on credit, information, allowing school employees to be paid wages over the course of a year, and union organizing.

And has concurred therein.

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

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

And has accepted and adopted the same on its part.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House proposal of amendment to Senate proposal of amendment to House bill of the following title:

**H. 774.** An act relating to meat inspection, delivery of liquid fuels, dairy operations, and animal foot baths.

And has not concurred therein.

**Rules Suspended; Report of Committee of Conference Adopted;  
Rules Suspended; Action Ordered Messaged to Senate Forthwith  
and Bill Delivered to the Governor Forthwith**

**H. 730**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Hosue bill, entitled

An act relating to miscellaneous consumer protection laws

Was taken up for immediate consideration.

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

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the House accede to the Senate's proposals of amendment, and that the bill be further amended by striking Sec. 13 in its entirety and inserting in lieu thereof a new Sec. 13 to read:

Sec. 13. 33 V.S.A. § 2607 is amended to read:

§ 2607. PAYMENTS TO FUEL SUPPLIERS

(a) The secretary of human services or designee shall certify fuel suppliers, excluding firewood and wood pellet suppliers, to be eligible to participate in the home heating fuel assistance program. Beneficiaries may use their seasonal fuel assistance benefit to obtain home heating fuel or energy only from a fuel supplier certified by the director, except that beneficiaries who heat with firewood or wood pellets may obtain their firewood or wood pellets from any supplier they choose.

(b) Certified fuel suppliers shall agree to conduct reasonable efforts in order to inform and assist beneficiaries in their service areas, maintain records

of amounts and costs of all fuel deliveries, send periodic statements to customers receiving home heating fuel assistance informing them of their account's credit or debit balance as of the last statement, deliveries or usage since that statement and the charges for such, payments made or applied, indicating their source, since that statement, and the ending credit or debit balance. Certified fuel suppliers shall also agree to provide the secretary of human services or designee such information deemed necessary for the efficient administration of the program, ~~including information required to pay the beneficiary's benefits to the certified supplier after fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.~~

(c) Certified fuel suppliers shall not disclose the beneficiary status of recipients of home heating fuel assistance benefits, the names of recipients, or other information pertaining to recipients to anyone, except for purposes directly connected with administration of the home heating fuel assistance program or when required by law.

(d) Certified fuel suppliers shall also agree to enter into budget agreements with beneficiaries for annualized monthly payments for fuel supplies provided the beneficiary meets accepted industry credit standards, and shall grant program beneficiaries such cash discounts, preseason delivery savings, automatic fuel delivery agreements, and any other discounts granted to any other heating fuel customer or as the secretary of human services or designee may negotiate with certified fuel suppliers.

(e) The secretary of human services or designee shall provide each certified fuel supplier with a list of the households who are its customers and have been found eligible for annual home heating fuel assistance for the current year, the total amount of annual home heating fuel assistance that has been authorized for each household, and how the total amount has been allocated over the heating season. Each authorized amount shall function as a line of credit for each eligible household. The secretary or designee shall disburse authorized home heating fuel assistance benefits to certified fuel suppliers on behalf of eligible households ~~after fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.~~ Authorized benefits for oil, propane, kerosene, dyed diesel, and coal shall be paid after fuel is delivered and invoiced to the secretary or designee. Authorized benefits for electricity and natural gas shall be paid in full and credited to the eligible household's account at the same time benefit notices are issued to the eligible household.

(f) The secretary of human services or designee shall negotiate with one or more certified fuel suppliers to obtain the most advantageous pricing and payment terms, and delivery methods possible for eligible households.

(g)(1) The public service board shall require natural gas suppliers subject to regulation under 30 V.S.A § 203 to provide a discount program to customers with incomes no greater than 200 percent of the federal poverty level or who meet the department for children and families' means test of eligibility for LIHEAP crisis fuel assistance. Eligibility for the discount shall be verified by the department for children and families.

(2) In implementing the discount program, the board shall consider:

(A) Low income discount programs, rates, and cost structures of other Vermont regulated utilities.

(B) Low income discount programs, rates, and cost structures for gas customers in other states.

(C) Options for allocating the costs of the discount program that avoid or reduce the cost impact of the program on ineligible ratepayers, including consideration of each of the following:

(i) Use of any revenues collected from ratepayers that are in excess of the revenue requirement most recently determined by the board.

(ii) Use of revenues collected from ratepayers to fund system expansions that have not been placed in service.

(3) On or before January 15, 2013, the board shall:

(A) implement this subsection by order to each natural gas company subject to its jurisdiction; and

(B) report to the house committees on commerce and economic development and on human services, and to the senate committees on health and welfare and on economic development, housing and general affairs on its implementation of this subsection, including its consideration of the matters described in subdivision (2) of this subsection and the results of that consideration.

and that after passage the title of the bill be amended to read: "An act relating to consumer protection and low income heating assistance"

COMMITTEE ON THE PART OF  
THE SENATE

SEN. VINCENT ILLUZZI  
SEN. TIMOTHY R. ASHE  
SEN. JOHN F. CAMPBELL

COMMITTEE ON THE PART OF THE  
THE HOUSE

REP. MICHAEL J. MARCOTTE  
REP. WILLIAM G. F. BOTZOW  
REP. ERNEST W. SHAND

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

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

**Joint Resolution Adopted in Concurrence**

**J.R.S. 63**

By Senator Campbell,

**J.R.S. 63.** Joint resolution relating to final adjournment of the General Assembly in 2012.

***Resolved by the Senate and House of Representatives***

That when the President of the Senate and the Speaker of the House of Representatives adjourn their respective houses on the fifth day of May, 2012, they shall do so to reconvene on the twenty-second day of May, 2012, at ten o'clock in the forenoon if the Governor should fail to approve and sign any bill and should he return it to the house of origin with his objections in writing after such adjournment, but if the Governor should *not* so return any bill to either house, to be adjourned *sine die*.

Was taken up read and adopted in concurrence.

**Message from the Senate No. 82**

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

Mr. Speaker:

I am directed to inform the House that the Senate has on its part completed the business of the session and is ready to adjourn to a day certain, May 22, 2012, if necessary or if not necessary, then to be adjourned *sine die*, pursuant to the provisions of **J.R.S. 63**.

**Senate Notified of Completion of House Business**

**Rep. Leriche of Hardwick** moved that the House direct the Clerk to inform the Senate that the House has completed the business of the second half of the biennial session pursuant to J.R.S. 63.

**Governor Notified of Completion of House Business**

**Rep. Leriche of Hardwick** moved that the Speaker appoint a committee of six to inform the Governor that the House has completed the business of the second half of the biennial session and is ready to adjourn pursuant to J.R.S. 63.

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Thereupon, the Speaker appointed as members of the committee:

**Rep. Edwards of Brattleboro**  
**Rep. Atkins of Winooski**  
**Rep. Howrigan of Fairfield**  
**Rep. Gilbert of Fairfax**  
**Rep. McAllister of Highgate**  
**Rep. Crawford of Burke**

### **Adjournment**

At six o'clock and forty-three minutes in the evening, on motion of **Rep. Leriche of Hardwick**, the House adjourned pursuant to J.R.S. 63.

### **Concurrent Resolutions Adopted**

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

#### **H.C.R. 392**

House concurrent resolution designating April 2012 as Fair Housing Month in Vermont;

#### **H.C.R. 393**

House concurrent resolution honoring Audrey and William Keyes of Bridport for their exemplary community spirit;

#### **H.C.R. 394**

House concurrent resolution honoring William Paine of New Haven for his civic accomplishments;

#### **H.C.R. 395**

House concurrent resolution in memory of Addison County Sheriff James Coons;

#### **H.C.R. 396**

House concurrent resolution honoring John R. Stone Jr. on his 55th firefighting anniversary and for his outstanding community service in Bennington;

#### **H.C.R. 397**

House concurrent resolution honoring Kerry Clifford for her devotion to teaching young children;

**H.C.R. 398**

House concurrent resolution honoring Caroline and Hubert Daberer on their 90th birthdays and as the founders of Alpine Haven;

**H.C.R. 399**

House concurrent resolution commemorating the 85th anniversary of the landing in Springfield of Col. Charles A. Lindbergh in the Spirit of St. Louis;

**H.C.R. 400**

House concurrent resolution congratulating the Rutland Free Library on its 125th anniversary;

**H.C.R. 401**

House concurrent resolution congratulating Scott Santamore of Rutland on being the named the 2012 Boys & Girls Clubs of America Vermont Youth of the Year;

**H.C.R. 402**

House concurrent resolution congratulating the city of Burlington on being named a 2012 Tree City U.S.A.;

**H.C.R. 403**

House concurrent resolution honoring Nathaniel Tripp as an outstanding protector of the Connecticut River and its watershed;

**H.C.R. 404**

House concurrent resolution honoring former Representative Michael Bernhardt for his record of outstanding public service to Vermont;

**H.C.R. 405**

House concurrent resolution honoring former Londonderry town clerk and treasurer James Twitchell for his outstanding civic and community service;

**H.C.R. 406**

House concurrent resolution honoring Walter Mandel as an outstanding community leader;

**H.C.R. 407**

House concurrent resolution in memory of Anne O. Burke;

**H.C.R. 408**

House concurrent resolution honoring Thomas Cheney for his stellar service as aide to the speaker of the house of representatives;

**H.C.R. 409**

House concurrent resolution in memory of Edith Hunter of Weathersfield;

**H.C.R. 410**

House concurrent resolution congratulating the Vermont Business Roundtable on its 25th anniversary;

**H.C.R. 411**

House concurrent resolution honoring Evelyn T. Howard on the conclusion of her tenure as superintendent of the Addison Northeast Supervisory Union;

**H.C.R. 412**

House concurrent resolution congratulating Craftsbury Academy boys' basketball coach Terrence Kelleher on being named the Vermont Basketball Coaches Association 2011–2012 Division IV coach of the year;

**H.C.R. 3000**

House concurrent resolution honoring Marlene Velander for her dedicated public service in the house clerk's office;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2012, seventy-second Adjourned session.]

**FINAL MESSAGES AND COMMUNICATIONS****Message from the Senate No. 83**

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

**H. 747.** An act relating to cigarette manufacturers.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House proposal to Senate bill of the following title:

**S. 99.** An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing.

And has concurred therein.

The Senate has considered joint resolution originating in the House of the following title:

**J.R.H. 38.** Joint resolution expressing concern over the *Reader's Digest* portrayal of mental illness.

And has adopted the same in concurrence.

The Senate has considered the reports of the Committees of Conference upon the disagreeing votes of the two Houses upon Senate bills of the following titles:

**S. 116.** An act relating to probate proceedings.

**S. 199.** An act relating to immunization exemptions and the immunization pilot program.

**S. 200.** An act relating to the reporting requirements of health insurers.

**S. 217.** An act relating to closely held benefit corporations.

**S. 245.** An act relating to requiring cardiovascular care instruction in public and independent schools.

**S. 251.** An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

And has accepted and adopted the same on its part.

The Governor has informed the Senate that on the fourth day of May, 2012, he approved and signed a bill originating in the Senate of the following title:

**S. 181.** An act relating to school resource officers.

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

**S.C.R. 46.** Senate concurrent resolution commemorating the centennial anniversary of the journey of the children from Lawrence, Massachusetts to Barre during the 1912 Bread and Roses Strike.

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

**H.C.R. 382.** House concurrent resolution in appreciation of Representative Ken Atkins of Winooski for offering M&M's<sup>®</sup> chocolate candies at roll call votes.

**H.C.R. 392.** House concurrent resolution designating April 2012 as Fair Housing Month in Vermont.

**H.C.R. 393.** House concurrent resolution honoring Audrey and William

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Keyes of Bridport for their exemplary community spirit.

**H.C.R. 394.** House concurrent resolution honoring William Paine of New Haven for his civic accomplishments.

**H.C.R. 395.** House concurrent resolution in memory of Addison County Sheriff James Coons.

**H.C.R. 396.** House concurrent resolution honoring John R. Stone Jr. on his 55th firefighting anniversary and for his outstanding community service in Bennington.

**H.C.R. 397.** House concurrent resolution honoring Kerry Clifford for her devotion to teaching young children.

**H.C.R. 398.** House concurrent resolution honoring Caroline and Hubert Daberer on their 90th birthdays and as the founders of Alpine Haven.

**H.C.R. 399.** House concurrent resolution commemorating the 85th anniversary of the landing in Springfield of Col. Charles A. Lindbergh in the Spirit of St. Louis.

**H.C.R. 400.** House concurrent resolution congratulating the Rutland Free Library on its 125th anniversary.

**H.C.R. 401.** House concurrent resolution congratulating Scott Santamore of Rutland on being named the 2012 Boys & Girls Clubs of America Vermont Youth of the Year.

**H.C.R. 402.** House concurrent resolution congratulating the city of Burlington on being named a 2012 Tree City U.S.A..

**H.C.R. 403.** House concurrent resolution honoring Nathaniel Tripp as an outstanding protector of the Connecticut River and its watershed.

**H.C.R. 404.** House concurrent resolution honoring former Representative Michael Bernhardt for his record of outstanding public service to Vermont.

**H.C.R. 405.** House concurrent resolution honoring former Londonderry town clerk and treasurer James Twitchell for his outstanding civic and community service.

**H.C.R. 406.** House concurrent resolution honoring Walter Mandel as an outstanding community leader.

**H.C.R. 407.** House concurrent resolution in memory of Anne O. Burke.

**H.C.R. 408.** House concurrent resolution honoring Thomas Cheney for his stellar service as aide to the speaker of the house of representatives.

**H.C.R. 409.** House concurrent resolution in memory of Edith Hunter of

Weathersfield.

**H.C.R. 410.** House concurrent resolution congratulating the Vermont Business Roundtable on its 25th anniversary.

**H.C.R. 411.** House concurrent resolution honoring Evelyn T. Howard on the conclusion of her tenure as superintendent of the Addison Northeast Supervisory Union.

**H.C.R. 412.** House concurrent resolution congratulating Craftsbury Academy boys' basketball coach Terrence Kelleher on being named the Vermont Basketball Coaches Association 2011–2012 Division IV coach of the year.

**H.C.R. 3000.** House concurrent resolution honoring Marlene Velander for her dedicated public service in the house clerk's office.

#### **Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the third day of May, 2012, he approved and signed bills originating in the House of the following titles:

**H. 440 An act relating to creating an agency and secretary of education and clarifying the purpose of the state board**

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

**H. 792 An act relating to approval of amendments to the charter of the city of Burlington**

**H. 793 An act relating to approval of amendments to the charter of the Winooski incorporated school district**

#### **Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the seventh day of May, 2012, he approved and signed bills originating in the House of the following titles:

- 
- H. 784 An act relating to approval of the adoption and codification of the charter of the town of Williamstown**
- H. 785 An act relating to capital construction and state bonding budget adjustment**
- H. 787 An act relating to approval of amendments to the charter of the city of Montpelier**
- H. 790 An act relating to approval of amendments to the charter of the town of Hartford**

#### **Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the eighth day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 37 An act relating to telemedicine**
- H. 53 An act relating to the Interstate Wildlife Violator Compact**
- H. 254 An act relating to consumer protection**
- H. 556 An act relating to creating a private activity bond advisory committee**
- H. 773 An act relating to veterans' tax exception**
- H. 788 An act relating to approval of amendments to the charter of the town of Richmond**

#### **Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the ninth day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 272 An act relating to maintenance of private roads**
- H. 327 An act relating to the uniform principal and income act**
- H. 506 An act relating to commercial catering licenses, the export of vinous beverages, and outside consumption permits**

- H. 524 An act relating to the secretary of state and to the regulation of professions and occupations**
- H. 577 An act relating to public water systems**
- H. 786 An act relating to approval of amendments to the charter of the town of Windsor and to an amendment to the charter of the North Bennington Graded School District**

#### **Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the eleventh day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 78 An act relating to wages for laid-off employees**
- H. 475 An act relating to net metering and definitions of capacity**
- H.523 An act relating to revising the state highway condemnation law**
- H. 679 An act relating to creating a uniform capacity tax for solar renewable energy plants**
- H. 761 An act relating to executive branch fees, including motor vehicle and fish and wildlife fees**
- H. 771 An act relating to making technical corrections and other miscellaneous changes to education law**
- H. 780 An act relating to compensation for certain state employees**

#### **Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the fourteenth day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 535 An act relating to racial disparities in the Vermont criminal justice system**
- H. 627 An act relating to an opioid addiction treatment system**
- H. 730 An act relating to miscellaneous consumer protection laws**

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**Message from the Governor**

The Governor has informed the House of Representatives that on the fifteenth day of May, 2012, he returned without signature and vetoed a bill originating in the House of Representatives of the following title:

**H.290 An act relating to adult protective services.**

The Governor provided the following explanation:

"Coming from a private sector background, I have always been frustrated by unnecessary bureaucracy and paperwork that exists in state government. Instead of focusing on outcomes, these impediments to progress cost taxpayers too much money and deliver little by way of results.

This bill, H. 290, is an example of misplaced good intentions. By requiring expensive, time-consuming, and duplicative reports by the Agency of Human Services to the legislature, this bill distracts AHS from doing its job: protecting our most vulnerable Vermonters. I am vetoing this bill because it does nothing to advance the goal of protecting those vulnerable Vermonters, adds yet another layer of bureaucracy to state government, and wastes taxpayer dollars."

**Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the fifteenth day of May, 2012, he approved and signed bills originating in the House of the following titles:

**H. 412 An act relating to harassment in educational settings**

**H. 413 An act relating to creating a civil action against those who abuse, neglect, or exploit a vulnerable adult**

**H. 496 An act relating to preserving Vermont's working landscape**

**H. 782 An act relating to miscellaneous tax changes for 2012**

**Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the sixteenth day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 464 An act relating to hydraulic fracturing wells for natural gas and oil production**
- H. 485 An act relating to establishing universal recycling of solid waste**
- H. 559 An act relating to health care reform implementation**
- H. 747 An act relating to cigarette manufacturers**
- H. 766 An act relating to the rehabilitation of Vermont National Guard members and certain rights and responsibilities of guard members and their employers**
- H. 770 An act relating to the state's transportation system**

**Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the seventeenth day of May, 2012, he approved and signed bills originating in the House of the following titles:

- H. 751 An act relating to jurisdiction of delinquency proceedings**
- H. 759 An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment**
- H. 769 An act relating to department of environmental conservation fees**
- H.781 An act relating to making appropriations for the support of government**

**Message from Governor**

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the eighteenth day of May, 2012, he approved and signed bills originating in the House of the following titles:

**H. 699 An act relating to scrap metal processors**

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

**H. 778 An act relating to structured settlements and to prohibiting collusion as an antitrust violation**

**Message from the Senate No. 84**

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

Mr. Speaker:

I am directed to inform the House that:

The Governor has informed the Senate that on the seventh day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

**S. 128.** An act relating to recognition of the Missisquoi, St. Francis-Sokoki Band as a Native American Indian tribe.

**S. 129.** An act relating to recognition of the Koasek Abenaki of the Koas as a Native American Indian tribe.

The Governor has informed the Senate that on the eighth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

**S. 215.** An act relating to evaluating net costs of government purchasing.

**S. 237.** An act relating to the genuine progress indicator.

The Governor has informed the Senate that on the ninth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

**S. 179.** An act relating to amending perpetual conservation easements.

**S. 203.** An act relating to child support enforcement.

**S. 222.** An act relating to cost-sharing for employer-sponsored insurance assistance plans.

**S. 226.** An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction.

**S. 236.** An act relating to health care practitioner signature authority.

The Governor has informed the Senate that on the eleventh day of May, 2012 he approved and signed bills originating in the Senate of the following titles:

**S. 37.** An act relating to expungement and sealing of criminal history record.

**S. 89.** An act relating to organ and tissue donation and Medicaid for Working Persons with Disabilities.

**S. 136.** An act relating to vocational rehabilitation.

The Governor has informed the Senate that on the fourteenth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

**S. 99.** An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing.

**S. 148.** An act relating to expediting development of small and micro hydroelectric projects.

**S. 202.** An act relating to regulation of flood hazard areas, river corridors, and stream alteration.

**S. 252.** An act relating to the repeal or revision of reporting requirements.

The Governor has informed the Senate that on the fifteenth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

**S. 116.** An act relating to probate proceedings, powers of attorney, and county budget reserve funds.

**S. 189.** An act relating to expanding confidentiality of cases accepted by the court diversion project.

**S. 217.** An act relating to closely held benefit corporations.

**S. 244.** An act relating to referral to court diversion for driving with a suspended license.

The Governor has informed the Senate that on the sixteenth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

**S. 106.** An act relating to miscellaneous changes to municipal government law, to internal financial controls, to the management of search and rescue operations, and to emergency medical services.

**S. 113.** An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools.

**S. 199.** An act relating to immunization exemptions and the immunization pilot program.

**S. 200.** An act relating to pharmacy audits, reimbursement for ambulance services, and the reporting requirements of health insurers.

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**S. 223.** An act relating to health insurance coverage for early childhood developmental disorders, including autism spectrum disorders.

**S. 245.** An act relating to requiring cardiovascular care instruction in public and independent schools.

The Governor has informed the Senate that on the seventeenth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

**S. 95.** An act relating to employment decisions based on credit, information, allowing school employees to be paid wages over the course of a year, and union organizing.

**S. 183.** An act relating to the testing of potable water supplies.

**S. 251.** An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

The Governor has informed the Senate that on the eighteenth day of May, 2012, he approved and signed bills originating in the Senate of the following titles:

**S. 180.** An act relating to the universal service fund and establishment of a high-cost program.

**S. 214.** An act relating to the Vermont energy act of 2012.