

House Calendar

Thursday, March 28, 2013

79th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 526

An act relating to the establishment of lake shoreland protection standards

Amendment to be offered by Rep. Krebs of South Hero to H. 526

First: In Sec. 2, 10 V.S.A. § 1442, by adding a subdivision (10) to read:

(10) “Offsite mitigation” means a practice or activity that:

(A) mitigates the adverse impacts of construction, creation, or expansion of impervious surface or cleared area on the water quality of lakes or on protected shoreland areas; and

(B) occurs on property other than the property where the construction, creation, or expansion of impervious surface or cleared area is proposed.

and by renumbering the remaining subdivisions to be numerically correct

Second: In Sec. 2, 10 V.S.A. § 1443, by adding subdivision (a)(4) to read:

(4) Under this chapter, the area of constructed, created, or expanded impervious surface or cleared area shall be the square footage as measured on a horizontal plane.

Third: In Sec. 2, 10 V.S.A. § 1444, in subsection (b)(1), by adding a new subdivision (b)(1)(D) to read:

(D) authorizing offset mitigation as a best management practice when compliance with vegetative cover or other best management practices is not technically feasible on a property within a protected shoreland area, provided that any authorized mitigation shall be conducted within the watershed of the lake in which the proposed construction, creation, or expansion of impervious surface or cleared area will occur. If, within one year of the proposed construction, creation, or expansion of impervious surface or cleared area, the applicant cannot identify a suitable offset mitigation project within the watershed of the lake where construction, creation, or expansion will occur, the Secretary shall authorize completion of the offset project in an alternative lake watershed.

and by relettering the remaining subdivisions to be alphabetically correct

Fourth: By adding Sec. 6a to read:

Sec. 6a. AGENCY OF NATURAL RESOURCES REPORT ON LAKE
SHORELAND PROTECTION

On or before December 15, 2013, the Secretary of Natural Resources shall submit to the House Committee on Fish, Wildlife and Water Resources, the Senate Committee on Natural Resources and Energy, and the House and Senate Committees on Appropriations a report regarding implementation of pending or proposed Agency of Natural Resources' water quality initiatives. The report shall include:

(1) a summary of how the regulation of construction, creation, or expansion of impervious surface or cleared area in protected shoreland areas will be coordinated with other Agency of Natural Resources water quality initiatives;

(2) a proposal for how the Agency will quantify the contribution to improved water quality in the State from the regulation of construction, creation, or expansion of impervious surface or cleared area in a protected shoreland area; and

(3) a recommendation for a prioritized plan on how to fund water quality initiatives in the State, including an estimate of how much regulation would cost and any revenue source, such as permit fees, that would be used to pay for the cost.

H. 528

An act relating to revenue changes for fiscal year 2014 and fiscal year 2015

Amendment to be offered by Reps. Burke of Brattleboro, Stuart of Brattleboro, and Toleno of Brattleboro to H. 528

Reps. Burke of Brattleboro, Stuart of Brattleboro, and Toleno of Brattleboro move that the bill be amended by striking Sec. 13 (sales tax exemptions) in its entirety and inserting in lieu thereof the following:

Sec. 13. 32 V.S.A. § 9741(13) is amended to read:

(13) Sales of food, ~~food stamps, purchases made with food stamps, food products and beverages, and food ingredients~~ sold for human consumption off the premises where sold, and sales of eligible foods that are purchased with benefits under the Supplemental Nutrition Assistance Program or any successor program. When a purchase is made with a combination of benefits under the Supplemental Nutrition Assistance Program or any successor program and cash, check, or similar payment, the cash, check, or similar payment shall be applied first to food and food ingredients exempt under this subdivision

Amendment to be offered by Rep. Scheuermann of Stowe to H. 528

First: By inserting a new Sec. 13a to read:

Sec. 13a. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and the use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title.

* * *

(49) Charges made for the right to remotely access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charges for the service are on a per-use, per-license, subscription, or other basis.

Second: In Sec. 17, Effective Dates, in subsection (b), before “Sec. 14”, by inserting “Sec. 13a (prewritten computer software).”

Committee Bill for Second Reading

H. 530

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

(Rep. Heath of Westford will speak for the Committee on Appropriations.)

Amendment to be offered by Rep. Donahue of Northfield to H. 530

First: By striking Sec. E.323 in its entirety and inserting in lieu thereof a new Sec. E.323 to read:

Sec. E.323. 33 V.S.A. § 1108 is amended to read:

§ 1108. ~~OBLIGATION TO ASSIST ELIGIBLE FAMILIES WITH~~
~~DEPENDENT CHILDREN~~ TERM LIMITS ON REACH UP
FAMILY FINANCIAL ASSISTANCE

~~Except as specifically authorized herein, the commissioner shall not adopt any rule that would result in the termination of financial assistance to a participating family, including a dependent child, on the basis of an adult family member's having received TANF funded financial assistance, as an adult, for 60 or more months in his or her lifetime. This provision shall not prevent the commissioner from adopting rules that impose limitations on how many months that families, including a parent who has received an associate or bachelor's degree while receiving support from the postsecondary education~~

~~program authorized by section 1121 of this chapter, may receive financial assistance authorized by this chapter in the five year period immediately following the receipt of such associate or bachelor's degree.~~

(a) All Reach Up participating families who have received 60 cumulative months of financial assistance, excluding child-only grants, shall be deemed ineligible for benefits under the Reach Up Program.

(b) Deferment granted for the following reasons shall not count toward the Reach Up Program's cumulative 60-month lifetime eligibility period:

(1) The participant is not able-to-work.

(2) The participant is affected by domestic violence pursuant to subdivision 1114(b)(9) of this chapter.

(3) The participant is the primary caretaker parent in a two-parent family in which one parent is able-to-work-part-time or unable-to-work, a single parent, or a caretaker who is caring for a child who has not attained 24 months of age for 12 months, so long as the parent or caretaker of a child older than the age of six months but younger than 24 months cooperates in the development of and participates in a family development plan.

(c) The cumulative 60-month lifetime eligibility period shall not begin to toll until the parent or parents of a participating family have reached the age of 18.

(d) The Commissioner personally may waive subsection (a) of this section for a participating family if he or she finds that the participating family has experienced an unpredictable and catastrophic event that renders the family in need of continued support under the Reach Up Program.

Second: By striking Sec. E.323.3 in its entirety and inserting in lieu thereof a new Sec. E.323.3 to read:

Sec. E. 323.3. REACH UP PROGRAM EVALUATION

On or before January 15, 2014, the Agency of Human Services, in consultation with other stakeholders, shall submit an evaluation to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Appropriations assessing the effectiveness of the Reach Up Program in meeting the purposes outlined in 33 V.S.A. § 1102.

Amendment to be offered by Rep. Pearson of Burlington to H. 530

Rep. Pearson of Burlington moves that the bill be amended as follows:

First: In Sec. E.321.1, General Assistance emergency housing, in subsection (c), following “shall issue”, by inserting “, in consultation with interested stakeholders, including both statewide organizations and local agencies.”

Second: In Sec. E.321.1, General Assistance emergency housing, in subsection (d), preceding “shall adopt”, by inserting “, in consultation with interested stakeholders, including both statewide organizations and local agencies.”

Third: In Sec. F.100, effective dates, by adding a subsection (e) to read:

(e) Sec. E.321.1 (General Assistance emergency housing) shall take effect on July 1, 2013, except that subsection (c) of that section shall take effect on passage to allow for consultation prior to the effective date of the new emergency housing policies.

Amendment to be offered by Reps. Moran of Wardsboro, Campion of Bennington, Christie of Hartford, Davis of Washington, Fay of St. Johnsbury, Krowinski of Burlington, McCarthy of St. Albans City, McCormack of Burlington, Mrowicki of Putney, Pearson of Burlington, South of St. Johnsbury, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Weed of Enosburgh, Wizowaty of Burlington, Yantachka of Charlotte, and Zagar of Barnard to H. 530

In Sec. E.323 by striking subsection (a) in its entirety and inserting in lieu thereof the following:

(a) All Reach Up participating families who have received 60 cumulative months of financial assistance shall be deemed ineligible for benefits under the Reach Up Program, except:

(1) Child-only grants shall not be subject to the cumulative 60-month eligibility period set forth in this subsection; and

(2) Participants who are able-to-work and who are in compliance with this chapter and Reach Up Program regulations, including a family development plan pursuant to section 1107 of this chapter, shall not be subject to the cumulative 60-month eligibility period set forth in this subsection and shall receive comprehensive family development plan reviews every 90 days to identify and remove employment barriers.

Amendment to be offered by Rep. Wizowaty of Burlington to H. 530

Rep. Wizowaty of Burlington moves that the bill be amended by adding Secs. E.151.1 and E.151.2 to read:

Sec. E.151.1. FINDINGS AND PURPOSE

The General Assembly finds:

(1) There exists in the United States a widely documented, growing income gap between the wealthiest Americans and average workers that is greater now than at any time since the Great Depression.

(2) Vermont has not escaped this trend. According to a recent study by the Public Assets Institute, the total annual income received by Vermonters between 1989 and 2009 rose 60 percent—the same rate as the overall economy. During the same period, the median household income of Vermonters remained virtually flat—in fact, rose only 2.1 percent (figures adjusted for inflation).

(3) In 1980, the top 10 percent of Americans collected about one-third of the nation's income and the bottom 90 percent collected two-thirds. By 2011, that top 10 percent collected close to one-half of the nation's income. In 1980, the top one percent collected 10 percent of the nation's income; they now collect double that. Furthermore, the income of the top one-thousandth, sometimes known as the super-rich, quadrupled.

(4) In 2009, the bottom 80 percent of Americans collectively held less than 13 percent of the wealth.

(5) The ratio between highest and lowest paid employees in a company or institution provides a measure of this growing income inequality. Even the averages, by definition higher than the lowest and lower than the highest, show a disparity that can only be described as astonishing. The ratio of the average CEO pay to the average worker pay in the United States, estimated at 343:1 in 2010, is now estimated at 475:1.

(6) Past efforts to address income inequality have included establishing ratios between the lowest and highest paid employees in a corporation. Ben & Jerry's Ice Cream famously instituted such a policy in 1990 but dropped it in 1995. A few other companies continue the effort, such as Bridgeway, a highly successful investment company, which still uses a ratio.

(7) In July 2011, President Obama signed into law the Dodd–Frank Wall Street Reform and Consumer Protection Act, which includes a provision requiring companies to disclose the ratio of the pay of the CEO to the median pay of everyone else in the company.

(8) In Vermont, the ratio between lowest and highest paid state employees varies from state department to department but is nowhere greater than 1:9. At least one department has a ratio of 1:4.

(9) The General Assembly of the State of Vermont has a responsibility to allocate its resources to where they can accomplish the greatest good, in support of education, infrastructure, environmental protection, public health, human services, and the like. It is likewise in the State's interest to ensure that its investments and appropriations go to agencies, organizations, and businesses that have in turn demonstrated responsible use of resources. This includes adhering to a compensation system that meets a standard that is reasonably close to that upheld by the State itself.

(10) Thus, the State should evaluate appropriations in light of the potential recipient's compensation system—specifically, the ratio between the lowest and highest paid employees.

Sec. E.151.2. STUDY OF ECONOMIC IMPACTS OF LIMITING
COMPENSATION RATIOS FOR EMPLOYEES OF
RECIPIENTS THAT RECEIVE STATE FUNDING

(a) Creation of committee. There is created an interim study committee to calculate and analyze the economic impacts to the State of Vermont of conditioning eligibility to receive state funding upon achieving a maximum 10:1 compensation ratio between a recipient's highest and lowest paid employees.

(b) Membership. The Committee shall be composed of five members, as follows:

(1) The Commissioner of Finance and Management or designee.

(2) A member of the House Committee on Appropriations appointed by the Speaker of the House of Representatives.

(3) A member of the Senate Committee on Appropriations appointed by the President Pro Tempore of the Senate.

(4) One member of the public appointed by the Governor.

(5) The Director of the Gund Institute for Ecological Economics at the University of Vermont.

(c) Report. On or before January 15, 2014, the Committee shall report its findings and recommendations to the House and Senate Committees on Appropriations.

(d) Number of meetings; term of Committee; reimbursement. The

Committee may meet no more than five times, and shall cease to exist on January 16, 2014.

(e) Reimbursement. For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406; and other members of the Committee who are not employees of the State of Vermont shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010(b) and costs for necessary travel.

Amendment to be offered by Reps. Poirier of Barre City Komline of Dorset, and Pearson of Burlington to H. 530

First: In Sec. B.309, Medicaid program - state only, by striking out the number “36,118,235” each time it appears and inserting in lieu thereof the number “37,233,213” and by striking out the number “29,000,408” and inserting in lieu thereof the number “30,115,386”

Second: In Sec. D.101, fund reserves and transfers, in subdivision (a)(1)(D), by striking out the figure “\$4,300,000” and inserting in lieu thereof the figure “\$3,185,022”

Third: In Sec. E.307.1, 33 V.S.A. § 1812, in subdivision (b)(2)(C), by striking out “77 percent actuarial value” and inserting in lieu thereof “82 percent actuarial value”

Fourth: In Sec. E.307.3, cost-sharing subsidies; managed care entity investments, in subdivisions (b)(1)(A) and (c)(1), by striking out “77 percent” in both places and inserting in lieu thereof “82 percent”

Favorable with Amendment

H. 60

An act relating to providing state financial support for school meals for children of low-income households

Rep. Donovan of Burlington, for the Committee on **Education**, recommends the bill ought to pass.

(Committee Vote: 7-4-0)

Rep. Manwaring of Wilmington, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as follows:

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

Sec. 3. APPROPRIATION

Of the funds appropriated in 2013 Acts and Resolves No. _____, Sec. B.501 (House Bill No. 530), the sum of \$322,250.00 is appropriated from the General Fund in fiscal year 2014 to the Agency of Education for the student share of the cost of lunches provided to all students eligible for a reduced-price lunch under the federal school lunch program.

(Committee Vote: 10-1-0)

H. 169

An act relating to relieving employers' experience-rating records

Rep. Bouchard of Colchester, for the Committee on **Commerce and Economic Development**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;
DISCLOSURE TO SUCCESSOR ENTITY; ~~EMPLOYEE PAID~~
~~\$1,000.00 OR LESS DURING BASE PERIOD~~

(a)(1) The ~~commissioner~~ Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

~~(1)~~(A) The individual's employment with that employer was terminated under disqualifying circumstances.

~~(2)~~(B) The individual's employment or right to reemployment with that employer was terminated by retirement of the individual pursuant to a retirement or lump-sum retirement pay plan under which the age of mandatory retirement was agreed upon by the employer and its employees or by the bargaining agent representing those employees.

~~(3)~~(C) As of the date on which the individual filed an initial claim for benefits, the individual's employment with that employer had not been terminated or reduced in hours.

~~(4)~~(D) The individual was employed by that employer as a result of another employee taking leave under subchapter 4A of chapter 5 of this title,

and the individual's employment was terminated as a result of the reinstatement of the other employee under subchapter 4A of chapter 5 of this title.

~~(5)(E)~~ [Repealed.]

(2) If an individual's unemployment is directly caused by a major natural disaster declared by the President of the United States pursuant to 42 U.S.C. § 5122 and the individual would have been eligible for federal disaster unemployment assistance benefits but for the receipt of regular benefits, an employer shall be relieved of charges for benefits paid to the individual with respect to any week of unemployment occurring due to the natural disaster up to a maximum amount of four weeks.

* * *

Sec. 2. UNEMPLOYMENT COMPENSATION; EMPLOYERS AFFECTED BY NATURAL DISASTERS OCCURRING IN 2011

(a) The Department of Labor shall establish a system to provide unemployment compensation tax relief to employers paying a higher rate of contributions due to layoffs directly caused by federally declared natural disasters occurring in 2011.

(b) Unemployment compensation tax relief shall be available to an employer provided that the employer's employees were separated from employment as a direct result of the disaster. Benefits paid beyond eight weeks shall remain chargeable to the employer.

(c) The relief described in subsection (b) of this section shall not be available to employers electing to make payments in lieu of contributions pursuant to 21 V.S.A. § 1321.

(d) Benefit charge relief provided under subsections (a) and (b) of this section shall not result in the recalculation of previously assigned rate classes for nondisaster-impacted employers.

(e) The Department shall notify employers in the counties covered by the federal disaster relief declaration of the provisions of this section. An employer seeking relief shall apply to the Department within 20 days of notification by the Department. The application shall be made in a manner prescribed and approved by the Commissioner and shall be accompanied by a certified statement of the employer that the employees were separated from employment as a direct result of the disaster and would have not been otherwise. False statements made in connection with the certification shall subject the employer to the provisions of 21 V.S.A. § 1369. The employer shall provide the Department with the name, address, last known phone

number, and social security number of each employee alleged to have been separated from employment as a result of the disaster.

(f) If an employer's application for relief is denied, the employer may appeal the decision pursuant to 21 V.S.A. §§ 1348 and 1349.

Sec. 3. AUTHORIZATION OF LIMITED SERVICE POSITIONS

The Commissioner of Labor is authorized to hire two limited service positions in order to assist in providing the unemployment compensation tax relief in Sec. 2 of this act.

Sec. 4. APPROPRIATION

Up to \$40,000.00 is appropriated to the Department of Labor for the costs of postage necessary to notify employers of the unemployment compensation tax relief program described in Sec. 2 of this act.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

Rep. Keenan of St. Albans City, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as recommended by the Committee on **Commerce and Economic Development** and when further amended as follows:

First: by striking out Secs. 3 and 4 in their entirety

Second: by inserting a new Sec. 3 to read:

Sec. 3. APPROPRIATION

Of the appropriations made to the Department of Labor in Sec. B.400 of House Bill 530 (An act relating to making appropriations for the support of government), the amount of \$60,000.00 is appropriated for the costs of postage and for hiring temporary positions necessary to implement the unemployment compensation tax relief program described in Sec. 2 of this act.

and by renumbering the remaining section to be numerically correct.

(Committee Vote: 11-0-0)

H. 329

An act relating to the Use Value Program

Rep. Clarkson of Woodstock, for the Committee on **Ways and Means**, recommends the bill be amended as follows:

First: In Sec. 1, § 3757(a), in the fourth sentence after the words "If the

property has been continuously enrolled by the same owner for 12 to 20 years, the tax rate shall be” by striking out the words “five percent” and inserting in lieu thereof the words “eight percent”

Second: In Sec. 1, § 5757(a), in the fifth sentence after the words “If the property has been continuously enrolled by the same owner for over 20 years, the tax rate shall be” by striking out the words “three percent” and inserting in lieu thereof the words “five percent”

Third: In Sec. 1, 32 V.S.A. § 3757, in subsection (c) after the words “has petitioned for withdrawal from” by striking the words “the Program” and inserting in lieu thereof “use value appraisal”

Fourth: In Sec. 1, § 3757(c), in the last sentence after the words “The local assessing officials shall notify” by striking out the words “the owner and”

Fifth: In Sec. 1, § 3757(e), after the words “The owner of any classified land receiving use value appraisal under this subchapter shall immediately notify the ~~director~~ Director,” by adding the words “who in turn shall notify the”

Sixth: In Sec. 6, after the words “this act shall not be available for any” by striking out the word “parcel” and inserting in lieu thereof the word “land”

Seventh: In Sec. 7(a) in the first sentence, after the words “There is created a Use Value” by striking the word “Program” and inserting in lieu thereof the word “Appraisal”

Eighth: In Sec. 7(a)(8), after the words “who shall be a land owner” by striking the words “enrolled in the Use Value Program” and inserting in lieu thereof the words “with land subject to use value appraisal”

Ninth: In Sec. 7(a), in the second sentence, by striking the words “House Committees on Agriculture, on Natural Resources and Energy, on Fish, Wildlife and Water Resources, and on Ways and Means and to the Senate Committees on Agriculture, on Natural Resources and Energy, and on Finance” and inserting in lieu thereof the words “House Committees on Agriculture and Forest Products and on Ways and Means and to the Senate Committees on Agriculture and on Finance”

Tenth: By striking Sec. 9 (report on additional issues) in its entirety and renumbering accordingly

Eleventh: In the renumbered Sec. 10, after the words “property withdrawn from” by striking the words “the Use Value Appraisal Program” and inserting in lieu thereof the words “use value appraisal”

Twelfth: By striking the renumbered Sec. 10(c) in its entirety and

relettering subsection (d) to be (c)

and that after passage the title of the bill be amended to read: “An act relating to use value appraisals”

(**Committee Vote: 10-0-1**)

Rep. Winters of Williamstown, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as recommended by the Committee on **Ways and Means** and when further amended as follows:

further amended in Sec. 7 (use value appraisal study committee) by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) Reimbursement. Members of the Committee who are not employees of the State of Vermont shall be entitled to compensation as provided in 32 V.S.A. § 1010. Legislative members of the Committee 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.

(**Committee Vote: 11-0-0**)

NOTICE CALENDAR

Favorable with Amendment

H. 50

An act relating to the sale, transfer, or importation of pets

Rep. Bartholomew of Hartland, for the Committee on **Agriculture and Forest Products**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 20 V.S.A. § 3541 is amended to read:

§ 3541. DEFINITIONS

As used in this chapter:

* * *

(6) “Owner” means any person who owns a domestic pet or wolf-hybrid and includes any person who has actual or constructive possession of the pet or wolf-hybrid. The term also includes those persons who provide feed or shelter to a domestic pet or wolf-hybrid. ~~However, it is not the intent of the general assembly to require a person to be responsible under this chapter for feral animals that take up residence in a building other than the person’s home, even if the person occasionally provides feed to the animal.~~

* * *

(10) “Pet dealer” means any person who sells or exchanges or who offers to sell or exchange cats, dogs, or wolf-hybrids, or any combination thereof, from three or more litters of cats, dogs, or wolf-hybrids in any 12-month period to consumers. This definition shall not apply to pet shops, animal shelters, or rescue organizations as those terms are defined in section 3901 of this title.

Sec. 2. 20 V.S.A. § 3541a is added to read:

§ 3541a. FERAL ANIMALS; RESPONSIBILITY

It is not the intent of the General Assembly to require a person to be responsible under this chapter for a feral animal that takes up residence in a building other than the person’s home, even if the person occasionally provides feed to the animal.

Sec. 3. 20 V.S.A. § 3550 is amended to read:

§ 3550. PENALTIES; ENFORCEMENT; MUNICIPAL LEGISLATIVE BODY; ~~COMMISSIONER~~ SECRETARY

(a) A municipal legislative body or an officer designated by the ~~commissioner~~ Secretary may impose a civil penalty of up to \$500.00 per violation in accordance with the provisions of this section.

(b) A municipal legislative body may impose penalties for violation of any provisions of subchapter 1 or 2, refusal to obtain a ~~kenel~~ pet dealer permit under subchapter 3, or a refusal to comply with an order issued by a municipal officer under subchapter 5 of this chapter.

(c) An officer designated by the ~~commissioner~~ Secretary may impose penalties for violation of a rule adopted by a state agency under subchapter 5 of this chapter, violation of a quarantine order issued under subchapter 5 of this chapter, or refusal to comply with an order issued by a state officer under subchapter 5 of this chapter.

* * *

(e) When the legislative body or officer has reasonable grounds to believe that a person has violated a provision of this chapter under its purview, the legislative body or officer may issue a notice of the alleged violation, which shall be delivered to the respondent in person or mailed to the respondent by registered mail. The notice of violation shall include:

* * *

(3) A statement that the respondent has a right to a hearing before the

legislative body or a hearing officer designated by the ~~commissioner~~ Secretary at no cost to the respondent, a description of the procedures for requesting a hearing and a statement that failure to request a hearing within 21 days of the date of mailing of the notice shall result in a final decision with no right of appeal.

* * *

(f) A person who receives a notice of violation shall be offered an opportunity for a hearing before the legislative body or hearing officer, provided that the request for hearing is made in writing to the clerk of the municipality or the ~~commissioner~~ Secretary no later than 21 days after the date of mailing of the notice of violation. If the respondent does not request a hearing in a timely fashion, the decision shall be final and the penalty shall be payable within 35 days following mailing of the notice of violation. If the respondent does make a timely request for a hearing, the legislative body or hearing officer shall hold a hearing within 14 days of receipt of the request. After the hearing, the legislative body or hearing officer may affirm, reduce or eliminate the penalty. The decision shall be delivered or mailed to the respondent in the same manner as the notice of violation and shall be effective five days following mailing of the decision or immediately following delivery of the decision.

* * *

(h) The civil penalty shall be paid to the enforcing agency or enforcing legislative body. If the respondent fails to pay the penalty within the time prescribed, the legislative body or ~~commissioner~~ Secretary may bring a collection action in small claims court or the ~~superior court~~ Civil Division of the Superior Court.

* * *

(j) On application of a municipality or the ~~commissioner~~ Secretary, the Civil Division of the superior court Superior Court shall have jurisdiction to enjoin the violation of any provision of this chapter. The ~~court~~ Court may also authorize the seizure and disposition of domestic pets or wolf-hybrids when owners refuse to have the pets or wolf-hybrids inoculated or licensed, or when the ~~court~~ Court determines that there is a threat to the public welfare.

Sec. 4. 20 V.S.A. § 3681 is amended to read:

§ 3681. PET DEALER PERMIT

~~The owner or keeper of two or more domestic pets or wolf hybrids four months of age or older kept for sale or for breeding purposes, except for his or her own use, A pet dealer shall apply to the municipal clerk of the town or city~~

in which the ~~domestic pets~~ cats, dogs, or wolf-hybrids are kept for a ~~kennel~~ pet dealer permit to be issued on forms prescribed by the ~~commissioner~~ Secretary and pay the clerk a fee of ~~\$10.00~~ \$25.00 for the same. A pet dealer who acquires a pet dealer permit shall allow inspections of the pet dealer's premises pursuant to section 3682 of this title as a condition of receiving and retaining the permit. The provisions of subchapters 1, 2, and 4 of this chapter not inconsistent with this subchapter; shall apply to the pet dealer permit which shall be in addition to other permits required. A ~~kennel~~ pet dealer permit shall expire on March 31 next after issuance; and shall be displayed prominently on the premises on which the ~~domestic pets~~ cats, dogs, or wolf-hybrids are kept. If the permit fee is not paid by April 1, the owner or keeper may thereafter procure a permit for that license year by paying a fee of 50 percent in excess of that otherwise required. Municipal clerks shall maintain a record of the type of animals being kept by the permit holder. Upon issuance of the pet dealer permit, the municipal clerk shall provide the pet dealer with a copy of Part 3 (Standards) of the Animal Welfare Regulations adopted by the Agency of Agriculture, Food and Markets relating to cats, dogs, and wolf-hybrids. The municipal clerk shall also provide the pet dealer with contact information for the Animal Health Section within the Division of Food Safety and Consumer Protection of the Agency of Agriculture, Food and Markets and with information from the Department of Taxes on sales tax obligations for the sale of pets.

Sec. 5. 20 V.S.A. § 3682 is amended to read:

§ 3682. INSPECTION OF PREMISES

~~These premises may be inspected at any reasonable time by a law enforcement officer, a representative of the agency of agriculture, food and markets, or an officer or agent of an incorporated humane society and a veterinarian licensed to practice in Vermont, designated by such officer, agent or agency~~

(a) The pet dealer's premises may be inspected upon the issuance of the pet dealer permit or at any time the pet dealer permit is in effect. Inspections may be conducted by a municipal animal control officer, a law enforcement officer as that term is defined in 23 V.S.A. § 4(11), or a representative of the Agency of Agriculture, Food and Markets. The inspector may, at his or her discretion and with the approval of the municipality, be accompanied by a veterinarian or an officer or agent of a humane society incorporated in Vermont. This section shall not create an obligation on the part of any municipal legislative body to conduct inspections.

(b) Inspections shall be scheduled in advance with the pet dealer or pet dealer's agent. Inspections shall be conducted to facilitate compliance with the

applicable standards in Part 3 (Standards) of the Animal Welfare Regulations adopted by the Agency of Agriculture, Food and Markets relating to cats, dogs, and wolf-hybrids. The person or persons authorized to inspect the pet dealer's premises shall be accompanied by the pet dealer or pet dealer's agent. If the pet dealer's premises are also used for human habitation, the inspection may occur only in those areas of the premises used for animal housing, animal care, birthing, and storage of food and bedding. Photographs or videos of the pet dealer's premises or property shall not be taken during an inspection and while on the pet dealer's premises without the written consent of the permit holder. Repeated failure to consent to an inspection may result in a revocation of the pet dealer permit.

(c) If an inspector, during the course of an inspection under this section, has reason to believe that a criminal animal welfare violation exists on the pet dealer's premises, nothing in this chapter shall preclude a criminal investigation into the suspected violation or shall preclude seeking the remedies available under 13 V.S.A. chapter 9. Assessment of an administrative penalty under this chapter shall not prevent assessment of a criminal penalty under 13 V.S.A. chapter 9.

(d) The inspector shall record the results of each inspection in a log and sign and date each entry. The entries shall be submitted to the municipality, which shall maintain records of all pet dealer inspections. A copy of the inspection results shall be provided to the permit holder.

Sec. 6. 20 V.S.A. chapter 194 is amended to read:

CHAPTER 194. WELFARE OF ANIMALS; SALE OF ANIMALS

Subchapter 1. General provisions

§ 3901. DEFINITIONS

As used in this chapter, ~~unless the context clearly requires otherwise:~~

(1) "Adequate feed" means the provision at suitable intervals, not exceeding 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. All foodstuff shall be served in a clean and sanitary manner.

(2) "Adequate water" means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.

(3) "Ambient temperature" means the temperature surrounding the animal.

(4) ~~"Animal" means any dog or cat, rabbit, rodent, bird, or other~~

~~warm-blooded vertebrate but shall not include horses, cattle, sheep, goats, swine, and domestic fowl. [Repealed.]~~

(5) “Animal shelter” means a facility which is used to house or contain animals and is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

(6) “Secretary” means the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets.

(7) ~~“Dealer”~~ “Pet dealer” means any person who sells, or exchanges, or donates, or who offers to sell, or exchange, or donate animals, but shall not include a person who makes disposition only of offspring from animals maintained by him only as household pets cats, dogs, or wolf-hybrids, or any combination thereof, from three or more litters of cats, dogs, or wolf-hybrids in any 12-month period to consumers. This definition shall not apply to pet shops, animal shelters, or rescue organizations as those terms are defined in this section.

(8) “Euthanize” means to humanely destroy an animal by a method producing instantaneous unconsciousness and immediate death; or by anesthesia produced by an agent which causes painless loss of consciousness and death during the loss of consciousness. “Euthanasia” means the humane destruction of animals in accordance with this subdivision.

(9) “Housing facility” means any room, building, or area used to contain a primary enclosure or enclosures.

(10) “Person” means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(11) “Pet shop” means a place of retail or wholesale business, including a flea market, that is not part of a private dwelling where cats, dogs, wolf-hybrids, rabbits, rodents, birds, fish, reptiles, or other vertebrates are bought, sold, exchanged, or offered for sale or exchange to the general public.

(12) “Primary enclosure” means any structure used to immediately restrict an animal or animals, excluding household pets, to a limited amount of space, such as a room, pen, cage, compartment, or hutch.

(13) “Public auction” means any place or establishment where dogs or cats are sold at auction to the highest bidder whether individually, as a group, or by weight.

(14) “Fair” means any public or privately operated facility where animals are confined for the purpose of display and/or sale or for viewing.

(15) ~~“Pet merchant” means any person who operates a pet shop or who acts as a dealer~~ “Consumer” means an individual who purchases or receives an animal from any person permitted, licensed, or registered under this chapter. A permit holder, licensee, or registrant under this chapter is not a consumer.

(16) “Rescue organization” means any organization that accepts more than five animals in a calendar year for the purpose of finding adoptive homes for the animals, ~~and that:~~

~~(A) holds a license as a pet shop;~~

~~(B) is recognized and approved as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code, but is not registered as an animal shelter; or~~

~~(C) is registered as an animal shelter with the agency of agriculture, food and markets under section 3903 of this title.~~

§ 3901a. SCOPE

This chapter shall not apply to horses or livestock, including cattle, sheep, goats, swine, and domestic fowl.

Subchapter 2. Animal welfare

§ 3902. REGISTRATION OF FAIRS

No person may operate a fair as defined under section 3901 of this title unless a certificate of registration for the fair has been granted by the ~~secretary~~ Secretary. Application for the certificate shall be made in a manner provided by the ~~secretary~~ Secretary. No fee shall be required for the certificate. Certificates of registration shall be valid for a period of one year or until revoked; and may be removed for like periods upon application in the manner provided.

§ 3903. REGISTRATION OF ANIMAL SHELTERS AND RESCUE

ORGANIZATIONS

(a) No person may operate an animal shelter or rescue organization unless a certificate of registration for the animal shelter or rescue organization has been granted by the ~~secretary~~ Secretary. Application for the certificate shall be made in the manner provided by the ~~secretary~~ Secretary. No fee shall be required for the certificate. Certificates of registration shall be valid for a period of one year or until revoked; and may be renewed for like periods upon application in the manner provided.

(b) An animal shelter or rescue organization registered under this chapter shall not accept an animal unless the person transferring the animal to the

shelter provides the following information: the name and address of the person transferring the animal and, if known, the name of the animal, its vaccination history, and other information concerning the background, temperament, and health of the animal.

(c) A rescue organization registered under this chapter shall be recognized and approved as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code.

§ 3905. PUBLIC AUCTIONS

No person may operate a public auction as defined in this chapter after the expiration of six months following the effective date of this chapter unless a license to operate the auction has been granted by the ~~secretary~~ Secretary. The license period shall be April 1 to March 31 and the license fee shall be \$10.00 for each license period or part thereof.

§ 3906. LICENSING OF ~~PET MERCHANTS~~ PET SHOPS

(a) No person may transact business as a ~~pet merchant~~ pet shop, as defined in this chapter, unless a license for that purpose has been granted by the ~~secretary~~ Secretary to that person. Application for the license shall be made in the manner provided by the ~~secretary~~ Secretary. The license period shall be April 1 to March 31 and the license fee shall be \$150.00 for each license period or part thereof.

(b) [Repealed.]

§ 3907. DENIAL OR REVOCATION OF REGISTRATION OR LICENSE

Issuance of a certificate of registration may be denied to any animal shelter, rescue organization, or fair; or a license may be denied to any public auction; ~~or pet merchants, or pet shop~~ or any certificate or license previously granted under this chapter; may be revoked by the ~~secretary~~ Secretary if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate for the purposes of this chapter; or if the feeding, watering, sanitizing, and housing practices of the animal shelter, rescue organization, fair, public auction, ~~pet merchant~~ or pet shop, as the case may be, are not consistent with this chapter or with rules adopted under this chapter.

§ 3908. ADOPTION OF REGULATIONS

The ~~secretary~~ Secretary may as he or she deems necessary adopt, amend, revise, and repeal rules consistent with this chapter for the purpose of carrying out its purposes. The rules may include, ~~but need not be limited to,~~ provisions relating to humane transportation to and from registered or licensed premises, records of purchase and sale, identification of animals, primary enclosures, housing facilities, sanitation, euthanasia, ambient temperatures, feeding,

watering, and adequate veterinary medical care, with respect to animals kept or cared for at premises licensed or registered under this chapter. The ~~secretary~~ Secretary may at his or her discretion, adopt in whole or in part those portions of the rules of the ~~secretary of agriculture~~ Secretary of Agriculture under Public Law 89-544, commonly known as the Laboratory Animal Welfare Act, which are consistent with the purposes of this chapter.

§ 3909. SALE OF ANIMALS BY HUMANE SOCIETY

The board of directors of an incorporated humane society shall determine the method of disposition of animals released by it. Any proceeds derived from the sale of animals by the society shall be paid to the clerk or treasurer of the humane society, and no part of the proceeds shall accrue to any individual. Proceeds from the sale of animals by any person authorized by a municipality to dispose of such animals shall revert to the treasury of the municipality.

§ 3910. EXCEPTIONS

This chapter shall not apply to any place or establishment operated as an animal hospital under the supervision of a duly licensed veterinarian in connection with the treatment, alleviation, or prevention of diseases.

§ 3911. PENALTIES

(a) Any person licensed or registered under this chapter, who fails to provide animals under the person's care or custody with adequate food or adequate water, as defined in section 3901 of this title, or who fails to house animals in the person's care or custody in a manner which is adequate for their welfare, shall be fined not more than \$500.00.

(b) Any person who operates a fair or public auction, or who transacts business as a pet ~~merchant~~ shop, animal shelter, or rescue organization without being duly licensed or without possessing a proper certificate of registration, as the case may be, as required under this chapter, or who violates any provision of this chapter or of any rule lawfully adopted under its authority for which no other penalty is provided, shall be fined not more than \$300.00 or imprisoned for not more than six months, or both.

(c) The ~~secretary~~ Secretary may assess administrative penalties under 16 V.S.A. §§ 15-17, not to exceed \$1,000.00, for violations of this chapter.

§ 3912. COMMITMENT OF ANIMALS TO AGENCY OF AGRICULTURE, FOOD AND MARKETS

The ~~secretary~~ Secretary or any officer of the ~~agency~~ Agency designated by the ~~secretary~~, Secretary may file with the court in which a person was convicted of violating the preceding section, a petition for custody of animals

in the possession of the person convicted. If the court, on due notice to that person and to any other person owning or having any interest in the animals, finds that the welfare of any of the animals so requires, the court shall order the animals committed to the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. Animals committed to the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets may be sold or euthanized; or kept in the custody of the ~~agency~~ Agency, as the ~~secretary~~ Secretary determines.

§ 3913. EUTHANASIA CERTIFICATION

(a) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets shall establish rules for a euthanasia training program and certification process for persons completing the program.

(b) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets shall establish rules for the possession and use of euthanasia solutions by registered animal shelters that utilize certified euthanasia technicians. The rules shall identify euthanasia solutions which may be used, techniques for the proper handling and storage of solutions and requirements for recordkeeping, and address any other matter deemed necessary by the ~~secretary~~ Secretary.

(c) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets may revoke or suspend certification upon violation of the rules adopted under this section.

(d) The rules shall comply with all applicable federal drug enforcement standards.

(e) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets has no responsibility to enforce any other statute relating to the abuse of narcotics or other regulated substance unless specifically authorized by such statute.

§ 3914. SPECIAL FUNDS

Fees collected under this ~~chapter~~ subchapter shall be credited to a special fund and shall be available to the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets to offset the cost of providing the services.

§ 3915. HEALTH CERTIFICATE FOR TRANSPORT INTO STATE

(a) A dog, cat, ferret, or wolf-hybrid imported into the ~~state~~ State for sale, resale, exchange, or donation shall be accompanied by an official health certificate or similar certificate of inspection for the dog, cat, ferret, or wolf-hybrid issued by a veterinarian licensed in the state or country of origin. The

certificate shall certify that:

(1) the dog, cat, ferret, or wolf-hybrid has been inspected and is free of visible signs of infections or contagious or communicable disease; and

(2) if the dog, cat, ferret, or wolf-hybrid is more than three months of age, the dog, cat, ferret, or wolf-hybrid has a current rabies vaccination or is a specific breed for which a rabies vaccination is not age-appropriate.

(b) ~~The agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets may adopt rules regarding the issuance and contents of any certificate required under subsection (a) of this section.

Subchapter 3. Sale of cats, dogs, and wolf-hybrids

§ 3921. SALE OF A CAT, DOG, OR WOLF-HYBRID; RESTITUTION

(a) If, within seven days following the sale of a cat, dog, or wolf-hybrid by a pet dealer or pet shop, a licensed veterinarian of the consumer's choosing certifies the cat, dog, or wolf-hybrid to be unfit for purchase due to illness or the presence of signs of contagious or infectious disease or if within one year the veterinarian certifies the existence of congenital malformation or hereditary disease, the consumer may act under subdivision (1) of this subsection or, if mutually agreed upon, under subdivision (2) or (3) of this subsection. The consumer shall have the right:

(1) to return the cat, dog, or wolf-hybrid to the pet dealer or pet shop and receive a full refund of the purchase price, including sales tax and reasonable veterinary fees related to certification under this section. A veterinary finding of intestinal parasites is not grounds for declaring a cat, dog, or wolf-hybrid unfit, nor is an injury or illness sustained subsequent to the consumer taking possession of a cat, dog, or wolf-hybrid; or

(2) to return the cat, dog, or wolf-hybrid to the pet dealer or pet shop and receive an exchange cat, dog, or wolf-hybrid of the consumer's choice of equivalent value and reasonable veterinary costs related to certification under this subsection; or

(3) to retain the cat, dog, or wolf-hybrid and receive reimbursement from the pet dealer or pet shop for reasonable veterinary service for the purpose of curing or attempting to cure the cat, dog, or wolf-hybrid. In no case shall this service exceed the purchase price of the cat, dog or wolf-hybrid. Value of service is reasonable if it compares to similar service rendered by other veterinarians in the area, but in no case may it cover costs not directly related to the certification of unfitness.

(b) The Secretary shall prescribe a form for and the content of the certificate to be used under subsection (a) of this section. The form shall

include an identification of the type of cat, dog, or wolf-hybrid, the owner, date and diagnosis, the treatment recommended, if any, and an estimated cost of the treatment. The form shall also include notice of the provisions of subsection (a) of this section.

(c) Every pet dealer or pet shop who sells a cat, dog, or wolf-hybrid to a consumer shall provide the consumer at the time of sale with the written form prescribed by the Secretary. The notice may be included in a written contract, a certificate of the history of the cat, dog, or wolf-hybrid, or another separate document.

(d) The Secretary shall prescribe by rule other information which shall be provided in writing by the pet dealer or pet shop to the consumer at the time of sale. The information shall include a description of the cat, dog, or wolf-hybrid, including breed and date of purchase; the name, address, and telephone number of the consumer; and the purchase price. Certification of this document occurs when signed by the pet dealer or pet shop.

(e) Refund or reimbursement required under subsection (a) of this section shall be made within ten business days following receipt of the signed veterinary certification. The certification shall be presented to the pet dealer or pet shop within three business days by the consumer.

§ 3922. CHALLENGE BY PET DEALER OR PET SHOP

A pet dealer or pet shop may contest a demand for reimbursement, refund, or exchange under section 3921 of this title by requiring the consumer to produce the cat, dog, or wolf-hybrid for examination by a licensed veterinarian of the pet dealer or pet shop's designation. If the consumer and the pet dealer or pet shop are unable to reach an agreement under the provisions of this section within ten business days of an examination, the consumer may initiate an action in a court of competent jurisdiction in the locality where the consumer resides to obtain a refund, exchange, or reimbursement. Nothing in this section shall limit the rights or remedies which are otherwise available to the consumer under any other law.

§ 3923. ADMINISTRATIVE PENALTIES

The Secretary may assess administrative penalties under 6 V.S.A. §§ 15-17 not to exceed \$1,000.00 for violations of this subchapter.

§ 3924. EXEMPTIONS

Duly incorporated humane societies, rescue organizations, or animal shelters that make animals available for adoption are exempt from the requirements of this subchapter.

Sec. 7. 20 V.S.A. chapter 199 is amended to read:

CHAPTER 199. SALE OF DOGS AND CATS

§ 4301. DEFINITIONS

As used in this chapter:

(1) ~~“Animal” means a dog or cat.~~

(2) ~~“Consumer” means an individual who purchases an animal from any licensee or registrant under chapter 194 of this title. A licensee or registrant under this section is not a consumer.~~

(3) ~~“Pet dealer” means any person, firm, partnership or corporation, or a representative or agent, who engages in the sale of more than one litter of animals per year or two or more animals over six months of age to consumers for monetary consideration. Breeders of animals who sell animals to the public are included in this definition; except that duly incorporated humane societies or animal shelters which make animals available for adoption are exempt.~~

§ 4302. SALE OF AN ANIMAL; RESTITUTION

(a) ~~If, within seven days following the sale of an animal, a veterinarian of the consumer’s choosing certifies the animal to be unfit for purchase due to illness or the presence of signs of contagious or infectious disease, or within one year the veterinarian certifies the existence of congenital malformation or hereditary disease, the consumer may act under subdivision (1) of this subsection, or if mutually agreed upon, under subdivision (2) or (3) of this subsection. The consumer may have:~~

(1) ~~the right to return the animal and receive a full refund of the purchase price, including sales tax, and reasonable veterinary fees related to certification under this section. A veterinary finding of intestinal parasites is not grounds for declaring an animal unfit, nor is an injury or illness sustained subsequent to the consumer taking possession of an animal;~~

(2) ~~the right to return the animal and receive an exchange animal of the consumer’s choice of equivalent value, and reasonable veterinary costs related to certification under this subsection;~~

(3) ~~the right to retain the animal and receive reimbursement from the pet dealer for reasonable veterinary service for the purpose of curing or attempting to cure the animal. In no case shall this service exceed the purchase price of the animal. Value of service is reasonable if it compares to similar service rendered by other veterinarians in the area, but in no case may it cover costs not directly related to the certification of unfitness.~~

(b) ~~The commissioner shall prescribe a form for and the content of the certificate to be used under subsection (a) of this section. The form shall~~

~~include, but not be limited to, an identification of the type of animal, the owner, date and diagnosis, the treatment recommended, if any, and an estimated cost of the treatment. The form shall also include notice of the provisions of subsection (a) of this section.~~

~~(e) Every pet dealer who sells an animal to a consumer shall provide the consumer at the time of sale with the written form prescribed by the commissioner. The notice may be included in a written contract, an animal history certificate or other separate document.~~

~~(d) The commissioner shall prescribe by rule other information which shall be provided in writing by the pet dealer to the consumer at the time of sale. Such information shall include, but not be limited to, a description of the animal, including breed and date of purchase, the name, address and telephone number of the consumer and the purchase price. Certification of this document occurs when signed by the pet dealer.~~

~~(e) Refund or reimbursement required under subsection (a) of this section shall be made within ten business days following receipt of the signed veterinary certification. The certification shall be presented to the pet dealer within three business days by the consumer.~~

~~§ 4303. CHALLENGE BY PET DEALER~~

~~A pet dealer may contest a demand for reimbursement, refund or exchange under section 4302 of this title by requiring the consumer to produce the animal for examination by a licensed veterinarian of the dealer's designation. If the consumer and the dealer are unable to reach an agreement under provisions of this section within ten business days of an examination, the consumer may initiate an action in a court of competent jurisdiction in the locality where the consumer resides to obtain a refund, exchange or reimbursement. Nothing in this section shall limit the rights or remedies which are otherwise available to the consumer under any other law.~~

~~§ 4304. ADMINISTRATIVE PENALTIES~~

~~The commissioner may assess administrative penalties under sections 15-17 of Title 6, not to exceed \$1,000.00, for violations of this chapter.~~

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

(Committee Vote: 11-0-0)

Consent Calendar

Concurrent Resolutions

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

H.C.R. 73

House concurrent resolution congratulating Townsend Swayze on his receipt of a special award from the Government of Bangladesh

H.C.R. 74

House concurrent resolution congratulating the 2013 Mount Anthony Union High School Patriots' 25th consecutive state and seventh New England championship wrestling team

H.C.R. 75

House concurrent resolution congratulating the Vermont Law School 2013 National Environmental Law Moot Court Competition championship team

H.C.R. 76

House concurrent resolution congratulating the 2013 Rochester High School Rockets Division IV boys' basketball championship team

H.C.R. 77

House concurrent resolution congratulating Westminster Cares, Inc. on its 25th anniversary

H.C.R. 78

House concurrent resolution congratulating the 2013 Vergennes Union High School Division II championship boys' basketball team

H.C.R. 79

House concurrent resolution congratulating the Underhill-Jericho Fire Department on its centennial anniversary

H.C.R. 80

House concurrent resolution congratulating the 2013 Rutland High School Raiders Division I championship cheerleading team

H.C.R. 81

House concurrent resolution honoring the Vermont Women's History Project and its women in journalism panel's commemoration of Women's History Month

H.C.R. 82

House concurrent resolution congratulating the Clarendon Fire Association, Inc. on its 50th anniversary

H.C.R. 83

House concurrent resolution in memory of Jeannette Lynch

S.C.R. 19

Senate concurrent resolution in memory of Roy Jacobsen, cofounder of the first chapter of Vietnam Veterans of America

For Informational Purposes

INFORMATION NOTICE

The following items were recently received by the Joint Fiscal Committee:

JFO #2616 – \$781,226 grant from the U.S. Department of Agriculture to the Vermont Department of Agriculture, Food and Markets. These funds will be used to develop a water quality trading initiative intended to reduce nonpoint source phosphorus pollution loading in Lake Champlain (from the Missisquoi Bay and Otter Creek).

[JFO received 03/22/13]

JFO #2617 – \$75,000 grant from the U.S. Department of Agriculture to the Vermont Department of Agriculture, Food and Markets. These funds will be used to support the State's efforts to develop an agricultural water quality improvement program through outreach to farmers and nonagricultural stakeholders and the creation of a database designed to track water quality progress.

[JFO received 03/22/13]

JFO #2618 – \$10,000 grant from the National Alcohol Beverage Control Association to the Vermont Department of Liquor Control. These funds will be used to produce and distribute materials to help employers detect fraudulent identifications.

[JFO received 03/27/13]

JFO #2619 – \$219,898 grant from the Northern Border Regional Commission to the Vermont Telecommunications Authority (VTA). These funds will be used to assist the VTA in completing construction of a 13-mile segment of a 178-mile fiber-optic network in the northeastern Vermont.

[*JFO received 03/27/13*]

**SENATE APPROPRIATIONS COMMITTEE
FY 2014 Budget
ADVOCATES TESTIMONY**

On **Monday, April 1, 2013** beginning at **3:00 pm**, the Senate Appropriations Committee will be taking testimony from advocates regarding the Fiscal Year 2014 Budget (H.530) in Room 10 of the State House. To schedule time before the Committee contact Becky Buck at the Legislative Joint Fiscal Office located at 1 Baldwin Street (phone: 828-5969).

Public Hearings

April 18, 2013 - Room 11 - 6:00-8:00 PM - H. 208 Earned Sick Days - House General, Housing and Military Affairs

Information Notice

**House Appropriations Committee
Members' amendments to Fiscal Year 2014
Proposed Omnibus Appropriations Bill (H.530)**

The House Committee on Appropriations requests all members of the House, who intend to introduce amendments to the proposed FY 2014 omnibus appropriations bill (H.530), to meet with the committee in room 42 at 8:30 a.m. on Thursday, March 28, before 2nd reading, OR at 8:15 a.m. on Friday, March 29, before 3rd reading. If possible, please schedule a time with Theresa Utton-Jerman (828-5767, Room: 40 or tutton@leg.state.vt.us) to meet with the Committee.