House Calendar

Thursday, April 04, 2013

86th DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 P.M.

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H. 531

An act relating to Building 617 in Essex

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 ~~kennel~~ 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.

(c) 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)

Rep. Johnson of Canaan, for the Committee on **Ways and Means,** recommends the bill ought to pass when amended as recommended by the Committee on **Agriculture and Forest Products.**

(Committee Vote: 10-0-1)

Amendment to be offered by Rep. Bartholomew of Hartland to H. 50

First: In Sec. 1, 20 V.S.A. § 3541, in subsection (10), by striking "to consumers" in the first sentence

Second: In Sec. 6, 20 V.S.A. § 3901, in subsection (7), by striking "to consumers" in the first sentence

H. 101

An act relating to the clarification of provisions regarding the posting of land and access to land and water for hunting, fishing, and trapping

Rep. McCullough of Williston, for the Committee on **Fish, Wildlife & Water Resources,** recommends the bill be amended as follows:

Sec. 1. 10 V.S.A. § 4047a is added to read:

§ 4047a. RAFFLES; DEPARTMENT AUTHORITY

(a) Notwithstanding the provisions of 13 V.S.A. chapter 51, the Department may organize and execute raffles to dispose of property, and a person may participate in raffles executed by the Department, provided that the proceeds of raffles executed under this section shall be used solely to fund actions fulfilling or consistent with the purposes of the Department.

(b) All moneys received by the Department under this section shall be deposited in the Fish and Wildlife Fund to be used for the purposes of that fund.

Sec. 2. 10 V.S.A. § 4081 is amended to read:

§ 4081. POLICY

* * *

(g) If the ~~board~~ Board finds that an antlerless season is necessary to maintain the health and size of the herd, the ~~department~~ Department shall administer an antlerless deer program. Any open season on antlerless deer shall be held following the regular deer season held pursuant to section 4741 of this title~~, except as provided in section 4086 of this title~~. Annually, the ~~board~~ Board shall determine how many antlerless permits to issue in each deer management district. For a nonrefundable fee of $10.00 for residents and $25.00 for nonresidents a person may apply for a permit. Each person may submit only one application for a permit. The ~~department~~ Department shall allocate the permits in the following manner:

(1) A Vermont landowner, as defined in section 4253 of this title, who owns 25 or more contiguous acres and who applies shall receive a permit for antlerless hunting in the management unit on which the land is located before any are given to people eligible under subdivision (2) of this subsection. If the land is owned by more than one individual, corporation or other entity, only one permit shall be issued. Landowners applying for antlerless permits under this subdivision shall not, at the time of application or thereafter during the regular hunting season, post their lands except under the provisions of section 4710 of this title. As used in this section, "post" means any signage that would

lead a reasonable person to believe that hunting is restricted on the land. If the number of landowners who apply exceeds the number of permits for that district, the ~~department~~ Department shall award all permits in that district to landowners by lottery.

* * *

Sec. 3. 10 V.S.A. § 4082 is amended to read:

§ 4082. VERMONT FISH AND WILDLIFE REGULATIONS

(a) The ~~board~~ Board may adopt rules, under 3 V.S.A. chapter 25 ~~of Title 3~~, to be known as the "Vermont fish and wildlife regulations" for the regulation of fish and wild game and the taking thereof except as otherwise specifically provided by law. The rules shall be designed to maintain the best health, population, and utilization levels of the regulated species and of other necessary or desirable species which are ecologically related to the regulated species. The rules shall be supported by investigation and research conducted by the ~~department~~ Department on behalf of the ~~board~~ Board.

(b) The ~~board~~ Board annually may ~~annually~~ adopt ~~temporary~~ rules relating to the management of migrating game birds, and shall follow the procedures for rulemaking contained in 3 V.S.A. chapter 25 ~~of Title 3 to the extent reasonably possible~~. For each such rule, the ~~board~~ Board shall conduct a hearing but, when necessary, may schedule the hearing for a day before the terms of the rule are expected to be determined.

(c) The Board may set by procedure the annual number of antlerless deer that can be harvested in each wildlife management unit and the annual number of moose that can be harvested in each wildlife management unit without following the procedures for rulemaking contained in 3 V.S.A. chapter 25. The annual numbers of antlerless deer and moose that can be harvested shall be supported by investigation and research conducted by the Department on behalf of the Board. Prior to setting the antlerless deer and moose permit numbers, the Board shall provide a period of not less than 30 days of public notice and shall conduct at least three public informational hearings. The public informational hearings may be conducted simultaneously with the regional antlerless deer meetings required by 10 V.S.A. App. § 2b. The final annual antlerless deer and moose harvest permit numbers shall be enforceable by the Department under its enforcement authority in part 4 of this title. The final annual antlerless deer and moose harvest permit numbers shall be reported to the House Committee on Fish, Wildlife and Water Resources and the Senate Committee on Natural Resources and Energy as part of the annual deer report required under section 4084 of this title.

Sec. 4. 10 V.S.A. § 4084 is amended to read:

§ 4084. GAME

(a) Rules concerning wild game may:

(1) ~~Establish~~ establish open seasons; however, rules regarding taking of deer adopted under this subdivision shall make provision for a regular rifle hunting season pursuant to section 4741 of this title and for an archery season and a muzzle loader season unless there is a scientific reason not to do so;

(2) ~~Establish~~ establish daily, season, and possession limits;

(3) ~~Establish~~ establish territorial limits for any rule under this subchapter;

(4) ~~Prescribe~~ prescribe the manner and means of taking any species or variety, ~~and~~ including reporting and tagging of game;

(5) ~~Establish~~ establish restrictions on taking based upon sex, maturity, or other physical distinction of the species or variety pursued; and

(6) ~~Designate~~ designate wildlife management ~~districts~~ units for various species or varieties.

(b)(1) On or before July 1 of each year, the ~~commissioner~~ Commissioner shall publish a report showing all the wildlife management ~~districts~~ units and proposed deer seasons. The reports shall include supporting data for the proposed actions.

(2) Each January, the ~~commissioner~~ Commissioner shall publish an annual deer report ~~showing the specific programs, plans, and operational goals of the department and shall include a progress report of each deer management district~~.

(c) ~~After management districts have been established by the board under the authority of this section, the districts shall not thereafter be altered~~ The Board may alter the outer boundary of a wildlife management unit no more frequently than every ten years without approval of the ~~general assembly~~ General Assembly; however, the ~~board~~ Board shall have authority to subdivide established ~~districts~~ wildlife management units. ~~This subsection shall not apply to special management zones created under section 4086 of this title.~~

Sec. 5. 10 V.S.A. 4251 is amended to read:

§ 4251. TAKING WILD ANIMALS AND FISH; LICENSE

(a) Except as provided in ~~section 4253~~ sections 4253 and 4254b of this title, a person shall not take wild animals or fish without first having procured a license therefor; provided, however, that a person under 15 years of age may take fish in accordance with this part and regulations of the ~~board~~ Board,

without first having procured a license therefor.

(b) The ~~commissioner of fish and wildlife~~ Commissioner of Fish and Wildlife may designate ~~one day~~ two days each calendar year as ~~a~~ "free fishing ~~day"~~ days" for which no license shall be required. One day shall occur in the open water fishing season and one day shall occur during the ice fishing season.

Sec. 6. 10 V.S.A. § 4252 is amended to read:

§ 4252. ACTIVITIES PERMITTED UNDER LICENSES

(a) Subject to provisions of this part and regulations of the ~~board~~ Board:

* * *

(5) An archery license shall entitle the holder to take one deer by bow and arrow ~~pursuant to section 4744 of this title~~.

(6) A muzzle loader license shall entitle the holder to take deer with a muzzle loading firearm ~~pursuant to section 4743 of this title~~.

* * *

(9) A second muzzle loader license, which may only be purchased by a holder of a muzzle loader license, shall entitle the holder to take one wild deer, in addition to the number allowed to a holder of a muzzle license, with a muzzle loading firearm ~~pursuant to section 4743 of this title~~.

(10) A second archery license, which may only be purchased by a holder of an archery license, shall entitle the holder to take one deer, in addition to the number allowed to a holder of an archery license, with a bow and arrow ~~pursuant to section 4744 of this title~~.

* * *

(12) A super sport license shall entitle the holder to take fish, shoot pickerel, take wild animals pursuant to chapter 113 of this title, take wild animals as allowed under a combination hunting and fishing license and the following big game licenses: archery, muzzle loader, turkey, second archery, and second muzzle loader. The ~~commissioner~~ Commissioner may establish procedures to encourage purchasers of a super sport license to make a stewardship donation of $10.00 to the ~~fish and wildlife fund~~ Fish and Wildlife Fund for the purpose of habitat improvement.

* * *

(b) In addition to the activities authorized under subsection (a) of this section and the rules authorized thereunder, the holder of an archery license, second archery license, or super sport license may possess a handgun while

archery hunting, provided that the license holder shall not take game by firearm while archery hunting. As used in this section, "handgun" means a pistol or revolver which will expel a projectile by the action of an explosive.

Sec. 7. 10 V.S.A. § 4254(i)(1) is amended to read:

(i)(1) If the ~~board~~ Board establishes a moose hunting season, up to five moose permits shall be set aside to be auctioned. The moose permits set aside for auction shall be in addition to the number of annual moose permits authorized by the Board. The ~~board~~ Board shall adopt rules necessary for the ~~department~~ Department to establish, implement, and run the auction process. The Commissioner annually may establish a minimum dollar amount of not less than $1,500.00 for any winning bid for a moose permit auctioned under this subdivision. Proceeds from the auction shall be deposited in the ~~fish and wildlife fund~~ Fish and Wildlife Fund and used for conservation education programs run by the ~~department~~ Department. Successful bidders must have a Vermont hunting or combination license in order to purchase a moose permit. ~~Beginning with the 2006 hunting season, the five moose permits set aside for auction shall be in addition to the number of annual moose permits authorized by the board.~~

Sec. 8. 10 V.S.A. § 4254b is added to read:

§ 4254b. THERAPEUTIC GROUP FISHING LICENSE

(a) As used in this section:

(1) "Health care professional" means an individual licensed or certified or otherwise authorized by Vermont law to provide professional health services.

(2) "Health service" means any treatment or procedure delivered by a health care professional to maintain an individual's physical or mental health or to diagnose or treat an individual's physical or mental health condition, including services ordered by a health care professional, chronic care management, preventive care, wellness services, and medically necessary services to assist in activities of daily living.

(3) "Individual representing a long-term care facility" means an employee of a long-term care facility or a person recognized as an official volunteer by the long-term care facility.

(4) "Long-term care facility" means any facility required to be licensed under 33 V.S.A. chapter 71.

(b) The Commissioner may issue an annual therapeutic group fishing license to a health care professional or an individual representing a long-term care facility. A therapeutic group fishing license shall allow up to four persons

per day to fish at one time provided that:

(1) the persons are under the care of a health care professional or are residing in a long-term care facility; and

(2) while fishing the persons are supervised by the health care professional or the individual representing a long-term care facility who was issued the therapeutic group fishing license.

(c) A person fishing under a therapeutic group fishing license shall not be required to obtain a fishing license under section 4251 of this title but shall be required to comply with all other requirements of this chapter, chapter 111 of this title, and the rules of the Board. When a person or group of persons is fishing under a therapeutic group fishing license, the person or group shall be accompanied at all times by the health care professional or the individual representing a long-term care facility to which the license was issued. The health care professional or individual representing a long-term care facility may assist persons fishing under the license with all aspects of fishing activity. The health professional or individual representing a long-term care facility shall carry the license at all times while a person is fishing under the license and shall produce the license on demand by any fish and wildlife warden.

Sec. 9. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

* * *

(j) If the ~~board~~ Board determines that a moose season will be held in accordance with the rules adopted under sections 4082 and 4084 of this title, the ~~commissioner~~ Commissioner annually may issue three no-cost moose licenses to a ~~child or young adult age 21 years or under~~ person who has a ~~life threatening~~ life-threatening disease or illness and who is sponsored by a qualified charitable organization, provided that at least one of the no-cost annual moose licenses awarded each year shall be awarded to a child or young adult age 21 years of age or under who has a life-threatening illness. The child or ~~young~~ adult ~~must~~ shall comply with all other requirements of this chapter and the rules of the ~~board~~ Board. Under this subsection, a person may receive only one no-cost moose license in his or her lifetime. The ~~commissioner~~ Commissioner shall adopt rules in accordance with 3 V.S.A. chapter 25 ~~of Title 3~~ to implement this subsection. The rules shall define the child or ~~young~~ adult qualified to receive the no-cost license, shall define a qualified sponsoring charitable organization, and shall provide the application process and criteria for issuing the no-cost moose license.

* * *

(m) The fee for a therapeutic group fishing license issued under section 4254b of this title shall be $50.00 per year, provided that the Commissioner may waive the fee under this section if the applicant for a therapeutic group fishing license completes instructor certification under the Department's Let's Go Fishing Program. The Commissioner may, at his or her discretion, issue a free therapeutic fishing license to an applicant.

Sec. 10. 10 V.S.A. § 4278 is amended to read:

§ 4278. FALCONRY LICENSE

(a) In this section, "raptor" means species of the orders ~~strigiformes and falconiformes~~ Strigiformes, Falconiformes, and Accipitriformes.

(b)(1) A Vermont resident may obtain, sell, transport, possess, and train raptor species allowable under state and federal laws and regulations for hunting, provided the person has first obtained a state falconry license from the ~~commissioner~~ Commissioner. ~~Possession of a federal license is required to validate a state license. Applicants for~~ The Commissioner may issue a state falconry license ~~shall receive a license~~, provided that the applicant:

~~(1)~~(A) pays an initial licensing fee of $250.00 for a license valid for three years, or a renewal fee of $50.00 for a license valid for each year thereafter, as appropriate, to the ~~department~~ Department;

~~(2)~~(B) meets the minimum age and experience requirements for each of apprentice, general, or master falconry licenses;

~~(3)~~(C) has completed a supervised examination relating to basic biology, care, and handling of raptors, has correctly answered a minimum of ~~80~~ 85 percent of the questions; and

~~(4)~~(D) possesses raptor housing facilities and falconry equipment that meet state and federal standards.

(2) The ~~commissioner~~ Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 that will establish requirements for ensuring that holders of falconry licenses will be properly qualified and that the birds will be legally acquired and appropriately cared for. Such rules shall further define required raptor housing facilities and falconry equipment, legal means of taking, lawful species, ages, and numbers of raptors to be taken and possessed, banding requirements, and any other further restrictions on taking and possession.

* * *

Sec. 11. 10 V.S.A. § 4280 is amended to read:

§ 4280. TAKING WILDLIFE DURING A PERIOD OF LICENSE SUSPENSION

A person shall not hunt, fish, or trap while a license or right to obtain a license is under suspension, including those persons who could otherwise hunt, fish, or trap pursuant to section 4253 of this title.

Sec. 12. 10 V.S.A. § 4701 is amended to read:

§ 4701. USE OF GUN, BOW AND ARROW, AND CROSSBOW; LEGAL DAY; DOGS

(a) ~~A~~ Unless otherwise provided by statute, a person shall not take game except with:

(1) a gun fired at arm's length ~~or with~~;

(2) a bow and arrow ~~unless otherwise provided~~; or

(3) a crossbow as authorized under section 4711 of this title or as authorized by the rules of the Board.

(b) A person shall not take game between one-half hour after sunset and one-half hour before sunrise unless otherwise provided by statute or by the rules of the Board.

(c) A person may take game and fur-bearing animals during the open season therefor, with the aid of a dog, unless otherwise prohibited by statute or by the rules of the Board.

Sec. 13. 10 V.S.A. § 4502(b) is amended to read:

(b) A person violating provisions of this part shall receive points for convictions in accordance with the following schedule (all sections are in Title 10 of Vermont Statutes Annotated):

(1) Five points shall be assessed for any violation of statutes or rules adopted under this part except those listed in subdivisions (2) and (3) of this subsection.

(2) Ten points shall be assessed for:

* * *

(HH) § 4827. A black bear doing damage

* * *

(MM) § 4827a. Feeding a black bear.

(3) Twenty points shall be assessed for:

* * *

(G) ~~§ 4743(c). Muzzle loader deer season~~ [Repealed.]

* * *

Sec. 14. DEPARTMENT OF FISH AND WILDLIFE WORKING GROUP ON ILLEGAL TAKING OF GAME FROM VEHICLES OR PUBLIC HIGHWAY

(a) The Commissioner of Fish and Wildlife shall convene a working group to review and recommend methods for addressing illegal taking of game from motor vehicles or public highways in Vermont. The working group shall consist of the Commissioner or his or her designee and the following members to be appointed by the Commissioner:

(1) two members of the Fish and Wildlife Board;

(2) two State Game Wardens, Deputy State Game Wardens, other appropriate law enforcement officers, or a combination thereof; and

(3) two persons who hold a valid Vermont hunting license.

(b) On or before December 15, 2013, the Commissioner shall report to the House Committee on Fish, Wildlife and Water Resources and the Senate Committee on Natural Resources and Energy with the recommendations of the working group.

(c) The report shall include a summary, based on the number of citations issued and on the number complaints tabulated by the Department, of the incidence of illegal taking of game from motor vehicles or public highways in Vermont and shall make recommendations on potential measures by which to reduce such incidents. The report shall include recommendations regarding:

(1) increasing the distance from the traveled portion of public highways or other roadways at which hunters may take or attempt to take game;

(2) a prohibition on shooting of a firearm or bow and arrow over or across the traveled portion of a public highway or other roadways;

(3) increasing enforcement, increasing fines, or both; and

(4) any other appropriate measures supporting the purpose of the working group.

Sec. 15. 10 V.S.A. § 4709 is amended to read:

§ 4709. IMPORTATION, STOCKING WILD ANIMALS; POSSESSION OF WILD BOAR

(a) A person shall not bring into the ~~state~~ State or possess any live wild bird or animal of any kind, unless, upon application in writing therefor, the person obtains from the ~~commissioner~~ Commissioner a permit to do so. The

importation permit may be granted under such regulations therefor as the ~~board~~ Board shall prescribe and only after the ~~commissioner~~ Commissioner has made such investigation and inspection of the birds or animals as she or he may deem necessary. The ~~department~~ Department may dispose of unlawfully imported wildlife as it may judge best, and the ~~state~~ State may collect treble damages from the violator of this subsection for all expenses incurred.

(b) Nothing in this section shall prohibit the ~~commissioner~~ Commissioner or duly authorized agents of the ~~fish and wildlife department~~ Department of Fish and Wildlife from bringing into the ~~state~~ State for the purpose of planting, introducing, or stocking, or from planting, introducing, or stocking in the ~~state~~ State, any wild bird or animal.

(c) Applicants shall pay a permit fee of $100.00.

(d)(1) The Commissioner shall not issue a permit under this section for the importation or possession of the following live species, a hybrid or genetic variant of the following species, offspring of the following species, or offspring or a hybrid of a genetically engineered variant of the following species: wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old world swine, razorback, Eurasian wild boar, or Russian wild boar (Sus scrofo Linnaeus).

(2) This subsection shall not apply to the domestic pig (Sus domesticus) involved in domestic hog production and shall not restrict or limit the authority of the Secretary of Agriculture, Food and Markets to regulate the importation or possession of the domestic pig as livestock or as a domestic animal under Title 6 of the Vermont Statutes Annotated.

Sec. 16. 10 V.S.A. § 4827 is amended to read:

§ 4827. BLACK BEAR DOING DAMAGE

(a) ~~A~~ (1) Except as provided in subdivision (2) of this subsection and in subsection 4827a(b) of this title, a person, an authorized member of the person's family, or the person's authorized regular on-premise employee may, after attempting reasonable nonlethal measures to protect his or her property, take~~,~~ on land owned or occupied by the person~~,~~ a bear which he or she can prove was doing damage to the following:

~~(1)~~(A) livestock, a pet, or another domestic animal;

~~(2)~~(B) bees or bee hives;

~~(3)~~(C) a vehicle, building, shed, or any dwelling; or

~~(4)~~(D) a crop or crop-bearing plant other than grass.

(2)(A) The requirements of subdivision (1) of this subsection shall not

apply in exigent circumstances. As used in this subdivision, "exigent circumstances" means the need for immediate protection of a person, livestock, pet, domestic animal, or occupied dwelling.

(B) Landowners or lessees subject to bear damage in unharvested cornfields shall be exempt from having to first use nonlethal control measures prior to taking a black bear doing damage under subdivision (a)(1) of this section.

(b) A person authorized to take a bear under subsection (a) of this section may designate one individual who holds a resident Vermont hunting license as an agent to take a bear doing damage on his or her behalf. The person may not offer or accept any form of payment to or from the agent under this subsection except as allowed in subsection (e) of this section.

* * *

(f) ~~If a person has intentionally placed bait or food, which may include fruit, grain, salt, or other materials, including within a bird feeder, to entice or lure wildlife onto the property within the past 30 days:~~

~~(1) the person may not kill a bear causing damage pursuant to this section; and~~

~~(2) the commissioner is authorized to issue an order requiring the person to remove the bait or food if the luring may result in harm to a person, a domestic animal, a crop, or property~~ [Repealed.]

* * *

(h) A person who shoots a bear in violation of subsection ~~(f) or~~ (g) of this section or subsection 4827a(b) of this title may be fined up to ~~$1,000.00~~ $2,000.00. A person who does not remove bait or contain food following an order issued under subsection ~~(f) or~~ (g) of this section or subsection 4827a(b) may be fined up to ~~$500.00~~ $1,000.00.

Sec. 17. 10 V.S.A. § 4827a is added to read:

§ 4827a. FEEDING BEAR; PROHIBITION

(a) A person shall not knowingly feed a bear and shall not knowingly give, place, expose, deposit, distribute, or scatter any bait, food, or other edible material in a manner intended to lure a bear to feed except:

(1) under a license or permit issued under section 4152 of this title by the Commissioner for bona fide scientific research, mitigation of wildlife damage, nuisance problems, or wildlife population reduction program;

(2) by planting, cultivating, or harvesting of crops directly associated

with bona fide agricultural practices, including planted wildlife food plots; or

(3) by distribution of feed material for livestock directly associated with bona fide agricultural practices.

(b) A person who has intentionally placed bait, food, or other edible material, including placing food within a bird feeder, to lure wildlife onto the property within the past 30 days shall be prohibited from taking a bear doing damage under the authority set forth in section 4827 of this title. The Commissioner or his or her designee may issue an order requiring a person to remove or contain the bait, food, or edible material if the placing of bait or food results in the feeding of a bear.

(c) As used in this section, "bait, food, or other edible material" means fruit, grain, salt, grease, garbage, or other materials intended to feed or lure wildlife.

Sec. 18. 10 V.S.A. § 4829 is amended to read:

§ 4829. ~~PERSON SUFFERING DAMAGE BY DEER OR BLACK BEAR~~

~~A person who suffers damage by deer to the person's crops, fruit trees, or crop-bearing plants on land not posted against the hunting of deer, or a person who suffers damage by black bear to the person's cattle, sheep, swine, poultry, or bees or bee hives on land not posted against hunting or trapping of black bear is entitled to reimbursement for the damage, and may apply to the department of fish and wildlife within 72 hours of the occurrence of the damage for reimbursement for the damage. As used in this section, "post" means any signage that would lead a reasonable person to believe that hunting is prohibited on the land.~~ [Repealed.]

Sec. 19. 10 V.S.A. § 4830 is amended to read:

§ 4830. ~~REGULATIONS~~

~~The state fish and wildlife board shall adopt rules and regulations relating to application for reimbursement, examination by state fish and wildlife wardens of damage and reimbursement therefor.~~ [Repealed.]

Sec. 20. 10 V.S.A. § 4831 is amended to read:

§ 4831. ~~REIMBURSEMENT~~

~~Reimbursement under this subchapter shall be made by the state treasurer, on the voucher of the commissioner of fish and wildlife, from money received by the state treasurer under the provisions of this part.~~ [Repealed.]

Sec. 21. 10 V.S.A. § 4832 is amended to read:

§ 4832. ~~APPEAL~~

~~A person who is denied reimbursement under this subchapter or who is dissatisfied with the amount of the reimbursement granted may appeal to the superior court of the county in which he resides.~~ [Repealed.]

Sec. 22. 10 V.S.A. § 5001 is amended to read:

§ 5001. HUNTING DOGS; FIELD TRAINING

(a) While accompanying the dog, a person ~~without a firearm~~ may train a hunting dog to hunt and pursue:

(1) Bear during the period from June 1 to September 15 and then only from sunrise to sunset;

(2) Rabbits and game birds during the period from June 1 to the last Saturday in September and then only from sunrise to sunset;

(3) Raccoon during the period from June 1 to the last Saturday in September at any time of the day or night;

(4) Bobcat and fox during the period June 1 to March 15, except during regular deer season as prescribed in ~~10 V.S.A. §~~ section 4741 of this title.

(b) The ~~commissioner~~ Commissioner may permit a person ~~without a gun~~ to train and condition a hunting dog between the second Monday in March and June 1. The ~~board~~ Board may adopt rules as it considers necessary to control the training and conditioning of hunting dogs.

(c) A person training a hunting dog under this section may possess a handgun while training the hunting dog, provided that the person shall not take game by any method while training the hunting dog. As used in this section, "handgun" means a pistol or revolver which will expel a projectile by the action of an explosive.

Sec. 23. 10 V.S.A. § 5201 is amended to read:

§ 5201. NOTICES; POSTING

(a)(1) An owner, or a person having the exclusive right to take fish or wild animals upon land or the waters thereon, who desires to protect his or her land or waters over which he or she has exclusive control, may maintain notices stating~~, if he or she wishes to prohibit the taking of game and wild animals, that the shooting and trapping are~~ that:

(A) the shooting, trapping, or taking of game or wild animals is prohibited ~~, or, if he or she wishes to prohibit the taking of fish, that~~ or is by permission only;

(B) fishing or the taking of fish is prohibited ~~, or, if he or she wishes to prohibit the taking of fish and wild animals, that~~ or is by permission only;

(C) fishing, hunting, ~~and~~ trapping, and taking of wild animals and fish are prohibited or are by permission only.

(2) "Permission only signs" authorized under this section shall contain the owner's name and a legitimate method by which to contact the property owner or a person authorized to provide permission to hunt, fish, or trap on the property.

* * *

Sec. 24. EFFECTIVE DATES

(a) This section and Sec. 15 (importation, stocking wild animals; possession of wild boar) of this act shall take effect on passage.

(b) Sec. 10 (falconry license) of this act shall take effect on January 1, 2014, provided that the Fish and Wildlife Board may, prior to January 1, 2014, adopt rules to implement 10 V.S.A. § 4278 as effective on January 1, 2014.

(c) All other sections of the act shall take effect on July 1, 2013.

and that after passage the title of the bill be amended to read: "An act relating to hunting, fishing, and trapping"

(Committee Vote: 9-0-0)

Rep. Masland of Thetford, for the Committee on **Ways and Means,** recommends the bill ought to pass when amended as recommended by the Committee on **Fish, Wildlife & Water Resources.**

(Committee Vote: 10-0-1)

Amendment to be offered by Reps. Johnson of Canaan, Malcolm of Pawlet, Smith of New Haven, and Winters of Williamstown to H. 101

First: In Sec. 14, by striking subdivision (c)(1) in its entirety and inserting in lieu thereof the following:

(1) whether and to what extent the State should regulate the distance from the traveled portion of public highways or other roadways at which hunters may take or attempt to take game;

Second: By striking Secs. 18, 19, and 20 in their entirety and inserting in lieu thereof the following:

Sec. 18. 10 V.S.A. § 4829 is amended to read:

§ 4829. PERSON SUFFERING DAMAGE BY DEER OR BLACK BEAR

(a) A person engaged in the business of farming who suffers damage by deer to the person's crops, fruit trees, or crop-bearing plants on land not posted

against the hunting of deer, or a person engaged in the business of farming who suffers damage by black bear to the person's cattle, sheep, swine, poultry, or bees or bee hives on land not posted against hunting or trapping of black bear is entitled to reimbursement for the damage, and may apply to the ~~department of fish and wildlife~~ Department of Fish and Wildlife within 72 hours of the occurrence of the damage for reimbursement for the damage. As used in this section, "post" means any signage that would lead a reasonable person to believe that hunting is prohibited on the land.

(b) As used in this section, a person is "engaged in the business of farming" if he or she earns at least one-half of the farmer's annual gross income from the business of farming, as that term is defined in the Internal Revenue Code, 26 C.F.R. § 1.175-3.

and by renumbering the subsequent section numbers of the bill to be numerically correct

H. 297

An act relating to duties and functions of the Department of Public Service

Rep. Young of Glover, 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:

* * * Participation in Federal Proceedings * * *

Sec. 1. 30 V.S.A. § 2(b) is amended to read:

(b) In cases requiring hearings by the ~~board~~ Board, the ~~department~~ Department, through the ~~director for public advocacy~~ Director for Public Advocacy, shall represent the interests of the people of the ~~state~~ State, unless otherwise specified by law. In any hearing, the ~~board~~ Board may, if it determines that the public interest would be served, request the ~~attorney general~~ Attorney General or a member of the Vermont ~~bar~~ Bar to represent the public or the ~~state~~ State. In addition, the Department may intervene, appear, and participate in Federal Energy Regulatory Commission proceedings, Federal Communications Commission proceedings, or other federal administrative proceedings on behalf of the Vermont public.

* * * Coordination of Energy Planning * * *

Sec. 2. 30 V.S.A. § 202 is amended to read:

§ 202. ELECTRICAL ENERGY PLANNING

(a) The ~~department of public service~~ Department of Public Service, through the ~~director for regulated utility planning~~ Director for Regulated Utility Planning, shall constitute the responsible utility planning agency of the ~~state~~

State for the purpose of obtaining for all consumers in the ~~state~~ State proper utility service at minimum cost under efficient and economical management consistent with other public policy of the ~~state~~ State. The ~~director~~ Director shall be responsible for the provision of plans for meeting emerging trends related to electrical energy demand, supply, safety, and conservation.

(b) The ~~department~~ Department, through the ~~director~~ Director, shall prepare an electrical energy plan for the ~~state~~ State. The plan shall be for a 20-year period and shall serve as a basis for state electrical energy policy. The electric energy plan shall be based on the principles of "least cost integrated planning" set out in and developed under section 218c of this title. The plan shall include at a minimum:

(1) an overview, looking 20 years ahead, of statewide growth and development as they relate to future requirements for electrical energy, including patterns of urban expansion, statewide and service area economic growth, shifts in transportation modes, modifications in housing types and design, conservation and other trends and factors which, as determined by the ~~director~~ Director, will significantly affect state electrical energy policy and programs;

(2) an assessment of all energy resources available to the ~~state~~ State for electrical generation or to supply electrical power, including, among others, fossil fuels, nuclear, hydro-electric, biomass, wind, fuel cells, and solar energy and strategies for minimizing the economic and environmental costs of energy supply, including the production of pollutants, by means of efficiency and emission improvements, fuel shifting, and other appropriate means;

(3) estimates of the projected level of electrical energy demand;

(4) a detailed exposition, including capital requirements and the estimated cost to consumers, of how such demand shall be met based on the assumptions made in subdivision (1) of this subsection and the policies set out in subsection (c) of this section; and

(5) specific strategies for reducing electric rates to the greatest extent possible in Vermont over the most immediate ~~five-year~~ six-year period, for the next succeeding ~~five-year~~ six-year period, and long-term sustainable strategies for achieving and maintaining the lowest possible electric rates over the full 20-year planning horizon consistent with the goal of maintaining a financially stable electric utility industry in Vermont.

(c) In developing the plan, the ~~department~~ Department shall take into account the protection of public health and safety; preservation of environmental quality; the potential for reduction of rates paid by all retail electricity customers; the potential for reduction of electrical demand through

conservation, including alternative utility rate structures; use of load management technologies; efficiency of electrical usage; utilization of waste heat from generation; and utility assistance to consumers in energy conservation.

(d) In establishing plans, the ~~director~~ Director shall:

(1) Consult with:

(A) the public;

(B) Vermont municipal utilities;

(C) Vermont cooperative utilities;

(D) Vermont investor-owned utilities;

(E) Vermont electric transmission companies;

(F) environmental and residential consumer advocacy groups active in electricity issues;

(G) industrial customer representatives;

(H) commercial customer representatives;

(I) the ~~public service board~~ Public Service Board;

(J) an entity designated to meet the public's need for energy efficiency services under subdivision 218c(a)(2) of this title;

(K) other interested state agencies; and

(L) other energy providers.

(2) To the extent necessary, include in the plan surveys to determine needed and desirable plant improvements and extensions and coordination between utility systems, joint construction of facilities by two or more utilities, methods of operations, and any change that will produce better service or reduce costs. To this end, the ~~director~~ Director may require the submission of data by each company subject to supervision, of its anticipated electrical demand, including load fluctuation, supplies, costs, and its plan to meet that demand and such other information as the ~~director~~ Director deems desirable.

(e) The ~~department~~ Department shall conduct public hearings on the final draft and shall consider the evidence presented at such hearings in preparing the final plan. The plan shall be adopted no later than January 1, ~~2004~~ 2016 and readopted in accordance with this section by every sixth January 1 thereafter, and shall be submitted to the ~~general assembly~~ General Assembly each time the plan is adopted or readopted. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the submission to be made

under this subsection.

(f) After adoption by the ~~department~~ Department of a final plan, any company seeking ~~board~~ Board authority to make investments, to finance, to site or construct a generation or transmission facility or to purchase electricity or rights to future electricity, shall notify the ~~department~~ Department of the proposed action and request a determination by the ~~department~~ Department whether the proposed action is consistent with the plan. In its determination whether to permit the proposed action, the ~~board~~ Board shall consider the ~~department's~~ Department's determination of its consistency with the plan along with all other factors required by law or relevant to the ~~board's~~ Board's decision on the proposed action. If the proposed action is inconsistent with the plan, the ~~board~~ Board may nevertheless authorize the proposed action if it finds that there is good cause to do so. The ~~department~~ Department shall be a party to any proceeding on the proposed action, except that this section shall not be construed to require a hearing if not otherwise required by law.

(g) The ~~director~~ Director shall annually review that portion of a plan extending over the next ~~five~~ six years. The ~~department~~ Department, through the ~~director~~ Director, shall ~~annually~~ biennially extend the plan by ~~one~~ two additional ~~year~~ years; and from time to time, ~~but in no~~ and in any event ~~less than~~ every ~~five years~~ sixth year, institute proceedings to review a plan and make revisions, where necessary. The ~~five-year~~ six-year review and any interim revisions shall be made according to the procedures established in this section for initial adoption of the plan. The six-year review and any revisions made in connection with that review shall be performed contemporaneously with readoption of the comprehensive energy plan under section 202b of this title.

(h) The plans adopted under this section ~~shall be submitted to the energy committees of the general assembly and~~ shall become the electrical energy portion of the state energy plan.

(i) It shall be a goal of the electrical energy plan to assure, by 2028, that at least 60 MW of power are generated within the ~~state~~ State by combined heat and power (CHP) facilities powered by renewable fuels ~~or by nonqualifying SPEED resources,~~ as defined in section 8002 of this title. In order to meet this goal, the plan shall include incentives for development and strategies to identify locations in the ~~state~~ State that would be suitable for CHP. The plan shall include strategies to assure the consideration of CHP potential during any process related to the expansion of natural gas services in the ~~state~~ State.

Sec. 3. 30 V.S.A. § 202b is amended to read:

§ 202b. STATE COMPREHENSIVE ENERGY PLAN

(a) The ~~department of public service~~ Department of Public Service, in conjunction with other state agencies designated by the ~~governor~~ Governor, shall prepare a comprehensive state energy plan covering at least a 20-year period. The plan shall seek to implement the state energy policy set forth in section 202a of this title. The plan shall include:

(1) A comprehensive analysis and projections regarding the use, cost, supply, and environmental effects of all forms of energy resources used within Vermont.

(2) Recommendations for ~~state~~ State implementation actions, regulation, legislation, and other public and private action to carry out the comprehensive energy plan.

(b) In developing or updating the plan's recommendations, the ~~department of public service~~ Department of Public Service shall seek public comment by holding public hearings in at least five different geographic regions of the ~~state~~ State on at least three different dates, and by providing notice through publication once a week and at least seven days apart for two or more successive weeks in a newspaper or newspapers of general circulation in the regions where the hearings will be held, and by delivering notices to all licensed commercial radio and television stations with transmitting facilities within the ~~state~~ State, plus Vermont Public Radio and Vermont Educational Television.

(c) The ~~department~~ Department shall adopt a state energy plan by ~~no later than~~ January 1, ~~1994~~ 2016 and shall readopt the plan by every sixth January 1 thereafter. On adoption or readoption, the plan shall be submitted to the General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to such submission.

(1) Upon adoption of the plan, analytical portions of the plan may be updated ~~annually~~ and published biennially.

(2) Every fourth year after the adoption or readoption of a plan under this section, the Department shall publish the manner in which the Department will engage the public in the process of readopting the plan under this section.

(3) The publication requirements of subdivisions (1) and (2) of this subsection may be met by inclusion of the subject matter in the Department's biennial report.

(4) The plan's implementation recommendations shall be updated by the ~~department~~ Department no less frequently than every ~~five~~ six years. These recommendations shall be updated prior to the expiration of ~~five~~ six years if the ~~general assembly~~ General Assembly passes a joint resolution making a

request to that effect. If the ~~department~~ Department proposes or the ~~general assembly~~ General Assembly requests the revision of implementation recommendations, the ~~department~~ Department shall hold public hearings on the proposed revisions.

(d) ~~Any distribution~~ Distribution of the plan to members of the ~~general assembly~~ General Assembly shall be in accordance with the provisions of 2 V.S.A. § 20 (a)–(c).

Sec. 4. INTENT; RETROACTIVE APPLICATION

In enacting Secs. 2 (20-year electric plan) and 3 (comprehensive energy plan) of this act, the General Assembly intends to set the readoption of these plans by the Department of Public Service on a regular six-year cycle.

* * * USF; Prepaid Wireless; Provider Assessment * * *

Sec. 5. 30 V.S.A. § 7521 is amended to read:

§ 7521. CHARGE IMPOSED; WHOLESALE EXEMPTION

(a) A universal service charge is imposed on all retail telecommunications service provided to a Vermont address. Where the location of a service and the location receiving the bill differ, the location of the service shall be used to determine whether the charge applies. The charge is imposed on the person purchasing the service, but shall be collected by the telecommunications provider. Each telecommunications service provider shall include in its tariffs filed at the ~~public service board~~ Public Service Board a description of its billing procedures for the universal service fund charge.

(b) The universal service charge shall not apply to wholesale transactions between telecommunications service providers where the service is a component part of a service provided to an end user. This exemption includes~~, but is not limited to,~~ network access charges and interconnection charges paid to a local exchange carrier.

(c) In the case of mobile telecommunications service, the universal service charge is imposed when the customer's place of primary use is in Vermont. The terms "customer," "place of primary use," and "mobile telecommunications service" have the meanings given in 4 U.S.C. § 124. All provisions of 32 V.S.A. § 9782 shall apply to the imposition of the universal service charge under this section.

(d)(1) In the case of prepaid wireless telecommunications services, the universal service charge shall be imposed on the provider based on its gross operating revenue.

(2) For purposes of this subsection:

(A) "Gross operating revenue" means the gross operating revenue received by the provider from the sale of prepaid wireless telecommunications service in Vermont, as reported to the Department of Public Service under section 22 of this title.

(B) "Prepaid wireless telecommunications service" means a telecommunications service as defined in section 203(5) of this title that a consumer pays for in advance and that is sold in predetermined units or dollars which decline with use.

* * * Effective Date * * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

Rep. Wilson of Manchester, for the Committee on **Ways and Means,** recommends the bill ought to pass when amended as recommended by the Committee on **Commerce and Economic Development.**

(Committee Vote: 10-0-1)

Favorable

H. 533

An act relating to capital construction and state bonding.

(Rep. Emmons of Springfield will speak for the Committee on **Corrections and Institutions.)**

Rep. Winters of Williamstown, for the Committee on **Appropriations,** recommends the bill ought to pass.

(Committee Vote: 10-0-1)

Amendment to be offered by Rep. Emmons of Springfield to H. 533

First: In Sec. 17, Vermont Veterans' Home, at the end of sentence in subsection (c), by inserting the following:

The independent third party shall review and consider the findings of the Veterans' Home management and operations review required by 2013 Acts and Resolves No. 1, Sec. B.1109 when conducting the facilities conditions analysis. Upon completion of the facilities conditions analysis, the Commissioner of Buildings and General Services shall submit a copy of the analysis to the Veterans' Home Board of Trustees, the Vermont State

Employees' Association (VSEA), the House Committee on Corrections and Institutions, and the Senate Committee on Institutions.

Second: In Sec. 6, Commerce and Community Development, by striking subsections (c) and (d) in their entirety and inserting in lieu thereof:

(c) The following sums are appropriated in FY 2014 to the Agency of Commerce and Community Development for the following projects:

(1) Underwater preserves: $25,000.00

(2) Placement and replacement of roadside historic site markers: $15,000.00

(d) The following sums are appropriated in FY 2015 to the Agency of Commerce and Community Development for the following projects:

(1) Underwater preserves: $35,000.00

(2) Placement and replacement of roadside historic site markers: $15,000.00

Amendment to be offered by Rep. Browning of Arlington to H. 533

In Sec. 2, State Buildings, by striking out subdivision (b)(15) in its entirety and inserting in lieu thereof a new subdivision (b)(15) to read:

(15) Renovation and replacement of state-owned assets, Tropical Storm Irene:

(A) Vermont State Hospital, related projects: $8,700,000.00

(B) Waterbury State Office Complex: $21,200,000.00

(C) National Life: $4,100,000.00

(D) Notwithstanding subsection (a) of this section, allocations in this subdivision shall be used only to fund the projects described in this subdivision (15).

(E) A special committee consisting of the Joint Fiscal Committee and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions ("Special Committee") is hereby established. If there are any material changes to the planning or funding of the Waterbury State Office Complex, the Special Committee shall meet to review and approve these changes at the next regularly scheduled meeting of the Joint Fiscal Committee or at an emergency meeting called by the Chairs of the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the Joint Fiscal Committee. The Special Committee shall be entitled to per diem and expenses as provided in 2 V.S.A. § 406.

(F) The Commissioner of Buildings and General Services shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions at least monthly of updates to the planning process for the projects described in this subdivision (b)(15).

(G) As used in this subdivision (b)(15), a "material change" means a change to the planning or funding of the Waterbury State Office Complex that:

(i) increases the total project cost estimate by 10 percent; or

(ii) constitutes a change in plan or design.

(H) On or before July 1, 2014, the Department of Buildings and General Services shall present to the House Committee on Corrections and Institutions and the Senate Committee on Institutions a modified design proposal for the Waterbury State Office Complex that locates the heating plant outside the fluvial erosion hazard area.

(i) The FY 2014 capital funding allocated for the Waterbury State Office Complex in this subdivision (b)(15) shall only be appropriated to the Department of Buildings and General Services after the modified design is presented to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(ii) As used in this subdivision, "fluvial erosion hazard area" means the fluvial erosion hazard area map prepared by the Agency of Natural Resources as part of the Act 250 permit application for demolition at the Waterbury State Office Complex.

(I) To the extent that additional funding amounts for the Waterbury State Office Complex from the Federal Emergency Management Agency and any insurance funds are not confirmed upon passage of this act, the Department of Buildings and General Services shall only be authorized to proceed with asbestos abatement, demolition, and the renovation of the historic core buildings at the Waterbury State Office Complex until these funding amounts are confirmed.

Amendment to be offered by Rep. Manwaring of Wilmington to H. 533

By inserting a new Sec. 27, after Sec. 26, to read as follows:

* * * Commerce and Community Development * * *

Sec. 27. REGIONAL ECONOMIC DEVELOPMENT GRANT PROGRAM

(a) The Commissioner of Buildings and General Services, in consultation with the Secretary of Commerce and Community Development and the Regional Development Corporations of Vermont, shall evaluate the goals and administration of the Regional Economic Development Grant Program set out

in 24 V.S.A. § 5607, whether the grants are being awarded to projects appropriately for the purpose of funding capital expenses, and whether catastrophic situations should qualify for grants.

(b) On or before September 15, 2013, the Commissioner of Buildings and General Services shall report to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs with the results of the evaluation.

and by renumbering the remaining sections to be numerically correct.

NOTICE CALENDAR

Favorable with Amendment

H. 270

An act relating to providing access to publicly funded prekindergarten education

Rep. Buxton of Tunbridge, for the Committee on **Education,** recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 829 is amended to read:

§ 829. PREKINDERGARTEN EDUCATION~~; RULES~~

(a) Definitions. As used in this section:

(1) "Prekindergarten child" means a child who, as of the date established by the district of residence for kindergarten eligibility, is three or four years of age or is five years of age but is not yet enrolled in kindergarten.

(2) "Prekindergarten education" means services designed to provide to prekindergarten children developmentally appropriate early development and learning experiences based on Vermont's early learning standards.

(3) "Prequalified private provider" means a private provider of prekindergarten education that is qualified pursuant to subsection (c) of this section.

(b) Access to publicly funded prekindergarten education.

(1) No fewer than ten hours per week of publicly funded prekindergarten education shall be available for 35 weeks annually to each prekindergarten child whom a parent or guardian wishes to enroll in an available, prequalified program operated by a public school or a private

provider.

(2) If a parent or guardian chooses to enroll a prekindergarten child in an available, prequalified program, then, pursuant to the parent or guardian's choice, the school district of residence shall:

(A) pay tuition pursuant to subsection (d) of this section upon the request of the parent or guardian to:

(i) a prequalified private provider; or

(ii) a public school located outside the district that operates a prekindergarten program that has been prequalified pursuant to subsection (c) of this section; or

(B) enroll the child in the prekindergarten education program that it operates.

(3) If requested by the parent or guardian of a prekindergarten child, the school district of residence shall pay tuition to a prequalified program operated by a private provider or a public school in another district even if the district of residence operates a prekindergarten education program.

(4) If the supply of prequalified private and public providers is insufficient to meet the demand for publicly funded prekindergarten education in any region of the State, nothing in this section shall be construed to require a district to begin or expand a program to satisfy that demand; but rather, in collaboration with the Agencies of Education and of Human Services, the local Building Bright Futures Council shall meet with school districts and private providers in the region to develop a regional plan to expand capacity.

(c) Prequalification. Pursuant to rules jointly developed and overseen by the Secretaries of Education and of Human Services and adopted by the State Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine that a private or public provider of prekindergarten education is qualified for purposes of this section and include the provider in a publicly accessible database of prequalified providers. At a minimum, the rules shall define the process by which a provider applies for and maintains prequalification status, shall identify the minimum quality standards for prequalification, and shall include the following requirements:

(1) A program of prekindergarten education, whether provided by a school district or a private provider, shall have received:

(A) National Association for the Education of Young Children (NAEYC) accreditation; or

(B) at least four stars in the Department for Children and Families

STARS system with at least two points in each of the five arenas; or

(C) three stars in the STARS system if the provider has developed a plan, approved by the Commissioner for Children and Families and the Secretary of Education, to achieve four or more stars in no more than two years with at least two points in each of the five arenas, and the provider has met intermediate milestones.

(2) A licensed provider shall employ or contract for the services of at least one teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title.

(3) A registered home provider that is not licensed and endorsed in early childhood education or early childhood special education shall receive regular, active supervision and training from a teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title.

(d) Tuition, budgets, and average daily membership.

(1) On behalf of a resident prekindergarten child, a district shall pay tuition for prekindergarten education for ten hours per week for 35 weeks annually to a prequalified private provider or to a public school outside the district that is prequalified pursuant to subsection (c) of this section; provided, however, that the district shall pay tuition for weeks that are within the district's academic year. Tuition paid under this section shall be at a statewide rate, which may be adjusted regionally, that is established annually through a process jointly developed and implemented by the Agencies of Education and of Human Services. A district shall pay tuition upon:

(A) receiving notice from the child's parent or guardian that the child is or will be admitted to the prekindergarten education program operated by the prequalified private provider or the other district; and

(B) concurrent enrollment of the prekindergarten child in the district of residence for purposes of budgeting and determining average daily membership.

(2) In addition to any direct costs of operating a prekindergarten education program, a district of residence shall include anticipated tuition payments and any administrative, quality assurance, quality improvement, transition planning, or other prekindergarten-related costs in its annual budget presented to the voters.

(3) The district of residence may include within its average daily membership any prekindergarten child for whom it has provided prekindergarten education or on whose behalf it has paid tuition pursuant to

this section.

(4) A prequalified private provider may receive additional payment directly from the parent or guardian only for prekindergarten education in excess of the hours paid for by the district pursuant to this section or for child care services, or both. The provider is not bound by the statewide rate established in this subsection when determining the rates it will charge the parent or guardian.

(e) Rules. The ~~commissioner of education and the commissioner for children and families~~ Secretary of Education and the Commissioner for Children and Families shall jointly develop and agree to rules and present them to the ~~state board of education~~ State Board for adoption under 3 V.S.A. chapter 25 as follows:

(1) ~~To ensure that, before a school district begins or expands a prekindergarten education program that intends to enroll students who are included in its average daily membership, the district engage the community in a collaborative process that includes an assessment of the need for the program in the community and an inventory of the existing service providers; provided, however, if a district needs to expand a prekindergarten education program in order to satisfy federal law relating to the ratio of special needs children to children without special needs and if the law cannot be satisfied by any one or more qualified service providers with which the district may already contract, then the district may expand an existing school-based program without engaging in a community needs assessment.~~ To permit private providers that are not prequalified pursuant to subsection (c) of this section to create new or continue existing partnerships with school districts through which the school district provides supports that enable the provider to fulfill the requirements of subsection (c), and through which the district may or may not make in-kind payments as a component of the statewide tuition established under this section.

(2) ~~To ensure that, if a school district begins or expands a prekindergarten education program that intends to include any of the students in its average daily membership, the district shall use existing qualified service providers to the extent that existing qualified service providers have the capacity to meet the district's needs effectively and efficiently.~~ To authorize a district to begin or expand a school-based prekindergarten education program only upon prior approval obtained through a process jointly overseen by the Secretaries of Education and of Human Services, which shall be based upon analysis of the number of prekindergarten children residing in the district and the availability of enrollment opportunities with prequalified private providers in the region. Where the data are not clear or there are other complex

considerations, the Secretaries may choose to conduct a community needs assessment.

(3) To require that the school district provides opportunities for effective parental participation in the prekindergarten education program.

(4) To establish a process by which:

(A) a parent or guardian ~~residing in the district or a provider, or both, may request a school district to enter into a contract with a provider located in or outside the district~~ notifies the district that the prekindergarten child is or will be admitted to a prekindergarten education program not operated by the district and concurrently enrolls the child in the district pursuant to subdivision (d)(1) of this section;

(B) a district:

(i) pays tuition pursuant to a schedule that does not inhibit the ability of a parent or guardian to enroll a prekindergarten child in a prekindergarten education program or the ability of a prequalified private provider to maintain financial stability; and

(ii) enters into an agreement with any provider to which it will pay tuition regarding quality assurance, transition, and any other matters; and

(C) a provider that has received tuition payments under this section on behalf of a prekindergarten child notifies a district that the child is no longer enrolled.

(5) ~~To identify the services and other items for which state funds may be expended when prekindergarten children are counted for purposes of average daily membership, such as tuition reduction, quality improvements, or professional development for school staff or private providers.~~ To establish a process to calculate an annual statewide tuition rate that is based upon the actual cost of delivering ten hours per week of prekindergarten education that meets all established quality standards and to allow for regional adjustments to the rate.

(6) ~~To ensure transparency and accountability by requiring private providers under contract with a school districts to report costs for prekindergarten programs to the school district and by requiring school districts to report these costs to the commissioner of education.~~ [Repealed.]

(7) To require ~~school districts~~ a district to include identifiable costs for prekindergarten programs and essential early education services in ~~their~~ its annual budgets and reports to the community.

(8) To require ~~school districts~~ a district to report to the ~~departments their~~

Agency of Education annual expenditures made in support of prekindergarten ~~care and~~ education, with distinct figures provided for expenditures made from the ~~general fund~~ General Fund, from the ~~education fund~~ Education Fund, and from all other sources, which shall be specified.

(9) To provide an ~~appeal~~ administrative process for:

(A) a parent, guardian, or provider to challenge an action of ~~the~~ a school district or the State when the ~~appellant~~ complainant believes that the district or State is in violation of state statute or rules regarding prekindergarten education; and

(B) a school district to challenge an action of a provider or the State when the district believes that the provider or the State is in violation of state statute or rules regarding prekindergarten education.

(10) ~~To establish the minimum quality standards necessary for a district to include prekindergarten children within its average daily membership. At a minimum, the standards shall include the following requirements:~~

~~(A) The prekindergarten education program, whether offered by or through the district, shall have received:~~

~~(i) National Association for the Education of Young Children (NAEYC) accreditation; or~~

~~(ii) At least four stars in the department for children and families STARS system with at least two points in each of the five arenas; or~~

~~(iii) Three stars in the STARS system if the provider has developed a plan, approved by the commissioner for children and families and the commissioner of education, to achieve four or more stars within three years with at least two points in each of the five arenas, and the provider has met intermediate milestones; and~~

~~(B) A licensed center shall employ or contract for the services of at least one teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title; and~~

~~(C) A registered home shall receive regular, active supervision and training from a teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title.~~ To establish a system by which the Agency of Education and Department for Children and Families shall jointly monitor prekindergarten education programs to promote optimal outcomes for children and to collect data that will inform future decisions. At a minimum, the system shall monitor and assess:

(A) programmatic details, including the number of children served, the number of private and public programs operated, and the public financial investment made to ensure access to quality prekindergarten education;

(B) the quality of public and private prekindergarten education programs and efforts to ensure continuous quality improvements through mentoring, training, technical assistance, and otherwise; and

(C) the outcomes for children, including school readiness and proficiency in numeracy and literacy.

(11) To establish a process for documenting the progress of children enrolled in prekindergarten education programs and to require public and private providers to use the process to:

(A) help individualize instruction and improve program practice; and

(B) collect and report child progress data to the ~~commissioner of education~~ Secretary of Education on an annual basis.

(12) If the Secretaries find it advisable, to establish guidelines designed to help coordinate prekindergarten education programs under this section with essential early education as defined in section 2942 of this title and with Head Start programs.

(f) Other provisions of law. Section 836 of this title shall not apply to this section.

(g) Limitations. Nothing in this section shall be construed to permit or require payment of public funds to a private provider of prekindergarten education in violation of Chapter I, Article 3 of the Vermont Constitution.

Sec. 2. 16 V.S.A. § 4010(c) is amended to read:

(c) The ~~commissioner~~ Secretary shall determine the weighted long-term membership for each school district using the long-term membership from subsection (b) of this section and the following weights for each class:

Prekindergarten ~~0.46~~ 0.5

Elementary or kindergarten 1.0

Secondary 1.13

Sec. 3. PREKINDERGARTEN EDUCATION; CALCULATION OF EQUALIZED PUPILS; EXCLUSION FROM EDUCATION SPENDING

(a) If a school district did not provide or pay for prekindergarten education pursuant to 16 V.S.A. § 829 in fiscal year 2015, then:

(1) for purposes of determining the equalized pupil count for the fiscal year 2016 budget, the long-term membership of prekindergarten children shall be the number of prekindergarten children for whom the district anticipates it will provide prekindergarten education or pay tuition, or both, in fiscal year 2016; and

(2) for purposes of determining the equalized pupil count for the fiscal year 2017 budget, the long-term membership of prekindergarten children shall be the total number of prekindergarten children for whom the district provided prekindergarten education or paid tuition, or both, in fiscal year 2016, adjusted to reflect the difference between the estimated and actual count for that fiscal year.

(b) For purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12) in fiscal years, 2016, 2017, and 2018 "education spending" shall not include the portion of a district's proposed budget directly attributable to providing a prekindergarten education program or paying tuition on behalf of a resident prekindergarten child pursuant to 16 V.S.A. § 829 as amended by this act.

Sec. 4. QUALITY STANDARDS

(a) The Agencies of Education and of Human Services shall review existing quality standards for prekindergarten education programs and may initiate rulemaking under 3 V.S.A. chapter 25 to require higher standards of quality; provided, however, that no new standards shall take effect earlier than July 1, 2015. Changes to the quality standards shall be designed to ensure that programs are based on intentional, evidence-based practices that create a developmentally appropriate environment and support the delivery of an engaging program that supports the social, emotional, intellectual, language, literacy, and physical development of prekindergarten children.

(b) In January of the 2015, 2016, and 2017 legislative sessions, the Agencies shall report to the House and Senate Committees on Education, the House Committee on Human Services, and the Senate Committee on Health and Welfare regarding the quality of prekindergarten education in the State.

Sec. 5. CONSTITUTIONALITY

On or before July 1, 2014, the Secretary of Education shall identify the private prekindergarten education programs to which school districts are paying tuition on behalf of resident prekindergarten children, determine the extent to which any program provides religious prekindergarten education, and establish the steps the Agency will take to ensure that public funds are not expended in violation of Chapter I, Article 3 of the Vermont Constitution and the Vermont Supreme Court's decision in *Chittenden Town School District v.*

Vermont Department of Education, 169 Vt. 310 (1999).

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2013 and shall apply to enrollments on July 1, 2015 and after.

(Committee Vote: 9-0-2)

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

First: In Sec. 1, 16 V.S.A. § 829, subsection (d), subdivision (3), by striking the word "The" and inserting in lieu thereof the following: "Pursuant to subdivision 4001(1)(C) of this title, the"

Second: By striking out Sec. 2 (weighted membership) in its entirety

Third: In Sec. 3, by striking out subsection (b) (excess spending) in its entirety and by striking out the subsection designation for subsection (a)

Fourth: In Sec. 1, 16 V.S.A. § 829(g), and Sec. 5, before the period, by inserting the following: "or in violation of the Establishment Clause of the U.S. Constitution"

(Committee Vote: 7-4-0)

H. 395

An act relating to the establishment of the Vermont Clean Energy Loan Fund

Rep. Carr of Brandon, 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. 10 V.S.A. chapter 12, subchapter 13 is added to read:

Subchapter 13. Vermont Sustainable Energy Loan Fund

§ 280cc. CREATION; PURPOSE; DEFINITIONS

(a) There is established within the Authority the Vermont Sustainable Energy Loan Fund, referred to in this subchapter as "the Fund," the purpose of which shall be to enable the Authority to make loans and provide other forms of financing for projects that stimulate and encourage development and deployment of sustainable energy projects in the State of Vermont.

(b) In this subchapter:

(1) "Renewable energy" shall have the same meaning as in 30 V.S.A.

§ 8002(17).

(2) "Sustainable energy" means energy efficiency, renewable energy, and technologies that enhance or support the development and implementation of renewable energy or energy efficiency, or both.

§ 280dd. LOAN PROGRAMS ADMINISTERED WITHIN THE FUND

(a) The Fund shall consist of:

(1) Existing sustainable energy loans made by the Authority, the Vermont Small Business Development Corporation, and the Vermont Agricultural Credit Corporation

(2) Sustainable energy loans originated under the following programs:

(A) The Small Business Energy Efficiency Loan Program, under which the Authority provides loans for qualifying commercial energy efficiency improvements.

(B) The Renewable Energy Loan Program, which the Authority may create to provide loans for qualifying renewable energy projects.

(C) The Agricultural Energy Loan Program, which the Authority may create to provide loans for qualifying agriculture- and forest product-based sustainable energy projects.

(D) The Energy Efficiency Loan Guarantee Program, which the Authority may create to provide loan guarantees to participating lending institutions that enroll loans for sustainable energy projects in the Program.

(3) Programs created by the Authority pursuant to subsection (c) of this section.

(b) The Fund shall be administered by the Authority and shall not be subject to 32 V.S.A. chapter 7, subchapter 5.

(c) The Authority may establish:

(1) New financing programs that the Authority determines are necessary to encourage and promote sustainable energy projects and reduce reliance upon traditional fossil fuel sources.

(2) Policies and procedures for programs within the Fund that the Authority determines are necessary to carry out the purposes of this subchapter.

Sec. 2. INITIAL CAPITALIZATION OF THE ENERGY EFFICIENCY LOAN GUARANTEE PROGRAM

The Vermont Economic Development Authority shall provide loan guarantees under the Energy Efficiency Loan Guarantee Program for loans enrolled in the Program by participating banks through an initial capital contribution of $500,000.00 from the Authority and from additional sources as they become available, which may include capital investments from the Vermont Clean Energy Development Fund, State Energy Program grants through the Department of Public Service, and available federal funding.

Sec. 3. 10 V.S.A. § 216 is amended to read:

§ 216. AUTHORITY; GENERAL POWERS

The ~~authority~~ Authority is hereby authorized:

* * *

(13) To cause to be incorporated in Vermont a nonprofit corporation which will qualify as a state development company under Title 15 of the United States Code and rules and regulations adopted pursuant thereto. The voting members of the ~~authority~~ Authority shall be members of the company and shall constitute the board of directors of the company. The company shall have at least 14 other members selected by the members of the ~~authority~~ Authority. The company shall be organized and operate under the nonprofit corporation laws of the ~~state~~ State of Vermont to the extent not inconsistent herewith. The ~~authority~~ Authority shall have the power to contract with the company to provide staff and management needs of the company. The ~~authority~~ Authority is authorized to contribute ~~up to $25,000.00~~ to the capital of the company in an amount the Authority determines is necessary and appropriate;

(14) To incorporate one or more nonprofit corporations in Vermont to fulfill the goals of this chapter. Such corporation shall be empowered to borrow money and to receive and accept gifts, grants, or contributions from any source, provided that such gifts, grants, or contributions are not less than $5,000.00 from any one source for the period of one year and provided that such nonprofit corporation provides business loans of not less than $2,500.00 to any particular entity or individual. The voting members of the ~~authority~~ Authority shall be directors of the corporation. The corporation shall be organized and operate under the nonprofit corporation laws of the ~~state~~ State of Vermont. The ~~authority~~ Authority may contract with the corporation to provide staff and management needs of the company. The ~~authority~~ Authority may contribute ~~no more than $1,050,000.00~~ to the capital of the corporation in an amount the Authority determines is necessary and appropriate;

* * *

(17) To contribute to the capital of the Vermont Agricultural Credit Corporation established pursuant to chapter 16A of this title in an amount the Authority determines is necessary and appropriate;

(18) To contribute to the capital of the Vermont Sustainable Energy Loan Fund established under subchapter 13 of this chapter in an amount the Authority determines is necessary and appropriate.

Sec. 4. 10 V.S.A. § 234 is amended to read:

§ 234. THE VERMONT JOBS FUND

* * *.

(b) In order to provide monies in the ~~industrial development fund~~ Fund for loans under this chapter, the ~~authority~~ Authority may issue notes for purchase by the ~~state treasurer~~ State Treasurer as provided in section 235 of this chapter.

* * *

(f) The Authority may loan money from the Fund to the Vermont Sustainable Energy Loan Fund established under subchapter 13 of this chapter at interest rates and on terms and conditions set by the Authority.

Sec. 5. 10 V.S.A. § 280a is amended to read:

§ 280a. ELIGIBLE PROJECTS; AUTHORIZED FINANCING PROGRAMS

(a) The ~~authority~~ Authority may develop, modify, and implement any existing or new financing program, provided that any specific project that benefits from such program shall meet the criteria contained in the Vermont sustainable jobs strategy adopted under section 280b of this title, and provided further that the program shall meet the criteria contained in the Vermont sustainable jobs strategy adopted under section 280b of this title. ~~Such~~ These programs may include:

(1) the ~~mortgage insurance program~~ Mortgage Insurance Program, administered under subchapter 2 of chapter 12 of this title;

(2) the ~~loans to local development corporations program~~ Loans to Local Development Corporations Program, administered under subchapter 3 of chapter 12 of this title;

(3) the ~~industrial revenue bond program~~ Industrial Revenue Bond Program, administered under subchapter 4 of chapter 12 of this title;

(4) the ~~direct loan program~~ Direct Loan Program, administered under subchapter 5 of chapter 12 of this title;

(5) ~~the Vermont financial access program, administered under~~

~~subchapter 8 of chapter 12 of this title;~~

~~(6)~~ the SBA 504 Certified Development Company and ~~Rural Economic Activity Loan programs~~ Small Business Loan Programs of the authority's Vermont ~~503~~ 504 Corporation, administered by the ~~authority~~ Authority under subdivision 216(13) of this title;

~~(7)~~(6) the Small Business Development Corporation ~~program~~ Program, administered by the ~~authority~~ Authority under subdivision 216(14) of this title;

~~(8)~~(7) one or more programs targeting economically distressed regions of the ~~state~~ State, and specifically including the ~~authority~~ Authority to develop a program to finance or refinance up to 100 percent of the existing assets or debts of a health, recreation, and fitness organization which is exempt under Section 501(c)(3) of the Internal Revenue Code, the income of which is entirely used for its exempt purpose, that owns and operates a recreation facility located in a distressed region of the ~~state~~ State;

~~(9)~~(8) an ~~export finance program~~ Export Finance Program, administered by the ~~authority~~ Authority under subchapter 9 of chapter 12 of this title;

(9) a Vermont Sustainable Energy Loan Fund and any programs created thereunder, administered by the Authority under subchapter 13 of this chapter;

* * *

Sec. 6. 10 V.S.A. § 213(b) and (c) are amended to read:

(b) The ~~authority~~ Authority shall have ~~12~~ 15 voting members consisting of the ~~secretary of the agency of commerce and community development, the state treasurer, the secretary of agriculture, food and markets~~ Secretary of the Agency of Commerce and Community Development, the State Treasurer, the Secretary of Agriculture, Food and Markets, the Commissioner of Forests, Parks and Recreation, and the Commissioner of Public Service, each of whom shall serve as a voting ex officio member, or a designee of any of the aforementioned; and ~~nine~~ 10 members, who shall be residents of the ~~state~~ State of Vermont, appointed by the ~~governor~~ Governor with the advice and consent of the ~~senate~~ Senate. The appointed members shall be appointed for terms of six years and until their successors are appointed and qualified. ~~The first members appointed by the governor to the new authority shall be appointed, three for a term of two years, three for a term of four years and three for a term of six years.~~ Appointed members may be removed by the ~~governor~~ Governor for cause and the ~~governor~~ Governor may fill any vacancy occurring among the appointed members for the balance of the unexpired term.

(c) The ~~authority~~ Authority shall elect a chair, from among its appointed members, and a vice chair and treasurer from among its members and shall

employ a manager who shall hold office at the ~~authority's~~ Authority's pleasure and who, unless he or she is a member of the classified service under 3 V.S.A. chapter 13 ~~of Title 3~~, shall receive such compensation as may be fixed by the ~~authority~~ Authority with the approval of the ~~governor~~ Governor. A quorum shall consist of ~~six~~ eight members. Members disqualified from voting under section 214 of this title shall be considered present for purposes of determining a quorum. No action of the ~~authority~~ Authority shall be considered valid unless the action is supported by a majority vote of the members present and voting and then only if at least ~~four~~ five members vote in favor of the action.

* * *

Sec. 7. 10 V.S.A. § 219(d) is amended to read:

(d) In order to assure the maintenance of the debt service reserve requirement in each debt service reserve fund established by the ~~authority~~ Authority, there may be appropriated annually and paid to the ~~authority~~ Authority for deposit in each such fund, such sum as shall be certified by the chair of the ~~authority~~ Authority, to the ~~governor~~ Governor, the ~~president of the senate~~ President of the Senate, and the ~~speaker of the house~~ Speaker of the House, as is necessary to restore each such debt service reserve fund to an amount equal to the debt service reserve requirement for such fund. The chair shall annually, on or about February 1, make, execute, and deliver to the ~~governor~~ Governor, the ~~president of the senate~~ President of the Senate, and the ~~speaker of the house~~ Speaker of the House, a certificate stating the sum required to restore each such debt service reserve fund to the amount aforesaid, and the sum so certified may be appropriated, and if appropriated, shall be paid to the ~~authority~~ Authority during the then current state fiscal year. The principal amount of bonds or notes outstanding at any one time and secured in whole or in part by a debt service reserve fund to which state funds may be appropriated pursuant to this subsection shall not exceed ~~$115,000,000.00~~ $130,000,000.00, provided that the foregoing shall not impair the obligation of any contract or contracts entered into by the authority in contravention of the Constitution of the United States.

Sec. 8. INVESTMENT OF STATE MONIES

The Treasurer is hereby authorized to establish a short-term credit facility for the benefit of the Vermont Economic Development Authority in an amount of up to $10,000,000.00.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

Rep. Wilson of Manchester, for the Committee on **Ways and Means,** recommends the bill ought to pass when amended as recommended by the Committee on **Commerce and Economic Development.**

(Committee Vote: 10-0-1)

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.**

(Committee Vote: 10-0-1)

S. 144

An act relating to the St. Albans state office building

Rep. Shaw of Pittsford, for the Committee on **Corrections and Institutions,** recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SALE OF ST. ALBANS STATE OFFICE BUILDING

(a) Notwithstanding 29 V.S.A. § 166(b), the Commissioner of Buildings and General Services is authorized to sell the state office building at 20 Houghton Street in St. Albans. The Commissioner is authorized to convey 20 Houghton Street by warranty deed.

(b) The Commissioner of Buildings and General Services is authorized to negotiate and enter into a lease or lease-purchase agreement to replace the state office building at 20 Houghton Street in St. Albans. It is the intent of the General Assembly that the replacement state office building remain in downtown St. Albans.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 9-1-1)

(No Senate Amendments)

Favorable

H. 514

An act relating to the tax liability of certain agricultural workers and employers.

(Rep. Stevens of Shoreham will speak for the Committee on **Agriculture and Forest Products.)**

Rep. Johnson of Canaan, for the Committee on **Ways and Means,** recommends the bill ought to pass.

(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. 84

House concurrent resolution honoring Darby Bradley for his many exemplary contributions to land conservation in Vermont

H.C.R. 85

House concurrent resolution congratulating the 2013 Winooski High School Spartans Division III championship girls' basketball team

H.C.R. 86

House concurrent resolution in memory of Enosburgh Town, Village, and School Moderator and Selectboard member Lloyd Touchette

H.C.R. 87

House concurrent resolution congratulating the 2012 Hartford High School Hurricanes Division I championship football team

H.C.R. 88

House concurrent resolution congratulating the Hartford High School Hurricanes on winning the first Vermont interscholastic team and individual state bowling championships

H.C.R. 89

House concurrent resolution honoring the memory of 1st Lieutenant Irwin Zaetz and Captain William Swanson of the World War II U.S. Army Air Corps Hot as Hell aircraft crew and the work of Clayton Kuhles in locating missing in action World War II American military aircraft

H.C.R. 90

House concurrent resolution congratulating the 2013 Middlebury College Panthers NCAA men's slalom champions

H.C.R. 91

House concurrent resolution congratulating the 2013 Williamstown High School Blue Devils Division III championship boys' basketball team

H.C.R. 92

House concurrent resolution in memory of Daniello G. Balón

H.C.R. 93

House concurrent resolution congratulating the 2013 U-32 Lake Division championship boys' ice hockey team

H.C.R. 94

House concurrent resolution congratulating Elizabeth Haggerty on her designation as the 2013 Vermont Mother of the Year

H.C.R. 95

House concurrent resolution commemorating the 50th anniversary of the Rutland Loyalty Day Parade

H.C.R. 96

House concurrent resolution congratulating the 2013 BFA-St. Albans High School Comets Metro Division championship girls' ice hockey team

S.C.R. 20

Senate concurrent resolution honoring University of Vermont Professor Frank Bryan for his extraordinary contributions to Vermont as a scholar and citizen proponent of Vermont democracy

Public Hearings

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

April 17, 2013 - Room 11, 5:30-7:30 PM - H. 225, Statewide Policy on Training Requirements for Electronic Control Devices (Tasers) - House Government Operations