

House Calendar

Thursday, May 02, 2013

114th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Action Postponed Until May 2, 2013

Senate Proposal of Amendment

H. 105

An act relating to adult protective services reporting requirements

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

First: In Sec. 1, by striking out subdivisions (2) and (3), and by renumbering the remaining subdivisions to be numerically correct

Second: In Sec. 1, in the newly renumbered subdivision (4), by striking out the second sentence and inserting in lieu thereof:

The request for proposals for the grants contained an acknowledgment by the Self-Neglect Task Force that data are lacking at both the state and community levels to determine the scope of the problem of self-neglect.

Third: In Sec. 3, subsection (a), by striking out the first sentence and inserting in lieu thereof:

On or before January 15, 2006 and on or before January 15 of each year thereafter until January 15, 2018, the secretary of the agency of human services Secretary of Human Services shall submit a report to the following committees: the house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare.

Fourth: In Sec. 3, subdivision (a)(1)(A)(iv), by inserting before “, including” the following: regardless of whether reports were opened, substantiated, or unsubstantiated

(For text see House Journal 3/20/2013)

H. 533

An act relating to capital construction and state bonding

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

* * * Capital Appropriations * * *

Sec. 1. LEGISLATIVE INTENT

(a) It is the intent of the General Assembly that of the \$159,900,000.00 authorized in this act, no more than \$90,148,531.00 shall be appropriated in the first year of the biennium, and the remainder shall be appropriated in the second year.

(b) It is the intent of the General Assembly that in the second year of the biennium, any amendments to the appropriations or authorities granted in this act shall take the form of a Capital Construction and State Bonding Adjustment Bill. It is the intent of the General Assembly that unless otherwise indicated, all appropriations in this act are subject to capital budget adjustment.

Sec. 2. STATE BUILDINGS

(a) The following sums are appropriated to the Department of Buildings and General Services, and the Commissioner is authorized to direct funds appropriated in this section to the projects contained in this section; however, no project shall be canceled unless the Chairs of the Senate Committee on Institutions and the House Committee on Corrections and Institutions are notified before that action is taken.

(b) The following sums are appropriated in FY 2014:

<u>(1) Statewide, asbestos:</u>	<u>\$50,000.00</u>
<u>(2) Statewide, building reuse and planning:</u>	<u>\$75,000.00</u>
<u>(3) Statewide, contingency:</u>	<u>\$100,000.00</u>
<u>(4) Statewide, major maintenance:</u>	<u>\$8,000,000.00</u>
<u>(5) Statewide, BGS engineering and architectural project costs:</u>	<u>\$2,802,597.00</u>
<u>(6) Statewide, physical security enhancements:</u>	<u>\$200,000.00</u>
<u>(7) Burlington, 32 and 108 Cherry Street, HVAC and DDC controls upgrades and roof renovations:</u>	<u>\$250,000.00</u>
<u>(8) Montpelier, 133 State Street, foundation and parking lot restoration:</u>	<u>\$1,450,000.00</u>
<u>(9) Montpelier, capitol district heat plant:</u>	
<u>(A) 122 State Street, construction:</u>	<u>\$2,500,000.00</u>
<u>(B) 120 State Street, Loading Dock, parking reconfiguration:</u>	<u>\$400,000.00</u>
<u>(10) Southern State Correctional Facility, steamline replacement:</u>	<u>\$600,000.00</u>

(11) Southern State Correctional Facility, copper waterline replacement:
\$400,000.00

(12) Montpelier, Capitol Complex Historic Preservation, major maintenance:
\$200,000.00

(13) NWSCF, roof and soffit replacement, A, B, and C wings:
\$425,000.00

(14) Chittenden Regional Correctional Facility, HVAC upgrades:
\$400,000.00

(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). However, if costs associated with these projects exceed the amount allocated in this subdivision, the Commissioner, in consultation with the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions, may transfer funds from other projects in this section.

(E) For the purpose of allowing the Department of Buildings and General Services to enter into contractual agreements and complete work on the projects described in this subdivision (15) as soon as possible, it is the intent of the General Assembly that these are committed funds.

(F) 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.

(G) 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).

(H) 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.

(16) Barre, Barre Court, pellet boiler installation, supplement HVAC project: \$329,000.00

(17) Laboratory, feasibility and governance study conducted by the Department of Buildings and General Services, the Agency of Natural Resources, and the Agency of Agriculture, Food and Markets (as described in Sec. 41 of this act): \$100,000.00

(c) The following sums are appropriated in FY 2015:

- (1) Statewide, asbestos and lead abatement: \$50,000.00
- (2) Statewide, building reuse and planning: \$75,000.00
- (3) Statewide, contingency: \$100,000.00
- (4) Statewide, major maintenance: \$8,739,064.00
- (5) Statewide, BGS engineering and architectural project costs: \$2,802,597.00
- (6) Statewide, physical security enhancements: \$100,000.00
- (7) Southern State Correctional Facility, steamline replacement: \$600,000.00
- (8) Southern State Correctional Facility, copper waterline replacement: \$300,000.00
- (9) Montpelier, Capitol Complex Historic Preservation, major maintenance: \$200,000.00

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

(A) Waterbury State Office Complex: \$33,000,000.00

(B) For the purpose of allowing the Department of Buildings and General Services to enter into contractual agreements and complete work on the projects described in this subdivision (10) as soon as possible, it is the intent of the General Assembly that these are committed funds not subject to budget adjustment.

(d) It is the intent of the General Assembly that the Commissioner of Buildings and General Services may use up to \$75,000.00 of the funds appropriated in subdivision (b)(4) of this section for the purpose of funding projects described in 2009 Acts and Resolves No. 43, Sec. 24(b), and in Sec. 49 of this act.

(e) It is the intent of the General Assembly to review the proposal submitted by the Commissioner of Finance and Management pursuant to Sec. 39 of this act and evaluate the suitability of the FY 2015 appropriation to the Department of Buildings and General Services for engineering costs in subdivision (c)(5) of this section.

<u>Appropriation – FY 2014</u>	<u>\$52,281,597.00</u>
<u>Appropriation – FY2015</u>	<u>\$45,966,661.00</u>
<u>Total Appropriation – Section 2</u>	<u>\$98,248,258.00</u>

Sec. 3. ADMINISTRATION

The following sums are appropriated to the Department of Taxes for the Vermont Center for Geographic Information for an ongoing project to update statewide quadrangle maps through digital orthophotographic quadrangle mapping:

- (1) \$100,000.00 is appropriated in FY 2014.
- (2) \$100,000.00 is appropriated in FY 2015.

<u>Total Appropriation – Section 3</u>	<u>\$200,000.00</u>
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Sec. 4. HUMAN SERVICES

(a) The following sums are appropriated in FY 2014 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in this subsection:

- (1) Health laboratory, continuation of design, permitting, bidding, and construction phases for co-location of Department of Health laboratory with the UVM Colchester research facility: \$5,000,000.00
- (2) Corrections, security upgrades: \$100,000.00

(b) The following sums are appropriated in FY 2015 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in this subsection:

- (1) Health laboratory, continuation of design, permitting, bidding, and construction phases for co-location of the Department of Health laboratory with the UVM Colchester research facility: \$6,000,000.00

(2) Corrections, security upgrades: \$100,000.00

(c) It is the intent of the General Assembly that the funds appropriated in subdivision (b)(1) of this section are committed funds not subject to budget adjustment.

Appropriation – FY 2014 \$5,100,000.00

Appropriation – FY 2015 \$6,100,000.00

Total Appropriation – Section 4 \$11,200,000.00

Sec. 5. JUDICIARY

(a) The sum of \$1,000,000.00 is appropriated in FY 2014 to the Department of Buildings and General Services on behalf of the Judiciary for the planning and design for building renovations and addition to the Lamoille County Courthouse in Hyde Park.

(b) The sum of \$2,500,000.00 is appropriated in FY 2015 to continue the project described in subsection (a) of this section.

Total Appropriation – Section 5 \$3,500,000.00

Sec. 6. COMMERCE AND COMMUNITY DEVELOPMENT

(a) The following sums are appropriated in FY 2014 to the Department of Buildings and General Services for the Agency of Commerce and Community Development for the following projects:

(1) Major maintenance at historic sites statewide; provided such maintenance shall be under the supervision of the Department of Buildings and General Services: \$200,000.00

(2) Bennington Monument, structural repairs and ADA compliance: \$175,000.00

(b) 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

(c) The following sums are appropriated in FY 2014 to the Department of Buildings and General Services for the following projects:

(1) Battle of Cedar Creek and Winchester Memorials, relocation and placement of roadside marker: \$30,000.00

(2) Schooner Lois McClure, upgrades: \$50,000.00

(d) The following sum is appropriated in FY 2015 to the Department of Buildings and General Services for the Agency of Commerce and Community Development for major maintenance at historic sites statewide; provided such maintenance shall be under the supervision of the Department of Buildings and General Services: \$200,000.00

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

<u>(1) Underwater preserves:</u>	<u>\$35,000.00</u>
<u>(2) Placement and replacement of roadside historic site markers:</u>	<u>\$15,000.00</u>
<u>Appropriation – FY 2014</u>	<u>\$495,000.00</u>
<u>Appropriation – FY 2015</u>	<u>\$250,000.00</u>
<u>Total Appropriation – Section 6</u>	<u>\$745,000.00</u>

Sec. 7. GRANT PROGRAMS

(a) The following sums are appropriated in FY 2014 for Building Communities Grants established in 24 V.S.A. chapter 137:

(1) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Preservation Grant Program: \$225,000.00

(2) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Barns Preservation Grant Program: \$225,000.00

(3) To the Vermont Council on the Arts for the Cultural Facilities Grant Program, the sum of which may be used to match funds that may be made available from the National Endowment of the Arts, provided that all capital funds are made available to the cultural facilities grant program: \$225,000.00

(4) To the Department of Buildings and General Services for the Recreational Facilities Grant Program: \$225,000.00

(5) To the Department of Buildings and General Services for the Human Services and Educational Facilities Competitive Grant Program: \$225,000.00

(6) To the Department of Buildings and General Services for the Regional Economic Development Grant Program: \$225,000.00

(b) The following sum is appropriated in FY 2014 to the Agency of Agriculture, Food and Markets for the Agricultural Fairs Capital Projects Competitive Grant Program: \$225,000.00

(c) The following sums are appropriated in FY 2015 for Building Communities Grants established in 24 V.S.A. chapter 137:

(1) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Preservation Grant Program: \$225,000.00

(2) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Barns Preservation Grant Program: \$225,000.00

(3) To the Vermont Council on the Arts for the Cultural Facilities Grant Program, the sum of which may be used to match funds that may be made available from the National Endowment of the Arts, provided that all capital funds are made available to the cultural facilities grant program: \$225,000.00

(4) To the Department of Buildings and General Services for the Recreational Facilities Grant Program: \$225,000.00

(5) To the Department of Buildings and General Services for the Human Services and Educational Facilities Competitive Grant Program: \$225,000.00

(6) To the Department of Buildings and General Services for the Regional Economic Development Grant Program: \$225,000.00

(d) The following sum is appropriated in FY 2015 to the Agency of Agriculture, Food and Markets for the Agricultural Fairs Capital Projects Competitive Grant Program: \$225,000.00

Appropriation – FY 2014 \$1,575,000.00

Appropriation – FY 2015 \$1,575,000.00

Total Appropriation – Section 7 \$3,150,000.00

Sec. 8. EDUCATION

(a) The sum of \$6,704,634.00 is appropriated in FY 2014 to the Agency of Education for funding the state share of completed school construction projects pursuant to 16 V.S.A. § 3448.

(b) The sum of \$10,411,446 is appropriated in FY 2015 to the Agency of Education for the funding the state share of completed school construction projects pursuant to 16 V.S.A. § 3448. It is the intent of the General Assembly that the funds appropriated in subdivision (b) of this section are committed funds not subject to budget adjustment.

Appropriation – FY 2014 \$6,704,634.00

Appropriation – FY 2015 \$10,411,446.00

Total Appropriation – Section 8 \$17,116,080.00

Sec. 9. UNIVERSITY OF VERMONT

(a) The sum of \$1,400,000.00 is appropriated in FY 2014 to the University of Vermont for construction, renovation, and major maintenance.

(b) The sum of \$1,400,000.00 is appropriated in FY 2015 to the University of Vermont for construction, renovation, and major maintenance.

(c) It is the intent of the General Assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project.

Total Appropriation – Section 9 \$2,800,000.00

Sec. 10. VERMONT STATE COLLEGES

(a) The sum of \$1,400,000.00 is appropriated in FY 2014 to the Vermont State Colleges for construction, renovation, and major maintenance.

(b) The sum of \$1,400,000.00 is appropriated in FY 2015 to the Vermont State Colleges for construction, renovation, and major maintenance.

(c) On or before January 15, 2014, the Vermont State Colleges shall, in coordination with the Enhanced 911 Board, bring each state college into compliance with the requirements of 30 V.S.A. § 7057 (privately owned telephone systems) or develop a comprehensive plan approved by the Enhanced 911 Board to bring each state college into compliance with the Enhanced 911 program requirements. The funds appropriated in FY 2015 to the Vermont State Colleges shall only become available after the Enhanced 911 Board has notified the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions that the Vermont State Colleges has met these requirements.

(d) It is the intent of the General Assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project.

Total Appropriation – Section 10 \$2,800,000.00

Sec. 11. NATURAL RESOURCES

(a) The following sums are appropriated to the Agency of Natural Resources in FY 2014 for:

(1) the Water Pollution Control Fund for the following projects:

(A) Clean Water State/EPA Revolving Loan Fund (CWSRF) match:
\$1,381,600.00

(B) Principal associated with funding for the Pownal project:

	<u>\$500,000.00</u>
<u>(C) Administrative support – engineering, oversight, and program management:</u>	<u>\$300,000.00</u>
<u>(2) the Drinking Water Supply for the following projects:</u>	
<u>(A) Drinking Water State Revolving Fund:</u>	<u>\$2,500,000.00</u>
<u>(B) Engineering, oversight, and project management:</u>	<u>\$300,000.00</u>
<u>(C) EcoSystem restoration and protection:</u>	<u>\$2,250,000.00</u>
<u>(D) Waterbury waste treatment facility for phosphorous removal:</u>	<u>\$3,440,000.00</u>
<u>(3) the Agency of Natural Resources for the Department of Forests, Parks and Recreation for statewide small scale rehabilitation, wastewater repairs, preventive improvements and upgrades of restrooms and bathhouses, and statewide small-scale road rehabilitation projects:</u>	
	<u>\$2,000.000.00</u>
<u>(4) the Department of Fish and Wildlife for the following projects:</u>	
<u>(A) general infrastructure projects:</u>	<u>\$1,000,000.00</u>
<u>(B) Fish and Wildlife Enforcement Division, for safety ramps, GPS units, deer decoys, and snowmobiles:</u>	<u>\$75,950.00</u>
<u>(C) Lake Champlain Walleye Association, Inc. to upgrade and repair the walleye rearing, restoration, and stocking infrastructure:</u>	<u>\$25,000.00</u>
<u>(b) The following sums are appropriated to the Agency of Natural Resources in FY 2015 for:</u>	
<u>(1) the Water Pollution Control Fund for the following projects:</u>	
<u>(A) Clean Water State/EPA Revolving Loan Fund (CWSRF) match:</u>	<u>\$700,000.00</u>
<u>(B) Interest associated with delayed grant funding for the Pownal project:</u>	<u>\$30,000.00</u>
<u>(C) Springfield loan conversions:</u>	<u>\$78,000.00</u>
<u>(D) Administrative support – engineering, oversight, and program management:</u>	<u>\$300,000.00</u>
<u>(2) the Drinking Water Supply for the following projects:</u>	
<u>(A) Drinking Water State Revolving Fund:</u>	<u>\$1,000,000.00</u>
<u>(B) Engineering, oversight, and project management:</u>	<u>\$300,000.00</u>

(C) EcoSystem restoration and protection: \$2,073,732.00

(3) dam safety and hydrology projects: \$400,000.00

(4) the Agency of Natural Resources for the Department of Forests, Parks and Recreation for statewide small scale rehabilitation, wastewater repairs, preventive improvements and upgrades of restrooms and bathhouses, and statewide small-scale road rehabilitation projects: \$2,000,000.00

(5) the Department of Fish and Wildlife: \$1,000,000.00

(c) It is the intent of the General Assembly to review the proposal submitted by the Commissioner of Finance and Management pursuant to Sec. 39 of this act to evaluate the suitability of the FY 2015 appropriations to the Agency of Natural Resources for engineering costs in subdivisions (b)(1)(D) and (b)(2)(B) of this section.

Appropriation – FY 2014 \$13,772,550.00

Appropriation – FY 2015 \$7,881,732.00

Total Appropriation – Section 11 \$21,654,282.00

Sec. 12. MILITARY

(a) The sum of \$750,000.00 is appropriated in FY 2014 to the Department of Military for land acquisition, new construction, maintenance, and renovations at state armories. To the extent feasible, these funds shall be used to match federal funds.

(b) The sum of \$500,000.00 is appropriated in FY 2015 for the purpose described in subsection (a) of this section.

Total Appropriation – Section 12 \$1,250,000.00

Sec. 13. PUBLIC SAFETY

(a) The sum of \$3,000,000.00 is appropriated in FY 2014 to the Department of Buildings and General Services for the Department of Public Safety for the design, construction, and fit-up of a new public safety field station to consolidate the Brattleboro and Rockingham barracks. For the purpose of allowing the Department of Buildings and General Services to enter into contractual agreements and complete work on the projects described in this subsection as soon as possible, it is the intent of the General Assembly that these are committed funds.

(b) The sum of \$3,100,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section. For the purpose of allowing the Department of Buildings and General Services to enter into contractual agreements and complete work on the project as soon as possible, it is the

intent of the General Assembly that these are committed funds not subject to budget adjustment.

(c) The sum of \$550,000.00 is appropriated in FY 2014 to the Department Buildings and General Services for the Department of Public Safety to purchase land for public safety field stations and to conduct feasibility studies.

(d) The sum of \$300,000.00 is appropriated in FY 2015 for the project described in subsection (c) of this section.

(e) The sum of \$50,000.00 is appropriated in FY 2014 to the Department of Public Safety for the purchase of fire safety equipment for the Fire Service Training Center in Pittsford.

<u>Appropriation – FY 2014</u>	<u>\$3,600,000.00</u>
<u>Appropriation – FY 2015</u>	<u>\$3,400,000.00</u>
<u>Total Appropriation – Section 13</u>	<u>\$7,000,000.00</u>

Sec. 14. AGRICULTURE, FOOD AND MARKETS

(a) The sum of \$150,000.00 is appropriated in FY 2014 to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for major maintenance costs at the Vermont Exposition Center Building in Springfield, Massachusetts.

(b) The sum of \$1,200,000.00 is appropriated in FY 2015 to the Agency of Agriculture, Food and Markets for the conservation reserve enhancement program and the best management practice implementation cost share program to continue to reduce nonpoint source pollution in Vermont. Cost share funds for the best management practice implementation cost share program shall not exceed 90 percent of the total cost of a project. Whenever possible, state funds shall be combined with federal funds to complete projects.

<u>Appropriation – FY 2014</u>	<u>\$150,000.00</u>
<u>Appropriation – FY 2015</u>	<u>\$1,200,000.00</u>
<u>Total Appropriation – Section 14</u>	<u>\$1,350,000.00</u>

Sec. 15. VERMONT PUBLIC TELEVISION

(a) The sum of \$205,750.00 is appropriated in FY 2014 to Vermont Public Television for the continuation of digital conversion and energy conservation retrofitting.

(b) The sum of \$200,000.00 is appropriated in FY 2015 to Vermont Public Television for transmission security.

<u>Appropriation – FY 2014</u>	<u>\$205,750.00</u>
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Appropriation – FY 2015 \$200,000.00

Total Appropriation – Section 15 \$405,750.00

Sec. 16. VERMONT RURAL FIRE PROTECTION

(a) The sum of \$100,000.00 is appropriated in FY 2014 to the Department of Public Safety for the Vermont Rural Fire Protection Task Force to continue the dry hydrant program.

(b) The sum of \$100,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section.

Total Appropriation – Section 16 \$200,000.00

Sec. 17. VERMONT VETERANS' HOME

(a) The sum of \$1,216,000.00 is appropriated in FY 2014 to the Department of Buildings and General Services for the Vermont Veterans' Home for emergency mold remediation actions, for updates to the 2006 facilities assessment report, and for the development of a comprehensive plan to address and prevent mold growth.

(b) The Commissioner of Buildings and General Services, in consultation with the Chief Administrative Officer of the Veterans' Home, shall apply for any eligible federal funds to use as a match for the appropriation made in subsection (a) of this section and shall work with Vermont's Congressional Delegation to investigate the availability of other possible federal funding sources. The Commissioner of Buildings and General Services shall notify the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the availability of federal funds and the status of a federal match to be used for the project described in subsection (a) of this section on or before July 31, 2013.

(c) The Commissioner of Buildings and General Services, in consultation with the Chief Administrative Officer of the Veterans' Home, shall contract with an independent third party to conduct an update to the 2006 facilities assessment report of the Vermont Veterans' Home. On or before January 15, 2014, the Commissioner shall submit a copy of the report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(d) The Commissioner of Buildings and General Services, in consultation with the Chief Administrative Officer of the Veterans' Home, shall contract with an independent third party to prepare a comprehensive plan to address the ongoing mold issues at the Home and prevent any additional mold issues.

(1) The plan shall include:

(A) identification of currently known mold issues and potential mold issues at the Veterans' Home;

(B) recommendations for implementing preventive measures to address mold growth;

(C) estimates for the projected cost to implement the recommendations and preventive measures;

(D) a proposed time line to implement the plan; and

(E) a review and consideration of the findings of the Veterans' Home management and operations review required by 2013 Acts and Resolves No. 1, Sec. 53.1, the updated facilities assessment report required by subsection (c) of this section, and the findings and recommendations of any other design professionals or consultants engaged by the Department of Buildings and General Services to work at the Veterans' Home.

(2) On or before February 15, 2014, the Commissioner shall submit a copy of the plan 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.

Total Appropriation – Section 17 \$1,216,000.00

Sec. 18. VERMONT INTERACTIVE TECHNOLOGIES

(a) The sum of \$288,000.00 is appropriated in FY 2014 to the Vermont States Colleges for the Vermont Interactive Technologies for the purchase of equipment necessary for systems and unit upgrades at Vermont Interactive Technologies sites.

(b) The sum of \$88,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section.

Appropriation – FY 2014 \$288,000.00

Appropriation – FY 2015 \$88,000.00

Total Appropriation – Section 18 \$376,000.00

Sec. 18a. ENHANCED 911 PROGRAM

(a) The sum of \$10,000.00 is appropriated in FY 2014 to the Enhanced 911 Board for the planning and implementation of the Enhanced 911 program in schools pursuant to 30 V.S.A. § 7057.

(b) The sum of \$10,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section.

Total Appropriation – Section 18a \$20,000.00

* * * Financing this Act * * *

Sec. 19. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

(a) The following sums are reallocated to the Department of Buildings and General Services from prior capital appropriations to defray expenditures authorized in Sec. 2 of this act:

(1) of the amount appropriated by 2009 Acts and Resolves No. 43, Sec. 1 (32 Cherry Street): \$48,065.57

(2) of the amount appropriated by 2009 Acts and Resolves No. 43, Sec. 1 (Rutland multimodal garage trench drains): \$404.09

(3) of the amount appropriated by 2010 Acts and Resolves No. 161, Sec. 3 (VSH ongoing safety): \$96.98

(4) of the amount appropriated by 2010 Acts and Resolves No. 161, Sec. 14 (two-way radio system): \$12,579.71

(5) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 2 (DMV bathroom renovations): \$119,067.33

(6) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 2 (engineer cost): \$158,779.04

(7) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 2 (116 State Street): \$0.02

(8) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 2 (Waterbury fuel tank replacement): \$400,000.00

(9) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 7 (recreation grant program): \$8,150.00

(10) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 7 (Human Service and Educational Grant): \$2,515.61

(11) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 14(e) (architectural assessment, Middlesex): \$6.80

(12) of the amount appropriated by 2010 Acts and Resolves No. 161, Sec. 6(3) (Vermont Arts Council, cultural facilities grant): \$29,454.00

(b) The following unexpended funds appropriated to the Agency of Natural Resources for capital construction projects are reallocated to the Department of Buildings and General Services to defray expenditures authorized in Sec. 2 of this act:

(1) of the amount appropriated by 1989 Acts and Resolves No. 52, Sec. 8(b)(1) (water pollution): \$9,426.24

<u>(2) of the amount appropriated by 1990 Acts and Resolves No. 276, Sec. 10 (potable water supply construction):</u>	<u>\$17,430.00</u>
<u>(3) of the amount appropriated by 1991 Acts and Resolves No. 93, Sec. 11(d)(2) (water supply):</u>	<u>\$46,514.75</u>
<u>(4) of the amount appropriated by 1992 Acts and Resolves No. 256, Sec. 11(e)(1) (water pollution):</u>	<u>\$35,000.65</u>
<u>(5) of the amount appropriated by 1998 Acts and Resolves No. 148, Sec. 13(b)(1) (water supply):</u>	<u>\$72,513.80</u>
<u>(6) of the amount appropriated by 1998 Acts and Resolves No. 148, Sec. 13(b)(2)(A) (pollution control):</u>	<u>\$305,394.84</u>
<u>(7) of the amount appropriated by 2001 Acts and Resolves No. 61, Sec. 9(a) (various projects):</u>	<u>\$277,833.51</u>
<u>(8) of the amount appropriated by 2003 Acts and Resolves No. 63, Sec. 8 (water pollution/drinking):</u>	<u>\$118,725.81</u>
<u>(9) of the amount appropriated by 2004 Acts and Resolves No. 121, Sec. 10 (water pollution grants):</u>	<u>\$896.40</u>
<u>(10) of the amount appropriated by 2004 Acts and Resolves No. 121, Sec. 10 (clean and clear program):</u>	<u>\$44,447.91</u>
<u>(11) of the amount appropriated by 2004 Acts and Resolves No. 121, Sec. 10 (ecological assessments):</u>	<u>\$36.70</u>
<u>(12) of the amount appropriated by 2004 Acts and Resolves No. 121, Sec. 10 (species recovery plan):</u>	<u>\$3.90</u>
<u>(13) of the amount appropriated by 2005 Acts and Resolves No. 43, Sec. 9 (water pollution grants):</u>	<u>\$128,115.97</u>
<u>(14) of the amount appropriated by 2005 Acts and Resolves No. 43, Sec. 9 (clean and clear program):</u>	<u>\$135,500.37</u>
<u>(15) of the amount appropriated by 2006 Acts and Resolves No. 147, Sec. 10 (water pollution grants):</u>	<u>\$34,703.62</u>
<u>(16) of the amount appropriated by 2006 Acts and Resolves No. 147, Sec. 10 (clean and clear program):</u>	<u>\$40,686.00</u>
<u>(17) of the amount appropriated by 2007 Acts and Resolves No. 52, Sec. 11 (water pollution control):</u>	<u>\$35,000.00</u>
<u>(18) of the amount appropriated by 2007 Acts and Resolves No. 52, Sec. 11 (state-owned dams):</u>	<u>\$198,104.00</u>

(19) of the amount appropriated by 2007 Acts and Resolves No. 52,
Sec. 11 (clean and clear): \$320,042.39

(20) of the amount appropriated by 2008 Acts and Resolves No. 200,
Sec. 12 (clean and clear): \$92,906.23

(21) of the amount appropriated by 2008 Acts and Resolves No. 200,
Sec. 12 (water pollution): \$87,967.95

(22) of the amount appropriated by 2009 Acts and Resolves No. 43,
Sec. 9 (water pollution control): \$231,202.30

(23) of the amount appropriated by 2009 Acts and Resolves No. 43,
Sec. 9 (clean and clear): \$515,957.62

(24) of the amount appropriated by 2010 Acts and Resolves No. 161,
Sec. 12 (Drinking Water State Revolving Fund): \$5,500.00

(25) of the amount appropriated by 2010 Acts and Resolves No. 161,
Sec. 12 (water pollution control): \$123,666.00

(26) of the amount appropriated by 2010 Acts and Resolves No. 161,
Sec. 12 (clean and clear): \$66,864.08

(27) of the amount appropriated by 2010 Acts and Resolves No. 161,
Sec. 12 (sea lamprey control project): \$155,898.60

(28) of the amount appropriated by 2011 Acts and Resolves No. 40,
Sec. 12(a) (water pollution control): \$210,000.00

(29) of the amount appropriated by 2011 Acts and Resolves No. 40,
Sec. 12(a) (water pollution TMDL/wetland): \$20,112.00

(30) of the amount appropriated by 2012 Acts and Resolves No. 40,
Sec. 12(b) (drinking water projects): \$35,483.32

(31) of the amount appropriated by 2012 Acts and Resolves No. 40,
Sec. 12(b) (water pollution control): \$472,239.85

(c) The following unexpended funds appropriated to the Agency of
Commerce and Community Development for capital construction projects are
reallocated to the Department of Buildings and General Services to defray
expenditures authorized in Sec. 2 of this act:

(1) of the amount appropriated by 2007 Acts and Resolves No. 52, Sec.
7(e) (Unmarked Burial Fund): \$18,928.39

(2) of the amount appropriated by 2008 Acts and Resolves No. 200,
Sec. 7(b)(1) (Unmarked Burial Fund): \$24,769.00

(d) The following sums are reallocated to the Department of Buildings and

General Services to defray expenditures authorized in Sec. 2 of this act:

(1) of the proceeds from the sale of property authorized by 2009 Acts and Resolves No. 43, Sec. 25(i) (sale of Thayer school): \$433,478.30

(2) of the amount recouped by the state for waterfront enhancement authorized by 1993 Acts and Resolves No. 59, Sec. 16d(c) (special fund 21896, Waterfront Preservation Fund): \$190,000.00

(3) of the proceeds from the sale of property authorized by 2009 Acts and Resolves No. 43, Sec. 25(d) (sale of former North American Playcare, Inc. building in Middlesex): \$132,040.88

(4) of the proceeds from the sale of property authorized by 20 V.S.A. § 542 (Northfield, Ludlow, and Rutland armories): \$311,539.21

Total Reallocations and Transfers – Section 19 \$5,728,049.74

Sec. 20. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

(a) The State Treasurer is authorized to issue general obligation bonds in the amount of \$159,900,000.00 for the purpose of funding the appropriations of this act. The State Treasurer, with the approval of the Governor, shall determine the appropriate form and maturity of the bonds authorized by this section consistent with the underlying nature of the appropriation to be funded. The State Treasurer shall allocate the estimated cost of bond issuance or issuances to the entities to which funds are appropriated pursuant to this section and for which bonding is required as the source of funds, pursuant to 32 V.S.A. § 954.

(b) The State Treasurer is further authorized to issue additional general obligation bonds in the amount of \$7,603,320.00 that were previously authorized but unissued under 2011 Acts and Resolves No. 40, Sec. 25 for the purpose of funding the appropriations of this act. This amount shall be allocated to the Department of Buildings and General Services to defray expenditures in Sec. 2 of this act.

Total Revenues – Section 20 \$167,503,320.00

Sec. 21. SALE OF BUILDING 617 IN ESSEX; USE OF PROCEEDS

The proceeds from the sale of Building 617 in Essex shall be allocated to the Department of Buildings and General Services and used to defray FY 2014 expenditures in Sec. 2 of this act. To the extent such use of proceeds results in a like amount of general obligation bonds authorized in Sec. 20 of this act for Sec. 2 to remain unissued at the end of FY 2014, then such unissued amount of bonds shall remain authorized to be issued in FY 2015 to provide additional funding for the Waterbury State Office Complex and such amount shall be

appropriated in FY 2015 to Sec. 2(c)(10) of this act.

* * * Policy * * *

* * * Buildings and General Services * * *

Sec. 22. REPEAL; ROBERT GIBSON PARK; TOWN OF BRATTLEBORO

1999 Acts and Resolves No. 29, Sec. 19(b)(1)(C)(i) (repayment of appropriation for Robert Gibson Park) is repealed.

Sec. 23. 2012 Acts and Resolves No. 104, Sec. 25 is amended to read:

Sec. 25. EMPLOYEE SERVICE MEMORIAL

(a) ~~The commissioner of buildings and general services~~ Commissioner of Buildings and General Services, in consultation with the ~~commissioner of human resources~~ Commissioner of Human Resources and an association representing Vermont state employees, shall develop a plan to honor the services of past, present, and future Vermont state employees with an appropriate memorial. On or before January 15, ~~2013~~ 2014, the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services shall recommend a future location for an employee service memorial and provide estimated costs to the ~~general assembly~~ General Assembly.

(b) ~~The commissioner of buildings and general services~~ Commissioner of Buildings and General Services may accept donations for the administration, materials, creation, and maintenance of the service memorial.

Sec. 24. NEWPORT WATERFRONT

Notwithstanding 29 V.S.A. §§ 165(h) and 166(b), the Commissioner of Buildings and General Services is authorized to sell, lease, gift, or otherwise convey the property or any portion thereof associated with the Waterfront in the City of Newport. The Commissioner is further authorized to accept federal or state grants for improvements, maintenance, and operating costs associated with the Newport Waterfront.

Sec. 25. BATTLE OF CEDAR CREEK AND WINCHESTER MEMORIALS

The Commissioner of Buildings and General Services is authorized to use the appropriation in Sec. 6(c)(1) of this act for expenses associated with the placement of a Vermont historical roadside marker at the Cedar Creek Battlefield in Virginia, the relocation of the Battle of Winchester Memorial to its original location on the Third Winchester Battlefield in Virginia, and reimbursement to the Civil War Trust, the State of Virginia, and the United States Veterans Administration for any expenses associated with the completion of these projects. Expenses associated with the placement of the roadside marker or the relocation of the Memorial may include site acquisition,

planning, design, transportation, and any other reasonably related costs.

Sec. 26. 29 V.S.A. § 165 is amended to read:

§ 165. SPACE ALLOCATION, INVENTORY, AND USE; LEASING
PROPERTY; COMMISSIONER'S PREAPPROVAL REQUIRED

* * *

(d) ~~The commissioner of buildings and general services~~ Commissioner of Buildings and General Services shall by rule establish procedures which all agencies shall follow in the leasing of real property. No agency shall enter into any lease, no lease shall be valid, and no state funds shall be paid by the ~~department of finance and management~~ Department of Finance and Management pursuant to the terms of any lease, unless the proposed lease has been pre-approved by the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services. If a lease is entered into pursuant to this section, the Commissioner of Buildings and General Services shall preapprove any additional fees, reimbursements, charges, or fit-up costs in excess of the proposed lease rental rate.

Sec. 27. SPECIAL FUND FOR WATERFRONT

Notwithstanding 1993 Acts and Resolves No. 59, Sec. 16d(c), the funds allocated to the special fund for the waterfront to be used for the purpose of waterfront enhancement and preservation are transferred to the Department of Buildings and General Services to defray expenditures authorized in Sec. 2 of this act.

Sec. 28. WINDSOR COUNTY COURTHOUSE

Of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 5 to the Department of Buildings and General Services on behalf of the Judiciary, the sum of \$40,000.00 is directed to the Windsor County Courthouse in Woodstock to perform repairs and upgrades to bring the facility into ADA compliance.

Sec. 29. 2011 Acts and Resolves No. 40, Sec. 12(b), as amended by 2012 Acts and Resolves No. 104, Sec. 8, is amended to read:

(b) The following sums are appropriated to the ~~agency of natural resources~~ Agency of Natural Resources in FY 2013 for:

* * *

~~(E)(6)~~ (6) ~~the department of forests, parks and recreation~~ Department of Forests, Parks and Recreation for the Vermont Youth Conservation Corps to perform stabilization, restoration, and cleanup of environmental damage to waterways, forests, and public access lands caused by Tropical Storm Irene,

including projects such as controlling the spread of invasive species, stabilizing flood-eroded river and stream banks; restoring vital aquatic and wildlife habitats, removing toxic materials from fragile natural areas, and remediating recognized viewsheds: 200,000

* * *

* * * Commerce and Community Development * * *

Sec. 30. REGIONAL ECONOMIC DEVELOPMENT GRANT PROGRAM

The Commissioner of Buildings and General Services, in consultation with the Secretary of Commerce and Community Development, the Regional Development Corporations of Vermont, and the Regional Economic Development Advisory Committee, shall consider whether the Regional Economic Development grants are being awarded to projects for the purpose of funding capital expenses and whether catastrophic situations should qualify for grants.

* * * Agency of Agriculture, Food and Markets * * *

Sec. 31. ADDITIONAL FUNDING FOR CAPITAL PROJECTS

If additional support is required for the Best Management Practice Implementation Cost-Share Program and the Conservation Reserve Enhancement Program in FY 2014, the Secretary of Agriculture, Food and Markets is authorized to use as funding prior capital fund appropriations for these programs to the Agency of Agriculture, Food and Markets.

Sec. 32. AGRICULTURE; REALLOCATION

Of the amount held in the Eastern States Building Special Fund #21682, it the intent of the General Assembly that the Agency of Agriculture, Food and Markets shall redirect the sum of \$125,000.00 to the Department of Buildings and General Services for major maintenance at the Vermont Exposition Center Building in Springfield, Massachusetts.

* * * Capital Planning and Finance * * *

Sec. 33. 29 V.S.A. § 152 is amended to read:

§ 152. DUTIES OF COMMISSIONER

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

* * *

(3) Prepare or cause to be prepared plans and specifications for

construction and repair on all state-owned buildings:

(A) For which the ~~legislature~~ General Assembly or the ~~emergency board~~ Emergency Board has made specific appropriations. In consultation with the department or agency concerned, the ~~commissioner~~ Commissioner shall select sites, purchase lands, determine plans and specifications, and advertise for bids for the furnishing of materials and construction thereof and of appurtenances thereto. The ~~commissioner~~ Commissioner shall determine the time for beginning and completing the construction. Any change orders occurring under the contracts let as the result of actions previously mentioned in this section shall not be allowed unless they have the approval of the ~~secretary of administration~~ Secretary of Administration.

(B) For which no specific appropriations have been made by the ~~legislature~~ General Assembly or the ~~emergency board~~ Emergency Board. The ~~commissioner~~ Commissioner may, with the approval of the ~~secretary of administration~~ Secretary of Administration acquire an option, for a price not to exceed \$75,000.00, on an individual property without prior legislative approval, provided the option contains a provision stating that purchase of the property shall occur only upon the approval of the ~~general assembly~~ General Assembly and the appropriation of funds for this purpose. The ~~state treasurer~~ State Treasurer is authorized to advance a sum not to exceed \$75,000.00, upon warrants drawn by the ~~commissioner of finance and management~~ Commissioner of Finance and Management for the purpose of purchasing an option on a property pursuant to this subdivision.

(C) For which the Department of Buildings and General Services is granted a right of first refusal. The Commissioner may, with the approval of the Secretary of Administration, enter into an agreement that grants the Department of Buildings and General Services a right of first refusal to purchase property, provided that the right of first refusal contains a provision stating that the purchase of the property shall occur only upon the approval of the General Assembly.

* * *

(23) With the approval of the ~~secretary of administration~~ Secretary of Administration, transfer during any fiscal year to the ~~department of buildings and general services~~ Department of Buildings and General Services for use only for major maintenance within the capitol complex in Montpelier, any unexpended balances of funds appropriated in any capital construction act for any ~~executive or judicial branch~~ Executive or Judicial Branch project, excluding any appropriations for state grant-in-aid programs, which is completed or substantially completed as determined by the ~~commissioner~~ Commissioner. On or before January 15 of each year, the ~~commissioner~~

~~Commissioner~~ shall report to the ~~house committee on corrections and institutions and the senate committee on institutions~~ House Committee on Corrections and Institutions and the Senate Committee on Institutions regarding:

(A) all transfers and expenditures made pursuant to this subdivision (23); and

~~(B) the unexpended balance of projects completed for two or more years.~~

* * *

Sec. 34. 32 V.S.A. § 310 is amended to read:

§ 310. FORM OF ANNUAL CAPITAL BUDGET AND ~~SIX-YEAR~~
TEN-YEAR CAPITAL PROGRAM PLAN

(a) Each biennial capital budget request submitted to the ~~general assembly~~ General Assembly shall be accompanied by, and placed in the context of, a ~~six-year ten-year~~ state capital program plan to be prepared, and revised annually, by the ~~governor~~ Governor and approved by the ~~general assembly~~ General Assembly. The ~~six-year ten-year~~ plan shall include a list of all projects which will be recommended for funding in the current and ensuing ~~five~~ nine fiscal years. The list shall be prioritized based on need.

(b) The capital budget request for the following ~~fiscal year~~ biennium shall be presented as the next increment of the ~~six-year~~ ten-year plan. Elements of the plan shall include:

(1) Assessment and projection of need.

(A) Capital needs and projections shall be based upon current and projected statistics on capital inventories and upon state demographic and economic conditions.

(B) Capital funding shall be categorized as follows:

(i) state buildings, facilities, ~~and~~ land acquisitions, major maintenance, renewable energy sources, and conservation;

(ii) higher education;

(iii) aid to municipalities for education, environmental conservation, including water, sewer, and solid waste projects, and other purposes; and

(iv) transportation facilities.

(C) The capital needs and projections shall be for the current and the

next ~~five~~ nine fiscal years, with longer-term projections presented for programs with reasonably predictable longer-term needs.

(D) Capital needs and projections shall be presented independently of financing requirements or opportunities.

(2) Comprehensive cost and financing assessment.

(A) Amounts appropriated and expended for the current fiscal year and for the preceding fiscal year shall be indicated for capital programs and for individual projects. The assessment shall indicate further the source of funds for any project which required additional funding and a description of any authorized projects which were delayed.

(B) Amounts proposed to be appropriated for the following fiscal year and each of the ~~five~~ nine years thereafter shall be indicated for capital programs and for individual projects and shall be revised annually to reflect revised cost estimates and changes made in allocations due to project delays.

(C) The capital costs of programs and of individual projects, including funds for the development and evaluation of each project, shall be presented in full, for the entire period of their development.

(D) The operating costs, both actual and prospective, of capital programs and of individual projects shall be presented in full, for the entire period of their development and expected useful life.

(E) The financial burden and funding opportunities of programs and of individual projects shall be presented in full, including federal, state, and local government shares, and any private participation.

(F) Alternative methods of financing capital programs and projects should be described and assessed, including debt financing and use of current revenues.

Sec. 35. TEN-YEAR CAPITAL PROGRAM PLAN

On or before January 15, 2014, the Commissioner of Buildings and General Services, in consultation with the House Committee on Corrections and Institutions and the Senate Committee on Institutions, shall develop a proposal for the planning process for a ten-year capital program plan. The ten-year capital program plan shall include proposals for capital construction requests and major maintenance, and shall set forth definitions and criteria to be used for prioritizing capital projects. Projects may be prioritized based on criteria including: critical priorities, prior capital allocations or commitments, strategic investments, and future investments.

Sec. 36. 32 V.S.A. § 701a is amended to read:

§ 701a. CAPITAL CONSTRUCTION BILL

(a) When the capital budget has been submitted by the ~~governor~~ Governor to the ~~general assembly~~ General Assembly, it shall immediately be referred to the ~~committee on corrections and institutions~~ Committee on Corrections and Institutions which shall proceed to consider the budget request in the context of the ~~six-year~~ ten-year capital program plan also submitted by the ~~governor~~ Governor pursuant to sections 309 and 310 of this title. The ~~committee~~ Committee shall also propose to the ~~general assembly~~ General Assembly a prudent amount of total general obligation bonding for the following fiscal year, for support of the capital budget, in consideration of the recommendation of the ~~capital debt affordability advisory committee~~ Capital Debt Affordability Advisory Committee pursuant to subchapter 8 of chapter 13 of this title.

(b) As soon as possible, the ~~committee~~ Committee shall prepare a bill to be known as the "capital construction bill," which shall be introduced for action by the ~~general assembly~~ General Assembly.

(c) The spending authority authorized by a capital construction act shall carry forward until expended, unless otherwise provided. ~~Any unencumbered funds remaining after a two-year period~~ All unexpended funds remaining for projects authorized by capital construction acts enacted in a legislative session that was two or more years prior to the current legislative session shall be reported to the ~~general assembly~~ General Assembly and may be reallocated in future capital construction acts.

(d) On or before October 15, each entity to which spending authority ~~is~~ has been authorized by a capital construction act enacted in a legislative session that was two or more years prior to the current legislative session shall submit to the ~~department of buildings and general services~~ Department of Buildings and General Services a report on the status of each authorized project ~~authorized with unexpended funds~~. The report shall follow the form provided by the ~~department of buildings and general services~~ Department of Buildings and General Services and shall include details regarding how much of the appropriation has been spent, how much of the appropriation is unencumbered, actual progress in meeting the goals of the project, and any impediments to completing the project on time and on budget. The ~~department~~ Department may request additional or clarifying information regarding each project. On or before January 15, the ~~department~~ Department shall present the information collected to the ~~house committee on corrections and institutions and the senate committee on institutions~~ House Committee on Corrections and Institutions and the Senate Committee on Institutions.

Sec. 37. AVAILABILITY OF APPROPRIATIONS

Notwithstanding 32 V.S.A. § 1 (fiscal year to commence on July 1 and end on June 30), the appropriations in this act designated as FY 2014 shall be available on passage of this act, and those designated as FY 2015 shall be available on passage of the Capital Construction and State Bonding Budget Adjustment Act of the 2014 legislative session.

Sec. 38. ADDITIONAL FUNDING FOR CAPITAL PROJECTS

The Commissioner of Buildings and General Services, in consultation with the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions, is authorized to use funds appropriated in this act for capital projects requiring additional support that were funded with capital or general fund appropriations in prior years.

Sec. 39. ACCOUNTING STANDARDS FOR ENGINEERING COSTS

(a) The Commissioner of Finance and Management shall establish a working group to develop a set of criteria and guidelines for allocating engineering costs between the Capital bill and the General Fund. The Working Group shall review current state practices, standard accounting classifications and approaches taken in other states. The Group shall include the Commissioner of Finance and Management or designee, the Commissioner of Buildings and General Services or designee, the Secretary of Natural Resources or designee, the State Auditor or designee, and a Joint Fiscal Officer or designee.

(b) On or before September 30, 2013, the Commissioner of Finance and Management shall present the proposal to the Joint Fiscal Committee and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions for review with the intent that the criteria and guidelines on cost allocations will be used in the FY 2015 capital budget.

* * * Human Services * * *

Sec. 40. SECURE RESIDENTIAL FACILITY

Pursuant to the Level 1 Psychiatric Care Evaluation required by the Fiscal Year 2014 Appropriations Act, Sec. E.314.2, the Commissioner of Buildings and General Services shall develop a proposal to establish a permanent secure residential facility no later than January 15, 2015.

* * * Natural Resources * * *

Sec. 41. LABORATORY FEASIBILITY STUDY

On or before December 15, 2013, the Department of Buildings and General Services, the Agency of Natural Resources, and the Agency of Agriculture, Food and Markets shall examine and report to the General Assembly on the

feasibility of sharing the same laboratory, exploring relationships with the University of Vermont and the Vermont State Colleges system, or other public or private entities, and determining what specialized services may be sold within the Northeast region to fulfill state and regional laboratory needs. This report shall include a cost-benefit analysis and a governance model.

Sec. 42. 24 V.S.A. § 4763b is amended to read:

§ 4763b. LOANS TO INDIVIDUALS FOR FAILED WASTEWATER SYSTEMS AND FAILED POTABLE WATER SUPPLIES

(a) Notwithstanding any other provision of law, when the wastewater system or potable water supply serving only one single-family residence on its own lot meets the definition of a failed supply or system, the ~~secretary of natural resources~~ Secretary of Natural Resources may lend monies to the owner of the residence from the Vermont ~~wastewater and potable water revolving loan fund~~ Wastewater and Potable Water Revolving Loan Fund established in section 4753 of this title. In such cases, the following conditions shall apply:

(1) loans may only be made to households with an income equal to or less than 200 percent of the state average median household income;

(2) loans may only be made to households where the recipient of the loan resides in the residence on a year-round basis;

(3) loans may only be made if the owner of the residence has been denied financing for the repair, replacement, or construction due to involuntary disconnection by at least ~~two~~ one other financing ~~entities~~ entity;

(4) no construction loan shall be made to an individual under this subsection, nor shall any part of any revolving loan made under this subsection be expended, until all of the following take place:

(A) the ~~secretary of natural resources~~ Secretary of Natural Resources determines that if a wastewater system and potable water supply permit is necessary for the design and construction of the project to be financed by the loan, the permit has been issued to the owner of the failed system or supply; and

(B) the individual applying for the loan certifies to the ~~secretary of natural resources~~ Secretary of Natural Resources that the proposed project has secured all state and federal permits, licenses, and approvals necessary to construct and operate the project to be financed by the loan;

(5) all funds from the repayment of loans made under this section shall be deposited into the Vermont ~~wastewater and potable water revolving loan fund~~ Wastewater and Potable Water Revolving Loan Fund.

(b) ~~The secretary of natural resources~~ Secretary of Natural Resources shall establish standards, policies, and procedures as necessary for the implementation of this section. ~~The secretary~~ Secretary may establish criteria to extend the payment period of a loan or to waive all or a portion of the loan amount.

Sec. 43. ADDITIONAL FUNDING FOR CAPITAL PROJECTS

(a) If additional support is required for the Dufresne Dam Project in FY 2014, the Secretary of Natural Resources is authorized to use as funding prior capital funds authorized in 2011 Acts and Resolves No. 40, Sec. 12(a)(4)(A) for the Wolcott Pond Dam repair and maintenance.

(b) On or before January 15, 2014, the Secretary of Natural Resources shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the status of close-out audits of project grants funded with capital funds.

(c) In FY 2014, the Secretary of Natural Resources, in consultation with the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions, is authorized to reallocate unexpended funds that were appropriated to the Agency of Natural Resources:

(1) between projects authorized in different capital construction acts if the funds are appropriated to the same department within the Agency of Natural Resources for a related purpose; and

(2) between a project authorized in a capital construction act and a project not authorized in a capital construction act if the funds are used for planning advances pursuant to 10 V.S.A. § 1591(a).

(d) The Secretary shall reallocate no more than:

(1) \$200,000.00 in unexpended funds pursuant to subdivision (c)(1) of this section; and

(2) \$30,000.00 per project and \$100,000.00 in total pursuant to subdivision (c)(2) of this section.

* * * Military Department * * *

Sec. 44. 20 V.S.A. § 542 is amended to read:

§ 542. ACQUISITION, MAINTENANCE, AND DISPOSAL OF PROPERTY FOR THE NATIONAL GUARD USE

In the name of the ~~state~~ State, the ~~board~~ Board shall be responsible for the real estate and personal property of the ~~national guard~~ National Guard. The ~~board~~ Board may acquire or purchase, and maintain and dispose of by sale or

otherwise real estate and personal property. Upon determination by the ~~board~~ Board that real estate is to be disposed of, the disposal shall be at fair market value, and proceeds shall be allocated to future capital ~~appropriations~~ construction acts.

* * * Education * * *

Sec. 45. STATE AID FOR SCHOOL CONSTRUCTION; EXTENSION OF SUSPENSION

(a) In 2007 Acts and Resolves No. 52, Sec. 36, the General Assembly suspended state aid for school construction in order to permit the Secretary of Education and the Commissioner of Finance and Management to recommend a sustainable plan for state aid for school construction.

(b) In 2008 Acts and Resolves No. 200, Sec. 45, as amended by 2009 Acts and Resolves No. 54, Sec. 22, the General Assembly, in the absence of a recommendation, extended the suspension until a sustainable plan for state aid for school construction is developed and adopted.

(c) State aid remains suspended pursuant to the terms of 2008 Acts and Resolves No. 200, Sec. 45 as amended by 2009 Acts and Resolves No. 54, Sec. 22.

(d) Notwithstanding the suspension, the State intends to honor its obligation by FY 2016 to pay for projects for which state aid had been committed prior to the suspension.

Sec. 46. MORGAN SCHOOL

Notwithstanding 16 V.S.A. § 3448(b) or any other provision of law to the contrary, the Morgan School District is authorized to sell the Morgan School building and property to the town of Morgan to use for community purposes without repayment of school construction aid. Thereafter, if the town of Morgan sells the building and property to another entity, including the Morgan School District, the town shall repay the sum owed to the State for school construction aid under the terms set forth in 16 V.S.A. § 3448(b).

Sec. 47. ENHANCED 911 PROGRAM; IMPLEMENTATION IN SCHOOL DISTRICTS

On or before January 15, 2014, the Enhanced 911 Board shall, in coordination with the Secretary of Education, provide technical assistance and guidance to school districts to comply with the requirement in 30 V.S.A. § 7057 that accurate location information be associated with each landline telephone installed in a school. The Board is authorized to use funds appropriated in Sec. 18a of this act to plan and implement compliance with this program. It is the intent of the General Assembly that these funds are used by

the Enhanced 911 Board as a supplement to funding from the Vermont Universal Service Fund established pursuant to 30 V.S.A. chapter 88.

* * * Public Safety * * *

Sec. 48. PUBLIC SAFETY FIELD STATION PROJECT

The Department of Buildings and General Services, in consultation with the Department of Public Safety, is authorized to use appropriations in Sec. 13 of this act to conduct feasibility studies, and identify and purchase land for future public safety field station sites. If the Department of Buildings and General Services proposes to purchase property when the General Assembly is not in session, the Commissioner of Buildings and General Services shall notify the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions of the proposal.

* * * Energy Use on State Properties * * *

Sec. 49. RENEWABLE ENERGY AND ENERGY CONSERVATION POLICY

(a) The Department of Buildings and General Services shall incorporate the use of renewable energy sources, energy efficiency, and thermal energy conservation in any new building construction or major renovation project in excess of \$250,000.00 unless a life cycle cost analysis demonstrates that the investment cannot be recouped or there are limitations on siting.

(b) On or before January 15, 2014, the Department of Buildings and General Services shall contract for a desk audit to examine and report on the feasibility of installing renewable energy devices on up to 20 properties owned by the State.

(c) As used in this section, the “life cycle cost” of each new building construction or major renovation project shall mean the present value purchase price of an item, plus the replacement cost, plus or minus the salvage value, plus the present value of operation and maintenance costs, plus the energy and environmental externalities’ costs or benefits.

* * * Effective Date * * *

Sec. 50. EFFECTIVE DATE

This act shall take effect on passage.

(For text see House Journal 4/4/2013)

NEW BUSINESS

Third Reading

H. 535

An act relating to the approval of the adoption and to the codification of the charter of the Town of Woodford

S. 59

An act relating to independent direct support providers

Favorable with Amendment

S. 7

An act relating to social networking privacy protection

Rep. Weed of Enosburgh, for the Committee on **General, Housing and Military Affairs**, 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. SOCIAL NETWORKING PRIVACY PROTECTION STUDY

COMMITTEE

(a) A Committee is established to study the issue of prohibiting employers from requiring employees or applicants for employment to disclose a means of accessing the employee's or applicant's social network account.

(b) The Committee shall examine:

(1) existing social networking privacy laws and proposed legislation in other states;

(2) the interplay between state law and existing or proposed federal law on the subject of social networking privacy and employment; and

(3) any other issues relevant to social networking privacy or employment.

(c) The Committee shall make recommendations, including proposed legislation.

(d) The Committee shall consist of the following members:

(1) two representatives of employers, one appointed by the Speaker of the House and one by the Committee on Committees;

(2) two representatives from labor organizations, one appointed by the Speaker and one by the Committee on Committees;

- (3) the Attorney General or designee;
- (4) the Commissioner of Labor or designee;
- (5) the Commissioner of Financial Regulation or designee;
- (6) the Commissioner of Human Resources or designee;
- (7) the Commissioner of Public Safety or designee;
- (8) the Executive Director of the Human Rights Commission or designee; and
- (9) a representative of the American Civil Liberties Union of Vermont.

(e) The Committee shall convene its first meeting on or before September 1, 2013. The Commissioner of Labor or designee shall be designated Chair of the Committee and shall convene the first and subsequent meetings.

(f) The Committee shall report its findings and recommendations on or before January 15, 2014 to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs.

(g) The Committee shall cease to function upon transmitting its report.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 8-0-0)

(For text see Senate Journal 3/20/2013 and 3/21/2013)

Rep. Ralston of Middlebury, for the Committee on **Commerce and Economic Development**, recommends the bill ought to pass when amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Social Networking Privacy Protection Study * * *

Sec. 1. SOCIAL NETWORKING PRIVACY PROTECTION STUDY COMMITTEE

(a) A Committee is established to study the issue of prohibiting employers from requiring employees or applicants for employment to disclose a means of accessing the employee's or applicant's social network account.

(b) The Committee shall examine:

(1) existing social networking privacy laws and proposed legislation in other states;

(2) the interplay between state law and existing or proposed federal law on the subject of social networking privacy and employment; and

(3) any other issues relevant to social networking privacy or employment.

(c) The Committee shall make recommendations, including proposed legislation.

(d) The Committee shall consist of the following members:

(1) two representatives of employers, one appointed by the Speaker of the House and one by the Committee on Committees;

(2) two representatives from labor organizations, one appointed by the Speaker and one by the Committee on Committees;

(3) the Attorney General or designee;

(4) the Commissioner of Labor or designee;

(5) the Commissioner of Financial Regulation or designee;

(6) the Commissioner of Human Resources or designee;

(7) the Commissioner of Public Safety or designee;

(8) the Executive Director of the Human Rights Commission or designee; and

(9) a representative of the American Civil Liberties Union of Vermont.

(e) The Committee shall convene its first meeting on or before September 1, 2013. The Commissioner of Labor or designee shall be designated Chair of the Committee and shall convene the first and subsequent meetings.

(f) The Committee shall report its findings and recommendations on or before January 15, 2014 to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs.

(g) The Committee shall cease to function upon transmitting its report.

* * * Bad Faith Assertions of Patent Infringement * * *

Sec. 2. 9 V.S.A. chapter 120 is added to read:

CHAPTER 120. BAD FAITH ASSERTIONS

OF PATENT INFRINGEMENT

§ 4195. LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE

(a) The General Assembly finds that:

(1) Vermont is striving to build an entrepreneurial and knowledge based economy. Attracting and nurturing small and medium sized internet technology (“IT”) and other knowledge based companies is an important part of this effort and will be beneficial to Vermont’s future.

(2) Patents are essential to encouraging innovation, especially in the IT and knowledge based fields. The protections afforded by the federal patent system create an incentive to invest in research and innovation, which spurs economic growth. Patent holders have every right to enforce their patents when they are infringed, and patent enforcement litigation is necessary to protect intellectual property.

(3) The General Assembly does not wish to interfere with the good faith enforcement of patents or good faith patent litigation. The General Assembly also recognizes that Vermont is preempted from passing any law that conflicts with federal patent law.

(4) Patent litigation can be technical, complex, and expensive. The expense of patent litigation, which may cost hundreds of thousands of dollars or more, can be a significant burden on small and medium sized companies. Vermont wishes to help its businesses avoid these costs by encouraging the most efficient resolution of patent infringement claims without conflicting with federal law.

(5) In order for Vermont companies to be able to respond promptly and efficiently to patent infringement assertions against them, it is necessary that they receive specific information regarding how their product, service, or technology may have infringed the patent at issue. Receiving such information at an early stage will facilitate the resolution of claims and lessen the burden of potential litigation on Vermont companies.

(6) Abusive patent litigation, and especially the assertion of bad faith infringement claims, can harm Vermont companies. A business that receives a letter asserting such claims faces the threat of expensive and protracted litigation and may feel that it has no choice but to settle and to pay a licensing fee, even if the claim is meritless. This is especially so for small and medium sized companies and nonprofits that lack the resources to investigate and defend themselves against infringement claims.

(7) Not only do bad faith patent infringement claims impose a significant burden on individual Vermont businesses, they also undermine Vermont’s efforts to attract and nurture small and medium sized IT and other knowledge based companies. Funds used to avoid the threat of bad faith litigation are no longer available to invest, produce new products, expand, or

hire new workers, thereby harming Vermont's economy.

(b) Through this narrowly focused act, the General Assembly seeks to facilitate the efficient and prompt resolution of patent infringement claims, protect Vermont businesses from abusive and bad faith assertions of patent infringement, and build Vermont's economy, while at the same time respecting federal law and being careful to not interfere with legitimate patent enforcement actions.

§ 4196. DEFINITIONS

In this chapter:

(1) "Demand letter" means a letter, e-mail, or other communication asserting or claiming that the target has engaged in patent infringement.

(2) "Target" means a Vermont person:

(A) who has received a demand letter or against whom an assertion or allegation of patent infringement has been made;

(B) who has been threatened with litigation or against whom a lawsuit has been filed alleging patent infringement; or

(C) whose customers have received a demand letter asserting that the person's product, service, or technology has infringed a patent.

§ 4197. BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT

(a) A person shall not make a bad faith assertion of patent infringement.

(b) A court may consider the following factors as evidence that a person has made a bad faith assertion of patent infringement:

(1) The demand letter does not contain the following information:

(A) the patent number;

(B) the name and address of the patent owner or owners and assignee or assignees, if any; and

(C) factual allegations concerning the specific areas in which the target's products, services, and technology infringe the patent or are covered by the claims in the patent.

(2) Prior to sending the demand letter, the person fails to conduct an analysis comparing the claims in the patent to the target's products, services, and technology, or such an analysis was done but does not identify specific areas in which the products, services, and technology are covered by the claims in the patent.

(3) The demand letter lacks the information described in subdivision (1) of this subsection, the target requests the information, and the person fails to provide the information within a reasonable period of time.

(4) The demand letter demands payment of a license fee or response within an unreasonably short period of time.

(5) The person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license.

(6) The claim or assertion of patent infringement is meritless, and the person knew, or should have known, that the claim or assertion is meritless.

(7) The claim or assertion of patent infringement is deceptive.

(8) The person or its subsidiaries or affiliates have previously filed or threatened to file one or more lawsuits based on the same or similar claim of patent infringement and:

(A) those threats or lawsuits lacked the information described in subdivision (1) of this subsection; or

(B) the person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be meritless.

(9) Any other factor the court finds relevant.

(c) A court may consider the following factors as evidence that a person has not made a bad faith assertion of patent infringement:

(1) The demand letter contains the information described in subdivision (b)(1) of this section.

(2) Where the demand letter lacks the information described in subdivision (b)(1) of this section and the target requests the information, the person provides the information within a reasonable period of time.

(3) The person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy.

(4) The person makes a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent.

(5) The person is:

(A) the inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; or

(B) an institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education.

(6) The person has:

(A) demonstrated good faith business practices in previous efforts to enforce the patent, or a substantially similar patent; or

(B) successfully enforced the patent, or a substantially similar patent, through litigation.

(7) Any other factor the court finds relevant.

§ 4198. BOND

If a court determines that a target has established a reasonable likelihood that a person has made a bad faith assertion of patent infringement in violation of this chapter, the court may require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim. A bond ordered pursuant to this section shall not exceed \$250,000.00.

§ 4199. ENFORCEMENT; REMEDIES; DAMAGES

(a) The Attorney General shall have the same authority under this chapter to make rules, conduct civil investigations, bring civil actions, and enter into assurances of discontinuance as provided under chapter 63 of this title. In an action brought by the Attorney General under this chapter the court may award or impose any relief available under chapter 63 of this title.

(b) A target of conduct involving assertions of patent infringement, or a person aggrieved by a violation of this chapter or by a violation of rules adopted under this chapter, may bring an action in superior court. A court may award the following remedies to a plaintiff who prevails in an action brought pursuant to this subsection:

(1) equitable relief;

(2) damages;

(3) costs and fees, including reasonable attorney's fees; and

(4) exemplary damages in an amount equal to \$50,000.00 or three times the total of damages, costs, and fees, whichever is greater.

(c) This chapter shall not be construed to limit rights and remedies available to the State of Vermont or to any person under any other law and shall not alter or restrict the Attorney General's authority under chapter 63 of this title with regard to conduct involving assertions of patent infringement.

* * * Effective Date * * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

S. 85

An act relating to workers' compensation for firefighters and rescue or ambulance workers

Rep. Kitzmiller of Montpelier, for the Committee on **Commerce and Economic Development**, recommends that the House propose to the Senate that the bill be amended as follows:

By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. EDUCATION AND TRAINING

The Department of Health shall provide annual education and training to emergency medical personnel licensed under 18 V.S.A. chapter 17 and the Vermont Fire Academy shall provide annual education and training to firefighters on the requirements of the Occupational Safety and Health Administration standards 1910.134 (respiratory protection) and 1910.1030 (bloodborne pathogens).

(Committee vote: 11-0-0)

(For text see Senate Journal 3/15/2013)

NOTICE CALENDAR

Favorable with Amendment

S. 130

An act relating to encouraging flexible pathways to secondary school completion

Rep. Peltz of Woodbury, for the Committee on **Education**, 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:

* * * Flexible Pathways Initiative; Dual Enrollment * * *

Sec. 1. 16 V.S.A. chapter 23, subchapter 2 is added to read:

Subchapter 2. Flexible Pathways to Secondary
School Completion

§ 941. FLEXIBLE PATHWAYS INITIATIVE

(a) There is created within the Agency a Flexible Pathways Initiative:

(1) to encourage and support the creativity of school districts as they develop and expand high-quality educational experiences that are an integral part of secondary education in the evolving 21st Century classroom;

(2) to promote opportunities for Vermont students to achieve postsecondary readiness through high-quality educational experiences that acknowledge individual goals, learning styles, and abilities; and

(3) to increase the rates of secondary school completion and postsecondary continuation in Vermont.

(b) The Secretary shall develop, publish, and regularly update guidance, in the form of technical assistance, sharing of best practices and model documents, legal interpretations, and other support designed to assist school districts:

(1) to identify and support secondary students who require additional assistance to succeed in school and to identify ways in which individual students would benefit from flexible pathways to graduation;

(2) to work with every student in grade seven through grade 12 in an ongoing personalized learning planning process that:

(A) identifies the student's emerging abilities, aptitude, and disposition;

(B) includes participation by families and other engaged adults;

(C) guides decisions regarding course offerings and other high-quality educational experiences; and

(D) is documented by a personalized learning plan;

(3) to create opportunities for secondary students to pursue flexible pathways to graduation that:

(A) increase aspiration and encourage postsecondary continuation of training and education;

(B) are an integral component of a student's personalized learning plan; and

(C) include:

(i) applied or work-based learning opportunities, including career and technical education and internships;

(ii) virtual learning and blended learning;

(iii) dual enrollment opportunities as set forth in section 944 of this title;

(iv) early college programs as set forth in subsection 4011(e) of this title;

(v) the High School Completion Program as set forth in section 943 of this title; and

(vi) the Adult Diploma Program and General Educational Development Program as set forth in section 946 of this title; and

(4) to provide students, beginning no later than in the seventh grade, with career development and postsecondary planning resources to ensure that they are able to take full advantage of the opportunities available within the flexible pathways to graduation and to achieve their career and postsecondary education and training goals.

(c) Nothing in this subchapter shall be construed as discouraging or limiting the authority of any school district to develop or continue to provide educational opportunities for its students that are otherwise permitted, including the provision of Advanced Placement courses.

(d) An individual entitlement or private right of action shall not arise from creation of a personalized learning plan.

§ 942. DEFINITIONS

As used in this title:

(1) “Accredited postsecondary institution” means a postsecondary institution that has been accredited by the New England Association of Schools and Colleges or another regional accrediting agency recognized by the U.S. Department of Education.

(2) “Approved provider” means an entity approved by the Secretary to provide educational services that may be awarded credits or used to determine proficiency necessary for a high school diploma.

(3) “Blended learning” means a formal education program in which content and instruction are delivered both in a traditional classroom setting and through virtual learning.

(4) “Career development” means the identification of student interests and aptitudes and the ability to link these to potential career paths and the training and education necessary to succeed on these paths.

(5) “Carnegie unit” means 125 hours of class or contact time with a teacher over the course of one year at the secondary level.

(6) “Contracting agency” means an entity that enters into a contract with the Agency to provide “flexible pathways to graduation” services itself or in conjunction with one or more approved providers in Vermont.

(7) “Dual enrollment” means enrollment by a secondary student in a course offered by an accredited postsecondary institution and for which, upon successful completion of the course, the student will receive:

(A) secondary credit toward graduation from the secondary school in which the student is enrolled; and

(B) postsecondary credit from the institution that offered the course if the course is a credit-bearing course at that institution.

(8) “Early college” means full-time enrollment, pursuant to subsection 4011(e) of this title, by a 12th grade Vermont student for one academic year in a program offered by a postsecondary institution in which the credits earned apply to secondary school graduation requirements.

(9) “Flexible pathways to graduation” means any combination of high-quality academic and experiential components leading to secondary school completion and postsecondary readiness, which may include assessments that allow the student to apply his or her knowledge and skills to tasks that are of interest to that student.

(10) “Personalized learning plan” and “PLP” mean documentation of an evolving plan developed on behalf of a student in an ongoing process involving a secondary student, a representative of the school, and, if the student is a minor, the student’s parents or legal guardian and updated at least annually by November 30; provided, however, that a home study student and the student’s parent or guardian shall be solely responsible for developing a plan. The plan shall be developmentally appropriate and shall reflect the student’s emerging abilities, aptitude, and disposition. The plan shall define the scope and rigor of academic and experiential opportunities necessary for a secondary student to complete secondary school successfully, attain postsecondary readiness, and be prepared to engage actively in civic life. While often less formalized, personalized learning and personalized instructional approaches are critical to students in kindergarten through grade 6 as well.

(11) “Postsecondary planning” means the identification of education and training programs after high school that meet a student’s academic, vocational, financial, and social needs and the identification of financial assistance available for those programs.

(12) “Postsecondary readiness” means the ability to enter the workforce

or to pursue postsecondary education or training without the need for remediation.

(13) “Virtual learning” means learning in which the teacher and student communicate concurrently through real-time telecommunication. “Virtual learning” also means online learning in which communication between the teacher and student does not occur concurrently and the student works according to his or her own schedule.

§ 943. [RESERVED.]

§ 944. DUAL ENROLLMENT PROGRAM

(a) Program creation. There is created a statewide Dual Enrollment Program to be a potential component of a student’s flexible pathway. The Program shall include college courses offered on the campus of an accredited postsecondary institution and college courses offered by an accredited postsecondary institution on the campus of a secondary school. The Program may include online college courses or components.

(b) Students.

(1) A Vermont resident who has completed grade 10 but has not received a high school diploma is eligible to participate in the Program if:

(A) the student:

(i) is enrolled in:

(I) a Vermont public school, including a Vermont career technical center;

(II) a public school in another state or an approved independent school that is designated as the public secondary school for the student’s district of residence; or

(III) an approved independent school in Vermont to which the student’s district of residence pays publicly funded tuition on behalf of the student;

(ii) is assigned to a public school through the High School Completion Program; or

(iii) is a home study student;

(B) dual enrollment is an element included within the student’s personalized learning plan; and

(C) the secondary school and the postsecondary institution have determined that the student is sufficiently prepared to succeed in a dual enrollment course, which can be determined in part by the assessment tool or tools identified by the participating postsecondary institution.

(2) An eligible student may enroll in up to two dual enrollment courses prior to completion of secondary school for which neither the student nor the student’s parent or guardian shall be required to pay tuition. A student may

enroll in courses offered while secondary school is in session and during the summer.

(c) Public postsecondary institutions. The Vermont State Colleges and the University of Vermont shall work together to provide dual enrollment opportunities throughout the State.

(1) When a dual enrollment course is offered on a secondary school campus, the public postsecondary institution shall:

(A) retain authority to determine course content; and

(B) work with the secondary school to select, monitor, support, and evaluate instructors.

(2) The public postsecondary institution shall maintain the postsecondary academic record of each participating student and provide transcripts on request.

(3) To the extent permitted under the Family Educational Rights and Privacy Act, the public postsecondary institution shall collect and send data related to student participation and success to the student's secondary school and the Secretary and shall send data to the Vermont Student Assistance Corporation necessary for the Corporation's federal reporting requirements.

(4) The public postsecondary institution shall accept as full payment the tuition set forth in subsection (f) of this section.

(d) Secondary schools. Each school identified in subdivision (b)(1) of this section that is located in Vermont shall:

(1) provide access for eligible students to participate in any dual enrollment courses that may be offered on the campus of the secondary school;

(2) accept postsecondary credit awarded for dual enrollment courses offered by a Vermont public postsecondary institution under this section as meeting secondary school graduation requirements;

(3) collect enrollment data as prescribed by the Secretary for longitudinal review and evaluation;

(4) identify and provide necessary support for participating students and continue to provide services for students with disabilities; and

(5) provide support for a seamless transition to postsecondary enrollment upon graduation.

(e) Program management. The Agency shall manage or may contract for the management of the Dual Enrollment Program in Vermont by:

(1) marketing the Dual Enrollment Program to Vermont students and their families;

(2) assisting secondary and postsecondary partners to develop memoranda of understanding, when requested;

(3) coordinating with secondary and postsecondary partners to understand and define student academic readiness;

(4) convening regular meetings of interested parties to explore and develop improved student support services;

(5) coordinating the use of technology to ensure access and coordination of the Program;

(6) reviewing program costs;

(7) evaluating all aspects of the Dual Enrollment Program and ensuring overall quality and accountability; and

(8) performing other necessary or related duties.

(f) Tuition and funding.

(1) Tuition shall be paid to public postsecondary institutions in Vermont as follows:

(A) For any course for which the postsecondary institution pays the instructor, the student's school district of residence shall pay tuition to the postsecondary institution in an amount equal to the tuition rate charged by the Community College of Vermont (CCV) at the time the dual enrollment course is offered; provided however, that tuition paid to CCV under this subdivision (A) shall be in an amount equal to 90 percent of the CCV rate.

(B) For any course that is taught by an instructor who is paid as part of employment by a secondary school, the student's school district of residence shall pay tuition to the postsecondary institution in an amount equal to 20 percent of the tuition rate charged by the Community College of Vermont at the time the dual enrollment course is offered.

(2) Notwithstanding subdivision (1) of this subsection requiring the district of residence to pay tuition, the State shall pay 50 percent of the tuition owed to public postsecondary institutions under subdivision (1)(A) of this subsection from the Next Generation Initiative Fund created in section 2887 of this title; provided, however, that the total amount paid by the State in any fiscal year shall not exceed the total amount of General Fund dollars the General Assembly appropriated from the Fund in that year for dual enrollment purposes plus any balance carried forward from the previous fiscal year.

(3) If it agrees to the terms of subsection (c) of this section, an accredited private postsecondary institution in Vermont approved pursuant to section 176 of this title shall receive tuition pursuant to subdivisions (1) and (2) of this subsection (f) for each eligible student it enrolls in a college-level course under this section.

(g) Private and out-of-state postsecondary institutions. Nothing in this section shall be construed to limit a school district's authority to enter into a contract for dual enrollment courses with an accredited private or public postsecondary institution not identified in subsection (c) of this section located

in or outside Vermont. The school district may negotiate terms different from those set forth in this section, including the amount of tuition to be paid. The school district may determine whether enrollment by an eligible student in a course offered under this subsection shall constitute one of the two courses authorized by subdivision (b)(2) of this section.

(h) Number of courses. Nothing in this section shall be construed to limit a school district's authority to pay for more than the two courses per eligible student authorized by subdivision (b)(2) of this section; provided, however, that payment under subdivision (f)(2) of this section shall not be made for more than two courses per eligible student.

(i) Other postsecondary courses. Nothing in this section shall be construed to limit a school district's authority to award credit toward graduation requirements to a student who receives prior approval from the school and successfully completes a course offered by an accredited postsecondary institution that was not paid for by the district pursuant to this section. The school district shall determine the number and nature of credits it will award to the student for successful completion of the course, including whether the course will satisfy one or more graduation requirements, and shall inform the student prior to enrollment. Credits awarded shall be based on performance and not solely on Carnegie units; provided, however, that unless the school district determines otherwise, a three-credit postsecondary course shall be presumed to equal one-half of a Carnegie unit. A school district shall not withhold approval or credit without reasonable justification. A student may request that the superintendent review the district's determination regarding course approval or credits. The superintendent's decision shall be final.

(j) Reports. Notwithstanding 2 V.S.A. § 20(d), the Secretary shall report to the House and Senate Committees on Education annually in January regarding the Dual Enrollment Program, including data relating to student demographics, levels of participation, marketing, and program success.

§ 945. [RESERVED.]

Sec. 2. DUAL ENROLLMENT; TRANSITION; FUNDING;
NONOPERATING DISTRICTS

(a) Notwithstanding any provision of Sec. 1, 16 V.S.A. § 944(f), to the contrary, the State shall pay 100 percent of the tuition owed to postsecondary institutions under subdivision (f)(1) for courses offered in fiscal years 2014 and 2015; provided, however, that the total amount paid by the State in either fiscal year shall not exceed the total amount of General Fund dollars the General Assembly appropriated from the Fund in that year for dual enrollment purposes plus any balance carried forward from the previous fiscal year. Any balance carried forward from fiscal year 2015 shall be used to satisfy the financial obligations of school districts under subsection (f) in fiscal year 2016.

(b)(1) The Secretary shall analyze issues relating to providing dual

enrollment opportunities pursuant to Sec. 1 of this act to publicly funded students enrolled in Vermont approved independent schools. Specifically, the analysis shall include:

(A) the anticipated utilization of dual enrollment opportunities;
(B) the anticipated financial impact on sending school districts;
(C) the ways in which sending school districts will ensure student participation in a personalized learning planning process and inclusion of dual enrollment in the student's plan; and

(D) other financial and programmatic issues related to dual enrollment access by publicly funded students enrolled in approved independent schools.

(2) On or before February 1, 2014, the Secretary shall report the results of the analysis to the House and Senate Committees on Education together with any recommendations for amendment to statutes or rules, including whether it would be advisable to amend or repeal Sec. 1, 16 V.S.A. § 944(b)(1)(A)(i)(III) (eligibility of publicly funded student enrolled in Vermont approved independent school).

Sec. 3. REPEAL

16 V.S.A. § 913 (secondary credit; postsecondary course) is repealed.

* * * Flexible Pathways: High School Completion Program * * *

Sec. 4. 16 V.S.A. § 1049a is redesignated to read:

§ ~~1049a~~ 943. HIGH SCHOOL COMPLETION PROGRAM

Sec. 5. 16 V.S.A. § 943 is amended to read:

§ 943. HIGH SCHOOL COMPLETION PROGRAM

(a) ~~In this section:~~

~~(1) "Graduation education plan" means a written plan leading to a high school diploma for a person who is 16 to 22 years of age and has not received a high school diploma, who may or may not be enrolled in a public or approved independent school. The plan shall define the scope and rigor of services necessary for the student to attain a high school diploma, and may describe educational services to be provided by a public high school, an approved independent high school, an approved provider, or a combination of these.~~

~~(2) "Approved provider" means an entity approved by the commissioner to provide educational services which may be counted for credit toward a high school diploma.~~

~~(3) "Contracting agency" means an agency that has entered into a contract with the department of education to provide adult education services in Vermont.~~

There is created a High School Completion Program to be a potential component of a flexible pathway for any Vermont student who is at least 16 years old, who has not received a high school diploma, and who may or may not be enrolled in a public or approved independent school.

(b) If a person who wishes to work on a ~~graduation education plan~~ personalized learning plan leading to graduation through the High School Completion Program is not enrolled in a public or approved independent school, then the ~~commissioner~~ Secretary shall assign the prospective student to a high school district, which shall be the district of residence whenever possible. The school district in which a student is enrolled or to which a non-enrolled student is assigned shall work with the contracting agency and the student to develop a ~~graduation education~~ personalized learning plan. The school district shall award a high school diploma upon successful completion of the plan.

(c) The ~~commissioner~~ Secretary shall reimburse, and net cash payments where possible, a school district that has agreed to a ~~graduation education~~ personalized learning plan developed under this section in an amount:

(1) established by the ~~commissioner~~ Secretary for the development and ongoing evaluation and revision of the ~~graduation education~~ personalized learning plan and for other educational services typically provided by the assigned district or an approved independent school pursuant to the plan, such as counseling, health services, participation in cocurricular activities, and participation in academic or other courses; provided, however, that this amount shall not be available to a school district that provides services under this section to an enrolled student; and

(2) negotiated by the ~~commissioner~~ Secretary and the contracting agency, with the approved provider, for services and outcomes purchased from the approved provider on behalf of the student pursuant to the ~~graduation education~~ personalized learning plan.

* * * Flexible Pathways: Adult Diploma Program; GED * * *

Sec. 6. 16 V.S.A. § 1049 is redesignated to read:

~~§ 1049. PROGRAMS~~ § 945. ADULT DIPLOMA PROGRAM; GENERAL EDUCATIONAL DEVELOPMENT PROGRAM

Sec. 7. 16 V.S.A. § 945 is amended to read:

§ 945. ADULT DIPLOMA PROGRAM; GENERAL EDUCATIONAL DEVELOPMENT PROGRAM

(a) ~~The commissioner of education may provide programs designed to fit the individual needs and circumstances of adult students. Programs authorized~~

~~under this section shall give priority to those adult persons with the lowest levels of literacy skills.~~

~~(b)(1) Fees for general educational development shall be \$3.00 for a transcript.~~

~~(2) The Secretary shall maintain an adult diploma program (ADP) means, which shall be an assessment process administered by the Vermont department of education Agency through which an adult individual who is at least 20 years old can receive a local high school diploma granted by one of the program's participating high schools.~~

~~(3) General (b) The Secretary shall maintain a general educational development (GED) means a testing program administered jointly by the Vermont department of education, program, which it shall administer jointly with the GED testing service; and approved local testing centers and through which an adult individual who is at least 16 years old and who is not enrolled in secondary school can receive a secondary school equivalency certificate based on successful completion of the GED tests of general educational development.~~

~~(c) Fees collected under this section shall be credited to a special fund established and managed pursuant to chapter 7, subchapter 5 of Title 32, and shall be available to the department to offset the costs of providing those services. The Secretary may provide additional programs designed to address the individual needs and circumstances of adult students, particularly students with the lowest levels of literacy skills.~~

* * * Flexible Pathways: Early College * * *

Sec. 8. 16 V.S.A. § 4011(e) is amended to read:

(e) Early college.

~~(1) The commissioner~~ For each 12th grade Vermont student enrolled, the Secretary shall pay an amount equal to 87 percent of the base education amount to:

~~(A) the Vermont Academy of Science and Technology for each Vermont resident, 12th grade student enrolled (VAST); and~~

(B) an early college program other than the VAST program that is developed and operated or overseen by one of the Vermont State Colleges, by the University of Vermont, or by an accredited private postsecondary school located in Vermont and that is approved for operation by the Secretary; provided, however, when making a payment under this subdivision (B), the Secretary shall not pay more than the tuition charged by the institution.

(2) The Secretary shall make the payment pursuant to subdivision (1) of this subsection directly to the postsecondary institution, which shall accept the amount as full payment of the student's tuition.

(3) A student on whose behalf the Secretary makes a payment pursuant to subdivision (1) of this subsection:

(A) shall be enrolled as a full-time student in the institution receiving the payment for the academic year for which payment is made;

(B) shall not be enrolled concurrently in a secondary school operated by the student's district of residence or to which the district pays tuition on the student's behalf; and

(C) shall not be included in the average daily membership of any school district for the academic year for which payment is made; provided, however, that if more than five percent of the 12th grade students residing in a district enroll in an early college program, then the district may include the number of students in excess of five percent in its average daily membership; but further provided that a 12th grade student enrolled in a college program shall be included in the percentage calculation only if, for the previous academic year, the student was enrolled in a school maintained by the district or was a student for whom the district paid tuition to a public or approved independent school.

(4) A postsecondary institution shall not accept a student into an early college program unless enrollment in an early college program was an element of the student's personalized learning plan.

Sec. 9. 16 V.S.A. § 1545(c) is amended to read:

(c) For any resident 12th grade student ~~attending the Vermont academy for science and technology~~ enrolled in the Vermont Academy of Science and Technology pursuant to subsection 4011(e) of this title ~~or in another early college program pursuant to that subsection~~, the credits and grades earned shall, upon request of the student or the student's parent or guardian, be applied toward graduation requirements at the Vermont ~~high school which secondary school that the student attended prior to enrolling in the academy~~ early college program.

Sec. 10. 16 V.S.A. § 4011a is added to read:

§ 4011a. EARLY COLLEGE PROGRAM; REPORT

Notwithstanding 2 V.S.A. § 20(d), any postsecondary institution receiving funds pursuant to subsection 4011(e) of this title shall report annually in January to the Senate and House Committees on Education regarding the level of participation in the institution's early college program, the success in

achieving the stated goals of the program to enhance secondary students' educational experiences and prepare them for success in college and beyond, and the specific outcomes for participating students relating to programmatic goals.

Sec. 11. EARLY COLLEGE; ENROLLMENT; CAPS; REPORTS; SUNSET

(a) A postsecondary institution receiving funds in connection with an early college program pursuant to Sec. 8, 16 V.S.A. § 4011(e), of this act shall not enroll more than 18 Vermont students in the program in one academic year; provided, however, that:

(1) the Vermont Academy of Science and Technology shall not enroll more than 60 Vermont students in one academic year; and

(2) there shall be no limitations on enrollment in any early college programs offered by the Community College of Vermont.

(b) Annually in January of 2014 through 2017, the Vermont State Colleges and the University of Vermont shall report to the House and Senate Committees on Education regarding the expansion of the early college program in public and private postsecondary institutions as provided in Sec. 2 of this act, including data regarding actual enrollment, expected enrollment, unmet demand, if any, and marketing efforts for the purpose of considering whether it would be advisable to consider legislation repealing or amending the limit on the total number of students who may enroll.

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

* * * Implementation and Transitional Provisions;
Effective Dates * * *

Sec. 12. FLEXIBLE PATHWAYS IMPLEMENTATION PROJECT ON
POSTSECONDARY PLANNING

To assist implementation of the Flexible Pathways Initiative established in Sec. 1 of this act, the Secretary of Education is authorized to enter into an agreement with the Vermont Student Assistance Corporation and one or more elementary or secondary schools to design and implement demonstration projects related to career planning and planning for postsecondary education and training.

Sec. 13. PERSONALIZED LEARNING PLAN PROCESS;
IMPLEMENTATION; WORKING GROUP

(a) The process of developing and updating a personalized learning plan reflects the discussions and collaboration of a student and involved adults. When students engage in the personalized learning plan process, they assume

an active role in the planning, assessment, and reflection required to identify developmentally appropriate academic, social, and career goals.

(b) On or before July 15, 2013, the Secretary of Education shall convene a working group to consist of teachers and principals of elementary and secondary schools, superintendents, and other interested parties to support implementation of the personalized learning plan process, particularly in those schools that do not already have a process in place. The working group shall consider ways in which effective personalized learning plan processes enhance development of the evolving academic, career, social, transitional, and family engagement elements of a student's plan and shall identify best practices that can be replicated in other schools. The working group also shall consider ways in which the personalized learning that should occur in kindergarten through grade six can be used to reinforce and enhance the personalized learning plan process in grade seven through grade 12.

(c) By January 20, 2014, the working group shall develop and the Secretary shall publish on the Agency website guiding principles and practical tools for the personalized learning plan process and for developing personalized learning plans. The Secretary shall provide clarity regarding the differences in form, purpose, and function of personalized learning plans, educational support teams, plans created pursuant to section 504 of the federal Rehabilitation Act of 1973, and individualized education programs (IEPs). The Agency shall provide further guidance and support to schools as requested.

Sec. 14. EFFECTIVE DATE; IMPLEMENTATION DATES

(a) This act shall take effect on July 1, 2013.

(b)(1) By November 30, 2015, a school district shall ensure development of a personalized learning plan for:

(A) each student then in grade seven or nine; and

(B) for each student then in grade 11 or 12 who wishes to enroll in a dual enrollment pursuant to Sec. 1 of this act.

(2) By November 30, 2016, a school district:

(A) shall ensure development of a personalized learning plan for:

(i) each student then in grade seven or nine; and

(ii) each student then in grade 11 or 12 who wishes to enroll in a dual enrollment course; and

(B) shall ensure that the personalized learning plan process continues for enrolled students for whom plans were developed in previous years.

(3) By November 30, 2017 and by that date in each subsequent year, a school district:

(A) shall ensure development of a personalized learning plan for:

(i) each student then in grade seven; and

(ii) each student then in grade 11 or 12 who wishes to enroll in a dual enrollment course for whom a plan was not previously developed; and

(B) shall ensure that the personalized learning plan process continues for enrolled students for whom plans were developed in previous years.

(4) During academic years 2013–14 and 2014–15, a student who has not developed a personalized learning plan may enroll in a dual enrollment course pursuant to Sec. 1 of this act or an early college program pursuant to Sec. 8 of this act upon receiving prior approval of participation from the postsecondary institution and the principal or headmaster of the secondary school in which the student is enrolled. The principal or headmaster shall not withhold approval without reasonable justification. A student may request that the superintendent review a decision of the principal or headmaster to withhold approval. The superintendent’s decision shall be final.

(5) Upon the recommendation of the working group created in Sec. 13 of this act, the Secretary of Education may extend by one year any of the implementation dates required under this subsection (b).

(c) Funds for new early college programs pursuant to Sec. 8, 16 V.S.A. § 4011(e)(1)(B), of this act shall be available to students beginning in the 2014–2015 academic year.

(Committee vote: 8-1-2)

(For text see Senate Journal 3/15/2013)

S. 155

An act relating to creating a strategic workforce development needs assessment and strategic plan

Rep. Kupersmith of South Burlington, for the Committee on **Commerce and Economic Development**, 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. FINDINGS AND PURPOSE

(a) Over the years, significant resources have been devoted in Vermont to supporting many workforce development, training, and education opportunities that prepare individuals for employment. Among them are private and public

education, social service programs focusing on work readiness, internships, apprenticeships, training programs, and other forms of government support.

(b) Despite these investments, there is a gap between the readiness of individuals for employment and the needs of employers in the State. Graduates, underemployed, and unemployed workers express that they cannot find work, they do not possess adequate work skills and experience, or that jobs for which they are qualified are unavailable. At the same time, employers report difficulty in filling current and projected job openings due in part to the insufficient skills, training, or experience of the available workforce. Consequently, individuals are not advancing their employment interests and businesses are impeded in their success. The combination of these factors negatively impacts the revenues of the State and the well-being of our citizenry.

(c) There is broad agreement in the General Assembly that individuals should have adequate opportunities to engage in the workforce in the way that best suits their needs and wishes. There is also agreement that the workforce needs of our employers must be met in order for our businesses and economy to thrive.

(d) Administrators and policy makers acknowledge that there are both gaps and overlaps among the many workforce development, training, and education activities in the State. There is broad consensus on the need for significantly improved coordination and strategic focus.

(e) In adopting this act, it is the goal of the General Assembly to create a process that will result in a comprehensive compendium of information about the workforce education and training activities that are taking place in the State. This information, which is not currently compiled in a way that is sufficiently useful to policy makers and administrators, will serve as the basis for the more effective and strategic use of both public and private dollars.

Sec. 2. WORKFORCE DEVELOPMENT WORK GROUP

(a) Creation. There is created a Workforce Development Work Group composed of the following members:

(1) two members of the Senate appointed by the President Pro Tempore of the Senate;

(2) two members of the House of Representatives appointed by the Speaker of the House;

(3) the Secretary of Commerce and Community Development or designee; and

(4) the Commissioner of Labor or designee.

(b) Duties. The Work Group shall:

(1) coordinate with the Workforce Development Council in the performance of the Council's duties under 10 V.S.A. § 541(i);

(2) research, compile, and inventory all workforce education and training programs and activities taking place in Vermont;

(3) identify the number of individuals served by each of the programs and activities, and estimate the number of individuals in the State who could benefit from these programs and activities;

(4) identify the amount and source of financial support for these programs and activities, including financial support that goes directly to the individuals, and, to the extent practicable, the allocation of resources to the direct benefits, management, and overhead costs of each program and activity;

(5) identify the mechanics by which these programs and activities are evaluated for effectiveness and outcomes;

(6) provide a summary for each program or activity of its delivery model, including how the program or activity aligns with employment opportunities located in Vermont;

(7) identify current statutory provisions concerning coordination, integration, and improvement of workforce education and training programs, including identification of the entities responsible for performing those duties;

(8) identify overlaps in existing workforce development programs and activities; and

(9)(A) research and inventory all programs and activities taking place in the State, both public and private, that identify and evaluate employers' needs for employees, including the skills, education, and experience required for available and projected jobs;

(B) indicate who is responsible for these activities and how they are funded;

(C) specify the data collection activities that are taking place; and

(D) identify overlaps in programs, activities, and data collection that identify and evaluate employers' needs for employees.

(c) The Work Group shall meet not more than eight times, and shall have the administrative, legal, and fiscal support of the Office of Legislative Council and the Legislative Joint Fiscal Office.

(d) In order to perform its duties pursuant to this act, the Work Group shall have the authority to request and gather data and information as it determines

is necessary from entities that conduct workforce education and training programs and activities, including agencies, departments, and programs within the Executive Branch and from nongovernmental entities that receive state-controlled funding. Unless otherwise exempt from public disclosure pursuant to state or federal law, a workforce education and training provider shall provide the data and information requested by the Work Group within a reasonable time period.

(e) On or before January 15, 2014, the Work Group shall submit its findings and recommendations to the House Committees on Commerce and Economic Development and on Education, and to the Senate Committees on Economic Development, Housing and General Affairs and on Education.

(f) Members of the Work Group shall be eligible for per diem compensation, mileage reimbursement, and other necessary expenses as provided in 2 V.S.A. § 406.

(Committee vote: 11-0-0)

(For text see Senate Journal 4/17/2013)

Favorable

S. 38

An act relating to expanding eligibility for driving and identification privileges in Vermont

Rep. Burke of Brattleboro, for the Committee on **Transportation**, recommends that the bill ought to pass in concurrence.

(Committee Vote: 7-4-0)

(For text see Senate Journal 4/5/2013)

Senate Proposal of Amendment

H. 205

An act relating to professions and occupations regulated by the Office of Professional Regulation

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

By adding a new section to be Sec. 47a to read:

Sec. 47a. 26 V.S.A. § 4606 is amended to read:

§ 4606. APPLICATION

* * *

(b)(1) The ~~director~~ Director shall license otherwise qualified applicants

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who have obtained a license in another jurisdiction which has licensure requirements substantially equivalent to those in this ~~state~~ State.

(2) For experienced applicants from states without licensure, the Director may allow related education, training, or experience of the applicant on a case-by-case basis to be a substitute for all or part of the apprenticeship requirement.

(For text see House Journal 2/28/2013)

H. 474

An act relating to amending the membership and charge of the Government Accountability Committee

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

First: In Sec. 1, 2 V.S.A. § 970, by adding subdivision (a)(11) to read as follows:

(11) Assess whether and how the State of Vermont should provide funds to nonprofit organization, including whether grants to or contracts with nonprofit organizations should require results-based accountability.

Second: In Sec. 1, 2 V.S.A. § 970, by adding subsection (h) to read as follows:

(h)(1) On or before January 1, 2014, the Committee shall:

(A) review whether and under what conditions or situations the State of Vermont, through its agencies and other instrumentalities, should provide funding, grants, or other financial awards to a nonprofit organization subject to requirements for results-based accountability from the organization;

(B) if, after completion of its review under subdivision (1)(A) of this subsection (h), it determines that results-based accountability should be required as a condition of a financial award from the State to a nonprofit organization, review whether a special fund should be created to provide nonprofit organizations with funding to develop capacities and other resources to support results-based accountability at an organizational level; and

(C) if it determines that a special fund should be established under subdivision (1)(B) of this subsection (h), examine how the special fund would be financed, including whether a fee or assessment on a nonprofit organization would be an appropriate funding mechanism.

(2) On or before January 15, 2014, the Committee shall submit its findings or recommendations under this subsection to the Senate Committee on Finance, the House Committee on Ways and Means, and the Senate and House Committee on Appropriations.

Third: By adding a new section to be numbered Sec. 2 to read as follows:

Sec. 2. REPEAL; GOVERNMENT ACCOUNTABILITY REVIEW OF FUNDING OF NONPROFIT ORGANIZATIONS UNDER RESULTS-BASED ACCOUNTABILTY

2 V.S.A. § 970(h) (results-based accountability; funding of nonprofit organizations) shall be repealed on January 16, 2014.

And by renumbering the existing Sec. 2 to be Sec. 3

(No House Amendments)

H. 528

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

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

* * * Spirituous Liquor * * *

Sec. 1. 7 V.S.A. § 422 is amended to read:

§ 422. TAX ON SPIRITUOUS LIQUOR

A tax is assessed on the gross revenue on the retail sale of spirituous liquor in the ~~state~~ State of Vermont, including fortified wine, sold by the ~~liquor control board~~ Liquor Control Board or sold by a manufacturer or rectifier of spirituous liquor in accordance with the provisions of this title. The tax shall be at the following rates based on the gross revenue of the retail sales by the seller in the ~~previous~~ current year:

(1) if the gross revenue of the seller is ~~\$100,000.00~~ \$150,000.00 or lower, the rate of tax is five percent;

(2) if the gross revenue of the seller is between ~~\$100,000.00~~ \$150,000.00 and ~~\$200,000.00~~ \$250,000.00, the rate of tax is ~~\$15,000.00~~ \$7,500.00 plus 15 percent of gross revenues over ~~\$100,000.00~~ \$150,000.00;

(3) if the gross revenue of the seller is over ~~\$200,000.00~~ \$250,000.00, the rate of tax is 25 percent.

* * * Health Care/Employer Assessment * * *

Sec. 2. 21 V.S.A. § 2002 is amended to read:

§ 2002. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

(5) “Uncovered employee” means:

(A) an employee of an employer who does not offer to pay any part of the cost of health care coverage for its employees;

(B) an employee who is not eligible for health care coverage offered by an employer to any other employees; or

(C) an employee who is offered and is eligible for coverage by the employer but elects not to accept the coverage and either:

(i) has no other health care coverage under either a private or public plan; or

(ii) has health insurance coverage purchased through the Vermont Health Benefit Exchange.

* * *

Sec. 3. 21 V.S.A. § 2003 is amended to read:

§ 2003. HEALTH CARE FUND CONTRIBUTION ASSESSMENT

* * *

(b) For any quarter in fiscal years 2007 and 2008, the amount of the ~~health care fund~~ Health Care Fund contribution shall be \$ 91.25 for each full-time equivalent employee in excess of eight. For each fiscal year after fiscal year 2008, the number of excluded full-time equivalent employees shall be adjusted in accordance with subsection (a) of this section, and the amount of the ~~health care fund~~ Health Care Fund contribution shall be adjusted by a percentage equal to any percentage change in premiums for ~~Catamount Health~~ for that fiscal year; ~~provided, however, that to the extent that Catamount Health premiums decrease due to changes in benefit design or deductible amounts, the health care fund contribution shall not be decreased by the percentage change attributable to such benefit design or deductible changes~~ the second lowest cost silver-level plan in the Vermont Health Benefit Exchange.

* * *

(d) Revenues from the ~~health care fund~~ Health Care Fund contributions collected shall be deposited into the state ~~health care resources fund~~ Health Care Resources Fund established under 33 V.S.A. § 1901d.

Sec. 4. 33 V.S.A. § 1812 is added to read:

§ 1812. EXCHANGE PLAN SURCHARGE

(a) In the event that the revenue projected to be generated by the Employers’ Health Care Fund Contribution assessment pursuant to 21 V.S.A.

chapter 25 for a given year is insufficient to cover the net operating costs of the Exchange for the same year, the premium for each health benefit plan issued through the Exchange for that year shall include a monthly surcharge to finance the remaining costs associated with the operation of the Exchange.

(b) On or before September 1 of each year, the Department of Vermont Health Access shall project the net operating costs of the Exchange for the following calendar year. On or before the same date, the Department of Vermont Health Access shall, in consultation with the Department of Labor and the Legislative Joint Fiscal Office, project the amount of revenue to be generated by the Health Care Fund Contribution assessment in the following fiscal year. If the projected costs of the Exchange exceed the projected revenue from the assessment, the Department of Vermont Health Access shall, in consultation with the Legislative Joint Fiscal Office, calculate the estimated amount of the shortfall and the amount of the per-member per-month surcharge to be applied to the premium for all plans offered through the Exchange to make up the difference.

(c) The Exchange shall impose and collect the surcharge applied pursuant to this section from purchasers of Exchange plans as part of its monthly or other regular billing process. The Commissioner of Vermont Health Access or designee shall deposit the funds collected pursuant to this section in the State Health Care Resources Fund established by section 1901d of this title.

(d) The Exchange website shall clearly indicate the dollar amount of the premium for each health benefit plan offered through the Exchange that is attributable to a surcharge established by this section.

* * * Local Option Taxes * * *

Sec. 5. 24 V.S.A. § 138(a) is amended to read:

(a) Local option taxes are authorized under this section for the purpose of affording municipalities ~~an alternative a~~ a method of raising municipal revenues ~~to facilitate the transition and reduce the dislocations in those municipalities that may be caused by reforms to the method of financing public education under the Equal Educational Opportunity Act of 1997. Accordingly:~~

~~(1) the local option taxes authorized under this section may be imposed by a municipality;~~

~~(2) a municipality opting to impose a local option tax may do so prior to July 1, 1998 to be effective beginning January 1, 1999, and anytime after December 1, 1998 a local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the department of taxes of the imposition; and~~

~~(3) a local option tax may only be adopted by a municipality in which:~~

~~(A) the education property tax rate in 1997 was less than \$1.10 per \$100.00 of equalized education property value; or~~

~~(B) the equalized grand list value of personal property, business machinery, inventory, and equipment is at least ten percent of the equalized education grand list as reported in the 1998 Annual Report of the Division of Property Valuation and Review; or~~

~~(C) the combined education tax rate of the municipality will increase by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of the combined education property tax in the previous fiscal year. A local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the Department of Taxes of the imposition.~~

* * * Tax Expenditures * * *

Sec. 6. 32 V.S.A. § 312(d) is added to read:

(d) Every tax expenditure in the tax expenditure report required by this section shall be accompanied in statute by a statutory purpose explaining the policy goal behind the exemption, exclusion, deduction, or credit applicable to the tax. The statutory purpose shall appear as a separate subsection or subdivision in statute and shall bear the title "Statutory Purpose." Notwithstanding any other provision of law, a tax expenditure listed in the tax expenditure report that lacks a statutory purpose in statute shall not be implemented or enforced until a statutory purpose is provided.

Sec. 7. TAX EXPENDITURE PURPOSES

The Joint Fiscal Committee shall draft a statutory purpose for each tax expenditure in the report required by 32 V.S.A. § 312 that explains the policy goal behind the exemption, exclusion, deduction, or credit applicable to the tax. For the purpose of this report, the Committee shall have the assistance of the Department of Taxes, the Joint Fiscal Office, and the Office of Legislative Council. The Committee shall report its findings and recommendations to the Senate Committee on Finance and the House Committee on Ways and Means by January 15, 2014. The report of the Committee shall consist of a written catalogue for Vermont's tax expenditures and draft legislation, in bill form, providing a statutory purpose for each tax expenditure.

* * * Joint Fiscal Office * * *

Sec. 8. 32 V.S.A. § 3102(l) is added to read:

(l) The Commissioner shall provide the Joint Fiscal Office with state

returns and return information necessary for the Joint Fiscal Office or its agents to perform its duties, including conducting their own statistical studies, forecasts, and fiscal analysis.

* * * Property Taxes * * *

Sec. 9. 32 V.S.A. § 3802(18) is added to read:

(18) Any parcel of land that provides public access to public waters, as defined in 10 V.S.A. § 1422(6), and that is also:

(A) owned by the Town of Hardwick, and located in Greensboro, Vermont, or

(B) owned by the Town of Thetford, and located in Fairlee, Vermont, and West Fairlee, Vermont.

Sec. 10. 32 V.S.A. § 3802a is added to read:

§ 3802a. REQUIREMENT TO PROVIDE INSURANCE INFORMATION

Before April 1 of each year, owners of property exempt from taxation under subdivisions 3802(4)–(6), (9), and (12)–(15) and under subdivisions 5401(10)(D), (F), (G), and (J) of this title shall provide their local assessing officials with information regarding the insurance replacement cost of the exempt property or with a written explanation of why the property is not insured. There is a rebuttable presumption that the insurance replacement value is the value that should be entered in the grand list under subdivision 4152(a)(6) of this title.

Sec. 11. STUDY COMMITTEE ON CERTAIN PROPERTY TAX EXEMPTIONS

(a) Creation of committee. There is created a Property Tax Exemption Study Committee to study issues related to properties that fall within the public, pious, and charitable property tax exemption in 32 V.S.A. § 3802(4). The Committee shall study and make recommendations related to the definition, listing, valuation, and tax treatment of properties within this exemption.

(b) Membership. The Property Tax Exemption Study Committee shall be composed of seven members. Four members of the Committee shall be members of the General Assembly. The Committee on Committees of the Senate shall appoint two members of the Senate, not from the same political party, and the Speaker of the House shall appoint two members of the House, not from the same political party. The Chair and Vice Chair of the Committee shall be legislative members selected by all members of the Committee. Three members of the Committee shall be as follows:

(1) the Director of the Division of Property Valuation and Review;

(2) one member from Vermont's League of Cities and Towns, chosen by its board of directors; and

(3) one member of the Vermont Assessors and Listers Association, chosen by its board of directors.

(c) Powers and duties.

(1) The Committee shall study the definition, listing practices, valuation, and tax treatment of properties within the public, pious, and charitable exemption, including the following:

(A) ways to clarify the definitions of properties that fall within this exemption, including recreational facilities, educational facilities, and publically owned land and facilities;

(B) guidelines to ensure a uniform listing practice of public, pious, and charitable properties in different municipalities;

(C) methods of providing a valuation for properties within this exemption; and

(D) whether the policy justification for these exemptions continues to be warranted and whether a different system of taxation or exemption of these properties may be more appropriate.

(2) For purposes of its study of these issues, the Committee shall have the assistance of the Joint Fiscal Office, the Office of Legislative Council, and the Department of Taxes.

(d) Report. By January 15, 2014, the Committee shall report to the Senate Committee on Finance and the House Committee on Ways and Means its findings and any recommendations for legislative action.

(e) Number of meetings; term of Committee. The Committee may meet no more than six times, and shall cease to exist on January 16, 2014.

Sec. 12. 2008 Acts and Resolves No. 190, Sec. 40, as amended by 2010 Acts and Resolves No. 160, Sec. 22, as amended by 2011 Acts and Resolves No. 45, Sec. 13f, is further amended to read:

Sec. 40. EDUCATION PROPERTY TAX EXEMPTION FOR
~~SKATINGRINKS~~ SKATING RINKS USED FOR PUBLIC
SCHOOLS

Real and personal property operated as a skating rink, owned and operated on a nonprofit basis but not necessarily by the same entity, and which, in the most recent calendar year, provided facilities to local public schools for a sport

officially recognized by the Vermont Principals' Association shall be exempt from 50 percent of the education property taxes for fiscal ~~year 2012~~ years 2013 and 2014 only.

Sec. 13. 32 V.S.A. § 3850 is added to read:

§ 3850. BLIGHTED PROPERTY IMPROVEMENT PROGRAM

(a) At an annual or special meeting, a municipality may vote to authorize the legislative body of the municipality to exempt from municipal taxes for a period not to exceed five years the value of improvements made to dwelling units certified as blighted. As used in this section, "dwelling unit" means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(b) If a municipality votes to approve the exemption described in subsection (a) of this section, the legislative body of the municipality shall appoint an independent review committee that is authorized to certify dwelling units in the municipality as blighted and exempt the value of improvements made to these dwelling units.

(c) As used in this section, a dwelling unit may be certified as blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.

(d) If a dwelling unit is certified as blighted under subsection (b) of this section, the exemption shall take effect on the April 1 following the certification of the dwelling unit.

Sec. 14. 32 V.S.A. § 5410a(i) is amended to read:

(i) An owner filing a new or corrected declaration, or rescinding an erroneous declaration, after ~~September 1~~ October 15 shall not be entitled to a refund resulting from the correct property classification; and any additional property tax and interest which would result from the correct classification shall not be assessed as tax and interest, but shall instead constitute an additional penalty, to be assessed and collected in the same manner as penalties under subsection (g) of this section. Any change in property classification under this subsection shall not be entered on the grand list.

* * * Income Taxes * * *

Sec. 15. 32 V.S.A. § 5811(21) is amended to read:

(21) "Taxable income" means federal taxable income determined without regard to ~~Section 168(k) of the Internal Revenue Code~~ 26 U.S.C. § 168(k) and:

(A) Increased by the following items of income (to the extent such

income is excluded from federal adjusted gross income):

(i) interest income from non-Vermont state and local obligations;

(ii) dividends or other distributions from any fund to the extent they are attributable to non-Vermont state or local obligations; ~~and~~

(iii) the amount in excess of \$5,000.00 of state and local income taxes deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; ~~and~~

(iv) the amount in excess of \$12,000.00 of home mortgage interest deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; and

* * *

Sec. 16. 32 V.S.A. § 5822(a)(6) is added to read

(6) If the federal adjusted gross income of the taxpayer exceeds \$125,000.00, then the tax calculated under this subsection shall be the greater of the tax calculated under subdivisions (1)–(5) of this subsection or three percent of the taxpayer’s federal adjusted gross income.

Sec. 17. [Deleted]

Sec. 17a. WOOD PRODUCTS MANUFACTURERS TAX CREDIT

2005 Spec. Sess. Acts and Resolves No. 2, Sec. 2, as amended by 2006 Acts and Resolves No. 212, Sec. 9 and 2008 Acts and Resolves No. 190, Sec. 29, and as further amended by 2011 Acts and Resolves No. 45, Sec. 17, is further amended to read:

Sec. 2. EFFECTIVE DATE; SUNSET

Sec. 1 of this act (wood products manufacture tax credit) shall apply to taxable years beginning on or after July 1, 2005. 32 V.S.A. § 5930y is repealed ~~July 1, 2013~~ January 1, 2014, and no credit under that section shall be available for any taxable year beginning on or after ~~July 1, 2013~~ January 1, 2014.

Sec. 17b. WOOD PRODUCTS MANUFACTURERS TAX CREDIT LIMITATION

For taxable year 2013, the total amount of credits available under 32 V.S.A. § 5930y shall not exceed \$75,000.00. The Department of Taxes shall allocate the credits for taxable year 2013 proportionally based on the claims received for the credit.

* * * Estate Taxes * * *

Sec. 18. ESTATE TAX STUDY

The Department of Taxes shall report to the General Assembly on ways to make Vermont's estate tax more transparent and equitable. In conducting its study, the Department of Taxes shall consult with the Vermont Tax Advisory Board, the Joint Fiscal Office, and with attorneys, accountants, or other professionals who practice in this area. The report shall include analysis of Vermont's current estate tax rates, estate tax base, exemptions, and deductions. The report shall make recommendations aimed at making the administration and application of Vermont's estate tax simpler and fairer. The report of the Department of Tax shall be due on or before January 15, 2014.

Sec. 19. [Deleted]

Sec. 20. [Deleted]

* * * Uniform Capacity Tax * * *

Sec. 21. 32 V.S.A. § 8701(d) is added to read:

(d) The existence of a renewable energy plant subject to tax under subsection (b) of this section shall not alter the exempt status of any underlying property under 32 V.S.A. § 3802 or 5401(10)(F).

* * * Sales and Use Taxes * * *

Sec. 22. 32 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

* * *

(31) Food and food ingredients: means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages, tobacco, or bottled water.

* * *

(48)(A) "Bottled water" means water that is placed in a safety-sealed container or package for human consumption. Bottled water is calorie-free and does not contain sweeteners or other additives except that it may contain:

(i) antimicrobial agents;

(ii) fluoride;

(iii) carbonation;

- (iv) vitamins, minerals, and electrolytes;
- (v) oxygen;
- (vi) preservatives; and
- (vii) only those flavors, extracts, or essences derived from a spice or fruit.

(B) "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

Sec. 23. 32 V.S.A. § 9741(13) is amended to read:

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

* * * Satellite Programming Tax * * *

Sec. 24. 32 V.S.A. chapter 242 is added to read:

CHAPTER 242. TAX ON SATELLITE TELEVISION
PROGRAMMING

§ 10401. DEFINITIONS

As used in this chapter:

- (1) "Commissioner" means the Commissioner of Taxes.
- (2) "Distributor" means any person engaged in the business of making satellite programming available for purchase by subscribers.
- (3) "Satellite programming" means radio and television audio and video programming services where the programming is distributed or broadcast by satellite directly to the subscriber's receiving equipment located at an end user subscribers' or end user customers' premises.
- (4) "Subscriber" means a person who purchases programming taxable under this chapter.

§ 10402. TAX IMPOSED

- (a) There is imposed a tax on provision of satellite programming to a

subscriber located in this State. The tax shall be at the rate of three percent of all gross receipts derived by the distributor from the provision of satellite programming in this State.

(b) The tax together with a return in a form prescribed by the Commissioner shall be paid to the Commissioner quarterly on or before the 25th day of the month following the last day of each quarter of the taxpayer's taxable year under the Internal Revenue Code. The Commissioner shall deposit the payments collected into the General Fund.

(c) To the extent they are not explicitly in conflict with the provisions of this chapter, the provisions of chapter 103 and subchapters 6, 7, 8, and 9 of chapter 151 of this title shall apply to the tax imposed by this section.

§ 10403. EXEMPTIONS

(a) The following transactions are not covered by the tax in this chapter:

(1) transactions that are not within the taxing power of this State;

(2) the provision of satellite programming to a person for resale; and

(3) the first \$30.00 of monthly charges paid by each subscriber for the provision of satellite programming which shall not be counted as gross receipts.

(b) The following organizations are not covered by the tax in this chapter:

(1) the State of Vermont or any of its agencies, instrumentalities, public authorities, or political subdivisions; and

(2) the United States of America or any of its agencies and instrumentalities.

Sec. 25. 32 V.S.A. § 10402(a) is amended to read:

(a) There is imposed a tax on provision of satellite programming to a subscriber located in this State. The tax shall be at the rate of ~~three percent~~ four percent of all gross receipts derived by the distributor from the provision of satellite programming in this State.

Sec. 26. 32 V.S.A. § 10403(a) is amended to read:

(a) The following transactions are not covered by the tax in this chapter:

(1) transactions that are not within the taxing power of this State; and

(2) the provision of satellite programming to a person for resale;

~~(3) the first \$30.00 of monthly charges paid by each subscriber for the provision of satellite programming shall not be counted as gross receipts.~~

Sec. 27. 32 V.S.A. § 10402(a) is amended to read:

(a) There is imposed a tax on provision of satellite programming to a subscriber located in this State. The tax shall be at the rate of ~~four percent~~ five percent of all gross receipts derived by the distributor from the provision of satellite programming in this State.

* * * Break-Open Tickets * * *

Sec. 28. 32 V.S.A. chapter 245 is added to read:

CHAPTER 245. BREAK-OPEN TICKET TAX

§ 10501. DEFINITIONS

As used in this chapter:

(1) “Break-open ticket” shall have the same meaning as in 7 V.S.A. chapter 26, § 901(1).

(2) “Commissioner” means the Commissioner of Taxes.

(3) “Distributor” shall have the same meaning as in 7 V.S.A. chapter 26, § 901(3).

§ 10502. TAX ON DISTRIBUTOR SALES

(a) In addition to the annual licensing fee as provided in 7 V.S.A. § 904, there is levied upon each break-open ticket sold by a seller’s agent in this State a tax to be paid by the distributor in the amount of three percent of the retail sales value of the ticket. For purposes of this section, “retail sale value” means the retail price stated on the ticket or, if no price is stated on the ticket, the price at which that type of ticket is generally sold.

(b) The tax together with a return in a form prescribed by the Commissioner shall be paid to the Commissioner of Taxes monthly on or before the 25th day of the month with respect to tickets sold in the month ending prior to the month in which the payment is due and shall be deposited into the Education Fund.

(c) The administrative provisions of chapters 103 and 233 of this title shall apply to the tax imposed by this section.

* * * Fuel Gross Receipts Tax * * *

Sec. 29. 33 V.S.A. § 2503 is amended to read:

§ 2503. FUEL GROSS RECEIPTS TAX

(a) There is imposed a gross receipts tax of 0.5 percent on the retail sale of the following types of fuel ~~by sellers receiving more than \$10,000.00 annually~~

~~for the sale of such fuels:~~

- (1) heating oil, kerosene, and other dyed diesel fuel delivered to a residence or business;
- (2) propane;
- (3) natural gas;
- (4) electricity;
- (5) coal.

* * *

Sec. 30. BANK FRANCHISE TAX STUDY

(a) Creation of committee. There is created a Bank Franchise Tax Study Committee to examine the taxation of financial institutions in Vermont.

(b) Membership. The Bank Franchise Tax Study Committee shall be composed of nine members. The Chair and Vice Chair of the Committee shall be legislative members selected by all the members of the Committee. Four members of the Committee shall be members of the General Assembly. The Committee on Committees of the Senate shall appoint two members of the Senate, not from the same political party; and the Speaker of the House shall appoint two members of the House, not from the same political party. Five members of the Committee shall be as follows:

- (1) the Secretary of Administration or designee;
- (2) the Commissioner of Financial Regulation or designee;
- (3) the Commissioner of Taxes; and
- (4) two persons appointed by the Vermont Banker's Association.

(c) Powers and duties.

(1) The Committee shall study the taxation of financial institutions in Vermont, including:

(A) the policy considerations for a bank franchise tax versus a corporate tax on financial institutions;

(B) an examination of the tax burden on financial institutions;

(C) the history of the rates and base of the bank franchise tax; and

(D) recommendations for setting the rate of the bank franchise tax in an equitable manner.

(2) For purposes of its study of these issues, the Committee shall have

the administrative assistance of the Agency of Administration and the legal and fiscal support of the Department of Financial Regulation and the Department of Taxes.

(d) Report. On or before January 15, 2014, the Committee shall report to the Senate Committee on Finance and the House Committee on Ways and Means its findings and any recommendations for legislative action.

(e) Number of meetings; term of Committee. The Committee may meet no more than six times, and shall cease to exist on January 15, 2014.

Sec. 31. STUDY COMMITTEE ON BARRIERS TO THE WORKFORCE

(a) Creation of committee. There is created a Committee on Workforce Barriers to study how the totality of programs, tax credits, and subsidies affects the incentives for joining and remaining in the workforce.

(b) Membership. The Chair and Vice Chair of the Committee shall be legislative members selected by all the members of the Committee. The Committee on Workforce Barriers shall be composed of seven members as follows:

(1) the chairs of the Senate and House Committees on Appropriations or their designees;

(2) the chairs of the Senate Committee on Finance and the House Committee on Ways and Means or their designees;

(3) the chairs of the Senate Committee on Health and Welfare and the House Committee on Human Services or their designees;

(4) the chairs of the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development or their designees;

(5) the Secretary of Administration or designee;

(6) the Secretary of Human Services or designee; and

(7) the Commissioner of Labor or designee.

(c) Powers and duties.

(1) The Committee shall evaluate the totality of agency programs, tax credits, and subsidies that Vermont extends to low and moderate income Vermonters to determine if, collectively, they create financial incentives and mitigate social barriers to entering and remaining in the workforce. The Committee shall report any recommended policy changes that reduce financial or other barriers to entering the workforce, remaining in the workforce, or increasing an individual's participation in the workforce.

(2) For purposes of its study of these issues, the Committee shall have the administrative assistance of the Agency of Administration and the technical, legal, and fiscal assistance of the Agency of Human Services, the Department of Labor, and the Department of Taxes.

(d) Report. By January 15, 2014, the Committee shall report to the General Assembly its findings and any recommendations for legislative action.

(e) Number of meetings; term of committee. The Committee may meet no more than six times, and shall cease to exist on January 16, 2014.

* * * Repeals and Effective Dates * * *

Sec. 32. REPEAL

The following are repealed:

(1) 2011 Acts and Resolves No. 45, Sec. 13a (wastewater permits).

(2) 2012 Acts and Resolves No. 143, Secs. 41 through 43 (wastewater permits).

Sec. 33. EFFECTIVE DATES

(a) This section and Sec. 12 (skating rinks) shall take effect on passage.

(b) Secs. 1 (spirituous liquors), 4 (exchange plan surcharge), 5 (local option taxes), 6 (tax expenditures), 7 (joint fiscal committee report), 8 (joint fiscal office), 11 (Exempt Property Study Committee), 13 (blighted property), 17a (wood manufacturers tax credit), 17b (wood manufacturers tax credit limitation), Secs. 15 (definition of taxable income), 16 (minimum payment), 18 (estate tax study), 21 (uniform capacity tax), 22 (sales tax definitions), 23 (sales tax exemptions), 24 (satellite programming tax), 28 (taxation of break-open tickets), 29 (fuel gross receipts tax), 30 (bank franchise study), 31 (workforce barriers study), and 32 (repeals) of this act shall take effect on July 1, 2013.

(c) Secs. 2 (employer assessment definition), 3 (employer assessment fund) and 9 (water access land) of this act shall take effect on January 1, 2014.

(d) Sec. 10 (insurance values) of this act shall take effect on July 1, 2014.

(e) Sec. 14 (homestead filing) of this act shall take effect on January 1, 2014 and apply to homestead declarations filed after that date.

(f) Secs. 15 (definition of taxable income) and 16 (minimum payment) of this act shall apply retroactively to January 1, 2013 and apply to taxable year 2013 and after.

(g) Secs. 25 (satellite tax rate) and 26 (satellite tax exemption) shall take

effect on July 1, 2014.

(h) Sec. 27 (satellite tax rate) shall take effect on July 1, 2015.

(No House Amendments)

Committee of Conference Report

H. 131

An act relating to harvesting guidelines and procurement standards

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House Bill entitled:

H. 131 An act relating to harvesting guidelines and procurement standards

Respectfully reports that it has met and considered the same and recommends that the House accede to the Senate proposal of amendment and that the bill be further amended in Sec. 4, 30 V.S.A. § 248(b)(11), by striking out subdivisions (B) and (C) in their entirety and inserting in lieu thereof new subdivisions (B) and (C) to read:

(B) ~~incorporate commercially available and feasible designs to~~ achieve ~~a reasonable~~ the highest design system efficiency that is commercially available, feasible, and cost-effective for the type and design of the proposed facility; and

(C) comply with harvesting ~~guidelines~~ procedures and procurement standards that ~~are consistent~~ ensure long-term forest health and sustainability. These procedures and standards at a minimum shall be consistent with the guidelines and standards developed by the secretary of natural resources pursuant to 10 V.S.A. § 2750 (harvesting guidelines and procurement standards) when adopted under that statute.

*ROBERT M. HARTWELL
JOHN S. RODGERS
DIANE B. SNELLING*

Committee on the part of the Senate

*JOHN W. MALCOLM
ANTHONY W. KLEIN
WILLIAM P. CANFIELD*

Committee on the part of the House

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. 123

House concurrent resolution designating April 25, 2013 as Victims' Awareness Day

H.C.R. 124

House concurrent resolution in memory of Vermont senior forensic chemist Marcia J. LaFountain

H.C.R. 125

House concurrent resolution commemorating the sestercentennial anniversary of the Town of Sudbury

H.C.R. 126

House concurrent resolution honoring *Burlington Free Press* reporter Candace Page for her outstanding journalism career

H.C.R. 127

House concurrent resolution designating April 27 as Vermont Youth Appreciation Day

H.C.R. 128

House concurrent resolution designating June 22, 2013 as Town Hall Theater Day in Vermont

H.C.R. 129

House concurrent resolution congratulating the 2013 Vermont Prudential Spirit of Community Award Winners

H.C.R. 130

House concurrent resolution congratulating Hartland Winter Trails on the 40th anniversary of its system of cross-country skiing and snowshoeing trails

H.C.R. 131

House concurrent resolution honoring the career and community service of Dr. Walter J. Griffiths of Bellows Falls

H.C.R. 132

House concurrent resolution congratulating the 2013 Essex Hornets' state gymnastics champions

H.C.R. 133

House concurrent resolution commemorating the designation of Birsky-Wyman Field in Springfield

H.C.R. 134

House concurrent resolution congratulating the 2013 Hildene Lincoln Essay Competition Winners

H.C.R. 135

House concurrent resolution honoring West Rutland municipal official Jayne Pratt

H.C.R. 136

House concurrent resolution commemorating the centennial anniversary of the Lothrop School

H.C.R. 137

House concurrent resolution honoring David Clark for his outstanding leadership as Director of the Ilsley Library in Middlebury

H.C.R. 138

House concurrent resolution honoring the 2013 winners of the Working Forests Essay Contest

H.C.R. 139

House concurrent resolution designating May as Older Americans Month in Vermont

H.C.R. 140

House concurrent resolution designating May 1, 2013 as Poverty Awareness Day in Vermont

S.C.R. 24

Senate concurrent resolution designating September 2013 as River Green Up Month