

Senate Calendar

WEDNESDAY, FEBRUARY 05, 2014

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ACTION CALENDAR

UNFINISHED BUSINESS OF TUESDAY, FEBRUARY 4, 2014

Third Reading

S. 223.

An act relating to regulating the making of pension loans.

NEW BUSINESS

Second Reading

Favorable

S. 215.

An act relating to administering, implementing, and financing water quality improvement in Vermont.

Reported favorably by Senator Snelling for the Committee on Natural Resources and Energy.

(Committee vote: 5-0-0)

S. 285.

An act relating to the furlough of offenders 65 years of age and older.

Reported favorably by Senator Benning for the Committee on Institutions.

(Committee vote: 5-0-0)

Favorable with Recommendation of Amendment

S. 184.

An act relating to eyewitness identification policy.

Reported favorably with recommendation of amendment by Senator Ashe for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 182, subchapter 3 is added to read:

Subchapter 3. Law Enforcement Practices

§ 5581. EYEWITNESS IDENTIFICATION POLICY

(a) On or before January 1, 2015, every State, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with 20 V.S.A. § 2358 shall adopt an eyewitness identification policy.

(b) The written policy shall contain, at a minimum, the following essential elements as identified by the Law Enforcement Advisory Board:

(1) Protocols guiding the use of a show-up identification procedure.

(2) The photo or live lineup shall be conducted by a blind administrator who does not know the suspect's identity. For law enforcement agencies with limited staff, this can be accomplished through a procedure in which photographs are placed in folders, randomly numbered and shuffled, and then presented to an eyewitness such that the administrator cannot see or track which photograph is being presented to the witness until after the procedure is completed.

(3) Instructions to the eyewitness, including that the perpetrator may or may not be among the persons in the identification procedure.

(4) In a photo or live lineup, fillers shall possess the following characteristics:

(A) All fillers selected shall resemble the eyewitness's description of the perpetrator in significant features such as face, weight, build, or skin tone, including any unique or unusual features such as a scar or tattoo.

(B) At least five fillers shall be included in a photo lineup, in addition to the suspect.

(C) At least four fillers shall be included in a live lineup, in addition to the suspect.

(5) If the eyewitness makes an identification, the administrator shall seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in a given identification procedure is the perpetrator.

(c) The model policy issued by the Law Enforcement Advisory Board shall encourage ongoing law enforcement training in eyewitness identification procedures for State, county, and municipal law enforcement agencies and constables who exercise law enforcement authority pursuant to 24 V.S.A. § 1936a and are trained in compliance with 20 V.S.A. § 2358.

(d) If a law enforcement agency does not adopt a policy by January 1, 2015 in accordance with this section, the model policy issued by the Law

Enforcement Advisory Board shall become the policy of that law enforcement agency or constable.

Sec. 2. REPORTING EYEWITNESS IDENTIFICATION POLICIES

The Vermont Criminal Justice Training Council shall report to the General Assembly on or before April 15, 2015, regarding law enforcement's compliance with Sec. 1 of this act.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

S. 291.

An act relating to the establishment of transition units at State correctional facilities.

Reported favorably with recommendation of amendment by Senator Rodgers for the Committee on Institutions.

The Committee recommends that the bill be amended as follows:

First: In Sec. 1, in subsection (b), by striking out the following: “2015” and inserting in lieu thereof the following: 2016 and by adding after the word “facility” where it first appears the following: , except as otherwise provided in subsection (c).

Second: In Sec. 1, by adding a subsection (c) to read as follows:

(c) No State-owned work camp shall be required to establish a transition unit under this section.

(Committee vote: 5-0-0)

S. 296.

An act relating to the Defender General's duty to investigate issues related to the health, safety, and welfare of inmates in correctional facilities.

Reported favorably with recommendation of amendment by Senator Flory for the Committee on Institutions.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 5259 is added to read:

§ 5259. DUTY TO INVESTIGATE

(a) The Defender General shall investigate issues related to the health, safety, and welfare of inmates in correctional facilities and shall receive the cooperation of all State agencies in carrying out this duty. Issues that require an investigation by the Defender General shall, at a minimum, include:

(1) the death of an inmate;

(2) a suicide attempt that requires more than 24 hours of emergency hospitalization; and

(3) a critical incident that results in injury to an inmate from an assault, use of force, or accident in a correctional facility that requires more than 24 hours of emergency hospitalization.

(b)(1) When an incident enumerated in subdivisions (a)(1)–(3) of this section occurs, the Department of Corrections shall notify the Defender General as soon as reasonably practicable.

(2) The Commissioner shall report weekly to the Defender General regarding any critical incidents that negatively impacts the health, safety, or welfare of an inmate, the conditions of confinement, or the adequacy of care provided to inmates.

(c) In carrying out the duties under this section, the Defender General:

(1) Shall be given reasonable unaccompanied access to the correctional facility and inmates and is authorized to speak with any relevant personnel from the Department of Corrections and other State agencies subject to the individual's constitutional rights and to legitimate law enforcement concerns regarding preservation of a criminal investigation, if any.

(2) Shall be given broad access to records concerning the incident and any inmates involved in the incident. In response to a request for records from the Defender General, the Commissioner of Corrections shall provide the records promptly and no subpoena or public records request shall be required. Records subject to this section include video or audio recordings.

(d) The Defender General is authorized to protect the confidentiality of sources in the course of an investigation pursuant to this section. Work product generated in the course of representation of a client that contains confidential communication between an inmate and the Defender General shall not be discoverable and records of communications between inmates and the Defender General may be redacted.

(e) Where appropriate, the Defender General shall report to the Department of Corrections and the Joint Committee on Corrections Oversight identifying any concerns and suggested policy changes that arise from an incident that resulted in an investigation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

S. 297.

An act relating to the recording of custodial interrogations in homicide and sexual assault cases.

Reported favorably with recommendation of amendment by Senator Benning for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 182, subchapter 3 of is added to read:

Subchapter 3. Law Enforcement Practices

§ 5581. ELECTRONIC RECORDING OF A CUSTODIAL INTERROGATION

(a) As used in this section:

(1) “Custodial interrogation” means any interrogation:

(A) involving questioning by a law enforcement officer that is reasonably likely to elicit an incriminating response from the subject; and

(B) in which a reasonable person in the subject’s position would consider himself or herself to be in custody, starting from the moment a person should have been advised of his or her Miranda rights and ending when the questioning has concluded.

(2) “Electronic recording” or “electronically recorded” means an audio and visual recording that is an authentic, accurate, unaltered record of a custodial interrogation, or if law enforcement does not have the capacity to create a visual recording, an audio recording of the interrogation.

(3) “Place of detention” means a building or a police station that is a place of operation for the State police, a municipal police department, county sheriff department, or other law enforcement agency that is owned or operated by a law enforcement agency at which persons are or may be questioned in connection with criminal offenses or detained temporarily in connection with criminal charges pending a potential arrest or citation.

(4) “Statement” means an oral, written, sign language, or nonverbal communication.

(b)(1) A custodial interrogation that occurs in a place of detention concerning the investigation of a felony violation of chapter 53 (homicide) or 72 (sexual assault) of this title shall be electronically recorded in its entirety.

(2) In consideration of best practices, law enforcement shall strive to simultaneously record both the interrogator and the person being interrogated.

(c)(1) The following are exceptions to the recording requirement in subsection (b) of this section:

(A) exigent circumstances;

(B) a person's refusal to be electronically recorded;

(C) interrogations conducted by other jurisdictions;

(D) a reasonable belief that the person being interrogated did not commit a felony violation of chapter 53 (homicide) or 72 (sexual assault) of this title and, therefore, an electronic recording of the interrogation was not required;

(E) the safety of a person or protection of his or her identity; and

(F) equipment malfunction.

(2) If law enforcement does not make an electronic recording of a custodial interrogation as required by this section, the prosecution shall prove by a preponderance of the evidence that one of the exceptions identified in subdivision (1) of this subsection applies. If the prosecution does not meet the burden of proof, the evidence is still admissible, but the Court shall provide cautionary instructions to the jury regarding the failure to record the interrogation.

Sec. 2. TASK FORCE

(a) Creation. There is created an Interrogation Practices Task Force to plan for the implementation of Sec. 1 of this act, 13 V.S.A. § 5581 (electronic recording of a custodial interrogation).

(b) Membership. The Task Force shall be composed of the following eight members:

(1) the Commissioner of Public Safety or his or her designee;

(2) the Director of the Criminal Justice Training Council or his or her designee;

(3) a Sheriff appointed by the Vermont Sheriffs' Association;

(4) a Chief of Police appointed by the Vermont Association of Chiefs of Police;

(5) the Attorney General or his or her designee;

(6) the Defender General or his or her designee;

(7) the Executive Director of State's Attorneys and Sheriffs or his or her designee;

(8) a representative appointed by The Innocence Project.

(c) Powers and duties. The Task Force, in consultation with practitioners and experts in recording interrogations, shall:

(1) assess the scope and location of the current inventory of recording equipment in Vermont;

(2) develop recommendations, including funding options, regarding how to equip adequately law enforcement with the recording devices necessary to carry out Sec. 1 of this act, 13 V.S.A. § 5581 (electronic recording of a custodial interrogation); and

(3) develop recommendations for expansion of recordings to questioning by a law enforcement officer that is reasonably likely to elicit an incriminating response from the subject regarding any felony offense.

(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Department of Public Safety.

(e) Report. On or before October 1, 2014, the Task Force shall submit a written report to the Senate and House Committees on Judiciary with its recommendations for implementation of Sec. 1. of this act, 13 V.S.A. § 5581 (electronic recording of a custodial interrogation).

(f) Meetings.

(1) The Commissioner of Public Safety shall call the first meeting of the Task Force to occur on or before June 1, 2014.

(2) The Committee shall select a chair from among its members at the first meeting.

(3)(A) A majority of the members of the Task Force shall be physically present at the same location to constitute a quorum.

(B) A member may vote only if physically present at the meeting location.

(C) Action shall be taken only if there is both a quorum and a majority vote of all members of the Task Force.

(4) The Task Force shall cease to exist on December 31, 2014.

Sec. 3. EFFECTIVE DATES

Sec. 1 shall take effect on July 1, 2015 and Sec. 2 and this section shall take effect on passage.

(Committee vote: 5-0-0)

Favorable with Proposal of Amendment

H. 526.

An act relating to the establishment of lake shoreland protection standards.

Reported favorably with recommendation of proposal of amendment by Senator Snelling for the Committee on Natural Resources and Energy.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS AND LEGISLATIVE INTENT

The General Assembly finds and declares that:

(1) Clean water is essential in Vermont's quality of life.

(2) Preserving, protecting, and restoring the water quality of all lakes, ponds, rivers, and streams are necessary for the clean water, recreation, economic opportunity, wildlife habitat, and ecological value that such waters provide.

(3) Currently, there are multiple pressures on the protection of the water quality of the State's surface waters.

(4) The State has responded to the multiple pressures on water quality by implementing regulatory programs for stormwater, wastewater, and agricultural runoff, but water quality issues remain that need addressing.

(5) Vermont's lakes are among the State's most valuable and fragile economic and natural resources, and the protection of naturally vegetated shorelands adjacent to lakes is necessary to prevent water quality degradation, maintain healthy habitat, and promote flood resilience.

(6) Naturally vegetated shorelands and implementation of best management practices in lands adjacent to lakes function to:

(A) intercept and infiltrate surface water runoff, wastewater, and groundwater flows from upland sources;

(B) remove or minimize the effects of nutrients, sediment, organic matter, pesticides, and other pollutants;

(C) moderate the temperature of shallow water habitat;

(D) maintain the conditions that sustain the full support of aquatic biota, wildlife, and aquatic habitat uses; and

(E) promote stability and flood resilience by protecting shoreline banks from erosion.

(7) Healthy lakes and adjacent shorelands:

(A) support Vermont's tourism economy and promote widespread recreational opportunities, including swimming, boating, fishing, and hunting;

(B) support property values and tax base; and

(C) reduce human health risks.

(8) According to the Agency of Natural Resources Water Quality Remediation, Implementation, and Funding Report in 2013, review of the development, protection, and stabilization of shorelands is necessary because of the importance of shorelands to the health of lakes.

(9) A lake or pond of more than 10 acres is located in 184 of the State's 251 municipalities. However, only 48 municipalities have shoreland zoning that requires vegetative cover. Scientifically based standards for impervious surface and cleared area adjacent to lakes are necessary to protect and maintain the integrity of water quality and aquatic and shoreland habitat, while also allowing for reasonable development of shorelands.

(10) The shorelands of the state owned by private persons remain private property, and this act does not extend the common-law public trust doctrine to private shoreland that is not currently public trust land. The State has an interest in protecting lakes and adjacent shorelands in a manner that respects existing rights of property owners to control access to land they own in lake shorelands, and the regulation of the creation of new impervious surface or cleared area in the shoreland areas should not and does not affect the ability of property owners to control access to their lands.

(11) In order to fulfill the State's role as trustee of its waters and promote public health, safety, and the general welfare, it is in the public interest for the General Assembly to establish lake shoreland protection standards for impervious surface and cleared area in the shorelands adjacent to the State's lakes.

Sec. 2. 10 V.S.A. chapter 49A is added to read:

CHAPTER 49A. LAKE SHORELAND PROTECTION STANDARDS

§ 1441. PURPOSE

The purposes of this chapter shall be to:

- (1) provide clear and adaptable standards for the creation of impervious surface or cleared area in lands adjacent to lakes;
- (2) prevent degradation of water quality in lakes and preserve natural stability of shoreline;
- (3) protect aquatic biota and protect habitat for wildlife and aquatic life;
- (4) mitigate, minimize, and manage any impact of new impervious surface and new cleared area on the lakes of the State;
- (5) mitigate the damage that floods and erosion cause to development, structures, and other resources in the lands adjacent to lakes;
- (6) accommodate creation of cleared areas and impervious surfaces in protected shoreland areas in a manner that allows for reasonable development of existing parcels;
- (7) protect shoreland owners' access to, views of, and use of the State's lakes; and
- (8) preserve and further the economic benefits and values of lakes and their adjacent shorelands.

§ 1442. DEFINITIONS

As used in this chapter:

- (1) "Agency" means the Agency of Natural Resources.
- (2) "Best management practices" means approved activities, maintenance procedures, and other practices to prevent or reduce the effects of impervious surface or cleared area on water quality and natural resources.
- (3) "Cleared area" means an area where existing vegetative cover, soil, tree canopy, or duff is permanently removed or altered. Cleared area shall not mean management of vegetative cover conducted according to the requirements of section 1447 of this title.
- (4) "Duff" means leaf litter plus small fragments of plants and organic debris that provide a spongy substrate that absorbs the energy of falling water and allows runoff to infiltrate soil.
- (5) "Expansion" means an increase or addition of impervious surface or cleared area.
- (6) "Grass lawn" means land maintained in continuous plant coverage of grasses and similar plants that are closely and regularly mowed, including meadow or pasture on nonagricultural land. "Grass lawn" does not include

pasture cropland, land used to grow sod, or similar land used for agricultural production.

(7) “Habitable structure” means a permanent assembly of materials built for the support, shelter, or enclosure of persons, animals, goods, or property, including a dwelling, a commercial or industrial building, and driveways, decks, and patios attached or appurtenant to a dwelling or commercial or industrial building. “Habitable structure” shall not mean a motor home, as that term is defined under 32 V.S.A. § 8902, tents, lean-tos, or other temporary structures.

(8) “Impervious surface” means those manmade surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

(9) “Lake” means a body of standing water, including a pond or a reservoir, which may have natural or artificial water level control. Private ponds shall not be considered lakes.

(10) “Mean water level” means the mean water level of a lake as defined in the Mean Water Level Rules of the Agency of Natural Resources adopted under 29 V.S.A. § 410.

(11) “Parcel” means a portion of land or a tract of land with defined boundaries created by dividing the land by sale, gift, lease, mortgage, foreclosure, court-ordered partition or decree, or filing of a plat, plan, or deed in the records of the municipality where the act of division occurred.

(12) “Private pond” means a body of standing water that is a natural water body of not more than 20 acres located on property owned by a person or an artificial water body of any size located on property owned by one person. A “private pond” shall include a reservoir specifically constructed for one of the following purposes: snowmaking storage, golf course irrigation, stormwater management, or fire suppression.

(13) “Private road” means a road or street other than a highway, as that term is defined in 19 V.S.A. § 1(12), that is owned by one or more persons and that is used as a means of travel from a highway to more than one parcel of land.

(14) “Project” means an act or activity that results in cleared area or the creation of impervious surface in a protected shoreland area.

(15) “Protected shoreland area” means all land located within 250 feet of the mean water level of a lake that is greater than 10 acres in surface area.

(16) “Secretary” means the Secretary of Natural Resources or the Secretary’s duly authorized representative.

(17) “Slope” means the vertical rise divided by the horizontal run of a place expressed as a percentage.

(18) “Stormwater runoff” means precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

(19) “Vegetative cover” means mixed vegetation within the protected shoreland area, consisting of trees, shrubs, groundcover, and duff. “Vegetative cover” shall not mean grass lawns, noxious weeds designated by the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 84, or nuisance plants, such as poison ivy and poison oak, designated by the Secretary of Natural Resources.

§ 1443. INDIVIDUAL PERMIT REQUIREMENT FOR IMPERVIOUS SURFACE OR CLEARED AREA IN A PROTECTED SHORELAND AREA

(a) Permit requirement. A person shall not create cleared area or impervious surface in a protected shoreland area without a permit from the Secretary, except for activities authorized to occur without a permit under section 1446 of this title.

(b) Permit issuance. The Secretary shall issue a permit under this section if the proposed impervious surface or cleared area meets the requirements of sections 1444 or 1445 of this title.

(c) Permit process.

(1) A person applying for a permit shall do so on a form provided by the Secretary. The application shall be posted on the Agency’s website.

(2) A person applying for a permit shall provide notice, on a form provided by the Secretary, to the municipal clerk of the municipality in which the construction of impervious surface or creation of cleared area is located at the time the application is filed with the Secretary.

(3) The Secretary shall provide an opportunity for written comment, regarding whether an application complies with the requirements of this chapter or any rule adopted by the Secretary, for 30 days following receipt of the application.

(d) Permit condition. A permit issued under this section may include permit conditions, including authorizing a permittee, no more frequently than two times per year, to clear vegetative cover within three feet of both sides of a footpath within the protected shoreland area in order to allow access to the

mean water level for maintenance or repair of recreational structures or for other activity approved by the Secretary.

(e) Permit term. Individual permits issued under this section shall be for an indefinite term, provided that the permittee complies with the requirements of the permit and takes no additional action for which an individual permit is required.

(f) Recording. A permit or registration issued under this chapter shall, for the purposes of having the permit or registration run with the land, be recorded in the land records of the municipality in which the impervious surface or cleared area is located.

§ 1444. PERMIT STANDARDS

(a) Permit standards; generally. Except for permits issued under section 1445 of this title, the Secretary shall issue a permit under this chapter if the permit applicant demonstrates that:

(1) cleared area or impervious surface shall be located at least 100 feet from the mean water level, except for a public recreational access when compliance with this subdivision (1) would be inconsistent or in conflict with applicable federal requirements for the management of the parcel;

(2) cleared area or impervious surface within the protected shoreland area shall be located on a site:

(A) with a slope of less than 20 percent; or

(B) that the permit applicant demonstrates will have a stable slope with minimal erosion and minimal negative impacts to water quality;

(3)(A) no more than 20 percent of the protected shoreland area of the parcel shall consist of impervious surface; or

(B) the permit applicant shall demonstrate that best management practices will be used to manage, treat, and control erosion due to stormwater runoff from that portion of impervious surface that exceeds 20 percent of the protected shoreland area;

(4)(A) no more than 40 percent of the protected shoreland area of the parcel shall consist of cleared area, including area cleared for the purposes of creating impervious surface; or

(B) the permit applicant shall demonstrate that best management practices will be used to provide erosion control, bank stability, and wildlife habitat functionally equivalent to that which would be provided by clearing less than 40 percent of the shoreland protection area;

(5) within 100 feet of the mean water level, vegetative cover shall be managed according to the requirements of section 1447 of this title.

(b) Repair of highway or private road. When the repair, emergency repair, or replacement of a private road or highway, as that term is defined in 19 V.S.A. § 1(2), results in the construction, creation, or expansion of impervious surface or cleared area on a property adjacent to the private road or highway, the impervious surface or cleared area constructed or created on the adjacent property shall not be calculated as square footage of impervious surface or cleared area for purposes of permitting or registration under this chapter.

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

§ 1445. NONCONFORMING PARCELS; PERMIT STANDARDS

(a) Permit for nonconforming parcels. A permit applicant shall comply with the requirements of subsection (b) of this section if the applicant cannot meet the standard required under subdivision 1444(a)(1) of this title on a parcel of land in existence on July 1, 2014, due to one of the following limitations:

(1) parcel size;

(2) the site characteristic or site limitations of the parcel, including presence of highway or rights of way and soil type; or

(3) application of municipal setback requirement in a municipal bylaw adopted on or before July 1, 2014.

(b) Permit standards for nonconforming parcels.

(1) For a parcel on which there is no habitable structure, the cleared area or impervious surface shall be as far as possible from the mean water level, and at a minimum shall be no less than 25 feet from the mean water level.

(2) For a parcel on which a habitable structure is located, the expansion of any portion of the structure within 100 feet of the mean water level shall be on the side of the structure farthest from the lake, unless the Secretary determines that:

(A) expansion on the side of the structure farthest from the lake is not possible due to site characteristics, site limitations, or limitations under a municipal bylaw in existence on July 1, 2014;

(B) expansion on an alternate side of the structure will not negatively impact water quality; and

(C) the structure is not expanded toward the mean water level.

(3) Cleared area or impervious surface within the protected shoreland area shall be located on a site:

(A) with a slope of less than 20 percent; or

(B) that the permit applicant demonstrates will have a stable slope with minimal erosion and minimal negative impacts to water quality.

(4)(A) No more than 20 percent of the protected shoreland area of the parcel shall consist of impervious surface.

(B) The permit applicant shall demonstrate that best management practices will be used to manage, treat, and control erosion due to stormwater runoff from that portion of impervious surface that exceeds 20 percent of the protected shoreland area.

(5)(A) No more than 40 percent of the protected shoreland area of the parcel shall consist of cleared area, including area cleared for the purposes of creating an impervious surface.

(B) The permit applicant shall demonstrate that best management practices will be used to provide erosion control, bank stability, and wildlife habitat functionally equivalent to that which would be provided by clearing less than 40 percent of the protected shoreland area.

(c) Vegetation maintenance on nonconforming parcels. A permit issued under this section for creation of cleared area or impervious surface on a nonconforming parcel shall not require compliance with the requirements of section 1447 for the management of vegetative cover.

(d) Application process. An applicant for a permit under this section shall submit to the Secretary a form that identifies the basis of the nonconformity on the parcel. The Secretary may issue a permit under this section to an applicant who meets the requirements of subsection (b) of this section.

§ 1446. REGISTERED PROJECTS; EXEMPTIONS FROM PERMITTING

(a)(1) Registered projects. The following projects in a protected shoreland area do not require a permit under section 1444 or 1445 of this title:

(A) The creation of no more than 100 square feet of impervious surface or cleared within 100 feet of the mean water level, provided that:

(i) the owner of the property on which the impervious surface or cleared area is created registers with the Secretary, on a form provided by the Secretary that contains the name of the property owner, the address of the

property, and a certification that the project meets the requirements of this subdivision (a)(2):

(ii) the impervious surface or cleared area is located at least 25 feet from the mean water level; and

(iii) vegetative cover in the protected shoreland area shall be managed according to the requirements of section 1447 of this title.

(B) The creation of 500 square feet or less of impervious surface, cleared area, or a combination of impervious surface and cleared area, provided that:

(i) the impervious surface or cleared area is at least 100 feet from the mean water level;

(ii) any proposed cleared area or area within the protected shoreland area where an impervious surface shall be sited has a slope of less than 20 percent;

(iii) after the completion of the project, the protected shoreland area shall consist of no more than 20 percent impervious surface; and

(iv) after the completion of the project, the protected shoreland area shall consist of no more than 40 percent cleared area, including any area cleared for the purposes of creating impervious surface.

(2) Limit on registration per parcel. A person shall not use the registration process under this subsection to create more than a maximum total per parcel of:

(A) 100 square feet of impervious surface or cleared area within 100 feet of the mean water level; and

(B) 500 square feet of impervious surface or cleared area within the protected shoreland area that is at least 100 feet from the mean water level.

(3) Effect of registration. A registration shall take effect 15 days after being filed with the Secretary, unless the Secretary requests that the person registering submit additional information that the Secretary considers necessary or the Secretary notifies the person registering that an individual permit is required.

(4) Term. Registrations shall be for an indefinite term, provided that the person complied with the requirements of this subsection and takes no action for which an individual permit is required.

(b) Exemptions. The following activities in a protected shoreland area do not require a permit under section 1444 or 1445 of this title:

(1) Management of vegetative cover. Management of vegetative cover conducted in compliance with section 1447 of this title.

(2) Removal of vegetation for recreational purposes. The cutting or removal of no more than 250 square feet of the existing vegetation under three feet in height within 100 feet of the protected shoreland area to allow for recreational use in the protected shoreland area, provided that:

(A) the cutting or removal of vegetation occurs at least 25 feet from the mean water level; and

(B) other ground cover, including leaf litter and the forest duff layer, shall not be removed from the area in which cutting occurs.

(3) Maintenance of lawns. The maintenance, but not the enlargement, of lawns, gardens, landscaped areas, and beaches in existence as of July 1, 2014.

(4) Creation of footpaths. The creation of one footpath per parcel with a width of no greater than six feet that provides access to the mean water level. Under this subdivision, a footpath includes stairs, landings, or platforms within the authorized six-foot width.

(5) Construction within footprint. Construction within the footprint of an impervious surface, existing as of July 1, 2014, that does not result in a net increase in the amount of impervious surface on a parcel.

(6) Silvicultural activities. Silvicultural activities in a protected shoreland area if the silvicultural activities are in compliance with:

(A) a forest management plan, approved by the Commissioner of Forests, Parks and Recreation, for the land in the protected shoreland area in which the silvicultural activities occur;

(B) the accepted management practices adopted by the Commissioner of Forests, Parks and Recreation under section 2622 of this title.

(7) Agricultural activities. Agricultural activities on land in agricultural production on July 1, 2014, provided that:

(A) no impervious surface shall be created or expanded in a protected shoreland area except when no alternative outside the protected shoreland area exists, the construction of a best management practice to abate an agricultural water quality issue when the best management practice is approved by the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 215; and

(B) the agricultural activities within the protected shoreland area comply with the rules adopted by the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 215 regarding agricultural water quality.

including accepted agricultural practices, best management practices, medium and small farm operation, and large farm operation; and

(8) Transportation infrastructure and private roads. The maintenance, emergency repair, repair, and replacement of:

(A) Transportation infrastructure by the Vermont Agency of Transportation or by a municipality.

(B) A private road that does not require a permit under section 1264 of this title, provided that emergency repair, repair, and replacement of the private road shall comply with the applicable water quality best management practices approved by the Secretary under 19 V.S.A. § 996 and incorporated within the Vermont Agency of Transportation town road and bridge standards for controlling stormwater runoff and direct discharges to State waters. The requirement to comply with the water quality best management practices shall apply even if the municipality in which the private road is located has not adopted the town road and bridge standards. Under this subdivision, expansion of a private road in order to allow for passage of emergency vehicles shall be considered repair that does not require a permit under section 1443 of this title.

(9) Railroad activities. Railroad activities and facilities within the jurisdiction of federal law.

(10) Parcel intersected by public highway. The creation or expansion of impervious surface or cleared area on a parcel within the protected shoreland area when the parcel is intersected by a public highway, as that term is defined in 19 V.S.A. § 1, and the impervious surface or cleared area is created or expanded on that portion of the parcel on the side of the highway away from the mean water level.

(11) Wastewater systems and potable water supplies. Installation, maintenance, repair, or replacement of a wastewater system or potable water supply permitted by the Agency of Natural Resources under chapter 64 of this title.

(12) Stormwater treatment. Discharges of stormwater, stormwater treatment facilities or practices, including repair or maintenance, permitted by the Agency of Natural Resources under section 1264 of this title.

(13) Utility projects and utility lines.

(A) The construction of projects that require a certificate of public good under 30 V.S.A. § 248 subject to the Agency of Natural Resources Riparian Buffer Guidance for Act 250 and Section 248 projects.

(B) The routine repair and maintenance of utility lines and structures including vegetation maintenance in utility line corridors, in a protected

shoreland area that are subject to 30 V.S.A. § 248, chapter 151 of this title, or a vegetation management plan approved by the Agency in a protected shoreland area. Vegetation management practices in a protected shoreland area shall be performed in accordance with a vegetation management plan approved by the Agency of Natural Resources.

(C) The emergency repair of utility lines and poles in protected shoreland areas, provided that such repair minimizes adverse impacts to vegetation in the protected shoreland area.

(14) Act 250 permit. Projects which have received a permit pursuant to chapter 151 of this title.

(15) Designated downtowns and village centers. Projects in downtowns and village centers designated pursuant to 24 V.S.A. chapter 76A.

(16) Urban and industrial redevelopment. Construction, creation, or expansion of impervious surface or cleared area within a protected shoreland area, provided that:

(A) the area in which the impervious surface or cleared area will be constructed, created, or expanded is:

(i) urban or industrial in nature;

(ii) contains as of July 1, 2014 impervious surface or cleared area; and

(iii) has been designated by municipal bylaw for redevelopment.

(B) the municipality has adopted a shoreland bylaw or ordinance that:

(i) is at least as stringent as the permitting requirements and exemptions of this chapter; or

(ii) requires best management practices or other controls that are, as determined by the Secretary, functionally equivalent to compliance with the permitting requirements and exemptions of this chapter.

(17) Mosquito control. Where mosquito populations create a public health hazard, as that term is defined in 18 V.S.A. § 2, physical practices or activities approved by the Secretary that create cleared area or remove vegetative cover in order to reduce mosquito breeding habitat, provided that any activity authorized under this subdivision shall comply with the Vermont wetlands rules.

(c) Application of vegetative cover requirements. Activities authorized under subdivisions (b)(2)–(13) of this section shall not be required to comply

with the requirements for the management of vegetative cover under section 1447 of this title.

§ 1447. LAKE SHORELAND VEGETATION PROTECTION STANDARDS

(a) Within 100 feet of the mean water level, cutting of trees is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. Vegetation management that occurs within the protected shoreland area and that is conducted according to the requirements of this section shall not be counted toward the cleared area on a parcel.

(b) A “well-distributed stand of trees adjacent to a lake” shall be defined as maintaining a minimum rating score of 12, in each 25-foot by 25-foot area within 100 feet of the mean water level, as determined by the following rating system.

| <u>(1) Diameter of tree at 4-1/2 feet above</u> | <u>Points</u> |
|---|---------------|
| <u>ground level (inches)</u> | |
| <u>2-< 4 in.</u> | <u>1</u> |
| <u>4-< 8 in.</u> | <u>2</u> |
| <u>8-< 12 in.</u> | <u>4</u> |
| <u>12 in. or greater</u> | <u>8</u> |

(2) The following shall govern in applying this point system:

(A) 25-foot by 25-foot plots shall be established within 100 feet of the mean water level for vegetation management purposes.

(B) Each successive plot must be adjacent to but not overlap a previous plot.

(C) Any plot not containing the required points must have no vegetative cover removed unless the removal is allowed pursuant to a registration or individual permit.

(D) Any plot containing the required points may have trees removed down to the minimum points allowed.

(E) Existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or as allowed pursuant to a registration or individual permit.

(F) Pruning of tree branches on the bottom one-third of a tree’s height is allowed.

(G) Removal of dead, diseased, or unsafe trees shall be allowed regardless of points.

(c) As used in this section, “other natural vegetation” means retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at four and one-half feet above ground level for each 25-foot by 25-foot area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been planted or rooted in the plot.

§ 1448. MUNICIPAL DELEGATION

(a) Municipal shoreland bylaws or ordinances. The Secretary may delegate authority to permit the construction, creation, or expansion of impervious surface or cleared area under this chapter to a municipality that has adopted a shoreland bylaw or ordinance if:

(1) the municipality adopts a bylaw or ordinance regulating construction of impervious surface or creation of cleared area in a protected shoreland area; and

(2) the municipal bylaw or ordinance is at least as stringent as the permitting requirements and exemptions of this chapter, upon a determination by the Secretary that the bylaw or ordinance is functionally equivalent to the requirements under sections 1444, 1445, 1446, and 1447 of this title.

(b) Delegation agreement.

(1) Delegation under subsection (a) of this section shall be by agreement between the Secretary and the delegated municipality. The delegation agreement shall set the terms for revocation of delegation.

(2) Under the delegation agreement, the Secretary and the municipality may agree, in instances where a delegated municipality does not or cannot address noncompliance, that the Secretary, after consultation with the municipality, may institute enforcement proceedings under chapter 201 of this title.

(3) The delegation agreement shall require the municipality to:

(A) have or establish a process for accepting, reviewing, and processing applications and issuing permits for construction of impervious surface or creation of cleared area in protected shoreland areas;

(B) take timely and appropriate enforcement actions;

(C) commit to reporting annually to the Secretary on a form and date determined by the Secretary;

(D) comply with all other requirements of the rules adopted under this chapter; and

(E) cure any defects in such bylaw or ordinance or in the administration or enforcement of such bylaw or ordinance upon notice of a defect from the Secretary.

(4) A municipality that seeks delegation under subsection (a) of this section shall be presumed to satisfy the requirements of this subsection for a permit process and enforcement if the municipality has designated a municipal zoning administrator or other municipal employee or official as responsible for the permitting and enforcement of the construction, creation, or expansion of impervious surface or cleared area within the municipality.

§ 1449. COORDINATION OF AGENCY OF NATURAL RESOURCES'
PERMITTING OF ACTIVITIES IN PROTECTED SHORELAND
AREAS

(a) Coordination of permitting in protected shoreland area. During technical review of a permit application for a wastewater system, potable water supply, stormwater discharge, or stormwater treatment facility that is proposed to be located in a protected shoreland area and that does not require a permit under this chapter, the Agency division issuing the wastewater system, potable water supply, stormwater discharge, or stormwater treatment facility permit shall consult with the Agency's Lakes and Ponds Section regarding practices or activities that could reduce the impact of the proposed activity on the protected shoreland area or water quality of lakes adjacent to the protected shoreland area.

(b) Agency guidance or procedure. The Agency may formalize the consultation process required by this section in a guidance document or internal agency procedure.

(c) Agency lands. All lands held by the Agency within a protected shoreland area shall be managed according to the requirements of this chapter when consistent and not in conflict with applicable federal requirements for the management of a parcel of land held by the Agency.

§ 1450. MUNICIPAL ZONING BYLAW OR ORDINANCE

(a) Construction of impervious surface or creation of cleared area occurring outside protected shoreland areas. Construction of impervious surface or creation of cleared area occurring outside a protected shoreland area shall conform to duly adopted municipal zoning bylaws and applicable municipal ordinances and shall not be subject to regulation by the Secretary of Natural Resources under this chapter.

(b) Existing municipal bylaws and ordinances. The requirements of this chapter are in addition to existing municipal bylaws and ordinances, and proposed construction of impervious surface or creation of cleared area within the protected shoreland area shall comply with all relevant, existing municipal, State, and federal requirements.

§ 1451. RULEMAKING

The Secretary may adopt rules to implement the requirements of this chapter.

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

(a) The ~~secretary~~ Secretary may take action under this chapter to enforce the following statutes:

* * *

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

(23) 24 V.S.A. § 2202a, relating to a municipality's adoption and implementation of a solid waste implementation plan that is consistent with the State Solid Waste Plan; and

(24) 10 V.S.A. chapter 49A, relating to lake shoreland protection standards.

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

§ 8503. APPLICABILITY

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

(1) The following provisions of this title:

* * *

(R) chapter 32 (flood hazard areas).

(S) chapter 49A (lake shoreland protection standards).

* * *

Sec. 5. 3 V.S.A. § 2822(j)(32) is added to read:

(32) For projects taking place in a protected shoreland area that require a registration or permit under 10 V.S.A. chapter 49A: \$0.50 per square foot of impervious surface or cleared area.

Sec. 6. 10 V.S.A. § 1454 is amended to read:

§ 1454. TRANSPORT OF AQUATIC PLANTS AND AQUATIC
NUISANCE SPECIES

(a) No person shall transport an aquatic plant or aquatic plant part, zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena bugensis*), or other aquatic nuisance species identified by the ~~secretary~~ Secretary by rule to or from any Vermont waters on the outside of a vehicle, boat, personal watercraft, trailer, or other equipment. This section shall not restrict proper harvesting or other control activities undertaken for the purpose of eliminating or controlling the growth or propagation of aquatic plants, zebra mussels, quagga mussels, or other aquatic nuisance species.

(b) The ~~secretary~~ Secretary may grant exceptions to persons to allow the transport of aquatic plants, zebra mussels, quagga mussels, or other aquatic nuisance species for scientific or educational purposes. When granting exceptions, the ~~secretary~~ Secretary shall take into consideration both the value of the scientific or educational purpose and the risk to Vermont surface waters posed by the transport and ultimate use of the specimens. A letter from the ~~secretary~~ Secretary authorizing the transport must accompany the specimens during transport.

(c) A violation of this section may be brought by any law enforcement officer, as that term is defined in 23 V.S.A. § 4(11), in the Environmental Division of the Superior Court. When a violation is brought by an enforcement officer other than an environmental enforcement officer employed by the Agency of Natural Resources, the enforcement officer shall submit to the Secretary a copy of the citation for purposes of compliance with the public participation requirements of section 8020 of this title.

Sec. 7. TRANSITION

A permit or registration under 10 V.S.A. chapter 49A for the creation of impervious surface or cleared area within a protected shoreland area shall not be required on a parcel of land for a project for which:

(1) all necessary State, local, or federal permits have been obtained prior to the effective date of this act and the permit holder takes no subsequent act that would require a permit or registration under 10 V.S.A. chapter 49A; or

(2) a complete application for all applicable local, State, and federal permits has been submitted on or before the effective date of this act, provided that the applicant does not subsequently file an application for a permit amendment that would require a permit under 10 V.S.A. chapter 49A and substantial construction of the impervious surface or cleared area commences

within two years of the date on which all applicable local, State, and federal permits become final.

Sec. 8. EFFECTIVE DATE

This act shall take effect July 1, 2014.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 27, 2013, page 551-554 and March 28, 2013, pages 569-570.)

Reported favorably with recommendation of proposal of amendment by Senator Hartwell for the Committee on Finance.

The Committee recommends that the proposal of amendment of the Committee on Natural Resources and Energy be amended as follows:

First: In Sec. 2, in 10 V.S.A. § 1446, in subdivision (a)(1)(A)(i), by striking out “this subdivision (a)(2)” where it appears and by inserting in lieu thereof this subsection (a) and by striking out subdivision (a)(1)(B) in its entirety and inserting in lieu thereof the following:

(B) The creation of 500 square feet or less of impervious surface, cleared area, or a combination of impervious surface and cleared area, provided that:

(i) the owner of the property on which the impervious surface or cleared area is created registers with the Secretary a form provided by the Secretary that contains the name of the property owner, the address of the property, and a certification that the project meets the requirements of this subsection;

(ii) the impervious surface or cleared area is at least 100 feet from the mean water level;

(iii) any proposed cleared area or area within the protected shoreland area where an impervious surface shall be sited has a slope of less than 20 percent;

(iv) after the completion of the project, the protected shoreland area shall consist of no more than 20 percent impervious surface; and

(v) after the completion of the project, the protected shoreland area shall consist of no more than 40 percent cleared area, including any area cleared for the purposes of creating impervious surface.

Second: By striking out Sec. 5 in its entirety and inserting in lieu thereof the following:

Sec. 5. 3 V.S.A. § 2822(j)(32) is added to read:

(32) For projects taking place in a protected shoreland area that require:

(A) a registration under 10 V.S.A. § 1446: \$100.00.

(B) a permit under 10 V.S.A. §§ 1443, 1444, and 1445: \$125.00 plus \$0.50 per square foot of impervious surface.

Third: By adding a Sec. 5a to read:

Sec. 5a. REPORT ON COSTS OF LAKE SHORELAND PROTECTION PROGRAM

On or before January 15, 2016, the Secretary of Natural Resources shall submit to the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Natural Resources and Energy, and the House Committee on Fish, Wildlife and Water Resources a report regarding the costs to the Agency of Natural Resources of administering the Lake Shoreland Protection Program under 10 V.S.A. chapter 49A. The report shall include:

(1) the number of lake shoreland protection registrations and permits issued by the Agency;

(2) the permit and registration fees collected by the Agency; and

(3) the cost to the Agency of implementing the Lake Shoreland Protection Program.

(Committee vote: 6-0-1)

Proposal of Amendment to H. 526 to be Offered by Senator Lyons

Senator Lyons moves that the proposal of amendment of the Committee on Natural Resources and Energy be amended in Sec. 2, by adding 10 V.S.A. § 1452 to read as follows:

§ 1452. EDUCATION AND OUTREACH; CITIZEN'S GUIDE

The Secretary shall conduct ongoing education and outreach to assist Vermont citizens with understanding and complying with the requirements of this chapter. The education and outreach activities shall include publication on or before January 1, 2015 of a Citizen's Guide to Shoreland Protection, which shall provide easily understood instructions on the requirements of this chapter, how to apply for a permit or registration, and the activities that are exempt from or otherwise not subject to the requirements of this chapter.

H. 655.

An act relating to fiscal year 2014 budget adjustments.

Reported favorably with recommendation of proposal of amendment by Senator Kitchel for the Committee on Appropriations.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: By adding a new section to be numbered Sec. 3a to read as follows:

Sec. 3a. 2013 Acts and Resolves No. 50, Sec. B.139 is amended to read:

Sec. B.139 Tax department - reappraisal and listing payments

| | | |
|-----------------|------------------|-----------|
| Grants | <u>3,293,196</u> | 3,368,196 |
| Total | <u>3,293,196</u> | 3,368,196 |
| Source of funds | | |
| Education fund | <u>3,293,196</u> | 3,368,196 |
| Total | <u>3,293,196</u> | 3,368,196 |

and by striking out Sec. 5 in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. 2013 Acts and Resolves No. 50, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds

| | | |
|-----------------------------|------------------------|------------------|
| General fund | 69,657,388 | 70,763,769 |
| Transportation fund | 3,930,356 | 3,930,356 |
| Special funds | 10,336,132 | 10,336,132 |
| Education fund | 9,480,096 | 9,555,096 |
| Federal funds | 963,293 | 963,293 |
| Internal service funds | 69,123,421 | 69,123,421 |
| Interdepartmental transfers | 6,974,721 | 6,974,721 |
| Enterprise funds | 3,233,092 | 3,233,092 |
| Pension trust funds | 39,659,149 | 39,659,149 |
| Private purpose trust funds | <u>1,138,128</u> | <u>1,138,128</u> |
| Total | 214,495,776 | 215,677,157 |

and by adding a new section to be numbered Sec. 73a to read as follows:

Sec. 73a. 2013 Acts and Resolves No. 50, Sec. E.139(c) is added to read:

(c) Of this appropriation, \$75,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and used with any remaining funds from the amount transferred pursuant to 2013 Acts and Resolves No. 1, Sec. 75, for payment of any expenses associated with

reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Second: By adding a new section to be numbered Sec. 5a to read as follows:

Sec. 5a. 2013 Acts and Resolves No. 50, Sec. B.204 is amended to read:

| | | |
|-----------------------------|-----------------------|------------------|
| Sec. B.204 Judiciary | | |
| Personal services | 32,218,222 | 32,868,222 |
| Operating expenses | 8,707,574 | 8,707,574 |
| Grants | <u>70,000</u> | <u>70,000</u> |
| Total | 40,995,796 | 41,645,796 |
| Source of funds | | |
| General fund | 35,067,633 | 35,717,633 |
| Special funds | 3,235,319 | 3,235,319 |
| Tobacco fund | 39,871 | 39,871 |
| Federal funds | 714,176 | 714,176 |
| Interdepartmental transfers | <u>1,938,797</u> | <u>1,938,797</u> |
| Total | 40,995,796 | 41,645,796 |

and by striking out Sec. 9 in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. 2013 Acts and Resolves No. 50, Sec. B.240 is amended to read:

Sec. B.240 Total protection to persons and property

| | | |
|-----------------------------|------------------------|------------------|
| Source of funds | | |
| General fund | 118,749,083 | 119,499,112 |
| Transportation fund | 25,238,498 | 25,238,498 |
| Special funds | 75,064,951 | 75,164,951 |
| Tobacco fund | 606,315 | 606,315 |
| Federal funds | 66,671,503 | 66,671,503 |
| ARRA funds | 1,479,429 | 1,479,429 |
| Global commitment fund | 256,224 | 256,224 |
| Interdepartmental transfers | 8,670,609 | 8,670,609 |
| Enterprise funds | <u>6,178,980</u> | <u>6,178,980</u> |
| Total | 302,915,592 | 303,376,621 |

Third: By striking out Sec. 10 in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. 2013 Acts and Resolves No. 50, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

| | | |
|-----------------------------|------------------|------------------|
| Personal services | 10,337,270 | 10,462,270 |
| Operating expenses | 3,232,916 | 3,591,498 |
| Grants | <u>5,473,998</u> | <u>5,260,754</u> |
| Total | 19,044,184 | 19,314,522 |
| Source of funds | | |
| General fund | 5,135,482 | 5,241,643 |
| Special funds | 91,017 | 91,017 |
| Tobacco fund | 291,127 | 223,127 |
| Federal funds | 9,843,546 | 9,975,320 |
| Global commitment fund | 415,000 | 415,000 |
| Interdepartmental transfers | <u>3,268,012</u> | <u>3,368,415</u> |
| Total | 19,044,184 | 19,314,522 |

and by striking out Sec. 36 in its entirety and inserting in lieu thereof a new Sec. 36 to read as follows:

Sec. 36. 2013 Acts and Resolves No. 50, Sec. B.346 is amended to read:

Sec. B.346 Total human services

| | | |
|----------------------------------|--------------------------|---------------|
| Source of funds | | |
| General fund | 590,507,696 | 606,770,937 |
| Special funds | 89,631,251 | 89,094,967 |
| Tobacco fund | 40,046,431 | 40,046,431 |
| State health care resources fund | 267,531,579 | 268,303,555 |
| Education fund | 3,929,242 | 3,929,242 |
| Federal funds | 1,186,473,782 | 1,207,610,475 |
| Global commitment fund | 1,224,791,971 | 1,248,742,299 |
| Internal service funds | 1,502,901 | 1,502,901 |
| Interdepartmental transfers | 25,378,027 | 25,503,430 |
| Permanent trust funds | <u>25,000</u> | <u>25,000</u> |
| Total | 3,429,817,880 | 3,491,529,237 |

Fourth: By striking out Sec. 37 in its entirety and inserting in lieu thereof a new Sec. 37 to read as follows:

Sec. 37. 2013 Acts and Resolves No. 50, Sec. B.500 is amended to read:

Sec. B.500 Education - finance and administration

| | | |
|--------------------|-------------------|-------------------|
| Personal services | 7,072,845 | 7,147,845 |
| Operating expenses | <u>2,019,419</u> | 2,519,419 |
| Grants | <u>12,591,200</u> | <u>12,591,200</u> |
| Total | 21,683,464 | 22,258,464 |
| Source of funds | | |

| | | |
|------------------------|-----------------------|----------------|
| General fund | 3,007,875 | 3,007,875 |
| Special funds | 13,293,157 | 13,868,157 |
| Education fund | 892,795 | 892,795 |
| Federal funds | 3,624,185 | 3,624,185 |
| Global commitment fund | <u>865,452</u> | <u>865,452</u> |
| Total | <u>21,683,464</u> | 22,258,464 |

and by striking out Sec. 40 in its entirety and inserting in lieu thereof a new Sec. 40 read as follows:

Sec. 40. 2013 Acts and Resolves No. 50, Sec. B.515 is amended to read:

Sec. B.515 Total general education

Source of funds

| | | |
|------------------------|--------------------------|-------------------|
| General fund | 370,703,978 | 370,703,978 |
| Special funds | 17,197,375 | 17,772,375 |
| Tobacco fund | 766,541 | 766,541 |
| Education fund | 1,452,124,701 | 1,451,050,701 |
| Federal funds | 133,926,899 | 133,926,899 |
| Global commitment fund | 865,452 | 865,452 |
| Pension trust funds | <u>34,963,059</u> | <u>34,963,059</u> |
| Total | 2,010,548,005 | 2,010,049,005 |

and by adding a new section to be numbered Sec.79a to read as follows:

Sec. 79a. 2013 Acts and Resolves No. 50, Sec. E.500(b) is added to read:

(b) Of the special funds appropriated in Sec. B.500 of this act, up to \$75,000 shall be transferred to the Joint Fiscal Office from the Agency of Education for reimbursement of costs incurred for analysis of special education as authorized in subsections (c) - (f) of this section.

(c) The Joint Fiscal Office, with the assistance of the Office of Legislative Council and the Agency of Education, shall develop a request for proposals to evaluate the use of paraprofessionals to provide special education services in Vermont public schools. A special committee consisting of the members of the Joint Fiscal Committee and the chairs of the House and Senate Committees on Education shall select a consultant from among the proposals submitted and the Joint Fiscal Office shall enter into a contract with the consultant to perform the evaluation required by this section.

(d) The consultant's evaluation shall include examination of the following:

(1) the relationship between the use of paraprofessionals and achievement of identified student outcomes;

(2) factors that influence a school district’s decision to use paraprofessionals to deliver special education services;

(3) the range of and impacts resulting from the implementation of schoolwide programs for improving and managing behaviors, particularly on the use of paraprofessionals;

(4) if and how the current education funding system impacts the use of paraprofessionals to deliver special education services;

(5) the quality and availability of information to boards and administrators of supervisory unions and school districts to monitor and evaluate the delivery of special education services; and

(6) local governance practices regarding regular reevaluation of the needs for one-on-one aides and the movement of special needs students toward independence from an aide.

(e) The Joint Fiscal Office, the Office of Legislative Council, and the Agency of Education shall assist the consultant to gather data necessary for an evaluation. The consultant shall interview school board members, administrators, licensed teachers, and paraprofessionals and shall provide opportunities for participation by students with special needs and their parents or guardians.

(f) On or before January 15, 2015, the consultant shall submit a report to the Governor, the Joint Fiscal Committee, and the House and Senate Committees on Education detailing research, conclusions, and recommendations.

Fifth: By striking out Sec. 42 in its entirety and inserting in lieu thereof a new Sec. 42 to read as follows:

Sec. 42. 2013 Acts and Resolves No. 50, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

| | | |
|-----------------------------|-----------------------|------------------|
| Source of funds | | |
| General fund | 26,072,035 | 27,838,171 |
| Special funds | 34,994,533 | 34,994,533 |
| Fish and wildlife fund | 8,914,102 | 8,914,102 |
| Federal funds | 20,837,609 | 20,837,609 |
| Interdepartmental transfers | <u>6,986,357</u> | <u>6,986,357</u> |
| Total | 97,804,636 | 99,570,772 |

Sixth: By striking out Sec. 45 in its entirety and inserting in lieu thereof a new Sec. 45 to read as follows:

Sec. 45. 2013 Acts and Resolves No. 50, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds

| | | |
|-----------------------------|-----------------------|----------------|
| General fund | 14,731,031 | 14,731,031 |
| Special funds | 18,937,450 | 19,562,450 |
| Federal funds | 44,834,367 | 44,834,367 |
| Interdepartmental transfers | 222,700 | 222,700 |
| Enterprise funds | <u>827,003</u> | <u>827,003</u> |
| Total | 79,552,551 | 80,177,551 |

Seventh: By striking out Sec. 47 in its entirety and inserting in lieu thereof a new Sec. 47 to read as follows:

Sec. 47. 2013 Acts and Resolves No. 50, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds

| | | |
|-----------------------------|------------------------|-------------------|
| Transportation fund | 218,733,438 | 220,657,745 |
| TIB fund | 21,121,994 | 19,197,687 |
| Special funds | 2,235,250 | 2,235,250 |
| Federal funds | 373,641,099 | 373,641,099 |
| Internal service funds | 20,319,956 | 20,319,956 |
| Interdepartmental transfers | 4,432,547 | 4,432,547 |
| Local match | 2,183,313 | 2,183,313 |
| TIB proceeds fund | <u>10,387,500</u> | <u>10,387,500</u> |
| Total | 653,055,097 | 653,055,097 |

Eighth: By striking out Sec. 49 in its entirety and inserting in lieu thereof a new Sec. 49 to read as follows:

Sec. 49. 2013 Acts and Resolves No. 50, Sec. B.1001 is amended to read:

Sec. B.1001 Total debt service

Source of funds

| | | |
|-----------------------|-----------------------|------------------|
| General fund | 70,521,584 | 70,210,177 |
| Transportation fund | 2,414,979 | 2,414,979 |
| TIB debt service fund | 2,397,816 | 2,393,683 |
| Special funds | 628,910 | 628,910 |
| ARRA funds | <u>1,253,280</u> | <u>1,153,645</u> |
| Total | 77,216,569 | 76,801,394 |

Ninth: By striking out Sec. 53(a) in its entirety and inserting in lieu thereof a new Sec. 53(a) to read as follows:

(a) The following is appropriated in fiscal year 2014 to the Agency of Transportation:

Transportation Fund

\$1,626,284

Tenth: By adding a new section to be numbered Sec. 53a to read as follows:

Sec. 53a. 2012 Acts and Resolves No. 162, Sec. BB.1200(a)(1)(B) is amended to read:

(B) Transportation Fund. The amount of ~~\$2,200,000~~ \$1,910,949 is appropriated from the transportation fund to the secretary of administration for distribution to the agency of transportation, the transportation board, and the department of public safety to fund the collective bargaining agreements and the requirements of this act.

Eleventh: By striking out Sec 71 in its entirety and inserting in lieu thereof a new Sec. 71 to read as follows:

Sec. 71. [Deleted]

Twelfth: By striking out Sec. 73 in its entirety and inserting in lieu thereof a new Sec. 73 to read as follows:

Sec. 73. 2013 Acts and Resolves No. 50, Sec. E.127(c) is added to read:

(c) The amount of \$200,000 shall be transferred from the fiscal year 2014 Legislature budget to the Joint Fiscal Committee budget for the purpose of procuring fiscal and policy expertise related to Vermont's health care system.

Thirteenth: By adding a new section to be numbered Sec. 75a to read as follows:

Sec. 75a. CHOICES FOR CARE; REINVESTMENT

(a) Of the Choices for Care funds available for reinvestment in fiscal year 2014, the Department of Disabilities, Aging, and Independent Living is authorized to use up to \$1,000,000 in fiscal years 2014 and 2015 on one-time investments that directly benefit eligible choices for care enrollees and one-time investments to home- and community-based providers that are consistent with and prioritized based on current needs analysis to meet the overall strategic goals and outcomes of the waiver. This authorization is in addition to the reinvestment plan submitted by the Department as submitted to the Committees on Appropriations in January 2014. The General Fund portion of this amount is \$435,600 which may be transferred to other Department appropriations as needed to meet the objectives of this section. The Department shall report to the Joint Fiscal Committee in July 2014 regarding this provision.

Fourteenth: By striking out Sec. 78 in its entirety and inserting in lieu thereof a new Sec. 78 to read as follows:

Sec. 78. GENERAL ASSISTANCE HOUSING INTENT

(a) The General Assembly understands that there is a need for emergency housing in Vermont and supports the efforts of the Department for Children and Families to address the growing demand. It finds that while motels are currently used to address emergency housing needs, it is the goal of the General Assembly that motels be reserved for catastrophic situations in the future.

Fifteenth: By adding a new section to be numbered Sec. 86a to read as follows:

Sec. 86a. SPECIAL WARMTH GRANT

(a) Effective January 30, 2014, the Department for Children and Families is authorized to grant \$500,000 of the funds available within the fuel assistance program for a special warmth program to address extraordinary temperature-related fuel assistance needs in the 2013-2014 heating season.

(Committee vote: 6-0-0)

(For House amendments, see House Journal for January 23, 2014, page 120 and January 24, 2014, page 138.)

House Proposal of Amendment

S. 27.

An act relating to respectful language in the Vermont Statutes Annotated.

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

First: In Sec. 1, subsection (b), by deleting “and 223,” and by inserting “and” before “222” and by deleting Sec. 2a in its entirety

Second: In Sec. 2b, 1 V.S.A. § 146, in the first sentence, by striking out “general”

Third: By inserting a Sec. 2d after Sec. 2c to read as follows:

Sec. 2d. 1 V.S.A. § 148 is added to read:

§ 148. DEVELOPMENTAL DISABILITY

“Developmental disability” or “person with developmental disabilities” shall have the same meaning as in 18 V.S.A. § 9302.

Fourth: By deleting Sec. 9 in its entirety

Fifth: By deleting Sec. 10 in its entirety

Sixth: In Sec. 11, 4 V.S.A. § 33, subdivision (13), by striking out “developmental” and inserting in lieu thereof “intellectual”

Seventh: In Sec. 12, 4 V.S.A. § 36(a), subdivision (2)(B)(v), by striking out “developmental” and inserting in lieu thereof “intellectual”

Eighth: In Sec. 15, 6 V.S.A. § 2777(d), in subdivisions (2)(E) and (4)(B), by striking out “persons who are elderly” and inserting in lieu thereof “elders”

Ninth: By deleting Sec. 17 in its entirety

Tenth: In Sec. 19, 8 V.S.A. § 4089b, by deleting subdivision (c)(1) and inserting in lieu thereof the following:

(c) A health insurance plan shall provide coverage for treatment of a mental ~~health~~ condition and shall:

(1) not establish any rate, term, or condition that places a greater burden on an insured for access to treatment for a mental ~~health~~ condition than for access to treatment for other health conditions, including no greater co-payment for primary mental health care or services than the co-payment applicable to care or services provided by a primary care provider under an insured’s policy and no greater co-payment for specialty mental health care or services than the co-payment applicable to care or services provided by a specialist provider under an insured’s policy;

Eleventh: In Sec. 19, 8 V.S.A. § 4089b, by deleting subdivision (d)(1)(A) and inserting in lieu thereof the following:

(d)(1)(A) A health insurance plan that does not otherwise provide for management of care under the plan, or that does not provide for the same degree of management of care for all health conditions, may provide coverage for treatment of mental ~~health~~ conditions through a managed care organization, provided that the managed care organization is in compliance with the rules adopted by the Commissioner that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. In reviewing rates and forms pursuant to section 4062 of this title, the Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate, shall consider the compliance of the policy with the provisions of this section.

Twelfth: By deleting Sec. 19a in its entirety

Thirteenth: In Sec. 25, 8 V.S.A. § 10501, in the third sentence, by striking out “elderly” and inserting in lieu thereof “old”

Fourteenth: In Sec. 31, 9 V.S.A. § 4501, in subdivision (3)(C), in the first sentence, by striking out “intellectual” and inserting in lieu thereof “developmental” and by inserting “substance use disorders, including” before “drug addiction and alcoholism” and in the second sentence, by striking out

“who is an alcoholic or drug abuser” and inserting in lieu thereof “with a substance use disorder”

Fifteenth: In Sec. 32, 9 V.S.A. § 4503, in subdivision (b)(3), by striking out “persons who are elderly” and by inserting in lieu thereof “elders”

Sixteenth: In Sec. 35, 10 V.S.A. § 622(7), in the last sentence, by inserting “elders or” after “independent living for” and by striking out “are” before “~~handicapped~~” and by striking out “elderly or” after “~~handicapped~~”

Seventeenth: In Sec. 51, in 13 V.S.A. § 1306, by striking out “intellectual” and inserting in lieu thereof “developmental”

Eighteenth: In Sec. 80, 16 V.S.A. § 3851(c), by deleting subdivision (5)(D) and inserting in lieu thereof the following:

(D) nonprofit assisted living facility, nonprofit continuing care retirement facility, nonprofit residential care facility or similar nonprofit facility for the continuing care of ~~the elderly~~ elders or the infirm, provided that such facility is owned by or under common ownership with an otherwise eligible institution, and in the case of facilities to be financed for an eligible institution provided by this subdivision (5) of this subsection, for which the Green Mountain Care Board, if required, has issued a certificate of need.

Nineteenth: In Sec. 82, 17 V.S.A. § 2502, in subsection (b), in the first sentence, by striking out “elderly” and inserting in lieu thereof “elders” and in the second sentence by striking out “a” before “~~handicapped or elderly~~” and by inserting “an elder or to a” after “~~handicapped or elderly~~” and by striking out “is elderly or” after “person who”

Twentieth: In Sec. 85, 17 V.S.A. § 2667, in the first sentence, by striking out “elderly” and inserting in lieu thereof “elders”

Twenty-first: In Sec. 93, 18 V.S.A. § 1751(b)(26), by striking out “persons who are elderly” and by inserting in lieu thereof “elders”

Twenty-second: In Sec. 104, in 18 V.S.A. § 7401, in subdivisions (14) and (15), by striking out “or mental condition” after “a psychiatric disability” and by inserting “mental condition or” before “psychiatric disability”

Twenty-third: In Sec. 111, in 18 V.S.A. § 8706, in subdivision (1), by striking out “and” after the semicolon and in subdivision (3) by inserting “and” after the semicolon

Twenty-fourth: In Sec. 113, 18 V.S.A. § 8731(d), by striking out “adults who are elderly” and by inserting in lieu thereof “elders” and by inserting “adults who” after “~~disabled adults~~ or”

Twenty-fifth: In Sec. 114, in 18 V.S.A. § 8839, in subdivision (3)(A), by inserting before the semicolon “, which means significantly subaverage intellectual functioning existing concurrently with deficits in adaptive behavior that were manifest before 18 years of age”

Twenty-sixth: In Sec. 121, 20 V.S.A. § 2063(b)(1), by striking out “persons who are elderly” and inserting in lieu thereof “elders”

Twenty-seventh: In Sec. 122, 20 V.S.A. § 2730(a)(1)(A), by inserting “elders or” before “persons who” and by striking out “are elderly,” after “persons who” and by striking out the comma after “infirmary”

Twenty-eighth: In Sec. 125, 20 V.S.A. § 3072(b), in subdivision (3), by striking out the second section symbol

Twenty-ninth: In Sec. 130, 21 V.S.A. § 495d, in subdivision (7)(B), by striking out “intellectual” and inserting in lieu thereof “developmental”

Thirtieth: In Sec. 137, 21 V.S.A. § 644(a), in subdivision (6), by striking out “incurable”

Thirty-first: In Sec. 139, 21 V.S.A. § 1301(6)(C)(vii), in subdivision (IV), by striking out “elderly” and inserting in lieu thereof “an elder”

Thirty-second: In Sec. 141, 23 V.S.A. § 4(15), by inserting “elders or” after “nor one which is used to transport” and by striking out “are elderly” and by striking out “or” before “have a disability”

Thirty-third: By striking Sec. 142 in its entirety, and inserting in lieu thereof the following:

Sec. 142. 23 V.S.A. § 304a is amended to read:

§ 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR PEOPLE WITH DISABILITIES

* * *

(b) Special registration plates or removable windshield placards, or both, shall be issued by the Vermont Commissioner of Motor Vehicles. The placard shall be issued without a fee to a person who is blind or has an ambulatory disability. One set of plates shall be issued without additional fees for a vehicle registered or leased to a person who is blind or has an ambulatory disability. The Commissioner shall issue these placards or plates under rules adopted by him or her after proper application has been made to the Commissioner by any person residing within the State of Vermont. Application forms shall be available on request at the Department of Motor Vehicles.

* * *

(4) An applicant for a ~~special handicapped~~ registration plate or placard for persons with disabilities may request the Civil Division of the Superior Court in the county in which he or she resides to review a decision by the Commissioner to deny his or her application for a special registration plate or placard.

* * *

(d) A person who has an ambulatory disability or an individual transporting a person who is blind shall be permitted to park and to park without fee for at least 10 continuous days in a parking space or area which is restricted as to the length of time parking is permitted or where parking fees are assessed, except that this minimum period shall be 24 continuous hours for parking in a State- or municipally operated parking garage. This section shall not apply to spaces or areas in which parking, standing, or stopping of all vehicles is prohibited by law or by any parking ban, or which are reserved for special vehicles. As a condition to this privilege, the vehicle shall display the ~~special handicapped~~ registration plate or placard issued by the Commissioner or a special registration license plate or placard issued by any other jurisdiction.

* * *

(f) Persons who ~~are temporarily disabled with an~~ have a temporary ambulatory disability may apply for a temporary removable windshield placard to the Commissioner on a form prescribed by him or her. The placard shall be valid for a period of up to six months and displayed as required under the provisions of subsection (c) of this section. The application shall be signed by a licensed physician, certified physician assistant, or licensed advanced practice registered nurse. The validation period of the temporary placard shall be established on the basis of the written recommendation from a licensed physician, certified physician assistant, or licensed advanced practice registered nurse. The Commissioner shall promulgate rules to implement the provisions of this subsection.

Thirty-fourth: In Sec. 152, 24 V.S.A. § 2691, by striking out “persons who are elderly” and inserting in lieu thereof “elders”

Thirty-fifth: In Sec. 153, 24 V.S.A. § 2694, by striking out “persons who are elderly” and inserting in lieu thereof “elders”

Thirty-sixth: In Sec. 156, 24 V.S.A. § 4001(4), by striking out “persons who are elderly and” and inserting in lieu thereof “elders” in all three places that it appears and by striking out “persons who are elderly” and inserting “elders” in both places that it appears and by striking out “persons who are”

elderly” and inserting “elders” in lieu thereof and by restoring “~~inevitably~~” by removing the striking

Thirty-seventh: In Sec. 157, 24 V.S.A. § 4002, in subdivision (10)(B), by striking “persons” after “~~elderly~~” and inserting in lieu thereof “elders” and by striking out “elderly and” before “of low income”

Thirty-eighth: In Sec. 157, 24 V.S.A. § 4002, in (11), in the first sentence, by striking out “who are elderly” and inserting in lieu thereof “elders” and in the second sentence, by striking out “elderly” and inserting in lieu thereof “elder”

Thirty-ninth: In Sec. 158, 24 V.S.A. § 4003(b), in subdivision (2), in the first sentence, by striking out “persons” before “~~of a low income~~” and by striking out “who are elderly” after “~~of a low income~~” and inserting in lieu thereof “elders of a low income”

Fortieth: In Sec. 159, 24 V.S.A. § 4008, in subdivision (6), by striking out “persons who are elderly and” and inserting in lieu thereof “elders who are”

Forty-first: In Sec. 159, 24 V.S.A. § 4008, in subdivision (8), in the first sentence, by striking out “persons who are elderly” and inserting in lieu thereof “elders” and in the second sentence, by striking out “Persons who are elderly” and inserting in lieu thereof “Elders”

Forty-second: In Sec. 160, 24 V.S.A. § 4010(a)(1), by striking out “persons who are elderly and” and inserting in lieu thereof “elders who are”

Forty-third: In Sec. 161, 24 V.S.A. § 4302(c)(11)(D), by inserting “elders,” before “or ~~disabled or elderly~~” and by striking out “or are elderly” before “should be allowed”

Forty-fourth: In Sec. 163, 24 V.S.A. § 5091, in subdivision (i)(1)(A), by striking out “who are elderly” and inserting in lieu thereof “of elders”

Forty-fifth: In Sec. 165, 24 App. V.S.A. chapter 5 § 1201, in the second sentence, by striking out “persons who are elderly” and inserting in lieu thereof “elders”

Forty-sixth: By deleting Sec. 172 in its entirety

Forty-seventh: In Sec. 175, 26 V.S.A. § 1446, by striking out “people who are elderly” and inserting in lieu thereof “elders”

Forty-eighth: In Sec. 182, 26 V.S.A. § 4451, in subdivisions (7) and (8), by striking out “hearing impaired” and inserting in lieu thereof “hard of hearing”

Forty-ninth: In Sec. 183, 26 V.S.A. § 4464(b), in subdivision (10), by restoring “~~or client~~” by removing the striking

Fiftieth: In Sec. 185, 27 V.S.A. § 1331, in subdivision (4), by striking out “elderly” and inserting in lieu thereof “an elder”

Fifty-first: In Sec. 186, 27 V.S.A. § 1333, in subsections (a) and (b), by striking out “elderly” and inserting in lieu thereof “elders”

Fifty-second: By deleting Sec. 188 in its entirety

Fifty-third: In Sec. 190, in 28 V.S.A. § 906, in subdivision (3), by striking out “intellectual” and inserting in lieu thereof “developmental”

Fifty-fourth: In Sec. 190, in 28 V.S.A. § 907, in subdivision (6)(B), by striking out “substance use or abuse” and restoring “~~chemical dependence~~” by removing the striking

Fifty-fifth: In Sec. 190, in 28 V.S.A. § 907, in subdivision (6)(E), by striking out “intellectual” and inserting in lieu thereof “developmental”

Fifty-sixth: In Sec. 191, 30 V.S.A. § 209c(a), in the third sentence, by striking out “people who are elderly” and inserting in lieu thereof “elders”

Fifty-seventh: In Sec. 193, 30 V.S.A. § 7059(a)(1), in subdivision (F), by striking out “individuals who are elderly” and inserting in lieu thereof “elders”

Fifty-eighth: In Sec. 194, 31 V.S.A. chapter 19, in the chapter’s catchline, by striking out “PEOPLE WHO ARE ELDERLY” and inserting in lieu thereof “ELDERS” and by deleting everything after the first set of ellipses

Fifty-ninth: In Sec. 202, in 33 V.S.A. § 1502, subdivision (1), by striking out “persons who are elderly and” and inserting in lieu thereof “elders who are”

Sixtieth: By deleting Sec. 204 in its entirety

Sixty-first: In Sec. 207, 33 V.S.A. § 1951, in subdivision (8), in the first sentence, by striking out “disability” and inserting in lieu thereof “disabilities” and by striking out the last sentence in its entirety

Sixty-second: In Sec. 208, 33 V.S.A. § 1955, by striking out “ICF/ID” in every instance in which it appears and inserting in lieu thereof “ICF/DD” and by striking out “ICF/ID’s” in both instances in which it appears and inserting in lieu thereof “ICF/DD’s”

Sixty-third: By deleting Sec. 210 in its entirety

Sixty-fourth: In Sec. 211, 33 V.S.A. § 2078, by striking out “elderly” after “Vermonters who are” and inserting in lieu thereof “elders”

Sixty-fifth: In Sec. 212, 33 V.S.A. § 2501a(c), in the second sentence, by striking out “people who are elderly” and inserting in lieu thereof “elders”

Sixty-sixth: In Sec. 213, 33 V.S.A. § 4301(3), in subdivision (D), by striking out “intellectual” and inserting in lieu thereof “developmental”

Sixty-seventh: In Sec. 214, 33 V.S.A. § 6321, in subdivision (a)(3), by striking out “elderly” and inserting in lieu thereof “an elder”

Sixty-eighth: In Sec. 214, 33 V.S.A. § 6321, in subsection (d), in the last sentence, by striking out “individuals who are elderly” and inserting in lieu thereof “elders”

Sixty-ninth: In Sec. 215, 33 V.S.A. § 6902, in subdivision (2), by striking out “elderly” and inserting in lieu thereof “an elder”

Seventieth: In Sec. 216, 33 V.S.A. § 6903(a), in subdivision (5), by striking out “intellectual” and inserting in lieu thereof “developmental”

Seventy-first: In Sec. 217, 33 V.S.A. § 6912(b), by striking out “elderly” and inserting in lieu thereof “elders”

Seventy-second: By deleting Sec. 223 in its entirety

Seventy-third: In Sec. 224 in the section catchline, by striking “DATES” and inserting in lieu thereof “DATE” and by deleting everything after the section catchline and inserting in lieu thereof the following:

This act shall take effect on July 1, 2014.

ORDERED TO LIE

S. 165.

An act relating to collective bargaining for deputy state’s attorneys.

PENDING ACTION: Third reading of the bill.

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Rachel Smith of St. Albans – Member of the Vermont Economic Progress Council – By Sen. Collins for the Committee on Economic Development, Housing and General Affairs. (2/6/14)

PUBLIC HEARINGS

Thursday, February 6, 2014 – House Chamber – 6:00 – 8:00 P.M. – Re: H.112 Labeling Genetically Modified food products – Senate Committees on Agriculture and Judiciary.

Thursday, February 13, 2014 – House Chamber – 7:00 – 9:00 P.M. – Re: H.286 Improving the quality of State Waters – House Committee on Agriculture.

Tuesday, February 18, 2014 – Room 11 – 11:00 A.M. – 12:00 P.M. – Re: Governor's Proposed FY 2015 State Budget – House Committee on Appropriations.

Wednesday, February 19, 2014 – Room 11 – 7:00 – 8:30 P.M. – Re: Judicial Retention of Judges – Joint Committee on Judicial Retention.

Friday, February 21, 2014 – Room 11 – 1:00 P.M. – 2:00 P.M. – Re: Governor's Proposed FY 2015 State Budget – House Committee on Appropriations.

PUBLIC HEARING

Joint Public Hearing on Fiscal Year 2015 state budget via Vermont Interactive Technologies House and Senate Committees on Appropriations

Monday, February 10, 2014, 4:00 - 6:30 p.m. – The House and Senate Committees on Appropriations will hold a joint public hearing on Vermont Interactive Technologies (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2015. All 13 V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, <http://www.vitlink.org/>.

The budget hearing will be VIEWABLE via the Internet if your computer has Flash-based streaming capabilities. Some mobile devices may require additional software.

Go to www.vitlink.org/streamingmedia/vtcvitopen.php.

The Governor's budget proposal can be viewed at the Department of Finance's website: http://finance.vermont.gov/state_budget/rec. For information about the format of this event or to submit written testimony, call the House Appropriations Committee office at (802) 828-5767 or email tutton@leg.state.vt.us. Requests for interpreters should be made to the office by 3:00 p.m. on Monday, January 27, 2014.

NOTICE OF JOINT ASSEMBLY

Thursday, February 20, 2014 - 10:30 A.M. - Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than Thursday, February 13, 2014, by 5:00 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

INFORMATION NOTICE

The Joint Fiscal Committee recently received the following items:

JFO #2664 – \$7,521,488 grant from the U.S. Department of Labor to the Vermont Department of Labor. These funds will be used to develop a new unemployment insurance IT system and enhance efforts to prevent and detect improper unemployment insurance payments. This project is a collaboration with Maryland and West Virginia. The grant amount represents Vermont's share of the total \$82.8 million grant for the project. Eight (8) limited service positions are associated with this request. [*JFO received 01/27/14*]

JFO #2665 – \$26,360 grant from the Vermont Community Foundation to the Vermont Agency of Agriculture, Food and Markets. These funds will support work on a five-year Farm-to-School strategic and action plan. Funds will also be used to conduct a survey intended to enhance the understanding of producer needs and capabilities related to participation in Farm-to-School and Farm-to Institution programs. [*JFO received 02/03/14*]

JFO #2666 – \$180,530 donation from the estate of George Cunavelis to the Vermont Veterans Memorial Cemetery. These funds will be used to support programs and infrastructure enhancements at the cemetery in Randolph, Vermont. [*JFO received 02/03/14*]

JFO #2667 – Acquire 36 acres from Dale Merrett in exchange for 28 acres owned by the Department of Fish & Wildlife (DFW). This item is a property exchange between the state and Mr. Merrett. It has been submitted for JFO approval under the assumption that receiving the 36 acres from Mr. Merrett constitutes acceptance of a "thing of value" under 32 V.S.A. § 5, despite the fact that the State's net gain (excluding ecological value) from the exchange is expected to be minimal. [*JFO received 02/03/14*]