

Senate Calendar

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ACTION CALENDAR

NEW BUSINESS

Third Reading

S. 213.

An act relating to an employee's use of benefits.

Second Reading

Favorable with Recommendation of Amendment

S. 168.

An act relating to making miscellaneous amendments to laws governing municipalities.

Reported favorably with recommendation of amendment by Senator French for the Committee on Government Operations.

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

* * * Municipal Animal Control * * *

Sec. 1. 13 V.S.A. § 351 is amended to read:

§ 351. DEFINITIONS

As used in this chapter:

* * *

(4) "Humane officer" or "officer" means any law enforcement officer as defined in 23 V.S.A. § 4(11); ~~auxiliary state police~~ State Police officers; deputy game wardens; humane society officer, employee, or agent; ~~elected animal control officer~~; animal control officer appointed by the legislative body of a municipality; local board of health officer or agent; or any officer authorized to serve criminal process.

* * *

Sec. 2. 20 V.S.A. § 3549 is amended to read:

§ 3549. DOMESTIC PETS OR WOLF-HYBRIDS, REGULATION BY TOWNS

The legislative body of a city or town by ordinance may regulate the licensing, keeping, leashing, muzzling, restraint, impoundment, and destruction

of domestic pets or wolf-hybrids and their running at large except that a legislative body of a city or town shall not prohibit or regulate the barking or running at large of a working farm dog when it is on the property being farmed by the person who registered the working farm dog, pursuant to subsection 3581(a) of this title, in the following circumstances:

(1) If the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops.

(2) If the working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.

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

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

* * *

(k) A municipality may adopt ordinances inconsistent with this section imposing penalties for violation of any provisions of subchapter 1 or 2, refusal to obtain a kennel permit, or refusal to comply with an order issued by a municipal officer under subchapter 5 of this chapter, in which case those ordinances shall apply.

Sec. 4. 20 V.S.A. § 3621 is amended to read:

§ 3621. ISSUANCE OF WARRANT TO IMPOUND; COMPLAINT

(a)(1) The legislative body of a municipality may at any time issue a warrant to one or more police officers ~~or~~, constables, or pound keepers, ~~or~~ ~~elected or appointed animal control officers~~, directing them to proceed forthwith to impound all dogs or wolf-hybrids within the town or city not licensed according to the provisions of this subchapter, except as exempted by section 3587 of this title, and to enter a complaint against the owners or keepers thereof.

(2) A dog or wolf-hybrid impounded by a municipality under this section may be transferred to an animal shelter or rescue organization for the purpose of finding an adoptive home for the dog or wolf-hybrid. If the dog or wolf-hybrid cannot be placed in an adoptive home or transferred to a humane society or rescue organization within ten days, or a greater number of days established by the municipality, the dog or wolf-hybrid may be destroyed in a humane way. The municipality shall not be liable for expenses associated with keeping the dog or wolf-hybrid at the animal shelter or rescue organization beyond the established number of days.

* * *

* * * Current and Delinquent Tax Collectors * * *

Sec. 5. 17 V.S.A. § 2646 is amended to read:

§ 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

At the annual meeting, a town shall choose from among its legally qualified voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

* * *

(8) ~~A collector of current taxes, if the town so orders; [Repealed.]~~

(9) A collector of delinquent taxes, if the town so orders, for a term of one year unless a town votes that a collector of delinquent taxes shall be elected for a term of three years. When a town votes for a three-year term for the collector of delinquent taxes, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose;

* * *

Sec. 6. 17 V.S.A. § 2651d is added to read:

§ 2651d. COLLECTOR OF DELINQUENT TAXES; APPOINTMENT;
REMOVAL

(a) A municipality may vote by Australian ballot at an annual or special meeting to authorize the legislative body to appoint a collector of delinquent taxes, who may be the municipal treasurer. A collector of delinquent taxes so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) When a municipality votes to authorize the legislative body to appoint a collector of delinquent taxes, the legislative body's authority to make such appointment shall remain in effect until the municipality rescinds that authority by the majority vote of the legal voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) Any collector of delinquent taxes appointed under this section shall be paid a salary or other compensation for collecting delinquent taxes in lieu of fees and commissions. Fees and commissions collected by the collector of delinquent taxes shall be turned over to the municipal treasurer at least once a month.

* * * Incompatible Offices; Cemetery Commissioners and
Treasurers * * *

Sec. 7. 17 V.S.A. § 2647 is amended to read:

§ 2647. INCOMPATIBLE OFFICES

(a)(1) An auditor shall not be town clerk, town treasurer, selectboard member, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner, water commissioner, sewage system commissioner, sewage disposal commissioner, cemetery commissioner, or town district school director; nor shall a spouse of or any person assisting any of these officers in the discharge of official duties be eligible to hold office as auditor.

(2) A selectboard member or school director shall not be first constable, collector of taxes, town treasurer, auditor, or town agent. A selectboard member shall not be lister or assessor.

(3) A cemetery commissioner shall not be town treasurer.

~~(3)~~(4) A town manager shall not hold any elective office in the town or town school district.

~~(4)~~(5) Election officers at local elections shall be disqualified as provided in section 2456 of this title.

(b) Notwithstanding subsection (a) of this section, if a school district prepares and reports its budget independently from the budget of the town and the school district is audited by an independent public accountant, a person shall be eligible to hold office as auditor even if that person's spouse holds office as a school director.

* * * Town Clerks; Public Record Redaction Authority * * *

Sec. 8. 24 V.S.A. § 1164 is amended to read:

§ 1164. CERTIFIED COPIES; FORM

(a) A town clerk shall furnish certified copies of any instrument on record in his or her office, or any instrument or paper filed in his or her office pursuant to law, on the tender of ~~his~~ the clerk's fees therefor, and his or her attestation shall be a sufficient authentication of the copies, except that the town clerk shall not copy the word "illegitimate" from any birth certificate he or she furnishes. The town clerk may redact Social Security numbers from copies of any instrument or record in his or her office.

(b) Copies of vital records for events occurring outside the ~~state~~ State, filed with a town clerk pursuant to ~~section 5015 of Title 18~~ V.S.A. § 5015, shall not be copied and certified.

* * * Planning and Advisory Commissions * * *

Sec. 9. 24 V.S.A. § 4433 is amended to read:

§ 4433. ADVISORY COMMISSIONS AND COMMITTEES

Municipalities may at any time create one or more advisory commissions, which for the purposes of this chapter include committees, or a combination of advisory commissions to assist the legislative body or the planning commission in preparing, adopting, and implementing the municipal plan. Advisory commissions authorized under this section and under chapter 118 of this title may advise appropriate municipal panels, applicants, and interested parties in accordance with the procedures established under section 4464 of this title.

(1) Creation of an advisory commission. Advisory commissions not authorized in chapter 118 of this title shall be created as follows:

(A) An advisory commission may be created at any time when a municipality votes to create one, or through adoption of bylaws, or ~~if the charter of a municipality permits it,~~ when the legislative body of the municipality votes to create one.

(B) An advisory commission shall have ~~not less~~ no fewer than three members. All members should be residents of the municipality, except that historic preservation, or design advisory, ~~or conservation~~ commissions may be composed of professional and lay members, a majority of whom shall reside within the municipality creating the commission.

* * *

(2) Procedures for advisory commissions. Advisory commissions not authorized in chapter 118 of this title shall establish the following procedures:

(A) At its organizational meeting, an advisory commission shall adopt by majority vote of those present and voting such rules as it deems necessary and appropriate for the performance of its functions. It shall annually elect a ~~chairperson, a treasurer,~~ chair and a clerk.

(B) Times and places of meetings of an advisory commission shall be publicly posted in the municipality, and its meetings shall be open to the public in accordance with the terms of the open meeting law, ~~subchapter 2 of chapter 5 of Title 1~~ set forth in 1 V.S.A. chapter 5, subchapter 2.

* * *

(3) Duties and powers of historic preservation commissions. In addition to the requirements set forth in subdivision (2) of this section, all historic preservation commissions shall comply with all the following:

* * *

(C) Have responsibilities set forth in ~~the commission's rules of procedure~~ a written document approved by a majority vote of the local legislative body at a regular or special meeting that may include:

(i) Preparation of reports and recommendations on standards for the planning commission in creating a local historic district bylaw under this chapter.

(ii) Advising and assisting the legislative body, planning commission, and other entities on matters related to historic preservation.

(iii) Advising the appropriate municipal panel and administrative officer in development review and enforcement pursuant to subdivision 4414(2)(C) ~~4414(1)(F)~~ and section 4464 of this title.

(iv) If provided in the bylaw, advising and assisting the legislative body, appropriate municipal panel, and administrative officer in creating and administering a design review district or downtown or village center district pursuant to subdivision 4414(1)(A) or ~~(B)~~(E) of this title.

(v) If provided in a bylaw developed in cooperation with the division for historic preservation, those procedural and advisory powers required of a Certified Local Government under the National Historic Preservation Act.

(4) Powers and duties of design review commissions. In addition to the requirements set forth in subdivision (2) of this section, all design review commissions shall:

(A) To the extent possible, have among their members professionals in the fields of architecture, landscape architecture, urban planning, historic preservation, and related disciplines.

(B) Have responsibilities identified by the legislative body that may include:

(i) Preparation of reports and standards for the planning commission in creating a design review district bylaw under this chapter.

(ii) Advising and assisting the legislative body, planning commission, and other entities on design-related matters in the creation of plans and bylaws and planning for public improvements.

(iii) Advising appropriate municipal panels and the administrative officer in development review and enforcement pursuant to subdivisions 4414(1)(E) and (F) and section 4464 of this title.

(5) Powers and duties of housing commissions. In addition to the requirements set forth in subdivision (2) of this section, housing commissions may have responsibilities identified by the local legislative body that include:

(A) ~~Make~~ Making an inventory of the current stock of housing units in the municipality and identify any gaps in the housing stock according to household incomes or special needs of the community. The inventory may include documentation of the affordable housing cost index for an average citizen of the municipality, the average cost of rental units and vacancy rates, and the annual average sales price of homes.

(B) ~~Review~~ Reviewing the zoning ordinances, subdivision bylaws, building codes, and the development review process of the municipality, make recommendations to facilitate the development of affordable housing in the municipality, and promote bylaws that increase densities for the purpose of providing affordable housing.

(C) ~~Assist~~ Assisting the local appropriate municipal panels pursuant to section 4464 of this title and the district environmental commission by providing advisory testimony on the housing needs of the municipality, where pertinent to applications made to those bodies, for permits for development.

(D) ~~Cooperate~~ Cooperating with the local legislative body, planning commission, zoning board of adjustment, road committee, or other municipal or private organizations on matters affecting housing resources of the municipality. This may include working with the municipality on a wastewater and water allocation policy that reserves a percentage of the capacity for future affordable housing.

(E) ~~Collaborate~~ Collaborating with not-for-profit housing organizations, government agencies, developers, and builders in pursuing options to meet the housing needs of the local residents.

Sec. 10. 24 V.S.A. § 4460 is amended to read:

§ 4460. APPROPRIATE MUNICIPAL PANELS

* * *

(c) In the case of an urban municipality or of a rural town where the planning commission does not serve as the board of adjustment or the development review board, members of the board of adjustment or the development review board shall be appointed by the legislative body, the number and terms of office of which shall be determined by the legislative body subject to the provisions of subsection (a) of this section. The municipal legislative body may appoint alternates to a planning commission, a board of adjustment, or a development review board for a term to be determined by the

legislative body. Alternates may be assigned by the legislative body to serve on the planning commission, the board of adjustment, or the development review board in situations when one or more members of the board are disqualified or are otherwise unable to serve. Vacancies shall be filled by the legislative body for the unexpired terms and upon the expiration of such terms. Each member of a board of adjustment or a development review board may be removed for cause by the legislative body upon written charges and after public hearing. If a development review board is created, provisions of this subsection regarding removal of members of the board of adjustment shall not apply.

* * *

* * * Required Frontage for Land Development * * *

Sec. 11. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

* * *

(3) Required frontage on, or access to, public roads, ~~class 4 town highways,~~ or public waters. Land development may be permitted on lots that do not have frontage either on a public road, ~~class 4 town highway,~~ or public waters, provided that access through a permanent easement or right-of-way has been approved in accordance with standards and process specified in the bylaws. This approval shall be pursuant to subdivision bylaws adopted in accordance with section 4418 of this title, or where subdivision bylaws have not been adopted or do not apply, through a process and pursuant to standards defined in bylaws adopted for the purpose of assuring safe and adequate access. Any permanent easement or right-of-way providing access to such a road or waters shall be at least 20 feet in width.

* * *

* * * Municipal Law Enforcement Authority * * *

Sec. 12. 20 V.S.A. § 2358(c)(4) is added to read:

(4) “Exercise of law enforcement authority” does not include the enforcement of civil municipal ordinances, except civil municipal ordinances relating to the operation or use of motor vehicles which are adopted pursuant to 24 V.S.A. chapters 59 and 117.

* * * General Municipal Regulatory Authority * * *

Sec. 13. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(10) To regulate the keeping of dogs, and to provide for their licensing, leashing, muzzling, restraint, impoundment, and destruction.

* * *

(16) To name and rename streets and to number and renumber lots pursuant to section 4463 of this title, and to require the owner of a house or other building to which a number has been assigned to affix the number, including the assigned 911 address, to the structure, sign, or number post so that it is clearly visible from the road.

* * *

(26) When a disaster or emergency has been declared by the Governor, a municipal building inspector, health officer, fire marshal, or zoning administrator may declare a property that has been damaged in the disaster or emergency and is dangerous to life, health, or safety due to the disaster-related damage, condemned to be destroyed.

* * * Effective Date * * *

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 4-0-1)

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

S. 295.

An act relating to pretrial services, risk assessments, and criminal justice programs.

Reported favorably with recommendation of amendment by Senator Sears 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:

* * * Pretrial Services* * *

Sec. 1. LEGISLATIVE FINDINGS

(a) Research shows the risk-need-responsivity model approach to addressing criminal conduct is successful at reducing recidivism. The model's premise is that the risk and needs of a person charged with or convicted of a criminal offense should determine the strategies appropriate for addressing the person's criminogenic factors.

(b) Some studies show that incarceration of low-risk offenders or placement of those offenders in programs or supervision designed for high-risk offenders may increase the likelihood of recidivism.

(c) The General Assembly recommends use of evidence-based risk assessments and needs screening tools for eligible offenses to provide information to the Court for the purpose of determining bail and appropriate conditions of release and inform decisions related to an offender's participation and level of supervision in an alternative justice program.

Sec. 2. 13 V.S.A. § 7554c is added to read:

§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

(a) The objective of a pretrial risk assessment is to provide information to the Court for the purpose of determining whether a person presents a risk of nonappearance or a threat to public safety, so the Court can make an appropriate order concerning bail and conditions of pretrial release. Participation in a risk assessment or needs screening pursuant to this section does not create any entitlement for the assessed or screened person.

(b)(1) If a person is arrested or cited for an eligible offense, the person shall be offered a risk assessment and, if appropriate, a substance abuse or mental health needs screening, or both, prior to arraignment. In the event an assessment or screening cannot be obtained prior to arraignment, the Court shall direct the assessment and screening to be conducted as soon as practicable. Participation in an assessment or screening shall be voluntary. As used in this section, "eligible offense" means any offense that is not a listed crime pursuant to section 5301 of this title, except that burglary into an occupied dwelling pursuant to subdivision 1201(c)(3) of this title shall also qualify as an eligible offense.

(2) Any person arrested and charged with an offense that is not an eligible offense or an offense for which bail may be denied pursuant to section 7553 or 7553a of this title may be offered a risk assessment and, if appropriate, a substance abuse or mental health needs screening, or both, prior to arraignment. In the event an assessment or screening cannot be obtained

prior to arraignment, the Court shall direct the assessment and screening to be conducted as soon as practicable. Participation in an assessment or screening shall be voluntary.

(c) The results of the assessment and screening shall be provided to the prosecutor who, upon filing a criminal charge against the person, shall provide the results to the person and his or her attorney and the Court.

(d)(1) In consideration of the assessment and screening, the Court may order the person to comply with any of the following conditions:

(A) meet with a compliance monitor on a schedule set by the Court;

(B) participate in a clinical assessment by a substance abuse treatment provider;

(C) comply with any treatment recommended by the provider;

(D) provide confirmation to the compliance monitor of the person's attendance and participation in the clinical assessment and any recommended treatment; and

(E) provide confirmation to the compliance monitor of the person's compliance with any other condition of release.

(2) If possible, the Court shall set the date and time for the assessment at arraignment. In the alternative, the compliance monitor shall coordinate the date, time, and location of the clinical assessment and advise the Court, the person and his or her attorney, and the prosecutor.

(3) The conditions authorized in subdivision (1) of this subsection shall be in addition to any other conditions of release permitted by law.

(e) Information obtained from the person during the risk assessment or needs screening shall be exempt from public inspection and copying under the Public Records Act and shall not be released or used for any purpose except for determining bail, conditions of release, and appropriate programming for the person in the pending case. The person shall retain all of his or her due process rights throughout the assessment and screening process and may release his or her records at his or her discretion. The Vermont Supreme Court and the Department of Corrections shall adopt rules related to the custody, control, and preservation of information consistent with the confidentiality requirements of this section.

Sec. 3. RISK AND NEEDS SCREENING TOOLS AND SERVICES

(a) The Department of Corrections shall select risk and needs assessment and screening tools for use in the various decision points in the criminal justice system, including pretrial, community supervision screening, community

supervision, prison screening, prison intake, and reentry. The Department shall validate the selected tools for the population in Vermont.

(b) In selection and implementation of the tools, the Department shall consider tools being used in other states and shall consult with and have the cooperation of all criminal justice agencies.

(c) The Department shall have the tools available for use on or before September 1, 2014. The Department, the Judiciary, the Defender General, and the Department of State's Attorneys and Sheriffs shall conduct training on the risk assessment tools on or before December 15, 2014.

(d) The Department, in consultation with law enforcement agencies and the courts, shall contract for or otherwise provide pretrial services described in this section, including performance of risk assessments, needs screenings, and compliance monitoring.

(e) Compliance monitoring shall include:

(1) reporting to the Court concerning the person's compliance with conditions of release;

(2) supporting the person in meeting the conditions imposed by the Court, including the condition to appear in Court as directed; and

(3) identifying community-based treatment, rehabilitative services, and restorative justice programs.

(f) The Department, in consultation with the Judiciary and the Center for Criminal Justice Research, shall develop and implement a system to evaluate performance of the pretrial services described in this section and report to the General Assembly annually on or before December 15.

* * * Sequential Intercept Model and Alternative
Justice Programs * * *

Sec. 4. ALTERNATIVES TO TRADITIONAL CRIMINAL JUSTICE MODEL

(a) It is the intent of the General Assembly that law enforcement officials and criminal justice professionals develop and maintain programs at every stage of the criminal justice system to provide alternatives to a traditional punitive criminal justice response for people who, consistent with public safety, can effectively and justly benefit from those alternative responses. Commonly referred to as the sequential intercept model, this approach was designed to identify five points within the criminal justice system where innovative approaches to offenders and offending behavior could be taken to divert individuals away from a traditional criminal justice response to crime.

These intercept points begin in the community with law enforcement interaction with citizens, proceed through arrest, the judicial process, and sentencing, and conclude with release back into communities. Alternative justice programs may include the employment of police-social workers, community-based restorative justice programs, community-based dispute resolution, pre-charge programs, pretrial services and case management, drug and DUI treatment courts, suspended fine programs, and offender reentry programs.

(b) The Department of State's Attorneys and Sheriffs, in consultation with the Judiciary and the Attorney General, shall develop broad guidelines for these alternative justice programs to ensure there is probable cause and that there are appropriate opportunities for victim input and restitution.

(c) On or before October 1, 2014, and annually thereafter, the Executive Director of State's Attorneys and Sheriffs shall report to the General Assembly detailing the alternative justice programs that exist in each county together with the protocols for each program, the annual number of persons served by the program, and a plan for how a sequential intercept model can be employed in the county. The report shall be prepared in cooperation with the Directors of Court Diversion, co-chairs of the Community Justice Network of Vermont, and State, municipal, and county law enforcement officials.

Sec. 5. 13 V.S.A. § 7554d is added to read:

§ 7554d. PRE-CHARGE PROGRAMS

(a) At the sole discretion of the prosecutor, a person who has been arrested or cited may participate in a pre-charge program that addresses substance abuse, mental health issues, or community-based restorative justice principles consistent with a written protocol established by the prosecutor and filed with the Executive Director of State's Attorneys and Sheriffs. A person who does not qualify for a pre-charge program may be eligible for other alternative justice programs.

(b) Compliance monitors shall be available and utilized in the pre-charge program in the same manner as under section 7554c of this title; however, in the pre-charge program, the monitor shall report to the prosecutor about the person's participation in the program and not to the Court.

Sec. 6. 13 V.S.A. § 5362(c) is amended to read:

(c) The Restitution Unit shall have the authority to:

* * *

(7) Enter into a repayment contract with a juvenile or adult accepted into a diversion program or alternative justice program and to bring a civil action to

enforce the contract when a diversion program has referred an individual pursuant to 3 V.S.A. § 164a or an alternative justice program contract pursuant to sections 7554c and 7554d of this title.

Sec. 7. 13 V.S.A. § 5363(d)(2) is amended to read:

(2) The Restitution Unit may make advances of up to \$10,000.00 under this subsection to the following persons or entities:

* * *

(B) A victim who is a natural person or the natural person's legal representative in a case where the defendant, before or after an adjudication of guilt, enters into a drug court contract or an alternative justice program contract pursuant to sections 7554c and 7554d of this title requiring payment of restitution.

* * * Criminal Provisions * * *

Sec. 8. 18 V.S.A. § 4233(d) is added to read:

(d) Transportation into the State. In addition to any other penalties provided by law, a person knowingly and unlawfully transporting heroin into Vermont with the intent to sell or dispense the heroin shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both.

Sec. 9. 13 V.S.A. § 1201 is amended to read:

§ 1201. BURGLARY

(a) A person is guilty of burglary if he or she enters any building or structure knowing that he or she is not licensed or privileged to do so, with the intent to commit a felony, petit larceny, simple assault, or unlawful mischief. This provision shall not apply to a licensed or privileged entry, or to an entry that takes place while the premises are open to the public, unless the person, with the intent to commit a crime specified in this subsection, surreptitiously remains in the building or structure after the license or privilege expires or after the premises no longer are open to the public.

(b) As used in this section, ~~the words "building," "structure," and "premises";~~

(1) "Building," "premises," and "structure" shall, in addition to their common meanings, include and mean any portion of a building, structure, or premises which differs from one or more other portions of such building, structure, or premises with respect to license or privilege to enter, or to being open to the public.

(2) “Occupied dwelling” means a building used as a residence, regardless of whether someone is actually present in the building at the time of entry.

~~(c)(1) A person convicted of burglary into an occupied dwelling shall be imprisoned not more than 25 years or fined not more than \$1,000.00, or both. Otherwise a person convicted of burglary shall be imprisoned not more than 15 years or fined not more than \$1,000.00, or both.~~

(2) A person convicted of burglary and who carries a dangerous or deadly weapon, openly or concealed, shall be imprisoned not more than 20 years or fined not more than \$10,000.00, or both.

(3) A person convicted of burglary into an occupied dwelling:

(A) shall be imprisoned not more than 25 years or fined not more than \$1,000.00, or both; or

(B) shall be imprisoned not more than 30 years or fined not more than \$10,000.00, or both, if the person carried a dangerous or deadly weapon, openly or concealed, during commission of the offense.

(4) A person convicted of burglary into an occupied dwelling when someone is actually present in the building at the time of entry and who carries a dangerous or deadly weapon, openly or concealed, or who uses or threatens to use force against the occupant during the commission of the offense shall be imprisoned not more than 40 years or fined not more than \$10,000.00, or both.

Sec. 10. DEPARTMENT OF PUBLIC SAFETY REPORT

The Department of Public Safety, in consultation with the Department of Health, shall examine 18 V.S.A. § 4234 (depressant, stimulant, narcotic drug) for the purpose of establishing clear dosage amounts for narcotics as they relate to unlawful possession, dispensing, and sale. The Department shall consider section 4234 in relation to 18 V.S.A. § 4233 (heroin). The Department shall report its recommendations to the Senate and House Committees on Judiciary on or before December 15, 2014.

* * * Regulation of Opiates * * *

Sec. 11. 18 V.S.A. § 4215 is amended to read:

§ 4215. AUTHORIZED SALES BY PHARMACISTS

(a) ~~Except as provided in subsection (d) of this section, a duly licensed pharmacist, in good faith and in the course of professional practice, may sell and dispense regulated drugs to any person upon a written prescription or oral prescription which is reduced promptly to writing by the pharmacist by an individual authorized by law to prescribe and administer prescription drugs in~~

the course of professional practice. The written prescription shall be dated and signed by the person prescribing or, if an oral prescription by the pharmacist on the day when written, and bearing the full name and date of birth of the patient for whom the drug is prescribed, and the full name of the person prescribing. If the prescription is for an animal, the prescription shall state the species of animal for which the drug is prescribed and the full name and address of the owner of the animal. A prescription shall not be refilled unless refilling is authorized by the practitioner on the original prescription or by the original oral order.

* * *

(d) A pharmacist may only fill a prescription for a drug containing buprenorphine if the prescription was written by a health care professional on a list of approved prescribers of the drug established and maintained by the Department of Health pursuant to section 4215c of this title.

Sec. 12. 18 V.S.A. § 4215c is added to read:

§ 4215c. APPROVED PRESCRIBERS OF BUPRENORPHINE

(a) The Commissioner of Health shall establish and maintain a list of approved prescribers of buprenorphine and drugs containing buprenorphine. The list shall consist of the names of physicians licensed within and outside the State who wish to prescribe buprenorphine to Vermont residents and meet all of the following conditions:

(1) have received a waiver from the federal Substance Abuse and Mental Health Services Administration to provide medication-assisted therapy;

(2) have a special identification number from the federal Drug Enforcement Administration allowing the physician to prescribe buprenorphine; and

(3) meet such other standards and conditions as the Commissioner may establish by rule.

(b)(1) A physician who wishes to be included in the list of approved prescribers shall notify the Commissioner in writing of his or her intent and shall submit documentation that the physician meets the conditions specified in subsection (a) of this section.

(2) The Commissioner shall remove from the list any physician who fails to comply with the conditions specified in subsection (a) of this section.

(3) The Commissioner shall establish by rule a process by which a physician may appeal a decision by the Commissioner to exclude the physician

from the approved prescriber list or to remove the physician's name from the list.

Sec. 13. VPMS QUERY; MEDICAID PARTICIPATION; RULEMAKING

The Secretary of Human Services shall adopt rules requiring all Medicaid participating providers, whether licensed in or outside Vermont, to query the Vermont Prescription Monitoring System (VPMS) prior to prescribing buprenorphine or a drug containing buprenorphine to a Vermont Medicaid beneficiary.

Sec. 14. MEDICATION-ASSISTED THERAPY; RULEMAKING

The Commissioner of Health shall adopt rules relating to medication-assisted therapy for opioid dependence for physicians treating fewer than 30 patients, which shall include a requirement that such physicians ensure that their patients receive appropriate substance abuse counseling from a licensed clinical professional.

Sec. 15. TAMPER-RESISTANT PACKAGING; INTENT

It is the intent of the General Assembly to encourage manufacturers of products containing buprenorphine to develop tamper-resistant packaging for their products and to endeavor to create products that are effective for medication-assisted therapy but do not lend themselves easily to diversion.

Sec. 16. PHARMACY BEST PRACTICES AND COST CONTAINMENT;
TABLETS AND BLISTER PACKS

The Commissioner of Vermont Health Access shall undertake all reasonable efforts, including negotiating with pharmaceutical manufacturers through the pharmacy best practices and cost containment program established by 33 V.S.A. § 1998, to increase the availability and reduce the cost to the State's public health benefit programs and program participants of prescribed products containing buprenorphine in tablet form to be dispensed in blister packs.

Sec. 17. 18 V.S.A. § 4254 is amended to read:

§ 4254. IMMUNITY FROM LIABILITY

* * *

(b) A person who, in good faith and in a timely manner, seeks medical assistance for someone who is experiencing a drug overdose shall not be cited, arrested, or prosecuted for a violation of this chapter or cited, arrested, or prosecuted for procuring, possessing, or consuming alcohol by someone under age 21 years of age pursuant to 7 V.S.A §§ 656 and 657 or for providing to or

enabling consumption of alcohol by someone under ~~age~~ 21 years of age pursuant to 7 V.S.A. § 658(a)-(c).

(c) A person who is experiencing a drug overdose and, in good faith, seeks medical assistance for himself or herself or is the subject of a good faith request for medical assistance shall not be cited, arrested, or prosecuted for a violation of this chapter or cited, arrested, or prosecuted for procuring, possessing, or consuming alcohol by someone under ~~age~~ 21 years of age pursuant to 7 V.S.A. §§ 656 and 657 or for providing to or enabling consumption of alcohol by someone under ~~age~~ 21 years of age pursuant to 7 V.S.A. § 658(a)-(c).

* * *

(e) A person who seeks medical assistance for a drug overdose for another or for himself or herself pursuant to subsection (b) or (c) of this section shall not be subject to any sanction for a violation of a condition of pretrial release, probation, furlough, or parole for a violation of this chapter or 7 V.S.A. §§ 656 and 657, for being at the scene of the drug overdose, or for being within close proximity to any person at the scene of the drug overdose.

Sec. 18. EFFECTIVE DATES

(a) Secs. 2, 5, 6, and 7 shall take effect on January 1, 2015.

(b) This section and Secs. 1 (legislative intent), 3 (risk assessment and needs screening tools), 4 (alternatives to traditional criminal justice model), 10 (Department of Public Safety report), 12 (approved prescribers of buprenorphine), 13 (VPMS query; rulemaking), 14 (medication assisted therapy, rulemaking), 15 (tamper-resistant packing), 16 (buprenorphine tablets and blister packs), and 17 (immunity from liability) shall take effect on passage.

(c) The remaining sections shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

S. 304.

An act relating to public school principals and nonrenewal of contracts.

Reported favorably with recommendation of amendment by Senator Collins for the Committee on Education.

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. 16 V.S.A. § 243 is amended to read:

§ 243. APPOINTMENT; SUPERVISION; RENEWAL; DISMISSAL

(a) Appointment and supervision. The school board of each school district operating a school, after recommendation by the superintendent, may designate a person as principal for each public school within the district, except that a principal may be selected to serve more than one school. In the case of a career technical education center, only the school board ~~which~~ that operates the center may designate a person as director. For purposes of this section the word “principal” shall include a principal and the director of career technical education, and the term “public school” shall include a career technical education center. The superintendent shall supervise each principal within the supervisory union and shall support him or her in the performance of duties and the implementation of school-based initiatives.

(b) Length of contract. ~~The~~ A principal shall be employed by written contract for a term of not less than one year nor more than three years. Based upon the superintendent’s written evaluation of the principal, a superintendent shall recommend to the school board whether to renew or not to renew the initial and any subsequent contract with a principal.

(c) Renewal and nonrenewal.

~~(1) A principal who has been continuously employed for more than two years in the same position~~ has the right either to have his or her contract renewed; or to receive written notice of nonrenewal ~~at least 90 days before the existing contract expires;~~

(A) on or before February 1, if the principal has been continuously employed for more than two years in the same position; and

(B) on or before April 1, if the principal has been continuously employed for two years or less in the same position.

~~(2) Nonrenewal may be based upon elimination of the position, unresolved performance deficiencies, or other reasons affecting the educational mission of the district. The written notice shall recite the grounds for nonrenewal. If nonrenewal is based on performance deficiencies, any reason other than the elimination of the position, then the principal shall have been provided the opportunity for remediation and the written notice of nonrenewal shall be accompanied by an evaluation performed by the superintendent. At its discretion, the school board may allow a period of remediation of performance deficiencies prior to issuance of the written notice.~~

~~(3) After receiving such a notice of nonrenewal, the principal may request in writing, and shall be granted, a meeting with the school board. Such request shall be delivered within 45~~ five days of delivery of notice of nonrenewal, and the meeting shall be held within 15 days of delivery of the request for a meeting. At the meeting, the school board shall explain its

position, and the principal shall be allowed to respond. The principal and any member of the board may present written information or oral information through statements of others, and the principal and the board may be represented by counsel. The meeting shall be in executive session unless both parties agree in writing that it be open to the public. After the meeting, the school board shall decide whether or not to offer the principal an opportunity to renew his or her contract. The school board shall issue its decision in writing within five days. The decision of the school board shall be final.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

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.

Patti Pallito of Richmond – Member of the State Police Advisory Commission – By Sen. French for the Committee on Government Operations. (2/19/14)

Shirley A. Jefferson of South Royalton – Member of the State Police Advisory Commission – By Sen. McAllister for the Committee on Government Operations. (2/19/14)

Glenn Boyde of Colchester – Member of the State Police Advisory Commission – By Sen. Pollina for the Committee on Government Operations. (2/19/14)

PUBLIC HEARINGS

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.

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.

FOR INFORMATION ONLY

CROSSOVER DEADLINES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate** bills must be reported out of the last committee of reference (**including** the Committees on Appropriations and Finance, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 14, 2014**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate** bills referred pursuant to Senate Rule 31 to the Committees on Appropriations and Finance must be reported out by the last of those committees on or before **Friday, March 21, 2014**, and filed with the Secretary

of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

These deadlines may be waived for any bill or committee only with the consent of the Committee on Rules.

Note: The deadlines were determined by the Joint Rules Committee. The Senate will not act on House bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Miscellaneous Tax Bill).