

# Senate Calendar

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FRIDAY, MARCH 14, 2014

**SENATE CONVENES AT: 10:30 A.M.**

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**ACTION CALENDAR**

**NEW BUSINESS**

**Third Reading**

**S. 91.**

An act relating to public funding of some approved independent schools.

**H. 702.**

An act relating to self-generation and net metering.

**Proposal of Amendment to H. 702 to be offered by Senators Galbraith,  
Hartwell, McCormack and Starr before Third Reading**

Senators Galbraith, Hartwell, McCormack and Starr move that the Senate propose to the House to amend the bill as follows:

First: After Sec. 1, by inserting a reader guide and Secs. 1a and 1b to read:

\* \* \* SPEED Program; Environmental Attributes \* \* \*

Sec. 1a. 30 V.S.A. § 8002(21) is amended to read:

(21) “SPEED resources” means contracts for resources in the SPEED program established under section 8005 of this title that meet the definition of renewable energy under this section, whether or not environmental attributes are attached, except that a SPEED resource acquired by a provider from a plant commencing construction on and after the effective date of this subdivision shall attach environmental attributes if the plant capacity exceeds 35 MW.

Sec. 1b. 30 V.S.A. § 8005(d) is amended to read:

(d) Goals and targets. To advance the goals stated in section 8001 of this title, the following goals and targets are established.

\* \* \*

(2) 2017 SPEED goal. A State goal is to assure that 20 percent of total statewide electric retail sales during the year commencing January 1, 2017 shall be generated by SPEED resources that constitute new renewable energy. On or before January 31, 2018, the Board shall meet and open a proceeding to determine, for the calendar year 2017, the total amount of SPEED resources that were supplied to Vermont retail electricity providers and the total amount of statewide retail electric sales.

(3) Determinations. For the purposes of the determinations to be made under subdivisions (1) and (2) of this subsection (d), the total amount of SPEED resources shall be the amount of electricity produced at SPEED resources owned by or under long-term contract to Vermont retail electricity providers that is new renewable energy.

(4) Total renewables targets. This subdivision establishes, as percentages of annual electric sales, target amounts of total renewable energy within the supply portfolio of each retail electricity provider.

(A) The target amounts of total renewable energy established by this subsection shall be 55 percent of each retail electricity provider's annual electric sales during the year beginning January 1, 2017, increasing by an additional four percent each third January 1 thereafter, until reaching 75 percent on and after January 1, 2032. Resources acquired by a provider to meet these targets from a plant commencing construction on and after the effective date of this subdivision shall attach environmental attributes if the plant capacity exceeds 35 MW.

(B) Each retail electricity provider shall manage its supply portfolio to be reasonably consistent with the target amounts established by this subdivision (4). The Board shall consider such consistency during the course of reviewing a retail electricity provider's charges and rates under this title, integrated resource plans under section 218c of this title, and petitions under section 248 (new gas and electric purchases, investments, and facilities) of this title.

Second: In Sec. 3, 30 V.S.A. § 8002 (definitions), by striking out new subdivision (25) in its entirety and inserting in lieu thereof a new subdivision (25) to read as follows:

~~(24)~~(25) "SPEED resources" means contracts for resources in the SPEED program established under section 8005 of this title that meet the definition of renewable energy under this section, whether or not environmental attributes are attached, except that a SPEED resource acquired by a provider from a plant commencing construction on and after the effective date of this subdivision shall attach environmental attributes if the plant capacity exceeds 35 MW.

Third: In Sec. 10 (effective dates, applicability; implementation), in subsection (a), after the first parenthetical phrase, by inserting: 1a (definitions), 1b (goals and targets)

And by striking out the *Eleventh* Senate proposal of amendment and inserting in lieu thereof the following:

Eleventh: In Sec. 10 (effective dates, applicability; implementation), by striking out subsection (h) and inserting in lieu thereof a new subsection (h) to read:

(h) During statutory revision, the Office of Legislative Council shall substitute the actual dates for the phrases, in 30 V.S.A. §§ 219a(o)(1)(B) and 8002, “effective date of this subsection,” “effective date of this subdivision,” and “one year after the effective date of this subsection.”

**Amendment to Eighth Senate Proposal of Amendment to H. 702 to be offered by Senator Hartwell before Third Reading**

Senator Hartwell moves to amend the *Eighth* Senate proposal of amendment in Sec. 9a, 30 V.S.A. § 2(f), after the first sentence, by inserting a new sentence to read as follows: In those forums, the Department also shall advance positions that avoid or minimize adverse consequences to Vermont and its ratepayers from regional and inter-regional subsidization of transmission costs for renewable electric generation, whether through FERC Order No. 1000 or other means.

**Proposal of Amendment to H. 702 to be offered by Senator Bray before Third Reading**

Senator Bray moves that the Senate propose to the House to amend the bill as follows

First: After Sec. 9a, by inserting a reader guide and Sec. 9b to read as follows:

\* \* \* SPEED Program; Environmental Attributes \* \* \*

Sec. 9b. STUDY; REPORT; SPEED PROJECTS; ENVIRONMENTAL ATTRIBUTES

(a) As used in this section:

(1) “2017 SPEED goal” means the statewide goal described in 30 V.S.A. § 8005(d) to assure that 20 percent of total statewide electric retail during the year commencing January 1, 2017 shall be generated by SPEED resources that constitute new renewable energy as defined in 30 V.S.A. § 8002.

(2) “Department” means the Department of Public Service established under 3 V.S.A. § 212 and 30 V.S.A. § 1.

(3) “Environmental attributes,” “renewable energy,” “plant,” “SPEED resources” and “tradeable renewable energy credits” shall have the same meaning as under 30 V.S.A. § 8002.

(b) On or before December 1, 2014, the Department shall commence and complete a study and produce a report on:

(1) the environmental and economic benefits and costs of requiring contracts with renewable energy plants commencing construction on and after the effective date of this section to attach environmental attributes, including any associated tradeable renewable energy credits, in order to count toward the 2017 SPEED goal; and

(2) the environmental and economic benefits and costs of Vermont's adopting a renewable portfolio standard.

(c) The report described in subsection (b) of this section shall include the Department's recommendation on whether contracts with renewable energy plants commencing construction on and after the effective date of this section should attach environmental attributes in order to count toward the 2017 SPEED goal.

(d) The Department shall submit the report described in subsection (b) of this section to the House Committee on Commerce and Economic Development, the Senate Committee on Finance, and the House and Senate Committees on Natural Resources and Energy.

And by striking out the *ninth* Senate proposal of amendment in its entirety and inserting in lieu thereof a new *ninth* proposal of amendment to read as follows:

Ninth: In Sec. 10 (effective dates, applicability; implementation), in subsection (a), after the first parenthetical phrase, by striking out “and” and inserting a new comma and after the second parenthetical phrase, by inserting , 9a (advocacy; regional electric system) and 9b (study; report; speed projects; environmental attributes)

### **Proposal of Amendment to H. 702 to be offered by Senator Mullin before Third Reading**

Senator Mullin moves to amend the Senate proposal of amendment as follows:

First: By striking out the *Fourth* proposal of amendment in its entirety and inserting in lieu thereof the following:

Fourth: In Sec. 1, 30 V.S.A. § 219a, by striking out subsection (m) in its entirety and inserting in lieu thereof a new subsection (m) to read as follows:

(m)(1) A facility for the generation of electricity to be consumed primarily by the Military Department established under 3 V.S.A. § 212 and 20 V.S.A. § 361(a) or the National Guard as defined in 32 U.S.C. § 101(3), and installed

on property of the Military Department or National Guard located in Vermont, shall be considered a net metering system for purposes of this section if it has a capacity of 2.2 MW or less and meets the provisions of subdivisions ~~(a)(3)(B)~~ through ~~(E)~~ (a)(6)(B)–(D) of this section.

(2) If the interconnecting electric company agrees, a solar facility or group of solar facilities for the generation of electricity, to be installed by one or more municipalities on a closed landfill, shall be considered a net metering system for purposes of this section if the facility or group of facilities has a total capacity of 5 MW or less and meets the provisions of subdivisions (a)(6)(B)–(D) of this section. The facilities or group of facilities may serve as a group net metering system that includes and is limited to each participating municipality. In this subdivision (2), “municipality” shall have the same meaning as under 24 V.S.A. § 4551.

(3) In addition to facilities authorized under subdivision (2) of this subsection, an interconnecting electric company may agree to one solar facility in its service territory for the generation of electricity to be installed and consumed primarily by a customer or group of customers, which shall be considered a net metering system for purposes of this section if:

(A) the facility has a total capacity of 5 MW or less and meets the provisions of subdivisions (a)(6)(B)–(D) of this section; and

(B) the interconnecting electric company does not undertake a pilot project under subsection (n) of this section.

(4) ~~Such a~~ A facility described in this subsection shall not be subject to and shall not count toward the capacity limits of subdivisions ~~(a)(3)(A)~~ (a)(6)(A) (no more than 500 kW) and ~~(h)(1)(A)~~ (four 15 percent of peak demand) of this section.

Second: That the Senate further propose to the House to amend the bill by adding a new Sec. 1a to read as follows:

Sec. 1a. CLOSED LANDFILL; MUNICIPAL SOLAR; PILOT PROJECT

(a) As a pilot project, the Public Service Board shall allow one solar facility or group of solar facilities, to be installed by one or more municipalities on a closed landfill in Windham County and treated as a net metering system under 30 V.S.A. § 219a(m)(2), to serve as a group net metering system that includes not only each participating municipality but also includes members who are not a municipality.

(b) This authority shall apply notwithstanding any provision in 30 V.S.A. § 219a(m)(2) to the contrary.

(c) This authority shall apply only if an application for a certificate of public good under 30 V.S.A. § 248 for the solar facility or group of solar facilities is filed before January 1, 2017.

And that the bill be amended in Sec. 10 (effective dates; applicability; implementation), by inserting a new subsection to read as follows:

(i) Sec. 1a (closed landfill; municipal solar; pilot project) shall take effect on passage.

### **Second Reading**

**Favorable**

**J.R.H. 15.**

Joint resolution urging Congress to support H.R. 485, The National Nurse Act of 2013.

**Reported favorably by Senator Ayer for the Committee on Health and Welfare.**

(Committee vote: 4-0-1)

(No House amendments)

### **Favorable with Recommendation of Amendment**

**S. 100.**

An act relating to forest integrity.

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

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. FINDINGS

The General Assembly finds:

(1) Vermont's forests are a unique resource that provides habitat for wildlife, a renewable resource for human use, jobs for Vermonters in timber and other forest-related industries, and economic development through a productive forest products industry.

(2) Large areas of contiguous forest are essential for quality wildlife habitat, to preserve Vermont's scenic qualities, to implement best practices in forest management, and to ensure the continued economic productivity of Vermont's diverse forest products industry.



(3) The division of forests into lots for house sites or other construction fragments Vermont's forests and reduces their value as wildlife habitat, for forest industries, and to Vermont's tourist economy.

Sec. 2. 10 V.S.A. § 2601a is added to read:

§ 2601a. POLICY; FOREST INTEGRITY; NONFRAGMENTATION

(a) The State of Vermont shall preserve Vermont's forests in large contiguous blocks without permanent roads, buildings, or other construction in order to:

(1) provide habitat for wildlife, especially animals that range over large areas of land, including bear, moose, bobcat, lynx, and deer;

(2) protect the watersheds and Vermont's streams and rivers so as to maintain the quality of Vermont's waters and to reduce the risk of flooding; and

(3) preserve the scenic qualities of the Vermont landscape.

(b) The State of Vermont shall implement the policy stated in this section through all agencies whose activities affect the State's publicly and privately owned forests, including the Department as set forth in this chapter, and through its political subdivisions pursuant to 24 V.S.A. chapter 117 (municipal and regional planning and development).

Sec. 3. 10 V.S.A. § 6001(35) is added to read:

(35) "Fragmentation of forestland" means the separation of forestlands by buildings, roads, or other physical structures or by other human-made alterations to land such as clearing.

Sec. 4. 10 V.S.A. § 6086 is amended to read:

§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

(a) Before granting a permit, the district commission shall find that the subdivision or development:

\* \* \*

(9) Is in conformance with a duly adopted capability and development plan, and land use plan when adopted. However, the legislative findings of subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria in the consideration of applications by a district commission.

\* \* \*

(C) Productive forest soils; forest integrity. A permit will be granted for ~~the a~~ development or subdivision of ~~productive forest soils~~ only when it is

demonstrated by the applicant that, in addition to all other applicable criteria, ~~either, the subdivision or development~~ each of the following is met:

(i) If the application involves the development or subdivision of productive forest soils, the development or subdivision either will not result in any reduction in the potential of those soils for commercial forestry; or:

~~(i)~~(I) the development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; and

~~(ii)~~(II) except in the case of an application for a project located in a designated growth center, there are no lands other than productive forest soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; and

~~(iii)~~(III) except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned to minimize the reduction of the potential of those productive forest soils through innovative land use design resulting in compact development patterns, so that the remaining forest soils on the project tract may contribute to a commercial forestry operation.

(ii) the development or subdivision will not contribute to the fragmentation of forestland; or

(I) the development or subdivision cannot practicably be relocated on the site or to another site owned or controlled by the applicant or reasonably available to satisfy the basic project purpose;

(II) if the proposed development or subdivision cannot practicably be relocated, all practicable measures have been taken to avoid adverse impacts caused by the development's or subdivision's fragmentation of forestland;

(III) if avoidance of adverse effects caused by the development's or subdivision's fragmentation of forestland cannot be practically achieved, the development or subdivision has been planned to minimize those adverse effects and to preserve connection among the forestlands to be separated in a manner that supports wildlife, and the applicant will permanently conserve an area of forestland that is of comparable or greater biological value than the forestland fragmented by the development or subdivision.

\* \* \*

## Sec. 5. REPORT; FOREST FRAGMENTATION IN VERMONT

On or before December 31, 2014, the Commissioner of the Department of Forests, Parks and Recreation shall submit to the House and Senate Committees on Natural Resources and Energy and the House Committee on Fish, Wildlife, and Water Resources a report assessing the current and projected effects of fragmentation on Vermont's forestlands, and providing recommendations for how to best protect the integrity of Vermont's forestlands and preserve large blocks of contiguous forestland.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 4-1-0)

**S. 195.**

An act relating to increasing the penalties for second or subsequent convictions for disorderly conduct, and creating a new crime of aggravated disorderly conduct.

**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. § 1061 is amended to read:

§ 1061. DEFINITIONS

As used in this subchapter:

(1) "Stalk" means to engage in a course of conduct which consists of following, lying in wait for, or harassing, and:

(A) serves no legitimate purpose; and

(B) would cause a reasonable person to fear for his or her physical safety or would cause a reasonable person substantial emotional distress.

~~(2) "Course of conduct" means a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."~~

~~(3)~~(2) "Following" means maintaining over a period of time a visual or physical proximity to another person in such manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death.

~~(4)~~(3) “Harassing” means actions directed at a specific person, or a member of the person’s family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including ~~but not limited to~~ verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.

~~(5)~~(4) “Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.

Sec. 2. 13 V.S.A. § 1021(4) is added to read:

(4) “Course of conduct” means a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

Sec. 3. 13 V.S.A. § 1026 is amended to read:

#### § 1026. DISORDERLY CONDUCT

~~(a) A person who~~ A person is guilty of disorderly conduct if he or she, with intent to cause public inconvenience; or annoyance; or recklessly ~~creating~~ creates a risk thereof:

(1) ~~Engages~~ engages in fighting or in violent, tumultuous, or threatening behavior; ~~or~~

(2) ~~Makes~~ makes unreasonable noise; ~~or~~

(3) ~~In~~ in a public place, uses abusive or obscene language; ~~or~~

(4) ~~Without~~ without lawful authority, disturbs any lawful assembly or meeting of persons; or

(5) ~~Obstructs~~ obstructs vehicular or pedestrian traffic, ~~shall be imprisoned for not more than 60 days or fined not more than \$500.00 or both.~~

(b) A person who is convicted of disorderly conduct shall be imprisoned for not more than 60 days or fined not more than \$500.00, or both. A person who is convicted of a second or subsequent offense under this section shall be imprisoned for not more than 120 days or fined not more than \$1,000.00, or both.

Sec. 4. 13 V.S.A. § 1026a is added to read:

#### § 1026a. AGGRAVATED DISORDERLY CONDUCT

(a) A person is guilty of aggravated disorderly conduct if he or she engages in a course of conduct directed at a specific person with the intent to cause the

person inconvenience or annoyance, or to disturb the person's peace, quiet, or right of privacy and:

(1) engages in fighting or in violent, tumultuous, or threatening behavior;

(2) makes unreasonable noise;

(3) in a public place, uses abusive or obscene language; or

(4) threatens bodily injury or serious bodily injury, or threatens to commit a felony crime of violence as defined in section 11a of this title.

(b) A person who is convicted of aggravated disorderly conduct shall be imprisoned not more than 180 days or fined not more than \$2,000.00, or both.

Sec. 5. 13 V.S.A. § 1027 is amended to read:

§ 1027. DISTURBING PEACE BY USE OF TELEPHONE OR OTHER ELECTRONIC COMMUNICATIONS

(a) A person who, with intent to terrify, intimidate, threaten, harass, or annoy, makes contact by means of a telephonic or other electronic communication with another and ~~(i)~~ makes any request, suggestion, or proposal which is obscene, lewd, lascivious, or indecent; ~~(ii)~~ threatens to inflict injury or physical harm to the person or property of any person; or ~~(iii)~~ disturbs, or attempts to disturb, by repeated ~~anonymous~~ telephone calls or other electronic communications, whether or not conversation ensues, the peace, quiet, or right of privacy of any person at the place where the communication or communications are received shall be fined not more than \$250.00 or be imprisoned not more than three months, or both. If the defendant has previously been convicted of a violation of this section or of an offense under the laws of another state or of the United States which would have been an offense under this act if committed in this ~~state~~ State, the defendant shall be fined not more than \$500.00 or imprisoned for not more than six months, or both.

(b) An intent to terrify, threaten, harass, or annoy may be inferred by the trier of fact from the use of obscene, lewd, lascivious, or indecent language or the making of a threat or statement or repeated ~~anonymous~~ telephone calls or other electronic communications as set forth in this section and any trial court may in its discretion include a statement to this effect in its jury charge.

(c) An offense committed by use of a telephone or other electronic communication device as set forth in this section shall be considered to have been committed at either the place where the telephone call or calls originated or at the place where the communication or communications or calls were received.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

**S. 221.**

An act relating to providing statutory purposes for tax expenditures.

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

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

\* \* \* Income, Bank Franchise, Insurance Premium, and Property Taxes \* \* \*

Sec. 1. 16 V.S.A. § 2826 is added to read:

§ 2826. STATUTORY PURPOSES

(a) The statutory purpose of the interest income from Vermont Student Assistance Corporation (VSAC) bonds exemption in section 2825 of this title is to provide VSAC sufficient access to capital by increasing the effective return on investment of its bond issuances.

(b) The statutory purpose of the Vermont Student Assistance Corporation property tax exemption in section 2825 of this title is to allow State instrumentalities that provide financial and information resources for postsecondary education and training to use all of their resources for those purposes.

Sec. 2. 30 V.S.A. § 8060(c) is added to read:

(c) The statutory purpose of the Vermont Telecommunications Authority (VTA) bonds and notes exemption in section 8074 of this title is to provide the VTA sufficient access to capital by increasing the effective return on investment of its bond issuances.

Sec. 3. 32 V.S.A. § 5813 is added to read:

§ 5813. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont municipal bond income exemption in subdivision 5811(21)(A)(i) of this title is to provide the State and its municipalities sufficient access to capital by increasing the effective return on investment of State and municipal-issued bonds.

(b) The statutory purpose of the Vermont flat capital gains exclusion in subdivision 5811(21)(B)(ii) of this title is intended to increase savings and

investment by making the effective tax rate on capital gains income lower than the effective tax rate on earned income while exempting a portion of the gain that may represent inflation. The 40-percent business capital gains exclusion mitigates the impact of one-time realizations in a progressive tax structure.

(c) The statutory purpose of the Vermont credit for child and dependent care in subsection 5822(d) of this title is to provide tax relief to working taxpayers who must incur dependent care expenses to stay in the workforce in the absence of pre-kindergarten programming.

(d) The statutory purpose of the Vermont credit for persons who are elderly or disabled in subsection 5822(d) of this title is to provide tax relief for seniors and persons who are disabled with little tax-exempt retirement or disability income.

(e) The statutory purpose of the Vermont investment tax credit in subsection 5822(d) of this title is to encourage Vermont business investments by lowering the effective costs of certain activities.

(f) The statutory purpose of the Vermont farm income averaging credit in subdivision 5822(c)(2) of this title is to mitigate the adverse tax consequences of fluctuating farm incomes under a progressive tax structure and to provide stability to farm operations.

(g) The statutory purpose of the Vermont business solar energy credit in subsection 5822(d) and section 5930z of this title is to provide a temporary, enhanced incentive for business solar investments located in Vermont to increase the deployment of solar electric generating facilities until the price of solar materials and installation decreases to the point it does not need State subsidization.

(h) The statutory purpose of the Vermont military pay exemption in subdivisions 5823(a)(2) and (b)(3) of this title is to provide additional compensation for military personnel in recognition of their service to Vermont and to the country.

(i) The statutory purpose of the Vermont charitable housing credit in section 5830c of this title is to assist certain affordable housing charities in attracting private investment at below-market rates by restoring some of the income forgone through a tax credit to the investor.

(j) The statutory purpose of the Vermont affordable housing credit in section 5930u of this title is to increase the capital available to certain affordable housing projects for construction or rehabilitation by attracting up front private investment.

(k) The statutory purpose of the Vermont qualified sale of a mobile home park credit in section 5828 of this title is to encourage sales of mobile home parks to a group composed of a majority of the mobile home park leaseholders, or to a nonprofit organization that represents such a group or as an alternative to closure, and, in doing so, to provide stability to the inhabitants of such mobile home parks.

(l) The statutory purpose of the Vermont higher education investment credit in section 5825a of this title is to encourage contributions to Vermont 529 plans that would not otherwise occur and to lower the cost of higher education for Vermont students and the Vermont taxpayers who financially support them.

(m) The statutory purpose of the Vermont entrepreneurs' seed capital fund credit in section 5830b of this title is to provide capital to the Seed Capital Fund, ensuring it has sufficient capital to make equity investments in Vermont businesses.

(n) The statutory purpose of the Vermont historical rehabilitation tax credit in subsection 5930cc(a) of this title is to provide incentives to improve and rehabilitate historic properties in designated downtowns and village centers.

(o) The statutory purpose of the Vermont facade improvement tax credit in subsection 5930cc(b) and sections 5930aa–5930ff of this title is to provide incentives to improve facades and rehabilitate historic properties in designated downtowns and village centers.

(p) The statutory purpose of the Vermont code improvement tax credit in subsection 5930cc(c) and sections 5930aa–5930ff of this title is to provide incentives to improve and rehabilitate historic properties in designated downtowns and village centers.

(q) The statutory purpose of the Vermont research and development tax credit in section 5930ii of this title is to encourage business investment in research and development within Vermont in order to increase research and development and to attract and retain intellectual-property-based companies.

(r) The statutory purpose of the Vermont economic advancement tax incentive credits in sections 5930a–5930k of this title is to allow Vermont to compete with other states that have offered tax savings and cash benefits as a tool to recruit and retain businesses.

(s) The statutory purpose of the Vermont downtown tax credits in sections 5930n–5930r of this title is to provide incentives to improve and rehabilitate historic properties in designated downtowns and village centers.



(t) The statutory purpose of the Vermont low-income child and dependent care credit in section 5828c of this title is to provide cash relief to lower-income working taxpayers who incur dependent care expenses in certified centers to enable them to remain in the workforce.

(u) The statutory purpose of the Vermont earned income tax credit in section 5828b of this title is to increase the after-tax income of low-income working families and individuals and to provide an incentive to work for those with little earned income and to offset the effect on these Vermonters of conventionally regressive taxes.

(v) The statutory purpose of the Vermont machinery and equipment tax credit in section 5930ll of this title is to provide an incentive to make a major, long-term capital investment in Vermont-based plant and property to ensure the continuation of in-state employment.

(w) The statutory purpose of the Vermont employment growth incentive in section 5930b of this title is to provide a cash incentive to businesses without which those businesses would not locate, expand, or retain jobs in Vermont.

(x) The statutory purpose of the Vermont Downtown and Village Center Program tax credits in section 5930cc of this title is to provide incentives to improve and rehabilitate historic properties in designated downtowns and village centers.

(y) The statutory purpose of allowing federal itemized deductions and other federal expenditures between federal adjusted gross income and federal taxable income, as listed in the report required by section 312 of this title, is to reflect Vermont's choice to use federal taxable income as a base for Vermont's State income tax.

\* \* \* Meals and Rooms Taxes and Insurance  
Premium Taxes \* \* \*

Sec. 4. 32 V.S.A. § 9247 is added to read:

§ 9247. HOSPITAL AND MEDICAL SERVICE CORPORATIONS AND  
CREDIT UNIONS

Notwithstanding 8 V.S.A. §§ 4518, 4590, and 30102, hospital service corporations, medical service corporations, and credit unions shall be subject to the meals and rooms tax. The statutory purpose of the remaining exemptions from 8 V.S.A. § 4518 is to exempt nonprofit hospitals providing health care services in order to lower the cost of welfare-increasing health services to Vermonters. The statutory purpose of the remaining exemptions from 8 V.S.A. § 4590 is to exempt nonprofit companies that provide health care insurance coverage in order to lower the cost of welfare-increasing health

services to policyholders. The statutory purpose of the remaining exemptions from 8 V.S.A. § 30901 is to affirm the nonprofit, cooperative structure of credit unions.

Sec. 5. 32 V.S.A. § 9201 is added to read:

§ 9201. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont grocery-type items furnished for take-out exemption in subdivision 9202(10)(D)(i) of this title is to limit the tax burden on the purchase of goods that are necessary for the health and welfare of all people in Vermont.

(b) The statutory purpose of the Vermont meals served or furnished on the premises of a nonprofit organization exemption in subdivision 9202(10)(D)(ii)(I) of this title is to allow more of the revenues generated by certain activities to be dedicated to furthering the public-service missions of the organizations.

(c) The statutory purpose of the Vermont meals provided on school premises exemption in subdivision 9202(10)(D)(ii)(II) of this title is to reduce the overall cost of education in Vermont.

(d) The statutory purpose of the Vermont or federal institutions premises where meals are provided to inmates and employees exemption in subdivision 9202(10)(D)(ii)(III) of this title is to prevent the taxation of entities that are funded by taxpayers.

(e) The statutory purpose of the Vermont meals provided at hospitals and convalescent and nursing homes exemption in subdivision 9202(10)(D)(ii)(IV) of this title is to reduce the overall costs of health care and senior care in Vermont.

(f) The statutory purpose of the Vermont meals furnished while transporting passengers for hire on train, bus, or airplane exemption in subdivision 9202(10)(D)(ii)(V) of this title is to reduce the administrative costs for transit companies providing interstate travel services.

(g) The statutory purpose of the Vermont summer camp for children exemption in subdivision 9202(10)(D)(ii)(VI) of this title is to reduce costs for summer education and outdoor activities for youth.

(h) The statutory purpose of the Vermont nonprofits at fairs, bazaars, picnics, and similar events exemption in subdivision 9202(10)(D)(ii)(VII) of this title is to allow more of the revenues generated by certain activities to be dedicated to furthering the public-service missions of the organizations.

(i) The statutory purpose of the Vermont meals furnished to an employee of a hotel or restaurant operator as remuneration for his or her employment exemption in subdivision 9202(10)(D)(ii)(VIII) of this title is to avoid the taxation of in-kind benefits.

(j) The statutory purpose of the Vermont meals provided to the elderly pursuant to the Older Americans Act exemption in subdivision 9202(10)(D)(ii)(IX) of this title is to exempt from tax government-provided meals.

(k) The statutory purpose of the Vermont meals purchased under the Supplemental Nutrition Assistance Program (SNAP) exemption in subdivision 9202(10)(D)(ii)(X) of this title is to exempt from tax meals paid for with government funds.

(l) The statutory purpose of the Vermont meals served on the premises of a continuing care retirement community exemption in subdivision 9202(10)(D)(ii)(XI) is to exempt from tax meals prepared in a person's home.

(m) The statutory purpose of the Vermont time share rights exemption in subdivision 9202(8) of this title is to avoid double taxation on holdings that are subject to property taxes.

(n) The statutory purpose of the Vermont student housing exemption in subdivision 9202(8) of this title is to reduce the overall costs of education in Vermont.

(o) The statutory purpose of the Vermont permanent residents exemption in subdivisions 9202(6) and (7) of this title is to treat long-term hotel guests as permanent residents of the State for purposes of administering the rooms tax.

(p) The statutory purpose of the Vermont rooms furnished to an employee of a hotel or restaurant operator as remuneration for his or her employment exemption in subdivision 9202(6) of this title is to exclude the taxation of in-kind benefits.

(q) The statutory purpose of the summer camp for children exemption in subdivision 9202(6) of this title is to reduce costs for summer education and outdoor activities for youth.

(r) The statutory purpose of the Vermont State or United States operated establishment room charges exemption in subdivision 9202(3)(B) of this title is to abide by the requirement that states will not tax the federal government and to avoid the instance of the State taxing itself.

(s) The statutory purpose of the Vermont rooms on the premises of a nonprofit exemption in subdivision 9202(3)(C) of this title is to allow more of

the revenues generated by certain activities to be dedicated to furthering the public-service missions of the organizations.

(t) The statutory purpose of the Vermont rooms on the premises of a continuing care retirement community exemption in subdivision 9202(3)(D) of this title is to exclude rooms that are a person's residence.

\* \* \* Sales Taxes \* \* \*

Sec. 6. 32 V.S.A. § 9706 is added to read:

§ 9706. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont medical products exemption in subdivision 9741(2) of this title is to lower the cost of medical products in order to support the health and welfare of Vermont residents.

(b) The statutory purpose of the Vermont agricultural inputs exemption in subdivision 9741(3) of this title is to lessen the costs for the agricultural industry, and to avoid taxing inputs in favor of taxing the end product, thus avoiding double taxation.

(c) The statutory purpose of the Vermont veterinary supplies exemption in subdivision 9741(3) of this title is to lessen the cost of veterinary services associated with productive animals to the agricultural industry.

(d) The statutory purpose of the Vermont nonbusiness, casual sales exemption in subdivision 9741(4) of this title is to prevent the occasional sale and resale of personal property by individuals not engaged as merchants from being subjected to the tax.

(e) The statutory purpose of the Vermont fuels for railroads and boats exemption in subdivision 9741(7) of this title is to avoid the taxation of fuels for the types of transportation for which public expenditure on infrastructure is unnecessary.

(f) The statutory purpose of the Vermont sales of food exemption in subdivision 9741(13) of this title is to limit the taxes on the purchase of goods that are necessary for the health and welfare of all people in Vermont.

(g) The statutory purpose of the Vermont manufacturers' material and equipment exemption in subdivision 9741(14) of this title is to avoid tax pyramiding on goods and encourage investments in equipment by manufacturing entities.

(h) The statutory purpose of the Vermont newspapers exemption in subdivision 9741(15) of this title is to reduce the financial costs of building an informed citizenry.

(i) The statutory purpose of the Vermont packaging and shipping materials exemption in subdivision 9741(16) of this title is to prevent tax pyramiding by excluding inputs into business production and distribution.

(j) The statutory purpose of the Vermont rented furniture for residential use exemption in subdivision 9741(17) of this title is to limit sales taxes on items that are not being sold in order to avoid double taxation.

(k) The statutory purpose of the Vermont municipal, State, and federal recreation facilities admission exemption in subdivision 9741(18) of this title is to exempt from tax a state charge for an entrance or admission to avoid layering a sales tax on top of publicly financed amenities.

(l) The statutory purpose of the Vermont rentals of coin-operated washing facilities exemption in subdivision 9741(19) of this title is to exempt coin-operated washing facilities on the basis that these facilities are the equivalent of a service.

(m) The statutory purpose of the Vermont admission fees to nonprofit museums exemption in subdivision 9741(20) of this title is to support the missions of certain nonprofit facilities and encourage higher visitation.

(n) The statutory purpose of the Vermont items sold to fire, ambulance, and rescue squads exemption in subdivision 9741(21) of this title is to limit the tax on organizations charged with protecting the safety of the public.

(o) The statutory purpose of the Vermont funeral charges exemption in subdivision 9741(22) of this title is to lessen the costs accumulated by the bereaved.

(p) The statutory purpose of the Vermont commercial, industrial, or agricultural research property use exemption in subdivision 9741(24) of this title is to reduce financial barriers to research and innovation in the commercial, industrial, and agricultural industries in order to increase these activities.

(q) The statutory purpose of the Vermont agricultural machinery and equipment exemption in subdivision 9741(25) of this title is to avoid tax pyramiding of agricultural products.

(r) The statutory purpose of the Vermont energy purchases for a residence exemption in subdivision 9741(26) of this title is to limit the tax on the purchase of goods that are necessary for the health and welfare of all people in Vermont.

(s) The statutory purpose of the Vermont energy purchases for farming exemption in subdivision 9741(27) of this title is to avoid tax pyramiding of agricultural products.

(t) The statutory purpose of the Vermont sales of films to movie theaters exemption in subdivision 9741(28) of this title is to avoid tax on items that are normally not for permanent use within the State.

(u) The statutory purpose of the Vermont aircraft and depreciable parts for commercial and private use exemption in subdivision 9741(29) of this title is to promote the growth of the aircraft maintenance industry in Vermont by lowering the cost of parts and equipment relative to other states with private airplane maintenance facilities.

(v) The statutory purpose of the Vermont railroad rolling stock and depreciable parts exemption in subdivision 9741(30) of this title is to increase the use of rail for transport by lowering the costs of maintenance.

(w) The statutory purpose of the Vermont ferryboats and depreciable parts exemption in subdivision 9741(31) of this title is to increase the use of ferry for transport by lowering the costs of maintenance.

(x) The statutory purpose of the Vermont sales of mobile homes and modular housing exemption in subdivision 9741(32) of this title is to create equity between mobile and modular housing and traditional residential construction by providing an exemption for the estimated portion of the cost attributable to labor (versus materials).

(y) The statutory purpose of the Vermont United States flag sold to or by exempt veterans' organizations exemption in subdivision 9741(33) of this title is to support veterans' organizations in performing their traditional functions.

(z) The statutory purpose of the Vermont energy used in manufacturing tangible personal property for sale exemption in subdivision 9741(34) of this title is to avoid the taxation of manufacturing inputs and the pyramiding of taxes on goods produced in State.

(aa) The statutory purpose of the Vermont property transferred as part of personal service transaction or transfer of intangible property rights exemption in subdivision 9741(35) of this title is to exempt tangible personal property that is a small portion of a service because the cost of compliance exceeds the revenues.

(bb) The statutory purpose of the Vermont advertising materials exemption in subdivision 9741(36) of this title is to exempt tangible personal property if it is a small portion of a larger service.

(cc) The statutory purpose of the Vermont documents that record a professional service exemption in subdivision 9741(37) of this title is to exempt tangible personal property that is a small portion of a service package.

(dd) The statutory purpose of the Vermont tracked vehicles exemption in subdivision 9741(38) of this title is to limit the sales tax on construction vehicles such as bulldozers in order to lessen the cost of capital investments facilitated by those tracked vehicles.

(ee) The statutory purpose of the Vermont sales of building materials exemption in subdivisions 9741(39)(i) and (ii) of this title is to provide incentives to restore and revitalize downtown districts.

(ff) The statutory purpose of the Vermont wholesale transactions between telecommunications service providers exemption in subdivision 9741(41) of this title is to avoid taxation of inputs and intercompany transactions in order to avoid double taxation.

(gg) The statutory purpose of the Vermont third party scrap construction materials exemption in subdivision 9741(43) of this title is to promote the reuse and recycling of scrap construction materials.

(hh) The statutory purpose of the Vermont property incorporated in a railroad line exemption in subdivision 9741(44) of this title is to increase the use of rail for transport by lowering the costs of materials.

(ii) The statutory purpose of the Vermont clothing and footwear exemption in subdivision 9741(45) of this title is to limit the tax burden on the purchase of goods that are necessary for the health and welfare of all people in Vermont.

(jj) The statutory purpose of the Vermont property incorporated into a net metering system exemption, on-premise energy system not connected to the electric distribution system exemption, and solar hot water heating system exemption in subdivision 9741(46) of this title is to increase the deployment of solar electric generating technologies until the price of solar materials and installation decreases to the point it does not need State subsidization.

(kk) The statutory purpose of the Vermont purchases by and limited purchases from 501(c)(3) organizations exemption in subdivision 9743(3) of this title is to reduce costs for certain nonprofit organizations in order to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(ll) The statutory purpose of the Vermont building materials and supplies used in construction or repair of buildings by governmental bodies, 501(c)(3) organizations, or development corporations exemption in subdivision 9743(4) of this title is to reduce the costs of construction for certain nonprofit organizations in order to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(mm) The statutory purpose of the Vermont amusement charges for four events per year for 501(c)(4)–(13) and (19) organizations and political organizations exemption in subdivision 9743(5) of this title is to reduce the costs for and encourage participation in a limited number of events organized by certain nonprofit organizations in order to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(nn) The statutory purpose of the Vermont amusement charges for events presented by 501(c)(3) organizations in subdivision 9743(7) of this title is to reduce the costs for and encourage participation in fundraising events organized by certain nonprofit organizations in order to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(oo) The statutory purpose of the Vermont reallocation of receipts from tax imposed on sales of construction materials in section 9819 of this title is to provide incentives to restore and revitalize certain properties in designated downtown districts.

(pp) The statutory purpose of the Vermont sales by licensed auctioneers exemption in subdivision 9741(48) of this title is to extend the “casual sale” exemption to parallel situations involving an auctioneer.

\* \* \* Property Taxes \* \* \*

Sec. 7. 10 V.S.A. § 210 is added to read:

§ 210. STATUTORY PURPOSES

The statutory purpose of the Vermont local development corporations exemption in section 236 of this title is to exempt government-funded entities and promote economic development.

Sec. 8. 10 V.S.A. § 602 is added to read:

§ 602. STATUTORY PURPOSES

The statutory purpose of the Vermont Housing Finance Agency exemption in subsection 641(a) of this title is to exempt quasi-government entities that provide and promote affordable housing.

Sec. 9. 16 V.S.A. § 2170 is added to read:

§ 2170. STATUTORY PURPOSES

The statutory purpose of the Vermont State Colleges exemption in section 2178 of this title is to allow institutions providing higher education to deploy



more of their financial resources to their educational missions by lowering their tax expenses.

Sec. 10. 16 App. V.S.A. § 1-15a is added to read:

§ 1-15a. STATUTORY PURPOSES

The statutory purpose of the University of Vermont exemption in section 1-15 of this chapter is to allow institutions providing higher education to deploy more of their financial resources to their educational missions by lowering their tax expenses.

Sec. 11. 18 V.S.A. § 5300 is added to read:

§ 5300. STATUTORY PURPOSES

The statutory purpose of the Vermont cemeteries exemption in sections 5317 and 5376 of this title is to exempt property with a fair market value that is difficult to ascertain and for which there are limited options for alternative uses.

Sec. 12. 22 V.S.A. § 68 is added to read:

§ 68. STATUTORY PURPOSES

The statutory purpose of the Vermont libraries exemption in section 109 of this title is to aid libraries in offering free and public access to information and research resources.

Sec. 13. 24 V.S.A. § 4000 is added to read:

§ 4000. STATUTORY PURPOSES

The statutory purpose of the Vermont housing authorities exemption in section 4020 of this title is to promote, provide, and preserve affordable housing in ways that encourage resident self-sufficiency and support healthy neighborhoods.

Sec. 14. 32 V.S.A. § 3750 is added to read:

§ 3750. STATUTORY PURPOSES

The statutory purpose of the Vermont Use Value Appraisal Program in chapter 124 of this title is to preserve the working landscape by making farm and forest operations more financially viable in the face of high property values.

Sec. 15. 32 V.S.A. § 3800 is added to read:

§ 3800. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont federal and State government property exemption in subdivision 3802(1) of this title is to prevent government from taxing itself.

(b) The statutory purpose of the Vermont congressionally chartered organizations exemption in subdivision 3802(2) of this title is to support certain organizations with a patriotic, charitable, historical, or educational purpose.

(c) The statutory purpose of the Vermont public, pious, and charitable property exemption in sections 3832 and 3840 and subdivision 3802(4) of this title is to lower the tax expenses of certain organizations to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(d) The statutory purpose of the Vermont Young Men's and Women's Christian Associations exemption in subdivision 3802(6) of this title is to lower the tax expenses of these organizations to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(e) The statutory purpose of the Vermont cemeteries exemption in subdivision 3802(7) of this title is to exempt property with a fair market value that is difficult to ascertain and for which there are limited options for alternative uses.

(f) The statutory purpose of the Vermont exemption for property owned by agricultural societies in subdivision 3802(9) of this title is to exempt property that is used to publicly support the State's agricultural economy.

(g) The statutory purpose of the Vermont \$10,000.00 exemption of appraised value of a residence for a veteran in subdivision 3802(11) of this title is to provide permanently property tax reductions to households that include a disabled veteran in recognition of his or her service to Vermont and to the country.

(h) The statutory purpose of the Vermont property exclusively installed and operated for the abatement of water pollution exemption in subdivision 3802(12) of this title is to encourage real property improvements that abate water pollution by nonpublic entities that would not qualify for an exemption as a government entity.

(i) The statutory purpose of the Vermont humane societies exemption in section 3802(15) of this title is to eliminate property taxes for organizations that protect animals to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(j) The statutory purpose of the Vermont federally qualified health center or rural health clinic exemption in subdivision 3802(16) of this title is to support health centers that serve an underserved area or population, offer a sliding fee scale, provide comprehensive services, and have an ongoing quality assurance program by lowering their tax expenses.

(k) The statutory purpose of the Vermont railroad property alternative tax scheme in subdivision 3803(1) of this title is to provide an alternative tax scheme in lieu of the traditional method of applying the education property tax rate in order to achieve consistent valuation across municipalities.

(l) The statutory purpose of the Vermont telephone property alternative tax scheme in subdivision 3803(2) of this title is to provide an alternative tax scheme in lieu of the traditional method of applying the education property tax rate in order to achieve consistent valuation across municipalities.

(m) The statutory purpose of the Vermont permanent session law exemptions in 2008 Acts and Resolves No. 190, 1892 Acts and Resolves No. 213, 1945 Acts and Resolves No. 204, 1939 Acts and Resolves No. 250, 1921 Acts and Resolves No. 31, 1921 Acts and Resolves No. 262, 1910 Acts and Resolves No. 370, and 1900 Acts and Resolves No. 244 is to exempt permanently specific properties that have demonstrated an individual purpose to the General Assembly.

Sec. 16. 32 V.S.A. § 5400 is added to read:

§ 5400. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont municipally owned property exemption in subdivision 5401(10)(F) of this title is to prevent government from taxing itself.

(b) The statutory purpose of the Vermont whey processing fixtures exemption in subdivision 5401(10)(G) of this title is to support industries using whey processing facilities to convert waste into value-added products.

(c) The statutory purpose of the Vermont municipalities hosting large power plants exemption in subsection 5402(d) of this title is to lower property taxes by 25 percent for businesses and residents of the community hosting a nuclear power facility.

(d) The statutory purpose of the Vermont qualified housing exemption in subdivision 5404a(a)(6) of this title is to reduce by 10 percent the assessment value on housing units with rent restrictions that make valuing these properties using the non-homestead income approach difficult and to ensure that taxes on this rent restricted housing provided to low and moderate- income Vermonters is more equivalent to property taxed using the state homestead rate.

(e) The statutory purpose of the Vermont tax increment financing districts in subsection 5404a(f) of this title is to allow communities to encourage investment that would not occur without approval of the district and to use locally the additional property tax revenue attributable to those improvements to pay off the debt incurred to construct the improvements.

(f) The statutory purpose of the Vermont Economic Progress Council approved stabilization agreements in section 5404a of this title are to provide exemptions on a case-by-case basis in conjunction with other economic development efforts in order to facilitate economic development that would not occur without the stabilization agreement.

(g) The statutory purpose of the Vermont large power plants alternative tax scheme in subdivision 5401(10)(B) of this title is to provide an alternative tax scheme in lieu of the traditional method of applying the education property tax rate in order to achieve consistent valuation across municipalities.

(h) The statutory purpose of the Vermont wind-powered electric generating facilities alternative tax scheme in subdivision 5401(10)(J)(i) of this title is to provide an alternative tax scheme in lieu of the traditional method of applying the education property tax rate in order to achieve consistent valuation across municipalities.

(i) The statutory purpose of the Vermont renewable energy plant generating electricity from solar power alternative tax structure in subdivision 5401(10)(J)(ii) is to provide an alternative tax scheme in lieu of the traditional method of applying the education property tax rate in order to achieve consistent valuation across municipalities.

Sec. 17. 32 V.S.A. § 6060 is added to read:

§ 6060. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont property tax adjustments in chapter 154 of this title is to allow property taxes on homesteads is to allow education property taxes on homesteads to be based upon a household's income.

(b) The statutory purpose of the Vermont \$10,000.00 exemption of appraised value of a residence for a veteran in subsection 6066(i) of this title is to permanently provide property tax reductions to households that include a disabled veteran in recognition of his or her service to Vermont and to the country.

\* \* \* Insurance Premium Taxes \* \* \*

Sec. 18. 8 V.S.A. § 3700 is added to read:

§ 3700. STATUTORY PURPOSES

The statutory purpose of the Vermont annuity considerations in section 3718 of this title is to exempt nontraditional insurance or financial products, or both, from taxation in order to avoid reciprocity from foreign jurisdictions.

Sec. 19. 8 V.S.A. § 4460 is added to read:

§ 4460. STATUTORY PURPOSES

The statutory purpose of the Vermont fraternal societies in section 4500 of this title is to support benevolent societies that provide benefits to its members and to the community.

\* \* \* Transportation Taxes \* \* \*

Sec. 20. 23 V.S.A. § 3000 is added to read:

§ 3000. STATUTORY PURPOSES

The statutory purpose of the Vermont diesel tax exemption in section 3003 of this title is to exempt off-road uses and farm trucks from the user fee for the State highway system. The exemption for municipal entities and public transit agencies is to avoid the taxation of governmental and quasi-governmental entities.

Sec. 21. 32 V.S.A. § 8900 is added to read:

§ 8900. STATUTORY PURPOSES

(a) The statutory purpose of the Vermont pious or charitable institutions or volunteer fire companies exemption in subdivision 8911(3) of this title is to lower the tax expenses of pious and charitable organizations considered exempt under subdivision 3802(4) of this title to allow them to dedicate more of their financial resources to furthering the public-service missions of the organizations.

(b) The statutory purpose of the Vermont nonregistered vehicles exemption in subdivision 8911(5) of this title is to exempt vehicles that are not entitled to use the State highway system from the tax.

(c) The statutory purpose of the Vermont gifts exemption in subdivision 8911(8) of this title is to avoid the intrusion of a tax into sharing transactions that are common within families.

(d) The statutory purpose of the Internal Revenue Code § 351 exemption in subdivision 8911(10) of this title is to limit the tax to transfers of ownership between two distinct parties.

(e) The statutory purpose of the Vermont handicapped exemption in subdivision 8911(12) of this title is to lessen the cost of purchasing a vehicle that has been modified to meet the physical needs of a qualifying Vermonter.

(f) The statutory purpose of the Vermont veterans exemption in subdivision 8911(14) of this title is to remove every cost to a qualifying veteran of receiving a vehicle granted by the Veterans' Administration.

(g) The statutory purpose of the Vermont general exemption of trade-in value in subdivisions 8902(4) and (5) of this title is to ensure the use value of a vehicle is taxed only once.

#### Sec. 22. REPEALS

(a) 32 V.S.A. § 9771a (limitation of tax on telecommunications services) is repealed on January 1, 2015.

(b) 32 V.S.A. § 3802(5) (college fraternities and societies exemption) is repealed on July 1, 2014.

\* \* \* Effective Date \* \* \*

#### Sec. 23. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 7-0-0)

#### **Amendment to recommendation of amendment of the Committee on Finance to S. 221 to be offered by Senator Ashe**

Senator Ashe moves to amend the recommendation of amendment of the Committee on Finance as follows:

First: In Sec. 4, 32 V.S.A. § 9247, by striking out "30102" and inserting in lieu thereof 30901

Second: In Sec. 17, 32 V.S.A. § 6060, subsection (a), property tax adjustments, by striking out the words "is to allow property taxes on homesteads"

**NOTICE CALENDAR**  
**Committee Bill for Second Reading**

**Favorable**

**S. 165.**

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

By the Committee on Economic Development, Housing and General Affairs. (Senator Baruth for the Committee)

**Reported favorably by Senator White for the Committee on Government Operations.**

(Committee vote: 5-0-0)

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 28.**

An act relating to gender-neutral nomenclature for the identification of parents on birth certificates.

**Reported favorably with recommendation of amendment by Senator Pollina for the Committee on Health and Welfare.**

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. 18 V.S.A. § 5071 is amended to read:

§ 5071. BIRTH CERTIFICATES; WHO TO MAKE; RETURN

(a) ~~Unless a physician or midwife is present, the head of the family in which a birth occurs, within 10 days thereafter, shall fill out and file with the town clerk a certificate of birth in the form prescribed by the department. Otherwise the certificate shall be filed by the attendant physician or midwife~~ On or before the fifth day of each live birth that occurs in this State, the attending physician or midwife or, if no attending physician or midwife is present, a parent of the child shall file with the town clerk a certificate of birth in the form prescribed by the Department. The certificate shall be registered if it has been completed properly and filed in accordance with this chapter.

(b)(1) At the time of the birth of a child, each parent shall furnish the following information on a form provided for that purpose by the ~~department of health~~ Department of Health: the parent's name, address, and ~~social security~~ Social Security number and the name and date of birth of the child.

The forms and a copy of the birth certificate shall be filed with the ~~department of health not later than 10 days~~ Department of Health on or before the fifth day after the birth of the child.

(2) The form provided to parents of a child by the Department of Health under subdivision (1) of this subsection shall identify parents with gender-neutral nomenclature.

(c)(1) Whoever assumes the custody of a live-born infant of unknown parentage shall complete a certificate of birth as follows:

~~(1)(A)~~ Name name of the child as given by the custodian, and sex;

~~(2)(B)~~ Approximate approximate date of birth as determined in consultation with a physician;

~~(3)(C)~~ Place place of birth as place where the child is found;

~~(4)(D)~~ In in place of certifier, the custodian shall sign and indicate “custodian” rather than “attendant,” with date and address; and

~~(5)(E)~~ Parentage parentage data and other child’s data items shall be left blank.

(2) If the child is identified and a certificate of birth is found or obtained, the certificate created under this section and copies thereof shall be sealed and deposited with the ~~commissioner of health~~ Commissioner of Health, to be opened upon court order only.

(d) The name of the father shall be included on the birth certificate of the child of unmarried parents only if the father and mother have signed a voluntary acknowledgment of parentage or a court or administrative agency of competent jurisdiction has issued an adjudication of parentage.

(e) When a birth certificate is issued, a parent or parents shall be identified as indicated on the form completed under subsection (b) of this section.

Sec. 2. 18 V.S.A. § 5077a is added to read:

§ 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE FORM

(a) If a parent of a person born in this State was unable to be listed as a parent on the person’s birth certificate due to the lack of gender-neutral nomenclature on the birth information form provided by the Department of Health, the person or the person’s parent may petition the Probate Division of the Superior Court of the district where the person was born in order establish his or her parentage and be issued a new birth certificate.

(b) The Probate Division of the Superior Court, after hearing, shall authorize the supervisor of vital records registration to issue a new birth



certificate and transmit it, together with any information identifying the original birth certificate, to the clerk of the town where the person was born.

(c) The clerk shall file and index the new certificate in the most recent book of births, shall also index them with births occurring at the same time, and shall otherwise comply with the provisions of sections 5080 and 5081 of this title. The new certificate shall contain a notation that it was issued by authority of this chapter, and it shall not contain the word “Amended” or other special designation.

Sec. 3. 15 V.S.A. § 308 is amended to read:

#### § 308. PRESUMPTION OF PARENTAGE

A person alleged to be a parent shall be rebuttably presumed to be the natural parent of a child if:

(1) the alleged parent fails to submit without good cause to genetic testing as ordered; or

(2) the alleged parents have voluntarily acknowledged parentage under the laws of this ~~state~~ State or any other state, by filling out and signing a Voluntary Acknowledgement of Parentage form and filing the completed and witnessed form with the ~~department of health~~ Department of Health; or

(3) the probability that the alleged parent is the biological parent exceeds 98 percent as established by a scientifically reliable genetic test; or

(4) the child is born while the ~~husband and wife~~ alleged parents are legally married to each other.

#### Sec. 4. AGENCY OF HUMAN SERVICES REPORT ON VOLUNTARY ACKNOWLEDGEMENT OF PARENTAGE

On or before January 15, 2015, the Secretary of Human Services, after consultation with the court administrator, shall submit to the Senate Committee on Health and Welfare and the House Committee on Human Services a report addressing whether and how the voluntary acknowledgement of parentage process should be amended to allow persons who are not the biological parent of a child to assume parental rights and responsibilities of a child through completion of a voluntary acknowledgement of parentage form. The report shall include:

(1) a proposal for amending the voluntary acknowledgement of parentage process, including the acknowledgement form, to allow nonbiological parents to assume parental rights;

(2) a proposal for notifying a biological parent of the birth of a child when a voluntary acknowledgement of parentage form has been submitted by a

nonbiological parent and the biological parent has a due process right to notification, including notice to the biological parents of any rights to assert parentage or parental rights; and

(3) a summary of whether voluntary acknowledgement of parentage by a nonbiological parent will be legally recognized in other jurisdictions, including by federal government assistance programs.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

**S. 35.**

An act relating to establishing and regulating licensed dental practitioners.

**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:

Sec. 1. 26 V.S.A. chapter 12 is amended to read:

CHAPTER 12. DENTISTS, DENTAL PRACTITIONERS, DENTAL HYGIENISTS, AND DENTAL ASSISTANTS

Subchapter 1. General Provisions

§ 561. DEFINITIONS

As used in this chapter:

(1) “Board” means the ~~board of dental examiners~~ Board of Dental Examiners.

(2) “Director” means the ~~director of the office of professional regulation~~ Director of the Office of Professional Regulation.

(3) “Practicing dentistry” means an activity in which a person:

(A) undertakes by any means or method to diagnose or profess to diagnose or to treat or profess to treat or to prescribe for or profess to prescribe for any lesions, diseases, disorders, for deficiencies of the human oral cavity, teeth, gingiva, maxilla, or mandible or adjacent associated structures;

(B) extracts human teeth or corrects malpositions of the teeth or jaws;

(C) furnishes, supplies, constructs, reproduces, or repairs prosthetic dentures, bridges, appliances, or other structures to be used or worn as substitutes for natural teeth or adjusts those structures, except on the written

prescription of a duly licensed dentist and by the use of impressions or casts made by a duly licensed and practicing dentist;

(D) administers general dental anesthetics;

(E) administers local dental anesthetics, except dental hygienists as authorized by board rule; or

(F) engages in any of the practices included in the curricula of recognized dental colleges.

(4) “Dental practitioner” means an individual licensed to practice as a dental practitioner under this chapter.

(5) “Dental hygienist” means an individual licensed to practice as a dental hygienist under this chapter.

~~(5)~~(6) “Dental assistant” means an individual registered to practice as a dental assistant under this chapter.

~~(6)~~(7) “Direct supervision” means supervision by a licensed dentist who is readily available at the dental facility for consultation or intervention.

(8) “General supervision” means the direct or indirect oversight of a dental practitioner by a dentist, which need not be on-site.

#### § 562. PROHIBITIONS

(a) No person may use in connection with a name any words, including “Doctor of Dental Surgery” or “Doctor of Dental Medicine,” or any letters, signs, or figures, including the letters “D.D.S.” or “D.M.D.,” which imply that a person is a licensed dentist when not authorized under this chapter.

(b) No person may practice as a dentist, dental practitioner, or dental hygienist unless currently licensed to do so under the provisions of this chapter.

(c) No person may practice as a dental assistant unless currently registered under the provisions of this chapter.

(d) A person who violates this section shall be subject to the penalties provided in 3 V.S.A. § 127.

\* \* \*

#### § 565. DISPLAY OF LICENSE OR REGISTRATION

Every dentist, dental practitioner, dental hygienist, and dental assistant shall display a copy of his or her current license or registration at each place of practice and in such a manner so as to be easily seen and read.

\* \* \*

## Subchapter 2. Board of Dental Examiners

\* \* \*

### § 584. UNPROFESSIONAL CONDUCT

The ~~board~~ Board may refuse to give an examination or issue a license to practice dentistry, to practice as a dental practitioner, or to practice dental hygiene or to register an applicant to be a dental assistant and may suspend or revoke any such license or registration or otherwise discipline an applicant, licensee, or registrant for unprofessional conduct. Unprofessional conduct means the following conduct and the conduct set forth in 3 V.S.A. § 129a by an applicant or person licensed or registered under this chapter:

\* \* \*

## Subchapter 3A. Dental Practitioners

### § 611. LICENSE BY EXAMINATION

(a) Qualifications for examination. To be eligible for examination for licensure as a dental practitioner, an applicant shall:

(1) have attained the age of majority;

(2) be a licensed dental hygienist;

(3) be a graduate of a dental practitioner educational program administered by an institution accredited to train dentists or dental hygienists; and

(4) pay the application fee set forth in section 662 of this chapter and an examination fee established by the Board by rule.

(b) Completion of examination.

(1) An applicant for licensure meeting the qualifications for examination set forth in subsection (a) of this section shall pass a comprehensive, competency-based clinical examination approved by the Board and administered independently of an institution providing dental practitioner education. An applicant shall also pass an examination testing the applicant's knowledge of the Vermont laws and rules relating to the practice of dentistry approved by the Board.

(2) An applicant who has failed the clinical examination twice is ineligible to retake the clinical examination until further education and training are obtained as established by the Board by rule.

(c) The Board may grant a license to an applicant who has met the requirements of this section.

§ 612. PRACTICE; SCOPE OF PRACTICE

(a) A person who provides oral health care services, including prevention, evaluation and assessment, education, palliative therapy, and restoration under the general supervision of a dentist within the parameters of a collaborative agreement as provided under section 613 of this chapter shall be regarded as practicing as a dental practitioner within the meaning of this chapter.

(b) In addition to services permitted by the Board by rule, a licensed dental practitioner may perform the following oral health care services:

(1) oral health instruction and disease prevention education, including nutritional counseling and dietary analysis;

(2) periodontal charting, including periodontal screening exam;

(3) exposing radiographs;

(4) dental prophylaxis;

(5) prescribing, dispensing, and administering analgesics, anti-inflammatories, and antibiotics;

(6) applying topical preventive or prophylactic agents, including fluoride varnishes, antimicrobial agents, and pit and fissure sealants;

(7) pulp vitality testing;

(8) applying desensitizing medication or resin;

(9) fabricating athletic mouthguards;

(10) placement of temporary restorations;

(11) fabricating soft occlusal guards;

(12) tissue conditioning and soft reline;

(13) interim therapeutic restorations;

(14) changing periodontal dressings;

(15) tooth reimplantation and stabilization;

(16) administering local anesthetic;

(17) administering nitrous oxide;

(18) oral evaluation and assessment of dental disease;

(19) formulating an individualized treatment plan, including services within the dental practitioner's scope of practice and referral for services outside the dental practitioner's scope of practice;

(20) extractions of primary teeth;

(21) nonsurgical extractions of periodontally diseased permanent teeth with tooth mobility of +3. The dental practitioner shall not extract a tooth if it is unerupted, impacted, fractured, or needs to be sectioned for removal;

(22) emergency palliative treatment of dental pain;

(23) placement and removal of space maintainers;

(24) cavity preparation;

(25) restoring primary and permanent teeth, not including permanent tooth crowns, bridges, or denture fabrication;

(26) placement of temporary crowns;

(27) preparation and placement of preformed crowns;

(28) pulpotomies on primary teeth;

(29) indirect and direct pulp capping on primary and permanent teeth;

(30) suture removal;

(31) brush biopsies;

(32) repairing defective prosthetic devices;

(33) recementing permanent crowns; and

(34) mechanical polishing.

#### § 613. COLLABORATIVE AGREEMENT

(a) Before a dental practitioner may enter into his or her first collaborative agreement, he or she must:

(1) have 400 hours of field experience under the direct supervision of a dentist; and

(2) receive signed approval from the supervising dentist.

(b) Prior to performing any of the services authorized under this chapter, a dental practitioner must enter into a written collaborative agreement with a dentist. A supervising dentist is limited to entering into a collaborative agreement with no more than two dental practitioners at any one time. The agreement shall include:

(1) practice settings where services may be provided and the populations to be served;

(2) any limitations on the services that may be provided by the dental practitioner, including the level of supervision required by the supervising dentist;

(3) age and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency;

(4) a procedure for creating and maintaining dental records for the patients that are treated by the dental practitioner;

(5) a plan to manage medical emergencies in each practice setting where the dental practitioner provides care;

(6) a quality assurance plan for monitoring care provided by the dental practitioner, including patient care review, referral follow-up, and a quality assurance chart review;

(7) protocols for prescribing, administering, and dispensing medications, including the specific conditions and circumstances under which these medications may be dispensed and administered;

(8) criteria relating to the provision of care to patients with specific medical conditions or complex medication histories, including requirements for consultation prior to the initiation of care;

(9) supervision criteria of dental assistants and dental hygienists; and

(10) a plan for the provision of clinical resources and referrals in situations that are beyond the capabilities of the dental practitioner.

(c) The supervising dentist shall accept responsibility for all services authorized and performed by the dental practitioner pursuant to the collaborative agreement. A supervising dentist must be licensed and practicing in Vermont. Any licensed dentist who permits a dental practitioner to perform a dental service other than those authorized pursuant to this chapter or by the Board by rule or any dental practitioner who performs an unauthorized service shall be in violation of section 584 of this chapter.

(d) A collaborative agreement must be signed and maintained by the supervising dentist and the dental practitioner. Agreements must be reviewed, updated, and submitted to the Board on an annual basis or as soon as a change is made to the agreement.

#### § 614. APPLICATION OF OTHER LAWS

A licensed dental practitioner authorized to practice under this chapter shall not be in violation of section 562 of this chapter as it relates to the unauthorized practice of dentistry if the practice is authorized under this chapter and under the collaborative agreement.

§ 615. USE OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

A licensed dental practitioner may directly supervise dental assistants and dental hygienists to the extent permitted in the collaborative agreement. At any one practice setting, a licensed dental practitioner may have under his or her direct supervision no more than a total of two assistants, hygienists, or combination thereof.

§ 616. REFERRALS

(a) The supervising dentist is responsible for arranging for another dentist or specialist to provide any necessary services needed by a patient that are beyond the scope of practice of the dental practitioner and which the dentist is unable to provide.

(b) A dental practitioner, in accordance with the collaborative agreement, shall refer patients to another qualified dental or health care professional to receive any needed services that exceed the scope of practice of the dental practitioner.

\* \* \*

Subchapter 6. Renewals, Continuing Education, and Fees

§ 661. RENEWAL OF LICENSE

(a) Licenses and registrations shall be renewed every two years on a schedule determined by the ~~office of professional regulation~~ Office of Professional Regulation.

(b) No continuing education reporting is required at the first biennial license renewal date following licensure.

(c) The ~~board~~ Board may waive continuing education requirements for licensees who are on active duty in the ~~armed forces of the United States~~ U.S. Armed Forces.

(d) Dentists.

\* \* \*

(e) Dental practitioners. To renew a license, a dental practitioner shall meet active practice requirements established by the Board by rule and document completion of no fewer than 20 hours of Board-approved continuing



professional education which shall include an emergency office procedures course during the two-year licensing period preceding renewal.

(f) Dental hygienists. To renew a license, a dental hygienist shall meet active practice requirements established by the ~~board~~ Board by rule and document completion of no fewer than 18 hours of ~~board-approved~~ Board-approved continuing professional education which shall include an emergency office procedures course during the two-year licensing period preceding renewal.

(~~f~~)(g) Dental assistants. To renew a registration, a dental assistant shall meet the requirements established by the ~~board~~ Board by rule.

#### § 662. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application

(A) Dentist	\$ 225.00
(B) <u>Dental practitioner</u>	<u>\$ 185.00</u>
(C) Dental hygienist	\$ 150.00
( <del>C</del> )(D) Dental assistant	\$ 60.00

(2) Biennial renewal

(A) Dentist	\$ 355.00
(B) <u>Dental practitioner</u>	<u>\$ 225.00</u>
(C) Dental hygienist	\$ 125.00
( <del>C</del> )(D) Dental assistant	\$ 75.00

(b) The licensing fee for a dentist, dental practitioner, or dental hygienist or the registration fee for a dental assistant who is otherwise eligible for licensure or registration and whose practice in this ~~state~~ State will be limited to providing pro bono services at a free or reduced-fee clinic or similar setting approved by the ~~board~~ Board shall be waived.

\* \* \*

#### Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-1-0)

**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~~ if the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or

(2) ~~If~~ 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 imposing greater penalties than is provided 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.

\* \* \* 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.

\* \* \* Planning and Advisory Commissions \* \* \*

Sec. 8. 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. 9. 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. 10. 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.

\* \* \*



\* \* \* General Municipal Regulatory Authority \* \* \*

Sec. 11. 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 condemned to be destroyed 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. The owner of property condemned under this subdivision may appeal the condemnation according to the condemnation appeals procedure of chapter 83 of this title, provided that any appeal to the Superior Court shall be to the Civil Division.

\* \* \* Effective Date \* \* \*

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 4-0-1)

**S. 193.**

An act relating to establishing an interim Public Retirement Plan Study Committee.

**Reported favorably with recommendation of amendment by Senator Bray for the Committee on Economic Development, Housing and General Affairs.**

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. INTERIM STUDY ON THE FEASIBILITY OF ESTABLISHING A PUBLIC RETIREMENT PLAN**

(a) Creation of Committee. There is created a Public Retirement Plan Study Committee to evaluate the feasibility of establishing a public retirement plan.

(b) Membership. The Public Retirement Plan Study Committee shall be composed of 11 members. Four members of the Committee shall be members of the General Assembly. The Committee on Committees of the Senate shall appoint two members of the Senate, not from the same political party; and the Speaker of the House shall appoint two members of the House, not from the same political party. Seven members of the Committee shall be as follows:

(1) the State Treasurer or designee;

(2) the Commissioner of Labor or designee;

(3) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(4) an individual with private sector experience in the area of providing retirement products and financial services to small businesses, to be appointed by the Speaker;

(5) an individual with experience or expertise in the area of the financial needs of an aging population, to be appointed by the Committee on Committees;

(6) a representative of employers, to be appointed by the Speaker; and

(7) a representative of employees who currently lack access to employer-sponsored retirement plans, to be appointed by the Committee on Committees.

(c) Powers and duties.

(1)(A) The Committee shall study the feasibility of establishing a public retirement plan, including the following:

(i) the access Vermont residents currently have to employer-sponsored retirement plans and the types of employer-sponsored retirement plans;

(ii) data and estimates on the amount of savings and resources Vermont residents will need for a financially secure retirement;

(iii) data and estimates on the actual amount of savings and resources Vermont residents will have for retirement, and whether those savings and resources will be sufficient for a financially secure retirement;

(iv) current incentives to encourage retirement savings, and the effectiveness of those incentives;

(v) whether other states have created a public retirement plan and the experience of those states;

(vi) whether there is a need for a public retirement plan in Vermont;

(vii) whether a public retirement plan would be feasible and effective in providing for a financially secure retirement for Vermont residents;

(viii) other programs or incentives the State could pursue in combination with a public retirement plan or, instead of such a plan, in order to encourage residents to save and prepare for retirement; and

(B) If the Committee determines that a public retirement plan is necessary, feasible, and effective, the Committee shall study:

(i) potential models for the structure, management, organization, administration, and funding of such a plan;

(ii) how to ensure that the plan is available to private sector employees who are not covered by an alternative retirement plan;

(iii) how to build enrollment to a level that enrollee costs can be lowered;

(iv) whether such a plan should impose any obligation or liability upon private sector employers; and

(v) any other issue the Committee deems relevant.

(2) The Committee shall have the assistance of the Office of Legislative Council and the Joint Fiscal Office. The Committee may also require the

assistance of the staff of the Office of the Treasurer, the Department of Labor, and the Department of Disabilities, Aging, and Independent Living.

(d) Report. By January 15, 2015, the Committee shall report to the General Assembly its findings and any recommendations for legislative action. In its report, the Committee shall state its findings as to every factor set forth in subdivision (c)(1)(A) of this section, whether it recommends that a public retirement plan be created, and the reasons for that recommendation. If the Committee recommends that a public retirement plan be created, the Committee's report shall include specific recommendations as to the factors listed in subdivision (c)(1)(B) of this section.

(e) Meetings; term of Committee; chair. The Committee may meet no more than six times, unless additional meetings are approved by the Speaker and President Pro Tempore, and shall cease to exist on January 15, 2015. The State Treasurer shall serve as chair of the Committee and shall call the first meeting.

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

(g) Appropriation. The sum of \$5,000.00 is appropriated from the General Fund in fiscal year 2015 to the Committee for per diem and expenses under this section.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

## **S. 234.**

An act relating to Medicaid coverage for home telemonitoring services.

**Reported favorably with recommendation of amendment by Senator Lyons for the Committee on Health and Welfare.**

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. 33 V.S.A. § 1901g is added to read:

§ 1901g. MEDICAID COVERAGE FOR HOME TELEMONITORING SERVICES

(a) The Agency of Human Service shall provide Medicaid coverage for home telemonitoring services performed by home health agencies for Medicaid beneficiaries who have serious or chronic medical conditions that can result in frequent or recurrent hospitalizations and emergency room admissions. The Agency shall use evidence-based best practices to determine the conditions or risk factors to be covered.

(b) A home health agency shall ensure that clinical information gathered by the home health agency while providing home telemonitoring services is shared with the patient's treating health care professionals. The Agency of Human Services may impose other reasonable requirements on the use of home telemonitoring services.

(c) As used in this section:

(1) "Home health agency" means an entity that has received a certificate of need from the State to provide home health services and is certified to provide services pursuant to 42 U.S.C. § 1395x(o).

(2) "Home telemonitoring service" means a health service that requires scheduled remote monitoring of data related to a patient's health, in conjunction with a home health plan of care, and access to the data by a home health agency.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

**Reported favorably with recommendation of amendment by Senator Westman for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Health and Welfare with the following amendment thereto:

By adding a new Sec. 2 to read as follows:

## Sec. 2. GRANT FUNDING

The Department of Vermont Health Access and home health agencies shall seek to maximize opportunities for grant funding to offset start-up, equipment, technology, maintenance, and other costs related to home telemonitoring in order to minimize the expense to the Medicaid program.

And by renumbering the existing Sec. 2, effective date, to be Sec. 3

(Committee vote: 5-0-1)

**S. 235.**

An act relating to improving the oral health of Vermonters.

**Reported favorably with recommendation of amendment by Senator Pollina for the Committee on Health and Welfare.**

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. FINDINGS AND PURPOSE

(a) The General Assembly finds that:

(1) Early prevention is essential to solving the problem of early childhood caries, a form of tooth decay. Evidence-based research shows a direct correlation between the age of a child and the cost of dental care; the earlier the preventive care and risk assessment, the fewer dollars expended in dental treatment.

(2) Disparities exist in which children develop early childhood tooth decay; it is principally found in children from low-income families.

(3) Approximately one-half of all new mothers in Vermont are eligible for Medicaid. A pregnant woman's oral health substantially affects her newborn child's oral health.

(4) Vermont spends approximately \$3 million annually on dental care for Medicaid-eligible children under five years of age. Almost \$2 million of those funds is spent on 350 children hospitalized each year to treat severe dental decay. Approximately \$1 million is spent to treat routine dental decay in offices.

(5) The Vermont Department of Health currently has three Public Health Dental Hygienists (PHDHs), each working 20 hours per week (0.5 FTE), in the Newport, Rutland, and Morrisville district health offices. Funding has been provided by Fletcher Allen Health Improvement for a fourth PHDH for the Burlington district health office.

(b) The General Assembly supports the Vermont Department of Health's Public Health Dental Hygienist Program and the important work that it does to facilitate early prevention and improve oral health care. The purpose of this act is to pay for the expansion of the Public Health Dental Hygienist Program, enabling dental hygienists (0.5 FTEs) to provide services in all 12 Vermont Department of Health district office WIC programs.

(c) Preventing just 24 or seven percent of the annual 350 hospitalizations would entirely pay for the State's share of the cost for the eight new positions.

Sec. 2. WORK GROUP ON PUBLIC HEALTH DENTAL PROGRAMS;  
REPORT

(a) Creation. There is created a Public Health Dental Program Work Group to assess public health dental needs and determine how further to improve access to dental care in the State. Specifically, the Work Group shall consider whether a community dental health coordinator program would benefit the State, how it would complement current programs, and its recommended scope of practice and responsibilities.

(b) Membership. The Work Group shall comprise:

(1) the Commissioner of Health or one or more designees;

(2) up to four representatives of the Vermont Oral Health Coalition; and

(3) up to four representatives of the Vermont State Dental Society.

(c) Powers and duties. The Work Group shall study the public health dental needs in the State, including addressing the following questions:

(1) Considering the “Vermont Dental Landscape” and other reports, where should the State focus its resources most efficiently to improve the oral health of Vermonters?

(2) How can the State maximize oral health access and services for school-aged children?

(3) What steps are necessary to increase prevention and awareness of oral health issues?

(4) Should the State create a community dental health coordinator pilot project?

(5) If so, what should the community dental health coordinator’s scope of practice, duties, and responsibilities include?

(6) How would a community dental health coordinator fit with current public health dental programs, including the Public Health Dental Hygienist and Tooth Tutor programs?

(7) Would the Public Health Dental Hygienist, Tooth Tutor, and community dental health coordinator programs provide a sufficient continuum of care for Vermonters? If not, where would gaps remain?

(d) Assistance. The Work Group shall have the administrative, technical, and legal assistance of the Department of Health.

(e) Report. On or before December 1, 2014, the Work Group shall submit a written report to the House Committees on Health Care and on Human

Services and the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Commissioner of Health or designee shall call the first meeting of the Work Group to occur on or before August 1, 2014.

(2) The Commissioner of Health or designee shall be the chair of the Work Group.

(3) The Work Group shall cease to exist on December 31, 2014.

### Sec. 3. APPROPRIATION

In fiscal year 2015, the sum of \$375,000.00 in Global Commitment funds is appropriated to the Department of Health, of which the sums of \$167,633.00 in General Fund dollars and \$207,337.00 in federal funds are appropriated to the Agency of Human Services to pay for the expansion of the Public Health Dental Hygienist Program, in which dental hygienists provide services at public health clinics and clinics participating in the WIC program.

### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

## S. 261.

An act relating to electrical installations.

**Reported favorably with recommendation of amendment by Senator McAllister 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:

Sec. 1. 26 V.S.A. § 894 is amended to read:

§ 894. ENERGIZING INSTALLATIONS; REENERGIZING AFTER EMERGENCY DISCONNECTION

(a) A new electrical installation in or on a complex structure or an electrical installation used for the testing or construction of a complex structure shall not be connected or caused to be connected, to a source of electrical energy unless prior to ~~such~~ the connection, either a temporary or a permanent energizing permit is issued for that installation by the ~~commissioner~~ Commissioner or an electrical inspector.



(b) An existing electrical installation in any structure, including a single-family owner-occupied freestanding residence, disconnected as the result of an emergency that affects the internal electrical circuits shall not be reconnected to a source of electrical energy until the electrical installation has been inspected and determined to be safe by a licensed journeyman or licensed master electrician.

(c) This section shall not be construed to limit or interfere with a contractor's right to receive payment for electrical work for which a certificate of completion has been granted.

Sec. 2. 26 V.S.A. § 904(a) is amended to read:

(a) To be eligible for licensure as a type-S journeyman, an applicant shall:

(1) complete an accredited training and experience program recognized by the ~~board~~ Board; or

(2) have had training and experience, within or ~~without~~ outside this ~~state~~ State, acceptable to the ~~board~~ Board; and

(3) pass an examination to the satisfaction of the ~~board~~ Board in one or more of the following fields:

(A) ~~Automatic~~ automatic gas or oil heating;

(B) ~~Outdoor~~ outdoor advertising;

(C) ~~Refrigeration~~ refrigeration or air conditioning;

(D) ~~Appliance~~ appliance and motor repairs;

(E) ~~Well~~ well pumps;

(F) ~~Farm~~ farm equipment;

(G) ~~Any~~ any miscellaneous specified area of specialized competence.

Sec. 3. 26 V.S.A. § 910 is amended to read:

#### § 910. LICENSE NOT REQUIRED

A license shall not be required for the following types of work:

(1) Any electrical work, including construction, installation, operation, maintenance, and repair of electrical installations in, on, or about equipment or premises, which are owned or leased by the operator of any industrial or manufacturing plant, if the work is done under the supervision of an electrical engineer or master electrician in the employ of the operator;

(2) Installation in laboratories of exposed electrical wiring for experimental purposes only;

(3) Any electrical work by ~~an~~ the owner ~~or his or her regular employees~~ in the ~~owner's~~ owner-occupied freestanding single unit residence, ~~in~~ and outbuildings accessory to ~~such~~ the freestanding single unit residence or any structure on owner-occupied farms;.

(4) Electrical installations performed as a part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building in which the installation is made; is to be used as a "complex structure";.

(5) Electrical work performed by an electrician's helper under the direct supervision of a person who holds an appropriate license issued under this chapter;.

~~(6) Any electrical work in a building used for dwelling or residential purposes which contains no more than two dwelling units.~~

~~(7) Installation of solar electric modules and racking on complex structures to the point of connection to field-fabricated wiring and erection of net metered wind turbines.~~

(7) Installation of solar electric systems, including modules, racking, inverters, and the balance of the system on freestanding single-family and two-family dwellings up to and including the point of connection with the existing electrical system, that connection being one or more back-fed breakers in an existing breaker panel.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

### S. 314.

An act relating to miscellaneous amendments to laws related to motor vehicles.

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

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

\* \* \* Nondriver Identification Cards \* \* \*

Sec. 1. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

(a) Any Vermont resident may make application to the Commissioner and be issued an identification card which is attested by the Commissioner as to true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other identifying data as the Commissioner may require which shall include, in the case of minor applicants, the written consent of the applicant's parent, guardian, or other person standing in loco parentis. Every application for an identification card shall be signed by the applicant and shall contain such evidence of age and identity as the Commissioner may require, consistent with subsection (1) of this section. New and renewal application forms shall include a space for the applicant to request that a "veteran" designation be placed on his or her identification card. If a veteran, as defined in 38 U.S.C. § 101(2), requests a veteran designation and provides a Department of Defense Form 214 or other proof of veteran status specified by the Commissioner, and the Office of Veterans Affairs confirms his or her status as an honorably discharged veteran or a veteran discharged under honorable conditions, the identification card shall include the term "veteran" on its face. The Commissioner shall require payment of a fee of \$20.00 at the time application for an identification card is made, except that an initial nondriver identification card shall be issued at no charge to a person who surrenders his or her license in connection with a suspension or revocation under subsection 636(b) of this title due to a physical or mental condition.

~~(b) Except as provided in subsection (1) of this section, every~~ Every identification card shall expire, unless earlier canceled, on the fourth birthday of the applicant following the date of original issue, and may be renewed every four years upon payment of a \$20.00 fee. At least 30 days before an identification card will expire, the Commissioner shall mail first class to the cardholder an application to renew the identification card.

\* \* \*

(1)(1) The Commissioner shall issue identification cards to Vermont residents who are not U.S. citizens but are able to establish lawful presence in the United States if an applicant follows the procedures and furnishes documents as required under subsection 603(d) of this title and any policies or rules adopted thereunder, and otherwise satisfies the requirements of this section. The identification cards shall expire consistent with subsection 603(d) of this title.

\* \* \*

(4) A non-REAL ID compliant identification card issued under subdivision (2) or (3) of this subsection shall:

~~(A) bear on its face text indicating that it is not valid for federal identification or official purposes; and~~

~~(B) expire at midnight on the eve of the second birthday of the applicant following the date of issuance.~~

\* \* \* Vehicles Eligible to Display Vanity Plates \* \* \*

Sec. 2. 23 V.S.A. § 304(b) is amended to read:

(b) The authority to issue vanity motor vehicle number plates or special number plates for safety organizations and service organizations shall reside with the Commissioner. Determination of compliance with the criteria contained in this section shall be within the discretion of the Commissioner. Series of number plates for safety and service organizations which are authorized by the Commissioner shall be issued in order of approval, subject to the operating considerations in the Department as determined by the Commissioner. The Commissioner shall issue vanity and special organization number plates in the following manner:

(1) Vanity plates. Subject to the restrictions of this section, vanity plates shall be issued at the request of the registrant of a motor vehicle ~~registered at the pleasure car rate or of a truck registered for less than 26,001 pounds (but excluding trucks~~ unless the vehicle is registered under the International Registration Plan), upon application and upon payment of an annual fee of \$45.00 in addition to the annual fee for registration. The Commissioner shall not issue two sets of plates bearing the same initials or letters unless the plates also contain a distinguishing number. Vanity plates are subject to reassignment if not renewed within 60 days of expiration of the registration.

\* \* \*

\* \* \* Registration Validation Stickers; Proof of Temporary Registration \* \* \*

Sec. 3. 23 V.S.A. § 305 is amended to read:

#### § 305. REGISTRATION PERIODS

(a) The Commissioner of Motor Vehicles shall issue registration certificates, validation stickers, and number plates upon initial registration, and registration certificates and validation stickers for the each succeeding renewal period of registration, upon payment of the registration fee. ~~Except as otherwise provided, number~~ Number plates so issued will become void one year from the first day of the month following the month of issue unless a longer initial registration period is authorized by law, or unless this period is extended through renewal. Registrations issued for motor trucks shall become void one year from the first day of the month following the month of issue. The fees for annual special excess weight permits issued to these vehicles

pursuant to section 1392 of this title shall be prorated so as to coincide with registration expiration dates.

(b) The Commissioner of ~~Motor Vehicles~~ shall issue a registration certificate, validation sticker, and number plates for each motor vehicle owned by the State, that shall be valid for a period of five years. Such motor vehicle shall be considered as properly registered while the plates so issued are attached thereto. The Commissioner may replace such number plates when in his or her discretion their condition requires.

(c) ~~The Commissioner may issue number plates to be used for a period of two or more years. One validating sticker shall be issued by the Department of Motor Vehicles upon payment of the registration fee for the second and each succeeding year the plate is used.~~ Except as otherwise provided in subsection (d) of this section, no plate is valid for ~~the second and~~ succeeding years unless the sticker is affixed to the rear plate in the manner prescribed by the Commissioner in section 511 of this title.

(d) When a registration for a motor vehicle, snowmobile, motorboat, or all-terrain vehicle is processed electronically, a receipt shall be available electronically and for printing. ~~The~~ An electronic or printed receipt shall serve as a temporary registration. ~~To be valid, the temporary registration shall be in the possession of the operator at all times, and it shall expire for~~ ten days after the date of the transaction. An electronic receipt may be shown to an enforcement officer using a portable electronic device. Use of a portable electronic device to display the receipt does not in itself constitute consent for an officer to access other contents of the device.

Sec. 4. 23 V.S.A. § 511 is amended to read:

#### § 511. MANNER OF DISPLAY

(a) A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the ~~commissioner of motor vehicles~~ Commissioner may require. Such number plates shall be furnished by the ~~commissioner of motor vehicles, showing~~ Commissioner and shall show the number assigned to such vehicle by the ~~commissioner~~ Commissioner. If only one number plate is furnished, the same shall be securely attached to the rear of the vehicle. If two are furnished, one shall be securely attached to the rear and one to the front of the vehicle. The number plates shall be kept entirely unobscured, and the numerals and the letters thereon shall be plainly legible at all times. They shall be kept horizontal, shall be so fastened as not to swing, excepting however, there may be installed on a motor truck or truck tractor a device which would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the

vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the ~~commissioner~~ Commissioner pursuant to the provisions of 3 V.S.A. chapter 25 of Title 3.

(b) Validation stickers shall be unobstructed and affixed in the lower right corner of the rear number plate.

(c) A person shall not operate a motor vehicle unless number plates and a validation sticker are displayed as provided in this section.

\* \* \* Reciprocal Recognition of Learner's Permits \* \* \*

Sec. 5. 23 V.S.A. § 411 is amended to read:

#### § 411. RECIPROCAL PROVISIONS

As determined by the ~~commissioner of motor vehicles~~ Commissioner, a motor vehicle owned by a nonresident; shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this ~~state~~, State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits. Any exemptions provided in this section shall, however, be operative as to an owner or operator of a motor vehicle only to the extent that under the laws of the foreign country or state of his residence like exemptions and privileges are granted to operators duly licensed or permitted and to owners of motor vehicles duly registered under the laws of this ~~state~~ State. If the owner or operator is a resident of a country not adjoining the United States, such exemptions shall be operative for a period of 30 days for vacation purposes, notwithstanding that such country does not grant like privileges to residents of this ~~state~~ State. Such exemptions shall not be operative as to the owner of a motor truck used for the transportation of property for hire or profit between points within the ~~state~~ State or to the owner of any motor vehicle carrying an auxiliary fuel tank or tanks providing an additional supply of motor fuel over and above that provided in the standard equipment of such vehicle.

Sec. 6. 23 V.S.A. § 615 is amended to read:

#### § 615. UNLICENSED OPERATORS

(a)(1) An unlicensed person 15 years of age or older may operate a motor vehicle if he or she possesses a valid learner's permit issued to him or her by the Commissioner, or by another jurisdiction in accordance with section 411 of this title, and if his or her licensed parent or guardian, licensed or certified driver education instructor, or licensed person at least 25 years of age rides beside him or her. Nothing in this section shall be construed to permit a person

against whom a revocation or suspension of license is in force, or a person ~~less~~ younger than 15 years of age, or a person who has been refused a license by the Commissioner to operate a motor vehicle.

\* \* \* Out-of-state Junior Operators \* \* \*

Sec. 6a. 23 V.S.A. § 614 is amended to read:

§ 614. RIGHTS UNDER LICENSE

\* \* \*

(b) A junior operator's license shall entitle the holder to operate a registered motor vehicle with the consent of the owner, but shall not entitle him or her to operate a motor vehicle in the course of his or her employment or for direct or indirect compensation for one year following issuance of the license, except that the holder may operate a farm tractor with or without compensation upon a public highway in going to and from different parts of a farm of the tractor's owner or to go to any repair shop for repair purposes. A junior operator's license shall not entitle the holder to carry passengers for hire.

(c) During the first three months of operation, the holder of a junior operator's license is restricted to driving alone or with a licensed parent or guardian, licensed or certified driver education instructor, or licensed person at least 25 years of age. During the following three months, a junior operator may additionally transport family members. No person operating with a junior operator's license shall transport more passengers than there are safety belts unless he or she is operating a vehicle that has not been manufactured with a federally approved safety belt system. A person convicted of operating a motor vehicle in violation of this subsection shall be subject to a penalty of not more than \$50.00, and his or her license shall be recalled for a period of 90 days. The provisions of this subsection may be enforced only if a law enforcement officer has detained the operator for a suspected violation of another traffic offense.

(d) A nonresident under age 18 who is privileged to operate on Vermont highways under section 411 of this title shall be subject to the restrictions of subsections (b) and (c) of this section.

\* \* \* Driving Privilege Cards; Expiration \* \* \*

Sec. 7. 23 V.S.A. § 603(h) is amended to read:

(h) A privilege card issued under this section shall:

\* \* \*

(2) expire at midnight on the eve of the second birthday of the applicant following the date of issuance or, at the option of an applicant for an operator's

privilege card and upon payment of the required four-year fee, at midnight on the eve of the fourth birthday of the applicant following the date of issuance.

Sec. 8. 23 V.S.A. § 608 is amended to read:

§ 608. FEES

(a) The four-year fee required to be paid the Commissioner for licensing an operator of motor vehicles or for issuing an operator's privilege card shall be \$48.00. The two-year fee required to be paid the Commissioner for licensing an operator or for issuing an operator's privilege card shall be \$30.00 and the two-year fee for licensing a junior operator or for issuing a junior operator's privilege card shall be \$30.00.

\* \* \* Driver's Training School Licensees \* \* \*

Sec. 9. 23 V.S.A. § 704 is amended to read:

§ 704. QUALIFICATIONS FOR TRAINING SCHOOL LICENSE

~~Each applicant in order to~~ To qualify for a driver's training school license, ~~each applicant shall meet the following requirements:~~

\* \* \*

(3) ~~provide evidence that he or she maintains~~ maintain bodily injury and property damage liability insurance on each motor vehicle being used in driver training, insuring the liability of the driver training school and the operator of each motor vehicle for each instructor and of any person while using any such motor vehicle with the permission of the named insured in at least the following amount: \$300,000.00 for bodily injury or death of one person in any one accident and, subject to said limit for one person, \$500,000.00 for bodily injury or death of two or more persons in any one accident, and \$100,000.00 for damage to property of others in any one accident. ~~Evidence of such insurance coverage shall be in the form of a certificate from an insurance company authorized to do business in this state filed with the commissioner setting forth the amount of coverage and providing that the policy of insurance shall be noncancelable except after 15 days' written notice to the commissioner;~~

\* \* \*

\* \* \* Definition of Business Day or Working Day \* \* \*

Sec. 9a. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the



law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

\* \* \*

(83) “Business day” or “working day” means any calendar day except Saturday, Sunday, or any day classified as a holiday under 1 V.S.A. § 371.

\* \* \* Proof of Financial Responsibility \* \* \*

Sec. 10. 23 V.S.A. § 800 is amended to read:

§ 800. MAINTENANCE OF FINANCIAL RESPONSIBILITY

(a) No owner of a motor vehicle required to be registered, or operator required to be licensed or issued a learner’s permit, shall operate or permit the operation of the vehicle upon the highways of the State without having in effect an automobile liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one ~~accident~~ crash. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the Commissioner of Motor Vehicles, and shall be maintained and evidenced in a form prescribed by the Commissioner. The Commissioner may require that evidence of financial responsibility be produced before motor vehicle inspections are performed pursuant to the requirements of section 1222 of this title.

(b) A person who violates subsection (a) of this section shall be assessed a civil penalty of not more than \$500.00, and such violation shall be a traffic violation within the meaning of chapter 24 of this title.

(c) Every operator of a vehicle required to be registered shall have proof of financial responsibility as required by subsection (a) of this section when operating such vehicle on the highways of this State. A person may prove financial responsibility using a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device. An operator cited for violating this subsection shall not be convicted if he or she sends or produces to the issuing enforcement agency within five business days of the traffic stop proof of financial responsibility that was in effect at the time of the traffic stop.

(d) A person who violates subsection (c) of this section shall be subject to a fine of not more than \$100.00.

\* \* \* Possession of License Certificate; Grace Period \* \* \*

Sec. 11. 23 V.S.A. § 611 is amended to read:

§ 611. POSSESSION OF LICENSE CERTIFICATE

Every licensee shall have his or her operator's license certificate in his or her immediate possession at all times when operating a motor vehicle. However, ~~no~~ a person ~~charged~~ cited with violating this section or section 610 of this title shall not be convicted if he or she sends a copy of or produces in court or to the enforcement officer to the issuing enforcement agency within five business days of the traffic stop an operator's license certificate ~~theretofore issued to him or her which, at the time of his or her citation, that was valid or had expired within the prior 14 days~~ prior to the traffic stop.

\* \* \* Out-of-State Fuel User's License; Repeal \* \* \*

Sec. 12. 23 V.S.A. § 415 is amended to read:

§ 415. NONDIESEL FUEL USER'S LICENSE

\* \* \*

(c) ~~In addition to any other provision of law relating to registration of motor vehicles, or fees paid for registration, a person owning or operating upon the highways of this state a motor truck with a gross weight of 18,000 pounds or over, powered by gasoline or other nondiesel fuel and not base registered in this state, shall apply to the commissioner for a nondiesel fuel user's license for each motor truck to be so operated. Application shall be made upon a form prescribed by the commissioner and shall set forth such information as he or she may require. The application shall be accompanied by a license fee of \$6.50 for each motor truck listed in the application, the fee being for the purpose of paying the cost of issuing the license, cab card and sticker. The commissioner shall issue a license, cab card and identification tag, plate, or sticker for each motor truck, which tag, plate or sticker shall be of the size and design and contain such information as the commissioner shall prescribe. Except as otherwise provided, any license, cab card and tag, plate or sticker shall become void on January 1 next following the date of issue or, when determined by the commissioner, 12 months from the first day of the month of issue. Licenses and cab cards shall be carried in the motor truck and the tag, plate or sticker shall be affixed to the motor truck and at all times be visible and legible. For emergency purposes, the commissioner may by telegram, identifying the motor truck, authorize its operation without the attachment of a tag, plate or sticker for a period not to exceed 21 days from the date of issue of the license. The telegram must be kept with the truck while being so operated. This section shall not apply to motor trucks owned by federal, state, provincial, or municipal governments. [Repealed.]~~

\* \* \*

Sec. 13. 23 V.S.A. § 3007 is amended to read:

§ 3007. DIESEL FUEL USER'S LICENSE

(a) In addition to any other provision of law relating to registration of motor vehicles, or fees paid therefore, a person owning or operating upon the highways of the ~~state~~ State a motor truck, ~~which that~~ that is registered in the ~~state,~~ using State and uses fuel as defined in section 3002 of this title, shall, for each motor truck to be so operated, apply to the ~~commissioner~~ Commissioner for a diesel fuel user license, which shall be renewed at the time of renewal of the truck's registration. Application shall be made upon a form prescribed by ~~such~~ the Commissioner and shall set forth such information as the ~~commissioner~~ Commissioner may require. Applications filed at the time of the initial registration or renewal of a registration shall be accompanied by a \$6.50 annual license fee for each motor truck listed in the application, except that no fee shall be required for motor trucks with a gross weight of less than 26,001 pounds.

~~(b) In addition to any other provisions of law relating to registration of motor vehicles, or fees paid for registration, a person owning or operating upon the highways of the state a motor truck which is not base registered in this state, using fuel as defined in section 3002 of this title shall for each such motor truck apply to the commissioner for a diesel fuel user license. Application shall be made upon a form prescribed by the commissioner and shall set forth such information as the commissioner may require. Except for motor trucks with a gross weight of less than 26,001 pounds, and vehicles licensed under section 415 of this title, the application for issuance of initial and renewal licenses shall be accompanied by a \$6.50 license fee for each motor truck listed in the application, the fee being for the cost of the license, cab card and tag, plate or sticker. The commissioner shall issue a license, cab card and an identification tag, plate or sticker for each motor truck which tag, plate or sticker shall be of the size and design and contain such information as the commissioner shall prescribe. Except as otherwise provided any license, cab card and tag, plate or sticker shall become void on each January 1 thereafter or, when determined by the commissioner, 12 months from the first day of the month of issue. Licenses and cab cards shall be carried in the motor vehicle and the tag, plate or sticker shall be affixed to the motor vehicle and at all times be visible and legible. [Repealed.]~~

(c) This section shall not apply to users' vehicles exempt from reporting requirements under section 3014 of this title or to users' vehicles exempt from taxation under ~~subdivisions~~ subdivision 3003(d)(3) and ~~(5)(1)(C)~~ of this title, or to users' vehicles that are being operated under the provisions of ~~sections~~ section 463 or 516 of this title.

\* \* \* Total Abstinence; Out-of-State Applicants \* \* \*

Sec. 14. 23 V.S.A. § 1209a(b) is amended to read:

(b) Abstinence.

(1) Notwithstanding any other provision of this subchapter, a person whose license has been suspended for life under this subchapter may apply to the Driver Rehabilitation School Director and to the Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence from consumption of alcohol or drugs, or both. The beginning date for the period of abstinence shall be no sooner than the effective date of the suspension from which the person is requesting reinstatement and shall not include any period during which the person is serving a sentence of incarceration to include furlough. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

\* \* \*

(5) A person shall be eligible for reinstatement under this subsection only once following a suspension for life.

(6) If an applicant for reinstatement under this subsection resides in a jurisdiction other than Vermont, an investigation will not be conducted. The Commissioner may provide a letter to the applicant's jurisdiction of residence stating that Vermont does not object to that jurisdiction issuing a license, provided that the person is authorized only to operate vehicles equipped with an ignition interlock device and is required to complete any alcohol rehabilitation or treatment requirements of the licensing jurisdiction.

\* \* \* Single Trip Permits \* \* \*

Sec. 15. 23 V.S.A. § 1400 is amended to read:

§ 1400. PERMIT TO OPERATE IN EXCESS OF WEIGHT AND SIZE  
LIMITS; STATE HIGHWAYS

(a) A person or corporation owning or operating a traction engine, tractor, trailer, motor truck, or other motor vehicle that desires to operate it over ~~state~~ State highways or class 1 town highways in excess of the weight and size limits provided by this subchapter shall ~~make application for such a permit to the commissioner of motor vehicles~~ apply to the Commissioner for a permit. In his or her discretion, with or without hearing, the ~~commissioner~~ Commissioner may issue to the person or corporation a permit authorizing the person to operate the traction engine, tractor, trailer, motor truck, or other motor vehicle upon ~~state~~ State highways and class 1 town highways as he or

she may designate and containing the regulation subject to which the traction engine, tractor, trailer, motor truck, or other motor vehicle is to be operated. The permit shall not be granted until satisfactory proof is furnished to the ~~commissioner~~ Commissioner that the traction engine, tractor, trailer, motor truck, or other motor vehicle has been registered and the prescribed fee paid for a gross weight equal to a maximum legal load limit for its class. No additional registration fee shall be payable to authorize the use of the traction engine, tractor, trailer, motor truck, or other motor vehicle in accordance with the terms of the permit. The approval may be ~~given for a limited or unlimited length of time,~~ may be withdrawn for cause, and may be withdrawn without cause any time after March 31 next following the date of issuance. When approval is withdrawn for cause or on March 31, the ~~commissioner of motor vehicles~~ Commissioner shall forthwith revoke the permit; when approval is withdrawn otherwise he or she shall revoke the permit within one month.

\* \* \*

Sec. 16. 23 V.S.A. § 1402 is amended to read:

§ 1402. OVERWEIGHT, WIDTH, HEIGHT, AND LENGTH PERMITS;  
FEES

(a) Overweight, overwidth, indivisible overlength, and overheight permits. Overweight, overwidth, indivisible overlength, and overheight permits shall be signed by the Commissioner or by his or her agent and a copy shall be kept in the Office of the Commissioner or in a location approved by the Commissioner. Except as provided in subsection (c) of this section, a copy shall also be available in the towing vehicle and must be available for inspection on demand of a law enforcement officer. Before operating a traction engine, tractor, trailer, motor truck, or other motor vehicle, the person to whom a permit to operate in excess of the weight, width, indivisible overlength, and height limits established by this title is granted shall pay a fee of \$35.00 for each single trip permit or \$100.00 for a blanket permit, except that the fee for a fleet blanket permit shall be \$100.00 for the first unit and \$5.00 for each unit thereafter. At the option of a carrier, an annual permit for the entire fleet, to operate over any approved route, may be obtained for \$100.00 for the first tractor and \$5.00 for each additional tractor, up to a maximum fee of \$1,000.00. The fee for a fleet permit shall be based on the entire number of tractors owned by the applicant. An applicant for a fleet permit may apply for any number of specific routes, each of which shall be reviewed with regard to the characteristics of the route and the type of equipment operated by the applicant. When the weight or size of the vehicle-load are considered sufficiently excessive for the routing requested, the Agency of Transportation shall, on request of the Commissioner, conduct an

engineering inspection of the vehicle-load and route, for which a fee of \$300.00 will be added to the cost of the permit if the load is a manufactured home. For all other loads of any size or with gross weight limits less than 150,000 pounds, the fee shall be \$800.00 for any engineering inspection that requires up to eight hours to conduct. If the inspection requires more than eight hours to conduct, the fee shall be \$800.00 plus \$60.00 per hour for each additional hour required. If the vehicle and load weigh 150,000 pounds or more but not more than 200,000 pounds, the engineering inspection fee shall be \$2,000.00. If the vehicle and load weigh more than 200,000 pounds but not more than 250,000 pounds, the engineering inspection fee shall be \$5,000.00. If the vehicle and load weigh more than 250,000 pounds, the engineering inspection fee shall be \$10,000.00. The study must be completed prior to the permit being issued. Prior to the issuance of a permit, an applicant whose vehicle weighs 150,000 pounds or more, or is 15 or more feet in width or height, shall file with the Commissioner a special certificate of insurance showing minimum coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one ~~accident~~ crash.

(b) Overlength permits. Except as provided in subsections 1432(c) and (e) of this title, it shall be necessary to obtain an overlength permit as follows:

(1) For vehicles with a trailer or semitrailer longer than 75 feet anywhere in the State on highways approved by the Agency of Transportation. In such cases, the vehicle may be operated with a single trip overlength permit issued by the Department of Motor Vehicles for a fee of \$25.00. If the vehicle is 100 feet or more in length, the permit applicant shall file with the Commissioner of Motor Vehicles, a special certificate of insurance showing minimum coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one ~~accident~~ crash.

(2) Notwithstanding the provisions of this section, the Agency of Transportation may erect signs at those locations where it would be unsafe to operate vehicles in excess of 68 feet in length.

\* \* \*

~~(d) Permit for shipment of mobile or manufactured homes. The Commissioner may from time to time designate a specific route as being pre-approved for the shipment of mobile or manufactured homes which are greater than 14 feet but not greater than 16 feet in overall width. Any person to whom a permit is issued under subsection (a) of this section, to transport a mobile or manufactured home which is greater than 14 feet but not greater than 16 feet overall width, over routes that have been pre-approved shall pay in lieu~~

~~of the fees established in that subsection, a single trip permit fee of \$40.00.~~  
[Repealed.]

\* \* \*

(f) A single trip permit issued under this section shall be valid for seven business days.

\* \* \* Diesel Fuel Sales Reporting \* \* \*

Sec. 17. 23 V.S.A. § 3014(a) is amended to read:

(a) Every distributor or dealer, on or before the ~~last~~ 25th day of each month, shall file with the ~~commissioner~~ Commissioner on forms prescribed by him or her a report for the preceding month which shall include the number of gallons of fuel sold or delivered. A distributor's report shall also include the identity of the person to whom the fuel was sold or delivered, the amount of the tax collected and by whom, and the monthly total of fuel sold or delivered. The report shall be filed even though no fuel was sold or delivered.

\* \* \* Gasoline Distributor Bond Requirement \* \* \*

Sec. 18. 23 V.S.A. § 3102 is amended to read:

#### § 3102. LICENSING AND BONDING OF DISTRIBUTORS

(a) Before commencing business, on application, a distributor shall first procure a license from the ~~commissioner of motor vehicles~~ Commissioner permitting him or her to continue or to engage in business as a distributor. Before the ~~commissioner~~ Commissioner issues a license, the distributor shall file with the ~~commissioner~~ Commissioner a surety bond in a sum and form and with sureties as the ~~commissioner~~ Commissioner may require in a sum not to exceed ~~\$400,000.00~~ \$700,000.00 conditioned upon the issuance of the report, and the payment of the tax and, penalties, and fines provided in this subchapter. Upon approval of the application and bond, the ~~commissioner~~ Commissioner shall issue to the distributor a nonassignable license which shall continue in force until surrendered or revoked.

(b) The amount of the surety bonds required shall be reviewed annually in September. The minimum amount required shall be the sum of the highest two months' payment during the preceding year or \$1,000.00, whichever is greater, but in no case shall it exceed ~~\$400,000.00~~ \$700,000.00. For new licenses, the bond amount shall be based on an estimate of the tax liability for a two-month period.

(c) The amount of the bonds as established in accordance with subsection (b) of this section shall be increased whenever the ~~commissioner~~ Commissioner deems it necessary to protect the revenues of the ~~state~~ State. In

addition, if payments and reports are delinquent for more than 10 days for more than one reporting period in a calendar year, the bond amount shall be increased to be the sum of the tax liability for the highest four months of the year.

\* \* \*

\* \* \* Trails Maintenance Assessments \* \* \*

Sec. 19. 23 V.S.A. § 3202 is amended to read:

§ 3202. REGISTRATION AND TMA DECAL REQUIRED; EXCEPTIONS

(a) Registration and decal required. A person shall not operate a snowmobile in this State unless it is registered and numbered by the State of Vermont or another state or province and displays a valid Vermont ~~trails maintenance assessment~~ (“TMA”) Trails Maintenance Assessment (TMA) decal adjacent to the registration decal on the left side of the snowmobile in accordance with this chapter, except when operated:

(1) ~~on~~ On the property of the owner of the snowmobile; ~~or.~~

(2) ~~off~~ Off the highway, in a ski area while being used for the purpose of packing snow, or in rescue operations; ~~or.~~

(3) ~~for~~ For official use by a federal, ~~state~~ State, or municipal agency and only if the snowmobile is identified with the name or seal of the agency in a manner approved by the Commissioner; ~~or.~~

(4) ~~solely~~ Solely on privately owned land when the operator has the written consent of the owner, or his or her agent, of the property; ~~or.~~

(5) ~~on~~ On frozen bodies of water as designated by the Agency of Natural Resources under the provisions of 10 V.S.A. § 2607. For purposes of this subdivision, a snowmobile shall not be required to display a ~~trails maintenance assessment~~ TMA decal if not operating on a portion of the Statewide Snowmobile Trail System. Liability insurance as provided for in subdivision 3206(b)(19) of this title and a valid registration decal are required; ~~or.~~

(6) ~~for~~ For emergency use by fire service personnel.

(7) By a person who possesses a completed TMA form processed electronically and either printed out or displayed on a portable electronic device. The printed or electronic TMA form shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to display a completed TMA form does not in itself constitute consent for an enforcement officer to access other contents of the device.

\* \* \*



\* \* \* Allocation of Snowmobile Registration Proceeds \* \* \*

Sec. 20. 23 V.S.A. § 3214 is amended to read:

§ 3214. ALLOCATION OF FEES AND PENALTIES; LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT SERVICES

(a) The amount of \$5.00 from the sale of every resident and nonresident snowmobile registration shall be allocated to the ~~transportation fund~~ Transportation Fund. The balance of fees and penalties collected under this subchapter, except interest, shall be remitted to the ~~agency of natural resources~~ Agency of Natural Resources, which may retain for its use up to \$11,500.00 during each fiscal year for ~~the oversight of the state snowmobile trail program~~ State Snowmobile Trail Program, and the remainder shall be allocated to VAST for:

(1) ~~development~~ Development and maintenance of the ~~state snowmobile trail program~~ State Snowmobile Trail Program (SSTP);

(2) ~~procuring~~ Procuring trails' liability insurance in accordance with subsection (b) of this section, ~~and~~;

(3) ~~contracting~~ Contracting for law enforcement services with any constable, sheriff's department, municipal police department, the ~~department of public safety~~ Department of Public Safety, ~~and or the department of fish and wildlife for purposes of trail compliance pursuant to~~ Department of Fish and Wildlife to ensure compliance with the provisions of this chapter. The allocation for snowmobile law enforcement services shall be an amount equal to \$5.00 from the sale of every resident and nonresident snowmobile registration, ~~and~~. If this allocation for law enforcement services is not fully expended, the unexpended amount carried forward may be used to purchase capital equipment to aid law enforcement in the provision of services. VAST shall be included include proposed spending on law enforcement services and on capital equipment as a part of the annual expenditure plan required by section 3215 of this chapter. The departments of public safety and fish and wildlife Departments of Public Safety and of Fish and Wildlife are authorized to contract with VAST to provide these law enforcement services.

\* \* \*

(d) Any fees and penalties allocated pursuant to subsection (a) of this section shall not revert but shall be available until spent. Any accrued interest shall be deposited in the ~~transportation fund~~ Transportation Fund.

\* \* \* Commercial Motor Vehicles; Serious Traffic Violations \* \* \*

Sec. 21. 23 V.S.A. § 4103(16) is amended to read:

(16) “Serious traffic violation” means a conviction; when operating a commercial motor vehicle; or, if applicable, when operating a noncommercial motor vehicle when the conviction results in the revocation, cancellation, or suspension of the operator’s license or operating privilege, of:

\* \* \*

(J) using a handheld mobile telephone while driving a commercial motor vehicle in violation of section 4125 of this chapter.

\* \* \* Commercial Motor Vehicles; Disqualifications \* \* \*

Sec. 22. 23 V.S.A. § 4116(k) is amended to read:

(k) A person shall be disqualified for a term concurrent with any disqualification or suspension issued by the administrator of the Federal Motor Carrier Safety Administration ~~pursuant to 49 C.F.R. § 383.52.~~

\* \* \* Vermont Strong Plates \* \* \*

Sec. 23. 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13, is amended to read:

Sec. 1. VERMONT STRONG MOTOR VEHICLE PLATES

\* \* \*

(c) Use. An approved Vermont Strong commemorative plate may be displayed on a motor vehicle registered in Vermont as a pleasure car or on a motor truck registered in Vermont for less than 26,001 pounds (but excluding vehicles registered under the International Registration Plan) by covering the front registration plate with the commemorative plate any time from the effective date of this act until June 30, ~~2014~~ 2016. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.

(d) Price and allocation of revenue. The retail price of the plate shall be ~~\$25.00, except that on or after July 1, 2016, plates may be sold by the Commissioner for \$5.00.~~ Funds received from the sale of plates for \$5.00 shall be allocated to the Department; funds received from the sale of the plates for \$25.00 shall be allocated as follows:

- (1) \$5.00 to the ~~department~~ Department;
- (2) \$18.00 to the Vermont Disaster Relief Fund; and
- (3) \$2.00 to the Vermont Foodbank.

\* \* \*

\* \* \* Nonresident Registration; Repeals \* \* \*

Sec. 24. REPEAL

The following sections of Title 23 are repealed:

- (1) § 417 (motor truck trip permits);
- (2) § 418 (collection of tax; regulations);
- (3) § 419 (reciprocal agreements for waiver of motor truck permit fees);
- (4) § 422 (motor bus identification marker).

Sec. 25. 23 V.S.A. § 421 is amended to read:

§ 421. PENALTIES

(a) It shall be unlawful for any person:

(1) to operate a motor truck subject to the provisions of this chapter upon any public highway in the ~~state~~ State without first obtaining the license, emergency telegram, or single trip license and tag, plate, or marker required under section 415 of this title or to so operate without carrying the license, emergency telegram, or single trip license and displaying the tag, plate, or marker if issued;

(2) ~~to violate any regulation issued by the commissioner pursuant to the authority granted hereunder; [Repealed.]~~

(3) to fail to file any return or report required by ~~said commissioner~~ the Commissioner; or

(4) to make a false return or fail to keep records of operations as may be required by the ~~commissioner~~; or

(5) ~~to operate a motor bus subject to the provisions of this chapter upon any public highway in the state without first obtaining the marker or single trip permit required under section 422 of this title or to so operate without displaying said marker or without the single trip permit with the vehicle~~ Commissioner.

\* \* \*

\* \* \* Dealer Plates \* \* \*

Sec. 26. 23 V.S.A. § 453 is amended to read:

§ 453. FEES AND NUMBER PLATES

(a)(1) An application for dealer's registration shall be accompanied by a fee of \$370.00 for each certificate issued in such dealer's name. The Commissioner shall furnish free of charge with each dealer's registration certificate ~~five sets of~~ three number plates showing the distinguishing number assigned such dealer. ~~In his or her discretion, he or she~~ The Commissioner may furnish further sets of additional plates at a fee of \$40.00 per set according to the volume of the dealer's sales in the prior year or, in the case of an initial registration, according to the dealer's reasonable estimate of expected sales, as follows:

- (A) under 20 sales: 0 additional plates;
- (B) 20–49 sales: 1 additional plate;
- (C) 50–99 sales: up to 5 additional plates;
- (D) 100–249 sales: up to 12 additional plates;
- (E) 250–499 sales: up to 17 additional plates;
- (F) 500–749 sales: up to 27 additional plates;
- (G) 750–999 sales: up to 37 additional plates;
- (H) 1000–1,499 sales: up to 47 additional plates;
- (I) 1,500 or more: up to 57 additional plates.

(2) If the issuance of additional plates is authorized under subdivision (1) of this subsection, up to two plates shall be provided free of charge, and the Commissioner shall collect \$40.00 for each additional plate.

Sec. 27. TRANSITION PROVISION

The Commissioner may enforce compliance with Sec. 26 of this act on a rolling basis as dealer registrations expire over the 24-month period following the effective date of Sec. 26 of this act. Over this 24-month period, upon receiving the renewal application of a dealer who has been issued plates in excess of the limits established in 23 V.S.A. § 453(a)(1), the Commissioner shall require the dealer to return plates that exceed the limits established in 23 V.S.A. § 453(a)(1).

Sec. 28. MORATORIUM ON ISSUANCE OF DEALER PLATES; REPEAL

(a) Except for replacement of damaged dealer plates, no dealer registration plates may be issued under 23 V.S.A. § 453(a) to an existing dealer in addition to the number of plates already issued to that dealer, unless the dealer would be eligible for additional plates under 23 V.S.A. § 453(a) as amended by Sec. 26 of this act.

(b) This section shall be repealed on July 1, 2014.

#### Sec. 29. STUDY OF USE OF DEALER PLATES ON TOWING VEHICLES

(a) The Commissioner of Motor Vehicles shall study the use of dealer plates on towing service vehicles and formulate recommendations as to whether the existing law authorizing such use should be repealed, amended, or retained in its existing form. In conducting this study, the Commissioner shall review the laws of other jurisdictions and consult with interested persons, including a cross-section of dealers.

(b) On or before January 15, 2015, the Commissioner shall report his or her findings and recommendations to the House and Senate Committees on Transportation.

\* \* \* Effective Dates \* \* \*

#### Sec. 30. EFFECTIVE DATES

(a) This section and Sec. 28 shall take effect on passage.

(b) All other sections shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

**Reported favorably by Senator MacDonald for the Committee on Finance.**

(Committee vote: 5-0-2)

#### **CONCURRENT RESOLUTIONS FOR ACTION**

**H.C.R. 255-264** (For text of Resolutions, see Addendum to House Calendar for March 12, 2014)

#### **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)

Lisa Gosselin of Stowe – Commissioner of the Department of Economic Development – By Sen. Doyle for the Committee on Economic Development, Housing and General Affairs. (3/12/14)

Deborah Granquist of Weston – Member of the Board of Libraries – By Sen. McCormack for the Committee on Education. (3/18/14)

Brian Vachon of Montpelier – Member of the Community High School of Vermont Board – By Sen. Collins for the Committee on Education. (3/18/14)

### **PUBLIC HEARINGS**

**Thursday, March 20, 2014** – House Chamber – 6:00 P.M. – 8:00 P.M. – Re: H. 552 Minimum Wage - House Committee on General, Housing, and Military Affairs.

### **NOTICE OF JOINT ASSEMBLY**

**March 20, 2014 – 10:30 A.M.** – Retention of Superior Judges: Nancy S. Corsones, Amy M. Davenport, Katharine A. Hayes, Martin A. Maley, David T. Suntag, and Tomas G. Walsh.

## 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).**