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An act relating to access to records in adult protective services investigations.

Reported favorably with recommendation of amendment by Senator Ayer 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. § 6915 is added to read:

§ 6915. ACCESS TO MEDICAL RECORDS

(a) A person having custody or control of the medical records of a vulnerable adult for whom a report is required or authorized under section 6903 of this title may make such records or a copy of such records available to a law enforcement officer or an adult protective services worker investigating whether the vulnerable adult was the victim of abuse, neglect, or exploitation upon receipt of a written request for the records signed by the law enforcement officer or adult protective services worker, as follows:

(1) For an alleged victim with capacity, the law enforcement officer or adult protective services worker shall obtain the written consent of the alleged victim prior to requesting the records.

(2)(A) For an alleged victim without capacity who has a court-appointed guardian, the law enforcement officer or adult protective services worker shall obtain the written consent of the guardian prior to requesting the records, unless the guardian is the alleged perpetrator of the abuse, neglect, or exploitation, in which case the officer or worker shall proceed pursuant to subdivision (B) of this subdivision (2). A guardian who refuses to provide consent pursuant to this section shall do so only if the guardian believes in good faith that the refusal is in the best interest of the alleged victim.

(B)(i) For an alleged victim without capacity who does not have a guardian, the law enforcement officer or adult protective services worker shall demonstrate to the person with custody or control of the records, in writing, that:

(I) the records are needed to determine whether a violation of law by a person other than the alleged victim has occurred, and the information is not intended to be used against the alleged victim; and

(II) immediate enforcement activity that depends on the records would be materially and adversely affected by waiting until the alleged victim regains capacity.

(ii) The person having custody or control of the medical records shall release the records of an alleged victim without capacity only if he or she believes, in the exercise of professional judgment, that making the records or a copy of the records available to the law enforcement officer or adult protective services worker is in the best interests of the alleged victim.

(b) If a vulnerable adult with capacity refuses to provide consent pursuant to subdivision (a)(1) of this section, the person having custody or control of the vulnerable adult's medical records shall not provide the records to the law enforcement officer or adult protective services worker unless necessary to comply with an order or warrant issued by a court, a subpoena or summons issued by a judicial officer, or a grand jury subpoena, or as otherwise required by law.

(c)(1) A law enforcement officer or adult protective services worker who receives consent to obtain records from an alleged victim with capacity pursuant to subdivision (a)(1) of this section or from the guardian of an alleged victim without capacity pursuant to subdivision (a)(2)(A) of this section shall include a copy of the written consent in the case file.

(2) A law enforcement officer or adult protective services worker who obtains records pursuant to subdivision (a)(2)(B) of this section because the alleged victim lacks capacity shall document in the case file the need for the

records obtained, including a copy of the written materials submitted to the person with custody or control of the records pursuant to that subdivision.

(d) A person who in good faith makes an alleged victim's medical records or a copy of such records available to a law enforcement officer or adult protective services worker in accordance with this section shall be immune from civil or criminal liability for disclosure of the records unless the person's actions constitute gross negligence, recklessness, or intentional misconduct. Nothing in this subsection shall be construed to provide civil or criminal immunity to a person suspected of having abused, neglected, or exploited a vulnerable adult.

(e) The person having custody or control of the alleged victim's medical records may charge and collect from the law enforcement officer or adult protective services worker requesting a copy of such records the actual cost of providing the copy.

(f) Records disclosed pursuant to this section are confidential and exempt from public inspection and copying under the Public Records Act and may be used only in a judicial or administrative proceeding or investigation directly related to a report required or authorized under this section.

(g) As used in this section, "capacity" means an individual's ability to make and communicate a decision regarding the issue that needs to be decided.

Sec. 2. 33 V.S.A. § 6916 is amended to read:

§ 6916. ACCESS TO FINANCIAL RECORDS

(a) A person having custody or control of the financial records of a vulnerable adult for whom a report is required or authorized under section 6903 of this title shall make such records or a copy of such records available to a law enforcement officer or an adult protective services worker investigating whether the vulnerable adult was the victim of abuse, neglect, or exploitation upon receipt of a written request for the records signed by the law enforcement officer or adult protective services worker, as follows:

(1) For an alleged victim with capacity, the law enforcement officer or adult protective services worker shall obtain the written consent of the alleged victim prior to requesting the records.

(2)(A) For an alleged victim without capacity who has a court-appointed guardian, the law enforcement officer or adult protective services worker shall obtain the written consent of the guardian prior to requesting the records, unless the guardian is the alleged perpetrator of the abuse, neglect, or exploitation, in which case the officer or worker shall proceed pursuant to subdivision (B) of this subdivision (2). A guardian who refuses to provide

consent pursuant to this section shall do so only if the guardian believes in good faith that the refusal is in the best interest of the alleged victim.

(B) For an alleged victim without capacity who does not have a guardian, the law enforcement officer or adult protective services worker shall submit to the person with custody or control of the records a written statement that declares:

(i) the records are needed to determine whether a violation of law by a person other than the alleged victim has occurred, and the information is not intended to be used against the alleged victim; and

(ii) immediate enforcement activity that depends on the records would be materially and adversely affected by waiting until the alleged victim regains capacity.

(b) If a vulnerable adult with capacity refuses to provide consent pursuant to subdivision (a)(1) of this section, the person having custody or control of the vulnerable adult's financial records shall not provide the records to the law enforcement officer or adult protective services worker unless necessary to comply with an order or warrant issued by a court, a subpoena or summons issued by a judicial officer, or a grand jury subpoena, or as otherwise required by law.

(c)(1) A law enforcement officer or adult protective services worker who receives consent to obtain records from an alleged victim with capacity pursuant to subdivision (a)(1) of this section or from the guardian of an alleged victim without capacity pursuant to subdivision (a)(2)(A) of this section shall include a copy of the written consent in the case file.

(2) A law enforcement officer or adult protective services worker who obtains records pursuant to subdivision (a)(2)(B) of this section because the alleged victim lacks capacity shall document in the case file the need for the records obtained, including a copy of the written materials submitted to the person with custody or control of the records pursuant to that subdivision.

(d) A person who in good faith makes an alleged victim's financial records or a copy of such records available to a law enforcement officer or adult protective services worker in accordance with this section shall be immune from civil or criminal liability for disclosure of the records unless the person's actions constitute gross negligence, recklessness, or intentional misconduct. Nothing in this subsection shall be construed to provide civil or criminal immunity to a person suspected of having abused, neglected, or exploited a vulnerable adult.

(e) The person having custody or control of the alleged victim's financial records may charge and collect from the law enforcement officer or adult protective services worker requesting a copy of such records the actual cost of providing the copy.

(f) Records disclosed pursuant to this section are confidential and exempt from public inspection and copying under the Public Records Act and may be used only in a judicial or administrative proceeding or investigation directly related to a report required or authorized under this section.

(g) As used in this section, "capacity" means an individual's ability to make and communicate a decision regarding the issue that needs to be decided.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

Favorable with Proposal of Amendment

H. 584.

An act relating to municipal regulation of parking lots and meters.

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

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

In Sec. 2, 24 V.S.A. § 2291, in subdivision (26), at the end of the second sentence, after "land necessary for such projects" by inserting subject to the restrictions set forth in section 2805 of this title and 18 V.S.A. § 5318

(Committee vote: 5-0-0)

(No House amendments)

H. 872.

An act relating to the State's Transportation Program and miscellaneous changes to the State's transportation laws.

Reported favorably with recommendation of proposal of amendment by Senator Mazza for the Committee on Transportation.

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

* * * Transportation Program; Definitions * * *

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2015 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2015 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Secretary" means the Secretary of Transportation.

(3) The table heading "As Proposed" means the Transportation Program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the term "change" or "changes" in the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading.

(4) "TIB funds" or "TIB" refers to monies deposited in the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

* * * Program Development – Funding Sources * * *

Sec. 2. PROGRAM DEVELOPMENT – FUNDING

Spending authority in the Program Development program is modified in accordance with this section. Among projects selected in the Secretary's discretion, the Secretary shall:

(1) reduce project spending authority in the total amount of $1,500,000.00 in TIB funds; and

(2) increase project spending authority in the total amount of $1,500,000.00 in transportation funds.

* * * Paving Program * * *

Sec. 3. PROGRAM DEVELOPMENT—PAVING

Spending authority for the statewide–district leveling activity within the Program Development—Paving Program is amended to read:

FY14	As Proposed	As Amended	Change
PE	0	0	0
Construction	6,000,000	6,084,089	84,089
Total	6,000,000	6,084,089	84,089

Sources of funds			
State	6,000,000	6,084,089	84,089
TIB	0	0	0
Federal	0	0	0
Total	6,000,000	6,084,089	84,089

Sec. 4. SUPPLEMENTAL PAVING SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2014 and 2015 Transportation Programs, the Secretary, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 roadway programs, to the Program Development (8100001100) – Paving appropriation, for the specific purpose of improving the condition of selected State highways and Class 1 town highways that have incurred damage caused by winter weather of 2013–2014.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project's funding in the fiscal year of the contemplated transfer, the Secretary shall submit the proposed transfer for approval by the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, by the Joint Transportation Oversight Committee. In all other cases, the Secretary may execute the transfer, giving prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Transportation Oversight Committee.

(c) This section shall expire on June 30, 2015.

* * * Supplemental Appropriation; Amendment * * *

Sec. 5. 2014 Acts and Resolves No. 95, Sec. 53 is amended to read:

Sec. 53. TRANSPORTATION – SUPPLEMENTAL APPROPRIATION

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

Transportation Fund	$1,626,284

(b) The funds appropriated in subsection (a) of this section are authorized for appropriation and expenditure at the discretion of the Secretary of Transportation as follows:

(1) To the Transportation – maintenance State system appropriation (8100002000) for the specific purpose of excessive winter maintenance costs caused by winter weather of 2013–2014.

(2) To the Transportation – program development appropriation (8100001100) paving program for the specific purpose of improving the condition of State highways and Class 1 town highways that have incurred damage caused by winter weather of 2013–2014.

(c) The Secretary shall report in July 2014 to the Joint Transportation Oversight Committee on the appropriation and expenditure authorized in subsection (b) of this section.

* * * Supplemental Winter Maintenance Spending * * *

Sec. 6. SUPPLEMENTAL WINTER MAINTENANCE SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the Fiscal Year 2014 Transportation Program, the Secretary, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer up to $3,000,000.00 in Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 Roadway Programs, to the Transportation – maintenance state system appropriation (8100002000) for the specific purpose of paying for excessive winter maintenance costs caused by winter weather of 2013–2014.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project, the Secretary shall submit the proposed transfer for approval by the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, by the Joint Transportation Oversight Committee. In all other cases, the Secretary may execute the transfer, giving prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Transportation Oversight Committee.

(c) This section shall expire on June 30, 2014.

* * * Transportation Buildings * * *

Sec. 7. TRANSPORTATION BUILDINGS; INTERSTATE MAINTENANCE DEPOTS

The following project is added to the Transportation Buildings Program within the fiscal year 2015 Transportation Program: Statewide Interstate Maintenance Depots (study of feasibility of conversion of closed rest areas to statewide interstate maintenance depots).

* * * Program Development – Safety and Traffic Operations * * *

Sec. 8. PROGRAM DEVELOPMENT – SAFETY AND TRAFFIC OPERATIONS

The following project is added to the candidate list of the Program Development – Safety and Traffic Operations Program within the fiscal year 2015 Transportation Program: Woodford—Searsburg—VT9 Truck Chain Up Areas (areas for trucks to pull off the traveled way in order to install chains).

* * * Rail * * *

Sec. 9. RAIL

(a) The following project is added to the Rail Program: Leicester–New Haven (upgrade track to continuously welded rail on the Vermont Railway Northern Subdivision from Leicester mile post 76.99 to New Haven mile post 93.48).

(b) The Agency is encouraged to apply for a federal discretionary grant to cover, in whole or in part, the cost of the Leicester–New Haven project. In the event the State is awarded a grant for this project, authority to spend the federal grant funds is added to the fiscal year 2015 Transportation Program—Rail Program and the amount of federal funds awarded is appropriated to the fiscal year 2015 Transportation Program—Rail Program.

Sec. 10. RAILROAD BRIDGE LOAD RATINGS

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the Fiscal Year 2015 Transportation Program, the Secretary, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer up to $3,000,000.00 in Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 Roadway Programs, to the Transportation – rail appropriation (8100002300) for the specific purpose of paying for improvements to State-owned railroad bridges to address insufficient load ratings if necessary to maintain rail service at current levels.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project, the Secretary shall submit the proposed transfer for approval by the House and Senate Committees on Transportation when the General Assembly is in session

and, when the General Assembly is not in session, by the Joint Transportation Oversight Committee. In all other cases, the Secretary may execute the transfer, giving prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Transportation Oversight Committee.

(c) This section shall expire on June 30, 2015.

* * * Authorization of Positions * * *

Sec. 11. AUTHORIZATION OF POSITIONS

(a) Sixteen limited service positions at the Agency shall be converted to permanent classified positions on July 1, 2015.

(b) The Agency is authorized to establish three new permanent classified positions to carry out the Local Technical Assistance Program created pursuant to Sec. 12 of this act.

* * * Local Technical Assistance Program * * *

Sec. 12. TOWN HIGHWAY VERMONT LOCAL ROADS; LOCAL TECHNICAL ASSISTANCE PROGRAM

(a) On or before June 30, 2015, the Agency shall complete a transition of the Vermont Local Roads Program from a grant program operated by grantee Saint Michael's College to a program operated by the Agency's Vermont Transportation Training Center. The Agency shall continue to offer the Vermont Local Roads Program a grant agreement until at least April 15, 2015.

(b) In making the transition, the Agency shall create a Local Technical Assistance Program (LTAP or Program) within the Agency's Vermont Transportation Training Center. Consistent with the history of services provided by the Vermont Local Roads Program, the purpose of the LTAP will be to provide transportation-related technical assistance and training for municipalities, including workshops, technology demonstrations, computer training, distance learning, seminars, and field and classroom instruction. If it is legally permissible for the LTAP to use the name Vermont Local Roads, the Agency may continue to use that name.

(c)(1) Upon completion of the transition described in this section, the Town Highway Vermont Local Roads Program within the Agency's proposed fiscal year 2015 Transportation Program shall be renamed the Local Technical Assistance Program.

(2) Funding for the Vermont Local Roads Program approved and appropriated by the General Assembly for fiscal year 2015 that is unexpended

by Vermont Local Roads Program shall be used for operating expenses of the LTAP.

(d) In carrying out the Local Technical Assistance Program, the Agency shall:

(1) offer the same or substantially similar courses as were offered by the Vermont Local Roads Program, as long as demand from municipalities justifies continuing such course offerings;

(2) offer courses in multiple locations throughout the State, to a similar or greater extent than the Vermont Local Roads Program offered courses throughout the State; and

(3) continue providing municipalities the support functions that the Vermont Local Roads Program provided, including facilitating list serves, issuing informational newsletters, providing technical assistance consultation, maintaining a website, and supporting cooperation and communication among municipal transportation officials and employees.

(e)(1) On or before January 15, 2015, the Agency shall provide the House and Senate Committees on Transportation an LTAP work plan for fiscal year 2016 detailing how the Program will accomplish the requirements set forth in subsection (d) of this section.

(2) Prior to submitting the work plan required under subdivision (1) of this subsection to the Committees, the Agency shall:

(A) in consultation with the Vermont League of Cities and Towns and any other person the Agency deems appropriate, solicit from all Vermont towns, villages, and cities recommendations on:

(i) how the LTAP can provide effective municipal transportation-related technical assistance and training; and

(ii) new training, technical assistance, or support functions that could be provided through the LTAP.

(B) consider the input and recommendations received from municipalities in developing the LTAP work plan.

Sec. 13. 19 V.S.A. § 318 is added to read:

§ 318. LOCAL TECHNICAL ASSISTANCE PROGRAM; INPUT FROM MUNICIPALITIES

(a) Prior to submitting a fiscal year Local Technical Assistance Program (LTAP) work plan to the Federal Highway Administration for approval, the Agency shall, in consultation with the Vermont League of Cities and Towns

and any other person the Agency deems appropriate, solicit from all Vermont towns, villages, and cities:

(1) input on whether the Agency is providing effective municipal transportation-related technical assistance and training through the LTAP;

(2) recommendations on how to improve the Agency's operation of the LTAP; and

(3) recommendations for new training, technical assistance, or support functions to be provided through the LTAP.

(b) The Agency shall consider the input and recommendations received from municipalities in developing its annual LTAP work plan.

(c) Upon request, the Agency shall provide the Vermont League of Cities and Towns administrative support in soliciting and collecting municipal input and recommendations.

* * * Central Garage * * *

Sec. 14. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2015, the amount of $1,120,000.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

* * * Cancellation of Projects * * *

Sec. 15. CANCELLATION OF PROJECTS

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following projects:

(1) Program Development – State Highway Bridges:

(A) Chester ER 016-1(31) (rehabilitation of VT 11 BR 43);

(B) Colchester BF 028-1(29) (development and evaluation);

(C) Enosburg BF 027-1(24) (replacement of VT 108 BR 49);

(D) Richford STP 034-2( )S (replacement of culvert on VT 105 BR 37);

(2) Program Development – Town Highway Bridges:

(A) Bethel BO 1444( ) (TH 19 BR 35);

(B) Brownington BRO 1449(32) (TH 39 BR 18);

(C) Jamaica BRO 1442(37) (TH 33 BR 31);

(D) Reading BO 1444( ) (TH 54 BR 28);

(E) Stockbridge BO 1444( ) (TH 51 BR 30);

(F) Wheelock TH3 9644 (TH 17 BR 20);

(3) Rail – Development and Evaluation: Rutland WCRS(21) (Railyard Relocation).

(4) Rest Areas: Derby IM 091-3(8) (expansion of Derby I-91 rest area).

* * * Discretionary Federal Grants * * *

Sec. 16. 19 V.S.A. § 7(k) is amended to read:

(k) Upon being apprised of the enactment of a federal law which makes provision for a federal earmark or the award of a discretionary federal grant for a transportation project within the State of Vermont, the Agency shall promptly notify the members of the House and Senate Committees on Transportation and the Joint Fiscal Office. Such notification shall include all available summary information regarding the terms and conditions of the federal earmark or grant. ~~For purposes of~~ As used in this section, federal earmark means a congressional designation of federal aid funds for a specific transportation project or program. When the General Assembly is not in session, upon obtaining the approval of the Joint Transportation Oversight Committee, the Agency is authorized to add new projects to the transportation program in order to secure the benefits of federal earmarks or discretionary grants.

* * * Acceptance of Grants * * *

Sec. 17. 32 V.S.A. § 5 is amended to read:

§ 5. ACCEPTANCE OF GRANTS

(a) No original of any grant, gift, loan, or any sum of money or thing of value may be accepted by any agency, department, commission, board, or other part of State government except as follows:

(1) All such items must be submitted to the Governor who shall send a copy of the approval or rejection to the Joint Fiscal Committee through the Joint Fiscal Office together with the following information with respect to said items:

(A) the source of the grant, gift, or loan;

(B) the legal and referenced titles of the grant;

(C) the costs, direct and indirect, for the present and future years related to such a grant;

(D) the department and/or program which will utilize the grant;

(E) a brief statement of purpose;

(F) impact on existing programs if grant is not accepted.

(2) The Governor's approval shall be final unless within 30 days of receipt of such information a member of the Joint Fiscal Committee requests such grant be placed on the agenda of the Joint Fiscal Committee, or, when the General Assembly is in session, be held for legislative approval. In the event of such request, the grant shall not be accepted until approved by the Joint Fiscal Committee or the Legislature. The 30-day period may be reduced where expedited consideration is warranted in accordance with adopted Joint Fiscal Committee policies. During the legislative session, the Joint Fiscal Committee shall file a notice with the House and Senate clerks for publication in the respective calendars of any grant approval requests that are submitted by the administration.

(3) This section shall not apply to the acceptance of grants, gifts, donations, loans, or other things of value with a value of $5,000.00 or less, or to the acceptance by the Department of Forests, Parks and Recreation of grants, gifts, donations, loans, or other things of value with a value of $15,000.00 or less, provided that such acceptance will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities. The Secretary of Administration and Joint Fiscal Office shall be promptly notified of the source, value, and purpose of any items received under this subdivision. The Joint Fiscal Office shall report all such items to the Joint Fiscal Committee quarterly.

(4) With respect to acceptance of the original of a federal transportation earmark or of a discretionary federal grant for a transportation project, the provisions of subdivisions (a)(1) and (a)(2) shall apply, except that in addition:

(A) notification of the Governor's approval or rejection shall also be made to the Chairs of the House and Senate Committees on Transportation; and

(B) such grant or earmark shall be placed on the agenda, and shall be subject to the approval, of a committee comprising the Joint Fiscal Committee and the Chairs of the House and Senate Committees on Transportation, if one of the Chairs or a member of the Joint Fiscal Committee so requests.

* * *

* * * State Highways; Detours * * *

Sec. 18. 19 V.S.A. § 10 is amended to read:

§ 10. DUTIES

The ~~agency~~ Agency shall, except where otherwise specifically provided by law:

* * *

(3) Exercise general supervision of all transportation functions, have the right to direct traffic on all ~~state~~ State highways which are under construction and maintenance, and may close all or any part of a ~~state~~ State highway which is under construction or repair. The ~~agency shall properly mark sections of highway which are closed to traffic, and shall~~ Agency shall maintain detours comprising State or town highways, or both, around ~~closed sections~~ planned closures of State highways in excess of 72 hours. If the Agency maintains a detour on a town highway, it shall be responsible for repairing any damage to the town highway caused by the detoured traffic.

* * *

Sec. 19. 23 V.S.A. § 1006a is amended to read:

§ 1006a. HIGHWAYS; EMERGENCY CLOSURE

(a) The ~~traffic committee~~ Traffic Committee may close any part or all of any ~~state~~ State highway to public travel to protect the health, safety, or welfare of the public. In such event, the ~~agency of transportation shall properly mark and~~ Agency may maintain a detour comprising State or town highways, or both, around the closed section. If the Agency maintains a detour on a town highway, it shall be responsible for repairing any damage to the town highway caused by the detoured traffic.

* * *

* * * Surplus Property * * *

Sec. 20. 19 V.S.A. § 26 is amended to read:

§ 26. PURCHASE AND SALE OF PROPERTY

(a)(1) Subject to subsection (b) of this section:

(A) The Agency may purchase or lease any land, taking conveyance in the name of the ~~state~~ State, when land is needed in connection with the layout, construction, repair, and maintenance of any State highway, or the reconstruction of the highway.

(B) The Agency may acquire or construct buildings necessary for use in connection with this work.

(C) When any of the land or the buildings acquired or the buildings constructed become no longer necessary for these purposes, the Agency may sell or lease the property.

(2) The proceeds from any sale or lease shall be deposited in the Transportation Fund ~~and~~, unless otherwise required by federal law or regulation~~, shall be credited to transportation buildings to be used for transportation building projects previously authorized by the General Assembly~~.

* * *

* * * Consolidated Transportation Report * * *

Sec. 21. FINDINGS

The General Assembly finds:

(1) Timely access to accurate and comprehensive information about the State's transportation system and the Agency's activities is necessary for the House and Senate Committees on Transportation to carry out their oversight functions and to develop transportation policy.

(2) Under current law, the Committees receive such information in several different reports.

(3) Requiring the Agency to submit one consolidated transportation system and activities report will facilitate the oversight and policy-setting work of the Committees and better enable the public to evaluate the State's transportation system and the Agency's activities.

Sec. 22. 19 V.S.A. § 42 is amended to read:

§ 42. REPORTS PRESERVED; CONSOLIDATED TRANSPORTATION REPORT

(a) Notwithstanding 2 V.S.A. § 20(d), the reports or reporting requirements of this section and sections 7(k), 10b(d), ~~10c(k), 10c(l), 10e(c),~~ 10g, 11f(i), 12a, and 12b(d) of this title shall be preserved absent specific action by the General Assembly repealing the reports or reporting requirements.

(b) Annually, on or before January 15, the Agency shall submit a consolidated transportation system and activities report to the House and Senate Committees on Transportation. The report shall consist of:

(1) Financial and performance data of all public transit systems, as defined in 24 V.S.A. § 5088(6), that receive operating subsidies in any form from the State or federal government, including subsidies related to the Elders

and Persons with Disabilities Transportation Program for service and capital equipment. This component of the report shall:

(A) be developed in cooperation with the Public Transit Advisory Council;

(B) be modeled on the Federal Transit Administration's National Transit Database Program with such modifications as appropriate for the various services and guidance found in the most current State policy plan;

(C) show as a separate category financial and performance data on the Elders and Persons with Disabilities Transportation Program;

(D) describe any action the Agency has taken pursuant to contractual authority to terminate funding for routes or to request service changes for failure to meet performance standards.

(2) Data on pavement conditions of the State highway system that, at a minimum, shall include a pavement condition index that rates the State highway system and the current and historic percentage of State highway pavement mileage that is rated in poor or very poor condition.

(3) A description of the conditions of bridges, culverts, and other structures on the State highway system and on town highways and of the status of the accelerated bridge program.

(4) Department of Motor Vehicle data, including the number of vehicle registrations and licenses issued, revenues by category, transactions by category, commercial motor vehicle statistics, and any other information the Commissioner deems relevant.

(5) A summary of updates to the Agency's strategic plans and performance measurements used in its strategic plans.

(6) A summary of the statuses of aviation, rail, and public transit projects programmed for construction during the previous calendar year.

(7) Data and statistics regarding highway safety, including trends in vehicle crashes and fatalities, traffic counts, and trends in vehicle miles traveled.

(8) An overview of operations and maintenance activities, including winter maintenance statistics, snow and ice control plans, and equipment performance measures.

(9) Data on the miles of State highway paving completed during the previous construction season.

(10) A list of projects for which the construction phase was completed during the most recent construction season.

(11) Such other information that the Secretary determines the Committees on Transportation need to perform their oversight role.

Sec. 23. 19 V.S.A. § 10c is amended to read:

§ 10c. STATEMENT OF POLICY; HIGHWAYS AND BRIDGES

* * *

(k)~~(1) The agency shall by January 15 of each year submit a report on the pavement conditions of the state highway system to the house and senate committees on transportation which, at a minimum, shall contain the information, updated to the latest date consistent with the publication date, which is included in the agency's publication entitled "Pavement Management Annual Report 2006." The report in addition shall include information describing the actual historic percentage of state system pavement which is rated as being in poor or very poor condition.~~

~~(2) The agency shall report to the house and senate committees on transportation regarding alternate formats and measurements for this report.~~ [Repealed.]

(l) ~~The agency shall by January 15 of each year submit a report on the condition of bridges, culverts, and other structures on the state system and town highways to the house and senate committees on transportation. The agency shall report to the house and senate committees on transportation on alternate formats and measurements for this report.~~ [Repealed.]

* * *

Sec. 24. 19 V.S.A. § 10e(c) is amended to read:

(c) ~~The agency of transportation shall, by January 15 of each year, submit a rail report to the members of the house and senate committees on transportation. The report shall include the status of projects programmed for delivery during the previous calendar year and a summary of any changes to the agency's organizational structure which may affect project delivery.~~ [Repealed.]

Sec. 25. 24 V.S.A. § 5092 is amended to read:

§ 5092. ~~REPORTS~~

~~The Agency of Transportation, in cooperation with the Public Transit Advisory Council, shall develop an annual report of financial and performance data of all public transit systems that receive operating subsidies in any form~~

~~from the State or federal government, including subsidies related to the elders and persons with disabilities transportation program for service and capital equipment. Financial and performance data on the elders and persons with disabilities transportation program shall be a separate category in the report. The report shall be modeled on the Federal Transit Administration's National Transit Database Program with such modifications as appropriate for the various services and guidance found in the most current state policy plan. The report shall describe any action taken by the Agency pursuant to contractual authority to terminate funding for routes or to request service changes for failure to meet performance standards. The Agency shall deliver the report to the General Assembly by January 15 of each year. Notwithstanding 2 V.S.A. § 20(d), this annual report shall be produced indefinitely absent specific action by the General Assembly repealing the report.~~ [Repealed.]

* * * Vermont Design Standards * * *

Sec. 26. RECOMMENDATIONS TO UPDATE VERMONT STATE DESIGN STANDARDS

(a) Prior to updating the "Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation of Freeways, Roads and Streets" (Vermont State Standards), the Secretary shall establish a multi-disciplinary Stakeholders Group consisting of representatives of public and private sector entities from the various modes of transportation affected by the Vermont State Standards to provide the Agency with critical input in revising the Standards.

(b) Purpose and charge. The Stakeholders Group shall:

(1) Review the current Vermont State Standards and identify areas of the Standards that require modification to be current with state-of-practice transportation facility design, and modifications to be consistent with supplemental design guidance and policies prepared by the Agency since 1997. In fulfilling this primary duty, the Group shall also identify other related Agency standards and guidance that would need to be addressed to align with the revised Vermont State Standards.

(2) Identify barriers, gaps, and opportunities that exist in current Agency design practices, standards, and guidance to address the needs of all transportation modes in a variety of contexts.

(3) Document the opportunities that exist to modify the existing Vermont State Standards to meet current state-of-the-industry practices.

(4) Prepare an implementation plan and associated schedule for addressing the various components of the Vermont State Standards that require modification.

(c) On or before March 15, 2015, the Agency shall submit a written report of the Stakeholder Group findings and recommendations to the House and Senate Committees on Transportation.

* * * Scrap Dealers; Railroad Scrap * * *

Sec. 27. 9 V.S.A. § 3021(8) is added to read:

(8) "Railroad scrap" means any scrap metal consisting primarily of the steel components used in railroad tracks, including rails, joint bars, tie plates, anchors, turnouts, frogs, and spikes. "Railroad scrap" also includes railroad signals and signal components.

Sec. 28. 9 V.S.A. § 3022 is amended to read:

§ 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES, ~~AND~~ PROPRIETARY ARTICLES, AND RAILROAD SCRAP

(a) [Repealed.]

(b) A scrap metal processor may purchase nonferrous scrap, metal articles, ~~and~~ proprietary articles, and railroad scrap only if the scrap metal processor complies with all the following procedures:

(1) At the time of sale, the processor:

(A) Requires the seller to provide a current government-issued photographic identification that indicates the seller's full name, current address, and date of birth, and records in a permanent ledger the identification information of the seller, the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller.

(B) Requests and, if available, collects documentation from the seller of the items offered for sale, such as a bill of sale, receipt, letter of authorization, or similar evidence that establishes that the seller lawfully owns the items to be sold.

(2) After purchasing an item from a person who fails to provide documentation pursuant to subdivision (1)(B) of this subsection, the processor:

(A) Submits to the Department of Public Safety no later than the close of the following business day a report that describes the item and the seller's identifying information required in subdivision (1)(A) of this subsection.

(B) Holds the item for at least 10 days following purchase.

(c) The information collected by a scrap metal processor pursuant to this section shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.

* * * Site Plan Review; Access to State Highways * * *

Sec. 29. 24 V.S.A. § 4416 is amended to read:

§ 4416. SITE PLAN REVIEW

(a) As prerequisite to the approval of any use other than one- and two-family dwellings, the approval of site plans by the appropriate municipal panel may be required, under procedures set forth in subchapter 10 of this chapter. In reviewing site plans, the appropriate municipal panel may impose, in accordance with the bylaws, appropriate conditions and safeguards with respect to: the adequacy of parking, traffic access, and circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting; the size, location, and design of signs; and other matters specified in the bylaws. The bylaws shall specify the maps, data, and other information to be presented with applications for site plan approval and a review process pursuant to section 4464 of this title.

(b) Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the section 1111 permit.

* * * Survey Plats * * *

Sec. 30. 27 V.S.A. § 1404(a) is amended to read:

(a) Survey plats prepared and filed by municipal and ~~state~~ State government agencies shall be exempt from subdivision ~~1403(b)(6)~~ 1403(b)(5) of this title. Each plat sheet filed under this exemption shall contain a title area in the lower right-hand corner of the sheet stating the location of the land, the scale expressed in engineering units, and the date of compilation. Highway plats or plans filed under this exemption shall also include right-of-way detail sheets and a title sheet.

* * * Proposed Communications Facilities; Notification to Secretary of Transportation * * *

Sec. 31. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS FACILITIES

* * *

(e) Notice. No less than 45 days prior to filing an application for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the Board pursuant to this section to the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities; the Secretary of Natural Resources; the Secretary of Transportation; the Division for Historic Preservation; the Commissioner of Public Service and its Director for Public Advocacy; the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151; and the landowners of record of property adjoining the project sites. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions. Upon motion or otherwise, the Public Service Board shall direct that further public or personal notice be provided if the Board finds that such further notice will not unduly delay consideration of the merits and that additional notice is necessary for fair consideration of the application.

* * *

* * * Effective Dates * * *

Sec. 32. EFFECTIVE DATES

(a) This section and Secs. 4 (supplemental paving spending), 5 (supplemental appropriation), and 6 (supplemental winter maintenance spending), shall take effect on passage.

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

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 18, 2014, page 698)

Reported favorably by Senator Westman for the Committee on Appropriations.

The Committee recommends that the Senate propose to the House that the bill be amended as proposed by the Committee on Transportation, and when so amended, ought to pass.

(Committee vote: 5-0-2)

Proposal of amendment to H. 872 to be offered by Senator Flory

Senator Flory moves to amend the proposal of amendment of the Committee on Transportation in Sec. 27, 9 V.S.A. § 3021(8), in the first sentence, before the words "railroad tracks" by inserting rolling stock,

Amendment to proposal of amendment of the Committee on Transportation to H. 872 to be offered by Senators Pollina, Cummings and Doyle

Senators Pollina, Cummings and Doyle move to amend the proposal of amendment of the Committee on Transportation as follows:

By striking out Sec. 3 and the reader assistance thereto in its entirety and inserting in lieu thereof the following:

* * * Bike & Pedestrian Facilities Program * * *

Sec. 3. PROGRAM DEVELOPMENT – BIKE & PEDESTRIAN FACILITIES PROGRAM

If the Cross Vermont Trail Association raises funds sufficient to furnish $240,911.00 of the $325,000.00 local match required to construct the Cross Vermont Trail Bridge project (Montpelier – Berlin STP CVRT(2)), the Fiscal Year 2015 Program Development – Bike & Pedestrian Facilities Program shall be amended to authorize spending of $84,089.00 in transportation funds for construction of the project.

* * * Paving Program * * *

NOTICE CALENDAR

Second Reading

Favorable with Proposal of Amendment

H. 112.

An act relating to the labeling of food produced with genetic engineering.

Reported favorably with recommendation of proposal of amendment by Senator Zuckerman for the Committee on Agriculture.

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

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) U.S. federal law does not provide for the labeling of food that is produced with genetic engineering, as evidenced by the following:

(A) U.S. federal labeling and food and drug laws do not require manufacturers of food produced with genetic engineering to label such food as genetically engineered.

(B) As indicated by the testimony of a U.S. Food and Drug Administration (FDA) Supervisory Consumer Safety Officer, the FDA has statutory authority to require labeling of food products, but does not consider genetically engineered foods to be materially different from their traditional counterparts to justify such labeling.

(C) No formal FDA policy on the labeling of genetically engineered foods has been adopted. Currently, the FDA only provides nonbinding guidance on the labeling of genetically engineered foods, including a 1992 draft guidance regarding the need for the FDA to regulate labeling of food produced from genetic engineering and a 2001 draft guidance for industry regarding voluntary labeling of food produced from genetic engineering.

(2) U.S. federal law does not require independent testing of the safety of food as produced with genetic engineering, as evidenced by the following:

(A) In its regulation of food, the FDA does not distinguish genetically engineered foods from foods developed by traditional plant breeding.

(B) Under its regulatory framework, the FDA does not independently test the safety of genetically engineered foods. Instead, manufacturers submit safety research and studies, the majority of which the manufacturers finance or conduct. The FDA reviews the manufacturers' research and reports through a voluntary safety consultation, and issues a letter to the manufacturer acknowledging the manufacturer's conclusion regarding the safety of the genetically engineered food product being tested.

(C) The FDA does not use meta-studies or other forms of statistical analysis to verify that the studies it reviews are not biased by financial or professional conflicts of interest.

(D) There is a lack of consensus regarding the validity of the research and science surrounding the safety of genetically engineered foods, as indicated by the fact that there are peer-reviewed studies published in international scientific literature showing negative, neutral, and positive health results.

(E) There have been no long-term or epidemiologic studies in the United States that examine the safety of human consumption of genetically engineered foods.

(F) Independent scientists may be limited from conducting safety and risk-assessment research of genetically engineered materials used in food products due to industry restrictions or patent restrictions on the use for research of those genetically engineered materials used in food products.

(3) Genetically engineered foods are increasingly available for human consumption, as evidenced by the fact that:

(A) it is estimated that up to 80 percent of the processed foods sold in the United States are at least partially produced from genetic engineering; and

(B) according to the U.S. Department of Agriculture, in 2012, genetically engineered soybeans accounted for 93 percent of U.S. soybean acreage, and genetically engineered corn accounted for 88 percent of U.S. corn acreage.

(4) Genetically engineered foods potentially pose risks to health, safety, agriculture, and the environment, as evidenced by the following:

(A) There are conflicting studies assessing the health consequences of food produced from genetic engineering.

(B) The genetic engineering of plants and animals may cause unintended consequences.

(C) The use of genetically engineered crops is increasing in commodity agricultural production practices, which contribute to genetic homogeneity, loss of biodiversity, and increased vulnerability of crops to pests, diseases, and variable climate conditions.

(D) Cross-pollination of or cross-contamination by genetically engineered crops may contaminate organic crops and, consequently, affect marketability of those crops.

(E) Cross-pollination from genetically engineered crops may have an adverse effect on native flora and fauna. The transfer of unnatural deoxyribonucleic acid to wild relatives can lead to displacement of those native plants, and in turn, displacement of the native fauna dependent on those wild varieties.

(5) For multiple health, personal, religious, and environmental reasons, the State of Vermont finds that food produced from genetic engineering should be labeled as such, as evidenced by the following:

(A) Public opinion polls conducted by the Center for Rural Studies at the University of Vermont indicate that a large majority of Vermonters want foods produced with genetic engineering to be labeled as such.

(B) Polling by the New York Times indicated that many consumers are under an incorrect assumption about whether the food they purchase is produced from genetic engineering, and labeling food as produced from genetic engineering will reduce consumer confusion or deception regarding the food they purchase.

(C) Because genetic engineering, as regulated by this act, involves the direct injection of genes into cells, the fusion of cells, or the hybridization of genes that does not occur in nature, labeling foods produced with genetic engineering as "natural," "naturally made," "naturally grown," "all natural," or other similar descriptors is inherently misleading, poses a risk of confusing or deceiving consumers, and conflicts with the general perception that "natural" foods are not genetically engineered.

(D) Persons with certain religious beliefs object to producing foods using genetic engineering because of objections to tampering with the genetic makeup of life forms and the rapid introduction and proliferation of genetically engineered organisms and, therefore, need food to be labeled as genetically engineered in order to conform to religious beliefs and comply with dietary restrictions.

(E) Labeling gives consumers information they can use to make decisions about what products they would prefer to purchase.

(6) Because both the FDA and the U.S. Congress do not require the labeling of food produced with genetic engineering, the State should require food produced with genetic engineering to be labeled as such in order to serve the interests of the State, notwithstanding limited exceptions, to prevent inadvertent consumer deception, prevent potential risks to human health, protect religious practices, and protect the environment.

Sec. 2. 9 V.S.A. chapter 82A is added to read:

CHAPTER 82A. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

§ 3041. PURPOSE

It is the purpose of this chapter to:

(1) Public health and food safety. Establish a system by which a person may make an informed decision regarding the potential health effects of the food they purchase and consume.

(2) Environmental impacts. Inform the purchasing decisions of consumers who are concerned about the potential environmental effects of the production of food from genetic engineering.

(3) Consumer confusion and deception. Reduce and prevent consumer confusion and deception by prohibiting the labeling of products produced from genetic engineering as "natural."

(4) Disclosure of factual information. Promote the disclosure of factual information on food labels to allow consumers to make informed decisions.

(5) Protecting religious practices. Provide consumers with data from which they may make informed decisions for religious reasons.

§ 3042. DEFINITIONS

As used in this chapter:

(1) "Consumer" shall have the same meaning as in subsection 2451a(a) of this title.

(2) "Enzyme" means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions.

(3) "Genetic engineering" is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of:

(A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or

(B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural recombination.

(4) "In vitro nucleic acid techniques" means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion.

(5) "Manufacturer" means a person who:

(A) produces a processed food or raw agricultural commodity under its own brand or label for sale in or into the State;

(B) sells in or into the State under its own brand or label a processed food or raw agricultural commodity produced by another supplier;

(C) owns a brand that it licenses or licensed to another person for use on a processed food or raw commodity sold in or into the State;

(D) sells in, sells into, or distributes in the State a processed food or raw agricultural commodity that it packaged under a brand or label owned by another person;

(E) imports into the United States for sale in or into the State a processed food or raw agricultural commodity produced by a person without a presence in the United States; or

(F) produces a processed food or raw agricultural commodity for sale in or into the State without affixing a brand name.

(6) "Organism" means any biological entity capable of replication, reproduction, or transferring of genetic material.

(7) "Processed food" means any food intended for human consumption other than a raw agricultural commodity and includes any food produced from a raw agricultural commodity that has been subjected to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.

(8) "Processing aid" means:

(A) a substance that is added to a food during the processing of the food but that is removed in some manner from the food before the food is packaged in its finished form;

(B) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or

(C) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at levels that do not have any technical or functional effect in that finished food.

(9) "Raw agricultural commodity" means any food intended for human consumption in its raw or natural state, including any fruit or vegetable that is washed, colored, or otherwise treated in its unpeeled natural form prior to marketing.

§ 3043. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

(a) Except as set forth in section 3044 of this title, food purchased by a retailer after July 1, 2016 shall be labeled as produced entirely or in part from genetic engineering if it is a product:

(1) offered for retail sale in Vermont; and

(2) entirely or partially produced with genetic engineering.

(b) If a food is required to be labeled under subsection (a) of this section, it shall be labeled as follows:

(1) in the case of a packaged raw agricultural commodity, the manufacturer shall label the package offered for retail sale, with the clear and conspicuous words "produced with genetic engineering";

(2) in the case of any raw agricultural commodity that is not separately packaged, the retailer shall post a label appearing on the retail store shelf or bin in which the commodity is displayed for sale; or

(3) in the case of any processed food that contains a product or products of genetic engineering, the manufacturer shall label the package in which the processed food is offered for sale with the words "partially produced with genetic engineering" or "may be partially produced with genetic engineering."

(c) Except as set forth under section 3044 of this title, a manufacturer of a food produced entirely or in part from genetic engineering shall not label the product, in signage, or in advertising as "natural," "naturally made," "naturally grown," "all natural," or any words of similar import that would have a tendency to mislead a consumer.

(d) This section and the requirements of this chapter shall not be construed to require:

(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

(2) the placement of the term "genetically engineered" immediately preceding any common name or primary product descriptor of a food.

§ 3044. EXEMPTIONS

The following foods shall not be subject to the labeling requirements of section 3043 of this title:

(1) Food consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether

the animal has been fed or injected with any food or drug produced with genetic engineering.

(2) A raw agricultural commodity or processed food derived from it that has been grown, raised, or produced without the knowing and intentional use of food or seed produced with genetic engineering. Food will be deemed to be as described in this subdivision only if the person otherwise responsible for complying with the requirements of subsection 3043(a) of this title with respect to a raw agricultural commodity or processed food obtains, from whomever sold the raw agricultural commodity or processed food to that person, a sworn statement that the raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time. In providing such a sworn statement, any person may rely on a sworn statement from his or her own supplier that contains the affirmation set forth in this subdivision.

(3) Any processed food which would be subject to subsection 3043(a) of this title solely because it includes one or more processing aids or enzymes produced with genetic engineering.

(4) Any beverage that is subject to the provisions of Title 7.

(5) Any processed food that would be subject to subsection 3043(a) of this title solely because it includes one or more materials that have been produced with genetic engineering, provided that the genetically engineered materials in the aggregate do not account for more than 0.9 percent of the total weight of the processed food.

(6) Food that an independent organization has verified has not been knowingly and intentionally produced from or commingled with food or seed produced with genetic engineering. The Office of the Attorney General, after consultation with the Department of Health, shall approve by procedure the independent organizations from which verification shall be acceptable under this subdivision (6).

(7) Food that is not packaged for retail sale and that is:

(A) a processed food prepared and intended for immediate human consumption; or

(B) served, sold, or otherwise provided in any restaurant or other food establishment, as defined in 18 V.S.A. § 4301, that is primarily engaged in the sale of food prepared and intended for immediate human consumption.

(8) Medical food, as that term is defined in 21 U.S.C. § 360ee(b)(3).

§ 3045. RETAILER LIABILITY

(a) A retailer shall not be liable for the failure to label a processed food as required by section 3043 of this title, unless the retailer is the producer or manufacturer of the processed food.

(b) A retailer shall not be held liable for failure to label a raw agricultural commodity as required by section 3043 of this title, provided that the retailer, within 30 days of any proposed enforcement action or notice of violation, obtains a sworn statement in accordance with subdivision 3044(2) of this title.

§ 3046. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

§ 3047. FALSE CERTIFICATION

It shall be a violation of this chapter for a person knowingly to provide a false statement under subdivision 3044(2) of this title that a raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time.

§ 3048. PENALTIES; ENFORCEMENT

(a) Any person who violates the requirements of this chapter shall be liable for a civil penalty of not more than $1,000.00 per day, per product. Calculation of the civil penalty shall not be made or multiplied by the number of individual packages of the same product displayed or offered for retail sale. Civil penalties assessed under this section shall accrue and be assessed per each uniquely named, designated, or marketed product.

(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under subchapter 1 of chapter 63 of this title. Consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.

Sec. 3. ATTORNEY GENERAL RULEMAKING; LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

The Attorney General is authorized to adopt by rule requirements for the implementation of Sec. 2 of this act, including a requirement that the label required for food produced from genetic engineering include a disclaimer that the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods. Any rule adopted under this section shall not go into effect until the effective date of this act.

Sec. 4. EFFECTIVE DATES

(a) This section and Sec. 3 (Attorney General rulemaking) shall take effect on passage.

(b) Secs. 1 (findings) and 2 (labeling of food produced with genetic engineering) shall take effect on July 1, 2015.

(Committee vote: 4-1-0)

(For House amendments, see House Journal for May 9, 2013, pages 1471-1480)

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

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

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) U.S. federal law does not provide for the labeling of food that is produced with genetic engineering, as evidenced by the following:

(A) U.S. federal labeling and food and drug laws do not require manufacturers of food produced with genetic engineering to label such food as genetically engineered.

(B) As indicated by the testimony of a U.S. Food and Drug Administration (FDA) Supervisory Consumer Safety Officer, the FDA has statutory authority to require labeling of food products, but does not consider genetically engineered foods to be materially different from their traditional counterparts to require such labeling.

(C) No formal FDA policy on the labeling of genetically engineered foods has been adopted. Currently, the FDA only provides nonbinding

guidance on the labeling of genetically engineered foods, including a 1992 draft guidance regarding labeling of food produced from genetic engineering and a 2001 draft guidance for industry regarding voluntary labeling of food produced from genetic engineering.

(2) U.S. federal law does not require independent testing of the safety of food produced with genetic engineering, as evidenced by the following:

(A) In its regulation of food, the FDA does not distinguish genetically engineered foods from foods developed by traditional plant breeding.

(B) Under its regulatory framework, the FDA does not independently test the safety of genetically engineered foods. Instead, manufacturers submit safety research and studies, the majority of which the manufacturers finance or conduct. The FDA reviews the manufacturers' research and reports through a voluntary safety consultation, and issues a letter to the manufacturer acknowledging the manufacturer's conclusion regarding the safety of the genetically engineered food product being tested.

(C) The FDA does not use meta-studies or other forms of statistical analysis to verify that the studies it reviews are not biased by financial or professional conflicts of interest.

(D) There is a lack of consensus regarding the validity of the research and science surrounding the safety of genetically engineered foods, as indicated by the fact that there are peer-reviewed studies published in international scientific literature showing negative, neutral, and positive health results.

(E) There have been no long-term or epidemiologic studies in the United States that examine the safety of human consumption of genetically engineered foods.

(F) Independent scientists may be limited from conducting safety and risk-assessment research of genetically engineered materials used in food products due to industry restrictions or patent restrictions on the use for research of those genetically engineered materials used in food products.

(3) Genetically engineered foods are increasingly available for human consumption, as evidenced by the fact that:

(A) it is estimated that up to 80 percent of the processed foods sold in the United States are at least partially produced from genetic engineering; and

(B) according to the U.S. Department of Agriculture, in 2012, genetically engineered soybeans accounted for 93 percent of U.S. soybean

acreage, and genetically engineered corn accounted for 88 percent of U.S. corn acreage.

(4) Genetically engineered foods potentially pose risks to health, safety, agriculture, and the environment, as evidenced by the following:

(A) There are conflicting studies assessing the health consequences of food produced from genetic engineering.

(B) The genetic engineering of plants and animals may cause unintended consequences.

(C) The use of genetically engineered crops is increasing in commodity agricultural production practices, which contribute to genetic homogeneity, loss of biodiversity, and increased vulnerability of crops to pests, diseases, and variable climate conditions.

(D) Cross-pollination of or cross-contamination by genetically engineered crops may contaminate organic crops and, consequently, affect marketability of those crops.

(E) Cross-pollination from genetically engineered crops may have an adverse effect on native flora and fauna. The transfer of unnatural deoxyribonucleic acid to wild relatives can lead to displacement of those native plants, and in turn, displacement of the native fauna dependent on those wild varieties.

(5) For multiple health, personal, religious, and environmental reasons, the State of Vermont finds that food produced from genetic engineering should be labeled as such, as evidenced by the following:

(A) Public opinion polls conducted by the Center for Rural Studies at the University of Vermont indicate that a large majority of Vermonters want foods produced with genetic engineering to be labeled as such.

(B) Polling by the New York Times indicated that many consumers are under an incorrect assumption about whether the food they purchase is produced from genetic engineering, and labeling food as produced from genetic engineering will reduce consumer confusion or deception regarding the food they purchase.

(C) Because genetic engineering, as regulated by this act, involves the direct injection of genes into cells, the fusion of cells, or the hybridization of genes that does not occur in nature, labeling foods produced with genetic engineering as "natural," "naturally made," "naturally grown," "all natural," or other similar descriptors is inherently misleading, poses a risk of confusing or deceiving consumers, and conflicts with the general perception that "natural" foods are not genetically engineered.

(D) Persons with certain religious beliefs object to producing foods using genetic engineering because of objections to tampering with the genetic makeup of life forms and the rapid introduction and proliferation of genetically engineered organisms and, therefore, need food to be labeled as genetically engineered in order to conform to religious beliefs and comply with dietary restrictions.

(E) Labeling gives consumers information they can use to make decisions about what products they would prefer to purchase.

(6) Because both the FDA and the U.S. Congress do not require the labeling of food produced with genetic engineering, the State should require food produced with genetic engineering to be labeled as such in order to serve the interests of the State, notwithstanding limited exceptions, to prevent inadvertent consumer deception, prevent potential risks to human health, protect religious practices, and protect the environment.

Sec. 2. 9 V.S.A. chapter 82A is added to read:

CHAPTER 82A. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

§ 3041. PURPOSE

It is the purpose of this chapter to:

(1) Public health and food safety. Establish a system by which persons may make informed decisions regarding the potential health effects of the food they purchase and consume and by which, if they choose, persons may avoid potential health risks of food produced from genetic engineering.

(2) Environmental impacts. Inform the purchasing decisions of consumers who are concerned about the potential environmental effects of the production of food from genetic engineering.

(3) Consumer confusion and deception. Reduce and prevent consumer confusion and deception by prohibiting the labeling of products produced from genetic engineering as "natural" and by promoting the disclosure of factual information on food labels to allow consumers to make informed decisions.

(4) Protecting religious practices. Provide consumers with data from which they may make informed decisions for religious reasons.

§ 3042. DEFINITIONS

As used in this chapter:

(1) "Consumer" shall have the same meaning as in subsection 2451a(a) of this title.

(2) "Enzyme" means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions.

(3) "Food" means food intended for human consumption.

(4) "Genetic engineering" is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of:

(A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or

(B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural recombination.

(5) "In vitro nucleic acid techniques" means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion.

(6) "Manufacturer" means a person who:

(A) produces a processed food or raw agricultural commodity under its own brand or label for sale in or into the State;

(B) sells in or into the State under its own brand or label a processed food or raw agricultural commodity produced by another supplier;

(C) owns a brand that it licenses or licensed to another person for use on a processed food or raw commodity sold in or into the State;

(D) sells in, sells into, or distributes in the State a processed food or raw agricultural commodity that it packaged under a brand or label owned by another person;

(E) imports into the United States for sale in or into the State a processed food or raw agricultural commodity produced by a person without a presence in the United States; or

(F) produces a processed food or raw agricultural commodity for sale in or into the State without affixing a brand name.

(7) "Organism" means any biological entity capable of replication, reproduction, or transferring of genetic material.

(8) "Processed food" means any food other than a raw agricultural commodity and includes any food produced from a raw agricultural commodity that has been subjected to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.

(9) "Processing aid" means:

(A) a substance that is added to a food during the processing of the food but that is removed in some manner from the food before the food is packaged in its finished form;

(B) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or

(C) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at levels that do not have any technical or functional effect in that finished food.

(10) "Raw agricultural commodity" means any food in its raw or natural state, including any fruit or vegetable that is washed, colored, or otherwise treated in its unpeeled natural form prior to marketing.

§ 3043. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

(a) Except as set forth in section 3044 of this title, food offered for sale by a retailer after July 1, 2016 shall be labeled as produced entirely or in part from genetic engineering if it is a product:

(1) offered for retail sale in Vermont; and

(2) entirely or partially produced with genetic engineering.

(b) If a food is required to be labeled under subsection (a) of this section, it shall be labeled as follows:

(1) in the case of a packaged raw agricultural commodity, the manufacturer shall label the package offered for retail sale, with the clear and conspicuous words "produced with genetic engineering";

(2) in the case of any raw agricultural commodity that is not separately packaged, the retailer shall post a label appearing on the retail store shelf or bin in which the commodity is displayed for sale with the clear and conspicuous words "produced with genetic engineering"; or

(3) in the case of any processed food that contains a product or products of genetic engineering, the manufacturer shall label the package in which the processed food is offered for sale with the words: "partially produced with genetic engineering"; "may be produced with genetic engineering"; or "produced with genetic engineering."

(c) Except as set forth under section 3044 of this title, a manufacturer of a food produced entirely or in part from genetic engineering shall not label the product on the package, in signage, or in advertising as "natural," "naturally made," "naturally grown," "all natural," or any words of similar import that would have a tendency to mislead a consumer.

(d) This section and the requirements of this chapter shall not be construed to require:

(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

(2) the placement of the term "genetically engineered" immediately preceding any common name or primary product descriptor of a food.

§ 3044. EXEMPTIONS

The following foods shall not be subject to the labeling requirements of section 3043 of this title:

(1) Food consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food, drug, or other substance produced with genetic engineering.

(2) A raw agricultural commodity or processed food derived from it that has been grown, raised, or produced without the knowing or intentional use of food or seed produced with genetic engineering. Food will be deemed to be as described in this subdivision only if the person otherwise responsible for complying with the requirements of subsection 3043(a) of this title with respect to a raw agricultural commodity or processed food obtains, from whomever sold the raw agricultural commodity or processed food to that person, a sworn statement that the raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time. In providing such a sworn statement, any person may rely on a sworn statement from his or her own supplier that contains the affirmation set forth in this subdivision.

(3) Any processed food which would be subject to subsection 3043(a) of this title solely because it includes one or more processing aids or enzymes produced with genetic engineering.

(4) Any beverage that is subject to the provisions of Title 7.

(5) Any processed food that would be subject to subsection 3043(a) of this title solely because it includes one or more materials that have been produced with genetic engineering, provided that the genetically engineered materials in the aggregate do not account for more than 0.9 percent of the total weight of the processed food.

(6) Food that an independent organization has verified has not been knowingly or intentionally produced from or commingled with food or seed produced with genetic engineering. The Office of the Attorney General, after consultation with the Department of Health, shall approve by procedure the independent organizations from which verification shall be acceptable under this subdivision (6).

(7) Food that is not packaged for retail sale and that is:

(A) a processed food prepared and intended for immediate human consumption; or

(B) served, sold, or otherwise provided in any restaurant or other food establishment, as defined in 18 V.S.A. § 4301, that is primarily engaged in the sale of food prepared and intended for immediate human consumption.

(8) Medical food, as that term is defined in 21 U.S.C. § 360ee(b)(3).

§ 3045. RETAILER LIABILITY

(a) A retailer shall not be liable for the failure to label a processed food as required by section 3043 of this title, unless the retailer is the producer or manufacturer of the processed food.

(b) A retailer shall not be held liable for failure to label a raw agricultural commodity as required by section 3043 of this title, provided that the retailer, within 30 days of any proposed enforcement action or notice of violation, obtains a sworn statement in accordance with subdivision 3044(2) of this title.

§ 3046. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

§ 3047. FALSE CERTIFICATION

It shall be a violation of this chapter for a person knowingly to provide a false statement under subdivision 3044(2) of this title that a raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time.

§ 3048. PENALTIES; ENFORCEMENT

(a) Any person who violates the requirements of this chapter shall be liable for a civil penalty of not more than $1,000.00 per day, per product. Calculation of the civil penalty shall not be made or multiplied by the number of individual packages of the same product displayed or offered for retail sale. Civil penalties assessed under this section shall accrue and be assessed per each uniquely named, designated, or marketed product.

(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under subchapter 1 of chapter 63 of this title. Consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.

Sec. 3. ATTORNEY GENERAL RULEMAKING; LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

The Attorney General may adopt by rule requirements for the implementation of 9 V.S.A. chapter 82A, including:

(1) a requirement that the label required for food produced from genetic engineering include a disclaimer that the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods; and

(2) notwithstanding the labeling language required by 9 V.S.A. § 3043(a), a requirement that a label required under 9 V.S.A. chapter 82A identify food produced entirely or in part from genetic engineering in a manner consistent with requirements in other jurisdictions for the labeling of food, including the labeling of food produced with genetic engineering.

Sec. 4. GENETICALLY ENGINEERED FOOD LABELING SPECIAL FUND

(a) There is established a Genetically Engineered Food Labeling Special Fund, pursuant to 32 V.S.A. chapter 7, subchapter 5. Monies in the Fund shall:

(1) be made available to the Attorney General to pay costs or liabilities incurred in implementation and administration, including rulemaking, of the requirements of 9 V.S.A. chapter 82A for the labeling of food produced from genetic engineering; and

(2) when monies in the fund exceed the need of the Attorney General under subdivision (1) of this subsection, be made available to the Secretary of Commerce and Community Development to assist manufacturers and retailers of food to meet applicable requirements of 9 V.S.A. chapter 82A for the labeling of food produced from genetic engineering.

(b) The Fund shall consist of:

(1) except for those recoveries that by law are appropriated for other uses, up to $1,500,000.00 of the settlement monies or other revenues collected by the Office of the Attorney General that, as determined by the Office of the Attorney General after consultation with the Joint Fiscal Office and the Department of Finance and Management, exceed the estimated amounts of settlement proceeds in the official fiscal forecast issued under 32 V.S.A. § 305a for fiscal year 2015;

(2) private gifts, bequests, grants, or donations made to the State from any public or private source for the purposes for which the Fund was established; and

(3) such sums as may be appropriated by the General Assembly.

Sec. 5. ATTORNEY GENERAL FISCAL YEAR BUDGET

If, in fiscal year 2015, $1,500,000.00 in monies is not collected in the Genetically Engineered Food Labeling Special Fund established under Sec. 4 of this act, the Attorney General shall include in the fiscal year 2016 budget proposal for the Office of the Attorney General the monies necessary to implement and administer the requirements established by 9 V.S.A. chapter 82A for the labeling of food produced from genetic engineering.

Sec. 6. ATTORNEY GENERAL REPORT ON LABELING OF MILK

(a) On or before January 15, 2015, the Office of the Attorney General, after consultation with the Agency of Agriculture, Food and Markets, shall submit to the Senate and House Committees on the Judiciary, the Senate Committee on Agriculture, and the House Committee on Agriculture and Forest Products a report regarding whether milk and milk products should be subject to the labeling requirements of 9 V.S.A. chapter 82A for food produced with genetic engineering. The report shall include:

(1) a recommendation as to whether milk or milk products should be subject to the requirements of 9 V.S.A. chapter 82A; and

(2) the legal basis for the recommendation under subdivision (1) of this subsection.

(b) In exercise of the Attorney General's authority to defend the interests of the State, the Attorney General, in his or her discretion, may notify the General Assembly that it is not in the best interest of the State to submit the report required under subsection (a) of this section on or before January 15, 2015. Any notice submitted under this subsection shall estimate the date when the report shall be submitted to the General Assembly.

Sec. 7. EFFECTIVE DATES

(a) This section and Secs. 3 (Attorney General rulemaking), 4 (genetically engineered food labeling special fund), 5 (Attorney General budget fiscal year 2016), 6 (Attorney General report; milk) shall take effect on passage.

(b) Secs. 1 (findings) and 2 (labeling of food produced with genetic engineering) shall take effect on July 1, 2016.

(Committee vote: 5-0-0)

H. 356.

An act relating to prohibiting littering in or on the waters of the State.

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

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

Sec. 1. 24 V.S.A. § 2201 is amended to read:

§ 2201. THROWING, DEPOSITING, BURNING, AND DUMPING REFUSE; PENALTY; SUMMONS AND COMPLAINT

(a)(1) Prohibition. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, cause, or permit to be thrown, dumped, or deposited any solid waste as defined in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing outside a solid waste management facility certified by the Agency of Natural Resources in or on lands or waters of the State.

(2) It shall be prima facie evidence that a person who is identifiable from an examination of illegally disposed solid waste is the person who violated a provision of this section.

~~(2)~~(3) No person shall burn or cause to be burned in the open or incinerate in any container, furnace, or other device any solid waste without:

(A) first having obtained all necessary permits from the Agency of Natural Resources, the district environmental commission, and the municipality where the burning is to take place; and

(B) complying with all relevant State and local regulations and ordinances.

(b) Prosecution of violations. A person who violates a provision of this section commits a civil violation and shall be subject to a civil ~~penalty of not more than $500.00~~ citation under section 8019 of this title. This violation shall be enforceable in the Judicial Bureau pursuant to the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a municipal attorney, solid waste management district attorney, environmental enforcement officer employed by the Agency of Natural Resources, grand juror, or designee of the legislative body of the municipality, or by any duly authorized law enforcement officer. If the throwing, placing, or depositing was done from a snowmobile, vessel, or motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing, or depositing was done by the ~~driver~~ operator of such snowmobile, vessel, or motor vehicle. Nothing in this section shall be construed as affecting the operation of an automobile graveyard or salvage yard as defined in section 2241 of this title, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste provided by the State or towns.

(c) Roadside cleanup. A person found in violation of this section may be assigned to spend up to 80 hours collecting trash or litter from a specified segment of roadside or from a specified area of public property.

(d) Revocation of motor vehicle operator's license. The Commissioner of Motor Vehicles shall suspend the motor vehicle operator's license or operating privilege of a person found in violation of this section for a period of ten days if the person fails to pay the penalty set forth in subsection (b) of this section. If the person that fails to pay the penalty set forth in subsection (b) violated this section while operating a vessel, the Commissioner of Motor Vehicles shall suspend that person's certificate of boating education that is required by 23 V.S.A. § 3305b for a period of ten days. This provision shall not apply if the only evidence of violation is the presumption set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Motor Vehicles of the entry of judgment.

(e) Revocation of hunting, fishing, or trapping license. The Commissioner of Fish and Wildlife shall revoke the privilege of a person found in violation of this section from holding a hunting ~~or,~~ fishing, or trapping license~~, or both,~~ for a period of one year from the date of the conviction, if the person fails to pay the penalty set forth in subsection (b) of this section. The Bureau shall

immediately notify the Commissioner of Fish and Wildlife of the entry of judgment.

(f) ~~[Deleted.]~~ [Repealed.]

(g) Amendment of complaint. A person authorized to enforce this section may amend or dismiss a complaint issued by that person by marking the complaint and returning it to the Judicial Bureau. At the hearing, a person authorized to enforce this section may amend or dismiss a complaint issued by that person, subject to the approval of the hearing judge.

(h) ~~[Deleted.]~~ [Repealed.]

(i) Applicability. Enforcement actions taken under this section shall in no way preclude the Agency of Natural Resources, the Attorney General, or an appropriate State prosecutor from initiating other or further enforcement actions under the civil, administrative, or criminal enforcement provisions of 10 V.S.A. chapter 23, 47, 159, 201, or 211. To the extent that enforcement under this section is by an environmental enforcement officer employed by the Agency of Natural Resources, enforcement under this section shall preclude other enforcement by the ~~agency~~ Agency for the same offence.

(j) Definitions. As used in this section:

(1) "Motor vehicle" shall have the same meaning as in 23 V.S.A. § 4(21).

(2) "Snowmobile" shall have the same meaning as in 23 V.S.A. § 3801.

(3) "Vessel" means motor boats, boats, kayaks, canoes, sailboats, and all other types of watercraft.

(4) "Waters" shall have the same meaning as in 10 V.S.A. § 1251(13).

Sec. 2. 1 V.S.A. § 377 is added to read:

§ 377. GREEN UP DAY; RIVER GREEN UP MONTH

(a) The first Saturday in the month of May is designated as Green Up Day.

(b) September of each year is designated as River Green Up Month.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for January 28, 2014, page 156)

H. 589.

An act relating to hunting, fishing, and trapping.

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

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

First: In Sec. 8, 10 V.S.A. § 4705, in subsection (c), by striking the last sentence in its entirety and inserting in lieu thereof the following:

A person shall not shoot a firearm, muzzle loader, a bow and arrow, or a crossbow over or across the traveled portion of a public highway, except for a person shooting over or across the traveled portion of a Class IV road from a sport shooting range, as that term is defined in section 5227 of this title, established before January 1, 2014.

And in subsection (f), after "means roads" and before "shown on" by inserting , including Class IV roads,

Second: By striking out Sec. 15 in its entirety and inserting in lieu thereof two new sections to be Secs. 15 and 16 to read:

* * * Training Hunting Dogs; Raccoon Season * * *

Sec. 15. 10 V.S.A. § 5001 is amended to read:

§ 5001. HUNTING DOGS; FIELD TRAINING

(a) While accompanying the dog, a person may train a hunting dog to hunt and pursue:

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

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

(3) ~~Raccoon~~ raccoon during the period from June 1 ~~to the last Saturday in September at any time of the day or night~~ through any time of day or night on the day before the opening day of raccoon hunting season; and

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

* * *

Sec. 16. EFFECTIVE DATE

(a) This section and Secs. 1–2 (landowner exception; captive hunt; definitions), 3 (license for disabled veteran), 3a (Joint Fiscal Office report on fiscal impact of issuing hunting licenses to disabled veterans), 8 (shooting from or across highway), and 15 (training hunting dogs; raccoon season) shall take effect on passage.

(b) Secs. 4 (migrating game bird harvest numbers), 10 (conservation registration plates report), 11–13(cultural and ceremonial use of bird feathers), and 14 (State Fly-Fishing Fly) shall take effect on July 1, 2014.

(c) Secs. 5–7 (deer season rules) and 9 (conservation plates; proceeds) shall take effect on January 1, 2015.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 26, 2014, pages 479-480)

Reported favorably by Senator Nitka for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Natural Resources and Energy and that when so amended, ought to pass.

(Committee vote: 6-0-1)

Proposal of amendment to H. 589 to be offered by Senators Mullin and French

Senators Mullin and French move that the Senate propose to the House to amend the bill as follows:

First: In Sec. 5, 10 V.S.A. § 4084(a) by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) establish open seasons; however, rules regarding taking of deer adopted under this subdivision shall, unless there is a scientific reason not to do so, make provision for: a regular rifle hunting season ~~pursuant to section 4741 of this title and for~~ of no fewer than 16 consecutive days; an archery season; and a muzzle loader season ~~unless there is a scientific reason not to do so~~;

Second: In Sec. 8, 10 V.S.A. § 4705, in subsection (c), by striking out the last sentence in its entirety and inserting in lieu thereof the following: A person shall not shoot a firearm, muzzle loader, a bow and arrow, or a

crossbow ~~over~~ while on or within the traveled portion of a public highway or across the traveled portion of a public highway.

CONCURRENT RESOLUTIONS FOR ACTION

H.C.R. 286-292 (For text of Resolutions, see Addendum to House Calendar for April 3, 2014)

PUBLIC HEARINGS

SENATE APPROPRIATIONS COMMITTEE

FY 2015 Budget

ADVOCATES TESTIMONY

On **Wednesday**, **April 9, 2014** beginning at **9:30 am**, the Senate Appropriations Committee will be taking testimony from advocates regarding the Fiscal Year 2015 Budget (H.885) in Room 10 of the State House. To schedule time before the Committee contact Becky Buck at the Legislative Joint Fiscal Office located at 1 Baldwin Street (phone: 828-5969).

Wednesday, April 9, 2014 – Room 11 – 5:00 P.M. – 7:00 P.M. – Re: H. 883 Expanded Prekindergarten - Grade 12 School Districts- House Committee on Ways and Means and House Committee on Education.

NOTICE OF JOINT ASSEMBLY

Thursday, April 10, 2014 - 10:30 A.M. - Election of one (1) successor legislative Trustee of the University of Vermont and State Agricultural College.

Candidates for the position of trustee must notify the Secretary of State **in writing** not later than Thursday, April 3, 2014, by 5:00 P.M. pursuant to the provisions of 2 V.S.A. § 12(b). Otherwise their names will not appear on the ballots for this position.

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

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

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

FOR INFORMATION ONLY

CROSSOVER DEADLINES

The Joint Rules Committee established the following Crossover deadlines:

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

(2) All **Senate** bills referred pursuant to Senate Rule 31 to the Committees on Appropriations and Finance must be reported out by the last of those committees on or before **Friday, March 21, 2014**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

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

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

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