

# Senate Calendar

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TUESDAY, APRIL 08, 2014

SENATE CONVENES AT: 9:30 A.M.

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**ACTION CALENDAR**

**UNFINISHED BUSINESS OF THURSDAY, APRIL 3, 2014**

**Third Reading**

**H. 631.**

An act relating to lottery commissions.

**NEW BUSINESS**

**Third Reading**

**S. 23.**

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

**Amendment to S. 23 to be offered by Senator Lyons before Third Reading**

Senator Lyons moves to amend the bill by adding a new Sec. 3 to read as follows:

Sec. 3. 33 V.S.A. § 6903

§ 6903. REPORTING SUSPECTED ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS

(a) Any of the following, other than a crisis worker acting pursuant to 12 V.S.A. § 1614, who knows of or has received information of abuse, neglect, or exploitation of a vulnerable adult or who has reason to suspect that any vulnerable adult has been abused, neglected, or exploited shall report or cause a report to be made in accordance with the provisions of section 6904 of this title within 48 hours:

(1) All employees, contractors and grantees of the Agency of Human Services who are involved in caregiving.

(2) A physician, osteopath, chiropractor, naturopathic physician, ~~or~~ physician assistant, nurse, medical examiner, licensed nursing assistant, emergency medical services personnel, dentist, or psychologist.

\* \* \*

(6) A member of the clergy, as defined in section 4912 of this title.

\* \* \*

And by renumbering the remaining Sec. 3, effective date, to be numerically correct.

**H. 584.**

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

**H. 872.**

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

**Second Reading**

**Favorable with Proposal of Amendment**

**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 to amend the recommendation of amendment of the Committee on Natural Resources and Energy as follows:

First: In the *first* proposal of amendment 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, 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.

Second: And that the Senate further propose to the House to amend the bill 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~~;

## NOTICE CALENDAR

### Second Reading

#### Favorable with Proposal of Amendment

#### H. 239.

An act relating to information regarding the rights of landlords and tenants.

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

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. OUTREACH TO LANDLORDS AND TENANTS

The Department of Housing and Community Development with input from parties representing the interests of both landlords and tenants shall conduct a public outreach and information program in order to provide information to landlords and tenants regarding their rights and responsibilities under the law. Particularly, the Department, in addition to publishing this information on its website, shall provide information to landlords renting only one or two units regarding:

- (1) landlord-tenant law and the eviction process;
- (2) the eviction process if a landlord is a pro se litigant; and
- (3) the proper way to draft an eviction letter, including a sample eviction letter.

#### Sec. 2. APPROPRIATION

Up to \$32,000.00 in general funds is appropriated to the Department of Housing and Community Development to fund the outreach and information program created in Sec. 1 of this act.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 4-1-0)

(For House amendments, see House Journal for March 25, 2014, page 773)

**H. 809.**

An act relating to designation of new town centers and growth centers.

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

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

First: In Sec. 3, 24 V.S.A. § 2793c, by striking out subdivisions (c)(5)(A) and (B) and inserting in lieu thereof two new subdivisions to be (c)(5)(A) and (B) to read:

(5) Each application for designation as a growth center shall include:

(A) a description from the regional planning commission in which each applicant municipality is located of the role of the proposed growth center in the region, and the relationship between the proposed growth center and neighboring communities;

(B) written confirmation from the applicable regional planning commission that the proposed growth center conforms with the regional plan for the region in which each applicant municipality is located;

Second: In Sec. 3, 24 V.S.A. § 2793c, in subdivision (d)(6), by striking out “80 percent” and inserting in lieu thereof two-thirds

Third: In Sec. 6, 24 V.S.A. § 4382, by striking out subdivision (a)(2) in its entirety and inserting in lieu thereof a new subdivision (a)(2) to read:

(2) A land use plan;

(A) consisting of a map and statement of present and prospective land uses, indicating those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; ~~and~~

(B) setting forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or

sequence of land development activities in relation to the provision of necessary community facilities and service; and

(C) identifying those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought;

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 12, 2014, page 383)

### **House Proposal of Amendment to Senate Proposal of Amendment**

#### **H. 609.**

An act relating to terminating propane service

The House concurs in the Senate proposal of amendment with further amendment thereto as follows:

In Sec. 1, 9 V.S.A. § 2461b as follows:

First: By striking out subdivision (a)(1)(A) and inserting in lieu thereof a new subdivision (a)(1)(A) to read:

(A) “Consumer” means any person who, for consumption and not for resale, purchases propane ~~for consumption and not for resale~~ through a meter or has propane delivered to one or more storage tanks of 2,000 gallons or less.

Second: In subdivision (a)(1)(C)(i), after “locks off” and before “propane tank” by striking “its” and inserting in lieu thereof that seller’s.

### **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).**