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Proposal of amendment to H. 884 to be offered by Senators Hartwell and Sears before Third Reading

Senators Hartwell and Sears move that the Senate propose to the House to amend the bill by inserting a new section to be numbered Sec. 48a to read as follows:

* * * Local Option Tax * * *

Sec. 48a. 24 V.S.A. § 138(a) is amended to read:

(a) Local option taxes are authorized under this section for the purpose of affording municipalities ~~an alternative~~ a method of raising municipal revenues ~~to facilitate the transition and reduce the dislocations in those municipalities~~

~~that may be caused by reforms to the method of financing public education under the Equal Educational Opportunity Act of 1997. Accordingly:~~

~~(1) the local option taxes authorized under this section may be imposed by a municipality;~~

~~(2) a municipality opting to impose a local option tax may do so prior to July 1, 1998 to be effective beginning January 1, 1999, and anytime after December 1, 1998 a local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the department of taxes of the imposition; and~~

~~(3) a local option tax may only be adopted by a municipality in which:~~

~~(A) the education property tax rate in 1997 was less than $1.10 per $100.00 of equalized education property value; or~~

~~(B) the equalized grand list value of personal property, business machinery, inventory, and equipment is at least ten percent of the equalized education grand list as reported in the 1998 Annual Report of the Division of Property Valuation and Review; or~~

~~(C) the combined education tax rate of the municipality will increase by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of the combined education property tax in the previous fiscal year~~. A local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the Department of Taxes of the imposition.

Proposal of amendment to H. 884 to be offered by Senators Rodgers and Starr before Third Reading

Senators Rodgers and Starr move that the Senate propose to the House to amend the bill by inserting a reader assistance heading and Sec. 30a to read as follows:

* * * Wood Products Manufacturer's Credit * * *

Sec. 30a. WOOD PRODUCT MANUFACTURE STUDY

The Secretary of Commerce and Community Development, in consultation with the Department of Taxes, shall study and recommend economic and tax incentives to ensure wood products manufacturers remain in Vermont, and that they thrive in Vermont. The Secretary shall report his or her findings and recommendations to the Senate Committee on Finance and the House Committee on Ways and Means on or before January 15, 2015.

Proposal of amendment to H. 884 to be offered by Senators Rodgers and Starr before Third Reading

Senators Rodgers and Starr move that the Senate propose to the House to amend the bill as follows:

First: By inserting a reader assistance heading and Sec. 30a to read as follows:

* * * Wood Products Manufacturer's Credit * * *

Sec. 30a. 32 V.S.A. § 5930y is added to read:

§ 5930y. WOOD PRODUCTS MANUFACTURE TAX CREDIT

(a) Definitions. The Secretary of Commerce and Community Development, annually on or before February 1, shall designate any two adjacent counties having at least four percent of their combined jobs provided by employers that manufacture finished wood products and having the highest combined unemployment rate in the State for at least one month in the previous calendar year. Upon making a designation, the Secretary shall send a written notice to the Commissioner of Taxes identifying the designated counties.

(b) Credit. A credit against the income tax liability is available as follows:

(1) A credit of two percent of the wages paid in the taxable year by an employer for services performed in the designated counties associated with the manufacture of finished wood products. The credit shall be available to the employer in any year the counties qualify and for one year after a qualification ends. As used in this section, "finished wood products" means wood products that are manufactured into the form in which they are offered for sale to consumers.

(2) The credit, either alone or in combination with any other credit allowed by this chapter, shall not reduce the income tax liability of the employer by more than 80 percent.

(3) The recapture of development incentives established in 3 V.S.A. chapter 47, subchapter 6 shall apply to the tax credits in this section, except that the provisions of subsection 2512(c) of that title shall not apply to a business relocation outside the designated counties.

(c) Statutory purpose. The statutory purpose of the Vermont wood products manufacture credit in this section is to support Vermont's wood products manufacturers and wood industry in high unemployment areas of the State.

Second: In Sec. 65 (effective dates), by adding a subdivision (19) to read:

(19) Notwithstanding 1 V.S.A. § 214, Sec. 30a (wood products) of this act shall take effect retroactively on January 1, 2014.

Proposal of amendment to H. 884 to be offered by Senator Ashe before Third Reading

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

First: In Sec. 30, by striking out "entirely"

Second: In Sec. 50, in subsection (b), by striking out "2014" and inserting in lieu thereof 2015

Third: In Sec. 58, by striking out "Designated Downtown as determined in accordance with 24 V.S.A. § 2793" and inserting in lieu thereof tax increment financing district

Second Reading

Favorable with Recommendation of Amendment

S. 308.

An act relating to regulating precious metal dealers.

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

The Committee recommends that the bill be amended as follows:

By striking out Secs. 3–7 in their entirety and inserting in lieu thereof new Secs. 3–6 to read:

Sec. 3. 9 V.S.A. chapter 97A is added to read:

CHAPTER 97A. PRECIOUS METAL DEALERS

§ 3881. DEFINITIONS

As used in this chapter:

(1) "Antique" means an item, including a collectible coin, that is:

(A) collected or desired due to age, rarity, condition, or other similar unique feature;

(B) purchased for the purpose of resale; and

(C) sold in the same unique form or condition as when it was purchased, and not for scrap.

(2) "Criminal history record" means all information documenting a natural person's contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) "Disqualifying offense" means:

(A) a felony under:

(i) 13 V.S.A. chapter 47 (fraud);

(ii) 13 V.S.A. chapter 49 (fraud in commercial transaction);

(iii) 13 V.S.A. chapter 57 (larceny and embezzlement); or

(iv) 13 V.S.A. chapter 84 (possession and control of regulated drugs); or

(B) a violent felony under 18 V.S.A. § 4474g(e); or

(C) one of the following misdemeanors, if a conviction for the misdemeanor occurred within the ten years preceding the date on which the convicted person applies for a certification to do business as a precious metal dealer:

(i) petit larceny in violation of 13 V.S.A. § 2502;

(ii) receipt of stolen property in violation of 13 V.S.A. § 2561;

(iii) false pretenses or tokens in violation of 13 V.S.A. § 2002; or

(iv) false tokens in violation of 13 V.S.A. § 2003; or

(D) a violation of this chapter punishable under subdivision 3890(c)(2) of this title.

(4) "Engaged in the business of purchasing or selling precious metal" means conducting a regular course of trade in precious metal with retail buyers or sellers, and does not include:

(A) retail trade in new precious metal;

(B) trade in precious metal that is exclusively wholesale, including business-to-business transactions for precious metal used in medical and dental applications; or

(C) trade in precious metal commodities for the purpose of investment, including bullion, commodities funds, or commodities futures.

(5) "Precious metal" means used gold, silver, platinum, palladium, coins sold for more than face value, jewelry, or similar items, but does not include an antique.

(6)(A) "Precious metal dealer" means a person who:

(i) has a physical presence in this State, whether temporary or permanent;

(ii) is engaged in the business of purchasing or selling precious metal; and

(iii) purchases or sells $2,500.00 or more of precious metal in a consecutive 12-month period.

(B) "Precious metal dealer" does not include a charitable organization that is qualified as tax exempt under 26 U.S.C. § 501.

(7) "Principal" means a natural person who is a director, officer, member, manager, partner, or creditor.

§ 3882. CERTIFICATION REQUIRED

(a) Certification from the Department of Public Safety is required to conduct business as a precious metal dealer in this State.

(b) An application for certification shall include for each applicant and its principals:

(1) the name, address, telephone number, and valid e-mail address or other electronic contact information;

(2) the name of, and the nature of the affiliation with, any business involving the purchase or sale of precious metal within the past five years;

(3) the age, date, and place of birth of each natural person;

(4) the residential address and place of employment of each natural person; and

(5) any crime of which a natural person has been convicted and the date and place of conviction.

(c) The Department shall not issue or renew a certification if an applicant or one of its principals has been convicted on or after January 1, 2015 of a disqualifying offense.

(d)(1) Prior to issuing or renewing a certification pursuant to this section, the Department shall obtain a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation for an applicant and each of its principals.

(2) A person for whom a record is requested shall consent to the release of criminal history records to the Department on forms substantially similar to the release forms developed in accordance with 20 V.S.A. § 2056c.

(3) Upon obtaining a criminal history record, the Department shall promptly provide a copy of the record to the person who is the subject of the record and shall inform the person of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Department.

(4) The Department shall comply with all laws regulating the release of criminal history records and the protection of individual privacy.

(5) No person shall confirm the existence or nonexistence of criminal history record information to any person who would not be eligible to receive the information pursuant to this chapter.

§ 3883. FEES; RENEWAL; REVOCATION OF CERTIFICATION

(a)(1) A person who applies for certification pursuant to section 3882 of this title shall pay a nonrefundable fee of $200.00 to the Department of Public Safety.

(2) A certification shall expire two years from the date it is issued, and may be renewed upon payment of $200.00 and approval of the Department.

(3) A fee collected under this section shall be used to administer the precious metal dealer certification process established pursuant to section 3882 of this title.

(b) The Department may revoke a certification for cause at any time during the period of the certification after notice and a hearing pursuant to 3 V.S.A. chapter 25.

(c)(1) The Department shall revoke a certification upon the conviction, on or after January 1, 2015, for a disqualifying offense by a precious metal dealer or one of its principals.

(2) The Department may revoke a certification upon the conviction, on or after January 1, 2015, for a disqualifying offense by an employee of a precious metal dealer acting within his or her scope of employment when he or she committed the offense.

(d) A precious metal dealer shall prominently display his or her certification number at his or her place of business, and shall include his or her certification number in each advertisement, in any medium, that promotes the business or services of the precious metal dealer.

§ 3884. PRIVATE RIGHT OF ACTION

A person injured by a precious metal dealer's violation of this chapter may bring an action against the dealer for damages arising from the violation.

§ 3885. RECORDS OF A PRECIOUS METAL DEALER

(a) For each item of precious metal sold to a precious metal dealer, he or she shall:

(1) assign a distinct entry number or, in the case of a lot of items, an entry number for the lot and a sub-lot number for each unmatched item in the lot;

(2) maintain the following records for each item or lot of items:

(A) the amount of money paid and the date and time of the transaction;

(B) the name, current address, and telephone number of the seller;

(C) a legible description written on the day of the transaction that includes for each item any distinguishing mark and name of any kind, such as brand and model name, model and serial number, engraving, etching, affiliation with any institution or organization, date, initials, color, vintage, or image represented;

(D) a digital photograph or video, taken at the time of the transaction, that references the entry number required under subdivision (a)(1) of this section and the date of the transaction;

(E)(i) a government-issued identification card issued to the seller that bears his or her photograph; or

(ii) a government-issued identification card and a digital photograph of the seller's face; and

(F) documentation of lawful ownership, including a bill of sale, receipt, letter of authorization, or similar evidence, provided that if these forms of documentation are unavailable, the seller shall submit an affidavit of ownership.

(b) A precious metal dealer who sells $50,000.00 or more of precious metal in a consecutive 12-month period shall maintain the records required in this section in a computerized format that can be readily accessed, electronically transmitted, and reproduced in physical form.

(c)(1) A precious metal dealer shall retain the records required in this section for at least three years at his or her normal place of business or other readily accessible and secure location.

(2) At all reasonable times, the records required under this section shall be open to the inspection of law enforcement.

§ 3886. HOLDING PERIOD

A precious metal dealer shall retain precious metal that he or she purchases for no fewer than 10 days before offering an item for sale or for scrap, and he or she shall not remove an item from the State prior to the expiration of this 10-day period.

§ 3887. PURCHASE OF PRECIOUS METAL FROM PERSONS UNDER 18 YEARS OF AGE

A precious metal dealer shall not purchase precious metal offered for sale by a person under 18 years of age.

§ 3888. METHOD OF PAYMENT

In each transaction of $25.00 or more, a precious metal dealer shall pay only by check, draft, or money order for precious metal purchased for the purpose of resale.

§ 3889. STOLEN PROPERTY NOTIFICATION SYSTEM

(a) The Department of Public Safety shall develop and implement a statewide stolen property notification system, the purpose of which shall be to facilitate timely electronic communication concerning the reported theft of precious metal among precious metal dealers and law enforcement agencies throughout the State.

(b)(1) Upon receiving an official report of theft of precious metal, the Department shall use the System to contact each precious metal dealer at the e-mail address provided pursuant to subdivision 3882(c)(1) of this title and each law enforcement agency that provides an e-mail address for that purpose.

(2) The Department shall include in its notification any information it determines in its discretion is appropriate to assist precious metal dealers and law enforcement agencies in identifying stolen precious metal and in expediting both the return of the stolen property to its owner and the identification and apprehension of suspects.

(3) Notwithstanding subdivision (2) of this subsection, the Department shall redact any personally identifiable information in a notification issued pursuant to this section concerning the identity or any communications with a purported victim and any precious metal dealer unless the victim or dealer expressly waives confidentiality in a writing submitted to the Department for that purpose.

§ 3890. PENALTIES

(a) Except as otherwise provided in this section, a person who violates a provision of this chapter shall be assessed a civil penalty of not more than $1,000.00.

(b) A person who operates as precious metal dealer without the certification required by section 3882 of this title shall be:

(1) for a first offense, imprisoned for not more than six months or fined not more than $10,000.00, or both;

(2) for a second or subsequent offense, imprisoned not more than three years or fined not more than $50,000.00, or both.

(c) A person who violates a provision of sections 3885–3888 of this title shall be:

(1) for a first offense, imprisoned for not more than six months or fined not more than $10,000.00, or both;

(2) for a second or subsequent offense, imprisoned not more than three years or fined not more than $50,000.00, or both.

(d) The Attorney General or a State's Attorney shall have the authority to pursue an injunction to prohibit the conduct of a person in violation of this chapter.

(e) For purposes of this section, each transaction in which a person violates a provision of this chapter shall constitute a single violation, regardless of the number of violations of this chapter that occur in the transaction.

Sec. 4. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) A ~~judicial bureau~~ Judicial Bureau is created within the ~~judicial branch~~ Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(25) Violations of 9 V.S.A. chapter 97A that are subject to civil penalties pursuant to 9 V.S.A. § 3890(a), relating to the purchase and sale of precious metal by a precious metal dealer, as defined in 9 V.S.A. § 3881.

Sec. 5. IMPLEMENTATION

The Department of Public Safety:

(1) shall create an application and certification process for the certification required under 9 V.S.A. § 3882; and

(2) may adopt rules necessary to implement his or her duties under this act.

Sec. 6. EFFECTIVE DATES

(a) This section, Sec. 5, and 9 V.S.A. § 3889 in Sec. 3 (stolen property notification system) shall take effect on July 1, 2014.

(b) Secs. 1–4, other than 9 V.S.A. § 3889, shall take effect on January 1, 2015.

(Committee vote: 4-1-0)

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

The Committee recommends that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs, with the following amendments thereto:

First: In Sec. 3, in 9 V.S.A § 3883, by striking out subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3) to read:

(3) A fee collected under this section shall be deposited into a precious metal dealers certification special fund which shall be used by the Commissioner of Public Safety to administer the precious metal dealer certification process established in section 3882 of this title.

Second: In Sec. 5, in subdivision (1), by striking "and" following the semicolon and by inserting prior to the final period ; and and a subdivision (3) to read:

(3) shall have the authority to re-designate one existing administrative position within the Department of Public Safety as a position charged with the duty to administer the precious metal dealer certification process created in this Act and such other duties as the Commissioner shall assign in his or her discretion, and shall have the additional authority to use a portion of the fees collected from the certification process and deposited into the precious metal dealers certification fund under 9 V.S.A. § 3883 for the purpose of providing compensation and benefits for the position re-designated pursuant to this section

(Committee vote: 4-2-1)

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

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

In 9 V.S.A. § 3883(3) following "precious metal dealers certification" by inserting account within the appropriate public safety.

(Committee vote: 7-0-0)

Amendment to S. 308 to be offered by Senator Baruth

Senator Baruth moves to amend the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs in Sec. 3, in 9 V.S.A. § 3881, as follows:

First: In subdivision (1), after "an item," by inserting other than an item of jewelry, and

Second: In subdivision (3)(C), by striking out "or" at the end of subdivision (iii), by redesignating the current subdivision (iv) as a subdivision (v), and by inserting a new subdivision (iv) to read:

(iv) burglary in violation of 13 V.S.A. § 1201; or

Favorable with Proposal of Amendment

H. 225.

An act relating to a statewide policy on the use of and training requirements for electronic control devices.

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

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. 20 V.S.A. § 2367 is added to read:

§ 2367. STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES; REPORTING

(a) As used in this section:

(1) "Electronic control device" means a device primarily designed to disrupt an individual's central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

(2) "Law enforcement officer" means a sheriff, deputy sheriff, police officer, capitol police officer, State game warden, State Police officer, constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title, and a certified law enforcement officer employed by a State branch, agency, or department, including the Department of Motor Vehicles, the Agency of Natural Resources, the Office of the Attorney General, the Department of State's Attorney, the Secretary of State, and the Department of Liquor Control.

(b) On or before January 1, 2015, the Law Enforcement Advisory Board shall establish a statewide policy on the use of and training requirements for the use of electronic control devices. On or before January 1, 2016, every State, local, county, and municipal law enforcement agency and every law enforcement officer who is not employed by a law enforcement agency shall adopt this policy. If a law enforcement agency or officer that is required to adopt a policy pursuant to this subsection fails to do so on or before January 1, 2016, that agency or officer shall be deemed to have adopted, and shall follow and enforce, the model policy established by the Law Enforcement Advisory Board. The policy shall include the following provisions:

(1) Electronic control devices are less-lethal, but not necessarily non-lethal, alternatives to lethal force.

(2) Officers may deploy an electronic control device only:

(A) against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to others or themselves; or

(B) if, without further action or intervention by the officer, injuries to the subject or others will likely occur.

(3) Neither an officer, a subject, or a third party has actually to suffer an injury before an officer is permitted to use an electronic control device, and officers are not required to use alternatives that increase the danger to the public or themselves.

(4) When it is safe to do so, officers shall attempt to de-escalate situations and shall provide a warning prior to deploying an electronic control device.

(5) Electronic control devices shall not be used in a punitive or coercive manner and shall not be used to awaken, escort, or gain compliance from passively resisting subjects. The act of fleeing or of destroying evidence, in and of itself, does not justify the use of an electronic control device.

(6) The use of electronic control devices shall comply with all recommendations by manufacturers for the reduction of risk of injury to subjects, including situations where a subject's physical susceptibilities are known.

(7) Electronic control devices shall be used in a manner that recognizes the potential additional risks that can result from situations:

(A) involving persons who are in an emotional crisis that may interfere with their ability to understand the consequences of their actions or to follow directions;

(B) involving persons with disabilities whose disability may impact their ability to communicate with an officer, or respond to an officer's directions; and

(C) involving higher risk populations that may be more susceptible to injury as a result of electronic control devices.

(8) Electronic control devices shall not be used on animals unless necessary to deter vicious or aggressive behavior that threatens the safety of officers or others.

(c) The Criminal Justice Training Council shall adopt rules and develop training to ensure that the policies and standards of this section are met. The Criminal Justice Training Council shall ensure that a law enforcement officer receives appropriate and sufficient training before becoming authorized to carry or use an electronic control device.

(d) On or before June 30, 2017, every State, local, county, and municipal law enforcement agency that employs one or more certified law enforcement officers shall ensure that all officers have completed the training established in 2004 Acts and Resolves No. 80, Sec. 13(a), and every law enforcement officer who is not employed by a law enforcement agency shall have completed this training.

(e) The Criminal Justice Training Council shall coordinate training initiatives with the Department of Mental Health related to law enforcement interventions, training for joint law enforcement and mental health crisis team responses, and enhanced capacity for mental health emergency responses.

(f) Every State, local, county, and municipal law enforcement agency and every law enforcement officer who is not employed by a law enforcement agency shall report all incidents involving the use of an electronic control device to the Criminal Justice Training Council in a form to be determined by the Council.

(g) The Law Enforcement Advisory Board shall study and shall, on or before January 15, 2015, report to the House and Senate Committees on Government Operations and on Judiciary concerning:

(1) whether and how the calibration and output of electronic control devices should be measured; and

(2) whether officers authorized to carry electronic control devices should be required to wear body cameras.

Sec. 2. REPORTS

(a) On or before January 15, 2015, the Criminal Justice Training Council shall report to the House and Senate Committees on Government Operations and on Judiciary on the progress made implementing the rules, training, and certification standards required by this act.

(b) On or before January 15, 2015, the Department of Mental Health shall report to the House and Senate Committees on Government Operations and on Judiciary on the adequacy of resources to support the requirements of this act.

(c) On or before March 15, 2016, and annually thereafter, the Criminal Justice Training Council shall report to the House and Senate Committees on Government Operations and on Judiciary all incidents involving the use of an electronic control device, a review of compliance with standards, the adequacy of training and certification requirements, and the adequacy of funding for mental health collaboration.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 18, 2014, page 650 and March 19, 2014, page 703)

H. 497.

An act relating to the open meeting law.

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

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. 1 V.S.A. § 310 is amended to read:

§ 310. DEFINITIONS

As used in this subchapter:

(1) "Deliberations" means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

(2) "Meeting" means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. "Meeting" shall not mean written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act as set forth in chapter 5, subchapter 3 of this title.

(3) "Public body" means any board, council, or commission of the ~~state~~ State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the ~~state~~ State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that "public body" does not include councils or similar groups established by the ~~governor~~ Governor for the sole purpose of advising the ~~governor~~ Governor with respect to policy.

(4) "Publicly announced" means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the ~~state~~ State in which the public body has jurisdiction, and to any ~~editor, publisher or news director~~ person who has requested under subdivision 312(c)(5) of this title to be notified of special meetings.

(5) "Quasi-judicial proceeding" means a proceeding which is:

(A) a contested case under the Vermont Administrative Procedure Act; or

(B) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.

Sec. 2. 1 V.S.A. § 312 is amended to read:

§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule,

regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under ~~section 313(a)(2)~~ subdivision 313(b)(1) of this title. ~~A meeting may be conducted by audio conference or other electronic means, as long as the provisions of this subchapter are met.~~ A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139. A public body shall electronically record ~~by audio tape,~~ all public hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such ~~tapes~~ electronic recordings as described in section 316 of this title.

(2) Participation in meetings through electronic or other means.

(A) As long as the requirements of this subchapter are met, one or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location.

(B) If one or more members attend a meeting by electronic or other means, such members may fully participate in discussing the business of the public body and voting to take an action, but any vote of the public body shall be taken by roll call.

(C) Each member who attends a meeting without being physically present at a designated meeting location shall:

(i) identify himself or herself when the meeting is convened; and

(ii) be able to hear the conduct of the meeting and be heard throughout the meeting.

(D) If a quorum or more of the members of a public body attend a meeting without being physically present at a designated meeting location, the following additional requirements shall be met:

(i) At least 24 hours prior to the meeting, or as soon as practicable prior to an emergency meeting, the public body shall publicly announce the meeting, and a municipal public body shall post notice of the meeting in or near the municipal clerk's office and in at least two other designated public places in the municipality.

(ii) The public announcement and posted notice of the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the public body, or at least one staff or designee of the public body, shall be physically present at each designated meeting location.

(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:

(A) All members of the public body present;

(B) All other active participants in the meeting;

(C) All motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and

(D) The results of any votes, with a record of the individual vote of each member if a roll call is taken.

(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five days from the date of any meeting. Meeting minutes shall be posted no later than five days from the date of the meeting to a website, if one exists, that the public body maintains or has designated as the official website of the body.

(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. The time and place of all public hearings and meetings scheduled by all Executive Branch State agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).

(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk's office and in at least two other designated public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.

(3) Emergency meetings may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.

(4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.

(5) ~~An editor, publisher or news director of any newspaper, radio station or television station serving the area of the state in which the public body has jurisdiction~~ A person may request in writing that a public body notify the ~~editor, publisher or news director~~ person of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.

(d)(1) ~~The~~ At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda ~~for a regular or special meeting~~ shall be:

(A) posted to a website, if one exists, that the public body maintains or designates as the official website of the body; and

(B) in the case of a municipal public body, posted in or near the municipal office and in at least two other designated public places in the municipality.

(2) A meeting agenda shall be made available to ~~the news media or concerned persons~~ a person prior to the meeting upon specific request.

(3)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.

(B) Any other adjustment to the agenda may be made at any time during the meeting.

(e) Nothing in this section or in section 313 of this title shall be construed as extending to the ~~judicial branch~~ Judicial Branch of the ~~government~~ Government of Vermont or of any part of the same or to the ~~public service board~~ Public Service Board; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this ~~state~~ State.

(f) A written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.

(g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine,

day-to-day administrative matters that do not require action by the public body, may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.

(h) At an open meeting the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.

(i) Nothing in this section shall be construed to prohibit the ~~parole board~~ Parole Board from meeting at correctional facilities with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility.

Sec. 3. 1 V.S.A. § 313 is amended to read:

§ 313. EXECUTIVE SESSIONS

(a) No public body ~~described in section 312 of this title~~ may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, shall not be made public subject to subsection 312(b) of this title. A public body may not hold an executive session except to consider one or more of the following:

(1) ~~Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where~~ after making a specific finding that premature general public knowledge would clearly place the ~~state, municipality, other~~ public body~~,~~ or a person involved at a substantial disadvantage~~;~~:

(A) contracts;

(B) labor relations agreements with employees;

(C) arbitration or mediation;

(D) grievances, other than tax grievances;

(E) pending or probable civil litigation or a prosecution, to which the public body is or may be a party;

(F) confidential attorney-client communications made for the purpose of providing professional legal services to the body;

(2) ~~The~~ the negotiating or securing of real estate purchase or lease options;

(3) ~~The~~ the appointment or employment or evaluation of a public officer or employee other than the appointment of a person to a public body or to any elected office;

(4) ~~A~~ a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;

(5) ~~A~~ a clear and imminent peril to the public safety;

(6) ~~Discussion or consideration of records or documents excepted~~ records exempt from the access to public records provisions of section ~~317~~ 316 of this title~~. Discussion or consideration of the excepted record or document~~; provided, however, that discussion of the exempt record shall not itself permit an extension of the executive session to the general subject to which the record ~~or document~~ pertains;

(7) ~~The~~ the academic records or suspension or discipline of students;

(8) ~~Testimony~~ testimony from a person in a parole proceeding conducted by the Parole Board if public disclosure of the identity of the person could result in physical or other harm to the person;

(9) ~~Information~~ information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);

(10) municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety.

* * *

Sec. 4. 1 V.S.A. § 314 is amended to read:

§ 314. PENALTY AND ENFORCEMENT

(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on

behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting for which provision is herein made, shall be guilty of a misdemeanor and shall be fined not more than $500.00.

(b)(1) ~~The attorney general~~ Prior to instituting an action under subsection (c) of this section, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter shall provide the public body written notice that alleges a specific violation of this subchapter and requests a specific cure of such violation. The public body will not be liable for attorney's fees and litigation costs under subsection (d) of this section if it cures in fact a violation of this subchapter in accordance with the requirements of this subsection.

(2) Upon receipt of the written notice of alleged violation, the public body shall respond publicly to the alleged violation within seven business days by:

(A) acknowledging the violation of this subchapter and stating an intent to cure the violation within 14 calendar days; or

(B) stating that the public body has determined that no violation has occurred and that no cure is necessary.

(3) Failure of a public body to respond to a written notice of alleged violation within seven business days shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.

(4) Within 14 calendar days after a public body acknowledges a violation under subdivision (2)(A) of this subsection, the public body shall cure the violation at an open meeting by:

(A) either ratifying, or declaring as void, any action taken at or resulting from a meeting in violation of this subchapter; and

(B) adopting specific measures that actually prevent future violations.

(c) Following an acknowledgment or denial of a violation and, if applicable, following expiration of the 14-calendar-day cure period for public bodies acknowledging a violation, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter may ~~apply to the superior court~~ bring an action in the Civil Division of the Superior Court in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. An action may be brought under this section no later than one year after the meeting at which the alleged violation occurred or to which the alleged violation relates. Except as to cases the ~~court~~ Court considers of greater importance, proceedings before the ~~superior court~~ Civil Division of the Superior Court, as authorized by this section and appeals

therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(d) The Court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney's fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the Court finds that:

(1)(A) the public body had a reasonable basis in fact and law for its position; and

(B) the public body acted in good faith. In determining whether a public body acted in good faith, the Court shall consider, among other factors, whether the public body responded to a notice of an alleged violation of this subchapter in a timely manner under subsection (b) of this section; or

(2) the public body cured the violation in accordance with subsection (b) of this section.

Sec. 5. 24 V.S.A. § 1964 is amended to read:

§ 1964. STRUCTURE OF THE COMMUNITY JUSTICE BOARDS; CONFIDENTIALITY OF CERTAIN RESTORATIVE JUSTICE MEETINGS

(a) Each community justice center:

(1) ~~Shall~~ shall have an advisory board comprised of at least 51 percent citizen volunteers~~.~~;

(2) ~~May~~ may use a variety of community-based restorative justice approaches, including ~~community~~ restorative justice panels ~~or boards~~, group conferencing, or mediation~~.~~; and

(3) ~~Shall~~ shall include programs to resolve disputes, address the needs of victims, address the wrongdoing of the offender, and promote the rehabilitation of youthful and adult offenders.

(b) Meetings of restorative justice panels and meetings to conduct restorative justice group conferencing or mediation shall not be subject to the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2014. However, a person who violates 1 V.S.A. § 312(b)(2) as amended by this act (requirement to post minutes to website, if any) shall not be subject to prosecution for such violation pursuant

to 1 V.S.A. § 314(a) in connection with any meeting that occurs before July 1, 2015.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 27, 2014, page 498)

H. 552.

An act relating to raising the Vermont minimum wage.

Reported favorably with recommendation of proposal of amendment by Senator Mullin 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. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~$7.25,~~ $9.15. Beginning January 1, 2016, an employer shall not employ any employee at a rate of less than $9.60. Beginning January 1, 2017, an employer shall not employ any employee at a rate of less than $10.00. Beginning January 1, 2018, an employer shall not employ any employee at a rate of less than $10.50, and~~,~~ beginning January 1, ~~2007,~~ 2019 and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest $0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. ~~For the purposes of~~ As used in this subsection, "a service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than $120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year,

the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

* * *

Sec. 2. 10 V.S.A. § 531 is amended to read:

§ 531. EMPLOYMENT TRAINING PROGRAM

* * *

(c) The employer promises as a condition of the grant to:

(1) employ new persons at a wage which, at the completion of the training program~~, is two times the prevailing state or federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 30 percent of the gross program wage, or for existing employees, to increase the wage to two times the prevailing state and federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 20 percent of the gross program wage, upon completion of training; provided, however, that in areas defined by the Secretary of Commerce and Community Development in which the Secretary finds that the rate of unemployment is 50 percent greater than the average for the State, the wage rate under this subsection may be set by the Secretary at a rate no less than one and one-half times the federal or state minimum wage, whichever is greater~~ equals or exceeds the livable wage as defined in 2 V.S.A. § 505;

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for April 8, 2014, page 1110 and pages 1115 - 1116)

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

The Committee recommends that the Senate propose to the House to amend the bill as recommended by the Committee on Economic Development, Housing and General Affairs with the following amendment thereto:

In Sec. 3, by striking out the section in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. EFFECTIVE DATES

(a) This Sec. and Sec. 2 shall take effect on July 1, 2014.

(b) Sec. 1 shall take effect on January 1, 2015.

(Committee vote: 7-0-0)

Proposal of amendment to H. 552 to be offered by Senator Pollina

Senator Pollina moves 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. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~$7.25,~~ $10.00. Beginning on January 1, 2016, an employer shall not employ any employee at a rate of less than $10.50, and~~,~~ beginning on January 1, ~~2007,~~ 2017 and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest $0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. ~~For the purposes of~~ As used in this subsection, "a service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than $120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

* * *

Sec. 2. MINIMUM WAGE STUDY

On or before January 15, 2016, the Joint Fiscal Office shall submit a report to the General Assembly detailing the impact that raising the minimum wage to the livable wage would have on:

(1) low-wage working Vermonters;

(2) Vermont businesses and jobs;

(3) State and federal benefits; and

(4) Vermont's economy as a whole.

Sec. 3. MINIMUM WAGE BENEFIT REPORT

On or before December 15, 2014, the Agency of Human Services, the Agency of Commerce and Community Development, and the Department of Labor shall submit a report to the House Committees on Commerce and Economic Development, on Human Services, and on General, Housing and Military Affairs, and the Senate Committees on Economic Development, Housing and General Affairs, and on Health and Welfare detailing:

(1) the impact that a minimum wage rate of $10.00 will have on low-wage workers, especially a low-wage worker who is a single parent with one child;

(2) how to adjust government subsidy programs to provide a slope for low-wage workers who are single parents to reflect the government subsidies received by low-wage workers who are single with no children; and

(3) the effect that an hourly wage rate of $10.00 will have on any programs linked to the minimum wage.

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 2 and 3 shall take effect on passage.

(b) Sec. 1 shall take effect on January 1, 2015.

Proposal of amendment to H. 552 to be offered by Senator Galbraith

Senator Galbraith moves 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. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~$7.25,~~ $10.10. Beginning January 1, 2018, an employer shall not employ any employee at a rate of less than $10.50, and~~,~~ beginning January 1, ~~2007,~~ 2019

and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest $0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. ~~For the purposes of~~ As used in this subsection, "a service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than $120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

* * *

Sec. 2. 10 V.S.A. § 531 is amended to read:

§ 531. EMPLOYMENT TRAINING PROGRAM

* * *

(c) The employer promises as a condition of the grant to:

(1) employ new persons at a wage which, at the completion of the training program~~, is two times the prevailing state or federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 30 percent of the gross program wage, or for existing employees, to increase the wage to two times the prevailing state and federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 20 percent of the gross program wage, upon completion of training; provided, however, that in areas defined by the Secretary of Commerce and Community Development in which the Secretary finds that the rate of unemployment is 50 percent greater than the average for the State, the wage rate under this subsection may be set by the Secretary at a rate no less than one and one-half times the federal or state minimum wage, whichever is greater~~ equals or exceeds the livable wage as defined in 2 V.S.A. § 505;

* * *

Sec. 3. EFFECTIVE DATES

This act shall take effect on July 1, 2014, except that Sec. 1 which shall take effect on January 1, 2015.

Proposal of amendment to H. 552 to be offered by Senator Sirotkin

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

First: By striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~$7.25,~~ $9.25. Beginning January 1, 2016, an employer shall not employ any employee at a rate of less than $9.80. Beginning January 1, 2017, an employer shall not employ any employee at a rate of less than $10.30. Beginning January 1, 2018, an employer shall not employ any employee at a rate of less than $10.90, and~~,~~ beginning January 1, ~~2007,~~ 2019 and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest $0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. ~~For the purposes of~~ As used in this subsection, "a service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than $120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

Second: By striking out Sec. 3 in its entirety and inserting in lieu thereof two new sections to be numbered Secs. 3 and 4 to read as follows:

Sec. 3. MINIMUM WAGE BENEFIT REPORT

On or before December 15, 2014, the Joint Fiscal Office, with the assistance and participation of the Agency of Human Services, the Agency of Commerce and Community Development, and the Department of Labor, shall submit a report to the House Committees on Commerce and Economic Development, on Human Services, and on General, Housing and Military Affairs, and the Senate Committees on Economic Development, Housing and General Affairs, and on Health and Welfare detailing:

(1) the impact that this act's increases in the minimum wage will have on the incomes of minimum wage workers, as well as any loss of eligibility or benefits from public assistance programs, including earned income tax credits, housing assistance and renter rebates, telephone lifeline, fuel assistance, 3Squares, and Reach up;

(2) the savings that will result to pubic assistance programs from this act's increases in the minimum wage; and

(3) options on how to adjust public assistance programs to provide for a slope or other adjustments for minimum wage workers who otherwise would lose eligibility or benefits due to this act's increases in the minimum wage so as to mitigate against such losses.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

H. 555.

An act relating to the commitment of a criminal defendant who is incompetent to stand trial because of a traumatic brain injury.

Reported favorably with recommendation of proposal of amendment by Senator Benning 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. 13 V.S.A. § 4801 is amended to read:

§ 4801. TEST OF INSANITY IN CRIMINAL CASES

(a) The test when used as a defense in criminal cases shall be as follows:

(1) A person is not responsible for criminal conduct if at the time of such conduct, as a result of mental ~~disease or defect~~ illness, developmental disability, or traumatic brain injury, he or she lacks adequate capacity either to

appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law.

(2) The terms ~~"mental disease or defect"~~ "mental illness, developmental disability, or traumatic brain injury" do not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct. ~~The terms "mental disease or defect" shall include congenital and traumatic mental conditions as well as disease.~~

(b) The defendant shall have the burden of proof in establishing insanity as an affirmative defense by a preponderance of the evidence.

Sec. 2. 13 V.S.A. § 4814 is amended to read:

§ 4814. ORDER FOR EXAMINATION

(a) Any court before which a criminal prosecution is pending may order the ~~department of mental health~~ Department of Mental Health to have the defendant examined by a psychiatrist at any time before, during or after trial, and before final judgment in any of the following cases:

(1) ~~When~~ when the defendant enters a plea of not guilty, or when such a plea is entered in the defendant's behalf, and then gives notice of the defendant's intention to rely upon the defense of insanity at the time of the alleged crime, or to introduce expert testimony relating to a ~~mental disease, defect,~~ mental illness, developmental disability, traumatic brain injury or other condition bearing upon the issue of whether he or she had the mental state required for the offense charged;

(2) ~~When~~ when the defendant, the ~~state~~ State, or an attorney, guardian, or other person acting on behalf of the defendant, raises before ~~such~~ the ~~court~~ Court the issue of whether the defendant is mentally competent to stand trial for the alleged offense;

(3) ~~When~~ when the ~~court~~ Court believes that there is doubt as to the defendant's sanity at the time of the alleged offense; or

(4) ~~When~~ when the ~~court~~ Court believes that there is doubt as to the defendant's mental competency to be tried for the alleged offense.

(b) ~~Such~~ An order under this section may be issued by the ~~court~~ Court on its own motion, or on motion of the ~~state~~ State, the defendant, or an attorney, guardian, or other person acting on behalf of the defendant.

Sec. 3. 13 V.S.A. § 4815 is amended to read:

§ 4815. PLACE OF EXAMINATION; TEMPORARY COMMITMENT

(a) It is the purpose of this section to provide a mechanism by which a defendant is examined in the least restrictive environment deemed sufficient to complete the examination and prevent unnecessary pre-trial detention and substantial threat of physical violence to any person, including a defendant.

(b) The order for examination may provide for an examination at any jail or correctional center, or at the ~~State~~ Vermont Psychiatric Care Hospital or a designated hospital, ~~or at its successor in interest,~~ or at such other place as the Court shall determine, after hearing a recommendation by the Commissioner of Mental Health.

(c) A motion for examination shall be made as soon as practicable after a party or the Court has good faith reason to believe that there are grounds for an examination. An attorney making such a motion shall be subject to the potential sanctions of Rule 11 of the Vermont Rules of Civil Procedure.

(d) Upon the making of a motion for examination, the Court shall order a mental health screening to be completed by a designated mental health professional while the defendant is still at the Court.

(e) If the screening cannot be commenced and completed at the courthouse within two hours from the time of the defendant's appearance before the Court, the Court may ~~forego~~ forgo consideration of the screener's recommendations.

(f) The Court and parties shall review the recommendation of the designated mental health professional and consider the facts and circumstances surrounding the charge and observations of the defendant in court. If the Court finds sufficient facts to order an examination, it may be ordered to be completed in the least restrictive environment deemed sufficient to complete the examination, consistent with subsection (a) of this section.

(g)(1) Inpatient examination at the Vermont ~~State~~ Psychiatric Care Hospital~~, or its successor in interest,~~ or a designated hospital. The Court shall not order an inpatient examination unless the designated mental health professional determines that the defendant is a person in need of treatment as defined in 18 V.S.A. § 7101(17).

(2) Before ordering the inpatient examination, the ~~court~~ Court shall determine what terms, if any, shall govern the defendant's release from custody under sections 7553-7554 of this title.

(3) An order for inpatient examination shall provide for placement of the defendant in the custody and care of the ~~commissioner of mental health~~ Commissioner of Mental Health.

(A) If a Vermont ~~State~~ Psychiatric Care Hospital psychiatrist~~, or a psychiatrist of its successor in interest,~~ or a designated hospital psychiatrist

determines prior to admission that the defendant is not in need of inpatient hospitalization ~~prior to admission~~, the Commissioner shall release the defendant pursuant to the terms governing the defendant's release from the Commissioner's custody as ordered by the Court. The Commissioner of Mental Health shall ensure that all individuals who are determined not to be in need of inpatient hospitalization receive appropriate referrals for outpatient mental health services.

(B) If a Vermont ~~State~~ Psychiatric Care Hospital psychiatrist~~, or a psychiatrist of its successor in interest,~~ or designated hospital psychiatrist determines that the defendant is in need of inpatient hospitalization:

(i) The Commissioner shall obtain an appropriate inpatient placement for the defendant at the Vermont ~~State~~ Psychiatric Care Hospital psychiatrist~~, or a psychiatrist of its successor in interest,~~ or a designated hospital and, based on the defendant's clinical needs, may transfer the defendant between hospitals at any time while the order is in effect. A transfer to a designated hospital outside the no refusal system is subject to acceptance of the patient for admission by that hospital.

(ii) The defendant shall be returned to court for further appearance on the following business day if the defendant is no longer in need of inpatient hospitalization, unless the terms established by the ~~court~~ Court pursuant to subdivision (2) of this section permit the defendant to be released from custody.

(C) The defendant shall be returned to court for further appearance within two business days after the Commissioner notifies the ~~court~~ Court that the examination has been completed, unless the terms established by the Court pursuant to subdivision (2) of this section permit the defendant to be released from custody.

(4) If the defendant is to be released pursuant to subdivision (3)(A), (3)(B)(ii), or (3)(C) of this subsection and is not in the custody of the Commissioner of Corrections, the defendant shall be returned to the defendant's residence or ~~such other~~ to another appropriate place within the State of Vermont by the Department of Mental Health at the expense of the ~~court~~ Court.

(5) If it appears that an inpatient examination cannot reasonably be completed within 30 days, the Court issuing the original order, on request of the ~~commissioner~~ Commissioner and upon good cause shown, may order placement at the hospital extended for additional periods of 15 days in order to complete the examination, and the defendant on the expiration of the period provided for in such order shall be returned in accordance with this subsection.

(6) ~~For the purposes of~~ As used in this subsection, "in need of inpatient hospitalization" means an individual has been determined under clinical standards of care to require inpatient treatment.

(h) Except upon good cause shown, defendants charged with misdemeanor offenses who are not in the custody of the Commissioner of Corrections shall be examined on an outpatient basis for mental competency. Examinations occurring in the community shall be conducted at a location within 60 miles of the defendant's residence or at another location agreed to by the defendant.

(i) As used in this section~~:~~

~~(1) "No~~, "no refusal system" means a system of hospitals and intensive residential recovery facilities under contract with the Department of Mental Health that provides high intensity services, in which the facilities shall admit any individual for care if the individual meets the eligibility criteria established by the Commissioner in contract.

~~(2) "Successor in interest" shall mean the mental health hospital owned and operated by the State that provides acute inpatient care and replaces the Vermont State Hospital.~~

Sec. 4. 13 V.S.A. § 4816 is amended to read:

§ 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

(a) Examinations provided for in the preceding section shall have reference to:

(1) ~~Mental~~ mental competency of the person examined to stand trial for the alleged offense; and

(2) ~~Sanity~~ sanity of the person examined at the time of the alleged offense.

(b) A competency evaluation for an individual thought to have a developmental disability or traumatic brain injury shall include a current evaluation by a psychologist or other appropriate medical professional skilled in assessing individuals with ~~developmental disabilities~~ those conditions.

(c) As soon as practicable after the examination has been completed, the examining psychiatrist or psychologist, if applicable, shall prepare a report containing findings in regard to each of the matters listed in subsection (a) of this section. The report shall be transmitted to the Court issuing the order for examination, and copies of the report shall be sent to the ~~state's attorney~~ State's Attorney, and to the respondent's attorney if the respondent is represented by counsel.

(d) No statement made in the course of the examination by the person examined, whether or not he or she has consented to the examination, shall be admitted as evidence in any criminal proceeding for the purpose of proving the commission of a criminal offense or for the purpose of impeaching testimony of the person examined.

(e) The relevant portion of a psychiatrist's report shall be admitted into evidence as an exhibit on the issue of the person's mental competency to stand trial, and the opinion therein shall be conclusive on the issue if agreed to by the parties and if found by the Court to be relevant and probative on the issue.

(f) Introduction of a report under subsection (d) of this section shall not preclude either party or the Court from calling the psychiatrist who wrote the report as a witness or from calling witnesses or introducing other relevant evidence. Any witness called by either party on the issue of the defendant's competency shall be at the ~~state's~~ State's expense, or, if called by the Court, at the Court's expense.

Sec. 5. 13 V.S.A. § 4817 is amended to read:

§ 4817. COMPETENCY TO STAND TRIAL; DETERMINATION

(a) A person shall not be tried for a criminal offense if he or she is incompetent to stand trial.

(b) If a person indicted, complained, or informed against for an alleged criminal offense, an attorney or guardian acting in his or her behalf, or the ~~state~~ State, at any time before final judgment, raises before the court before which ~~such~~ the person is tried or is to be tried, the issue of whether ~~such~~ the person is incompetent to stand trial, or if the ~~court~~ Court has reason to believe that ~~such~~ the person may not be competent to stand trial, a hearing shall be held before ~~such~~ the ~~court~~ Court at which evidence shall be received and a finding made regarding his or her competency to stand trial. However, in cases where the ~~court~~ Court has reason to believe that ~~such~~ the person may be incompetent to stand trial due to a mental ~~disease or mental defect, such~~ illness, developmental disability, or traumatic brain injury, the hearing shall not be held until an examination has been made and a report submitted by an examining psychiatrist in accordance with sections 4814-4816 of this title.

(c) A person who has been found incompetent to stand trial for an alleged offense may be tried for that offense if, upon subsequent hearing, ~~such~~ the person is found by the court having jurisdiction of his or her trial for the offense to have become competent to stand trial.

Sec. 6. 13 V.S.A. § 4819 is amended to read:

§ 4819. ACQUITTAL BY REASON OF INSANITY

When a person tried on information, complaint, or indictment is acquitted by a jury by reason of insanity at the time of the alleged offense, the jury shall state in its verdict of not guilty that the ~~same is given for such cause~~ acquittal is for that reason.

Sec. 7. 13 V.S.A. § 4820 is amended to read:

§ 4820. HEARING REGARDING COMMITMENT

~~When a person charged on information, complaint, or indictment with a criminal offense:~~

~~(1) Is reported by the examining psychiatrist following examination pursuant to sections 4814-4816 of this title, to have been insane at the time of the alleged offense; or~~

~~(2) Is found upon hearing pursuant to section 4817 of this title to be incompetent to stand trial due to a mental disease or mental defect; or~~

~~(3) Is not indicted upon hearing by grand jury by reason of insanity at the time of the alleged offense, duly certified to the court; or~~

~~(4) Upon trial by court or jury is acquitted by reason of insanity at the time of the alleged offense; the court before which such person is tried or is to be tried for such offense, shall hold a hearing for the purpose of determining whether such person should be committed to the custody of the commissioner of mental health.~~

(a) The court before which a person is tried or is to be tried for a criminal offense shall hold a hearing for the purpose of determining whether the person should be committed to the custody of the Commissioner of Mental Health or, as provided in 18 V.S.A. chapter 206, to the Commissioner of Disabilities, Aging, and Independent Living, if the person is charged on information, complaint, or indictment with the offense and:

(1) is reported by the examining psychiatrist following examination pursuant to sections 4814-4816 of this title to have been insane at the time of the alleged offense;

(2) is found upon hearing pursuant to section 4817 of this title to be incompetent to stand trial due to a mental illness, intellectual disability, or traumatic brain injury;

(3) is not indicted upon hearing by grand jury by reason of insanity at the time of the alleged offense, duly certified to the Court; or

(4) upon trial by court or jury is acquitted by reason of insanity at the time of the alleged offense.

(b) ~~Such~~ A person subject to a hearing under subsection (a) of this section may be confined in jail or some other suitable place by order of the ~~court~~ Court pending hearing for a period not exceeding 15 days.

Sec. 8. 13 V.S.A. § 4821 is amended to read:

§ 4821. NOTICE OF HEARING; PROCEDURES

The person who is the subject of the proceedings, his or her attorney, the legal guardian, if any, the ~~commissioner of mental health or the commissioner of disabilities, aging, and independent living, and the state's attorney~~ Commissioner of Mental Health or the Commissioner of Disabilities, Aging, and Independent Living, and the State's Attorney or other prosecuting officer representing the ~~state~~ State in the case, shall be given notice of the time and place of a hearing under the preceding section. Procedures for hearings for persons who are mentally ill shall be as provided in 18 V.S.A. chapter 181 ~~of Title 18~~. Procedures for hearings for persons who are ~~mentally retarded~~ intellectually disabled or have a traumatic brain injury shall be as provided in 18 V.S.A. chapter 206, subchapter 3 ~~of chapter 206 of Title 18~~.

Sec. 9. 13 V.S.A. § 4822 is amended to read:

§ 4822. FINDINGS AND ORDER; MENTALLY ILL PERSONS

(a) If the Court finds that ~~such~~ the person is a person in need of treatment or a patient in need of further treatment as defined in 18 V.S.A. § 7101, the ~~court~~ Court shall issue an order of commitment directed to the Commissioner of Mental Health, which shall admit the person to the care and custody of the Department of Mental Health for an indeterminate period. In any case involving personal injury or threat of personal injury, the committing Court may issue an order requiring a court hearing before a person committed under this section may be discharged from custody.

(b) ~~Such~~ The order of commitment shall have the same force and effect as an order issued under 18 V.S.A. §§ 7611-7622, and persons committed under such an order shall have the same status, and the same rights, including the right to receive care and treatment, to be examined and discharged, and to apply for and obtain judicial review of their cases, as persons ordered committed under 18 V.S.A. §§ 7611-7622.

(c) Notwithstanding the provisions of subsection (b) of this section, at least 10 days prior to the proposed discharge of any person committed under this section the Commissioner of Mental Health shall give notice thereof to the committing Court and ~~state's attorney~~ State's Attorney of the county where the prosecution originated. In all cases requiring a hearing prior to discharge of a person found incompetent to stand trial under section 4817 of this title, the

hearing shall be conducted by the committing Court issuing the order under that section. In all other cases, when the committing Court orders a hearing under subsection (a) of this section or when, in the discretion of the Commissioner of Mental Health, a hearing should be held prior to the discharge, the hearing shall be held in the Family Division of the Superior Court to determine if the committed person is no longer a person in need of treatment or a patient in need of further treatment as set forth in subsection (a) of this section. Notice of the hearing shall be given to the Commissioner, the ~~state's attorney~~ State's Attorney of the county where the prosecution originated, the committed person, and the person's attorney. Prior to the hearing, the ~~state's attorney~~ State's Attorney may enter an appearance in the proceedings and may request examination of the patient by an independent psychiatrist, who may testify at the hearing.

(d) The Court may continue the hearing provided in subsection (c) of this section for a period of 15 additional days upon a showing of good cause.

(e) If the ~~court~~ Court determines that commitment shall no longer be necessary, it shall issue an order discharging the patient from the custody of the ~~department of developmental and mental health services~~ Department of Mental Health.

(f) The Court shall issue its findings and order not later than 15 days from the date of hearing.

Sec. 10. 13 V.S.A. § 4823 is amended to read:

§ 4823. FINDINGS AND ORDER; PERSONS WITH ~~MENTAL RETARDATION~~ INTELLECTUAL DISABILITY OR TRAUMATIC BRAIN INJURY

(a) If the ~~court~~ Court finds that ~~such~~ the person is a person in need of custody, care, and habilitation as defined in 18 V.S.A. § 8839, the ~~court~~ Court shall issue an order of commitment directed to the Commissioner of Disabilities, Aging, and Independent Living for care and habilitation of such person for an indefinite or limited period in a designated program.

(b) ~~Such~~ The order of commitment shall have the same force and effect as an order issued under 18 V.S.A. § 8843 and persons committed under ~~such an~~ the order shall have the same status, and the same rights, including the right to receive care and habilitation, to be examined and discharged, and to apply for and obtain judicial review of their cases, as persons ordered committed under 18 V.S.A. § 8843.

(c) Section 4822 of this title shall apply to persons proposed for discharge under this section; however, judicial proceedings shall be conducted in the

Criminal Division of the Superior Court in which the person then resides, unless the person resides out of state in which case the proceedings shall be conducted in the original committing Court.

Sec. 11. 18 V.S.A. § 8839 is amended to read:

§ 8839. DEFINITIONS

As used in this subchapter:

* * *

(3) "Person in need of custody, care, and habilitation" means:

(A) a ~~mentally retarded~~ person with an intellectual disability or a person with a traumatic brain injury;

(B) who presents a danger of harm to others; and

(C) for whom appropriate custody, care, and habilitation can be provided by the ~~commissioner~~ Commissioner in a designated program.

Sec. 12. CONSTRUCTION

This act's replacement of the terms "mental disease or mental defect" with the terms "mental illness," "intellectual disability," or "developmental disability" in 13 V.S.A. chapter 157 shall not be construed to alter the substance or effect of existing law or judicial precedent. These changes in terminology are merely meant to reflect evolving attitudes toward persons with disabilities.

Sec. 13. REPORTS

(a) On or before September 1, 2014 the Court Administrator shall report to the House and Senate Committees on Judiciary the House Committee on Human Services, and the Senate Committee on Health and Welfare on the number of cases from July 1, 2011 through June 30, 2013 in which the Court ordered the Department of Mental Health to examine a defendant pursuant to 13 V.S.A. § 4814 to determine if he or she was insane at the time of the offense or is incompetent to stand trial. The report shall include a breakdown indicating how many orders were based on mental illness, developmental disability, and traumatic brain injury, and shall include the number of persons who were found to be in need of custody, care, and habilitation under 13 V.S.A. § 4823. A copy of the report shall be provided to the Department of Disabilities, Aging, and Independent Living.

(b)(1) On or before September 1, 2014, the Department of Sheriffs and State's Attorneys shall report to the House and Senate Committees on

Judiciary regarding the charging practices of State's Attorneys for persons with traumatic brain injury.

(2) The report shall describe the number of cases from July 1, 2011 through June 30, 2013, broken down by the type of criminal charge, in which a person with traumatic brain injury was:

(A) charged with a criminal offense, including the disposition of the offense;

(B) charged with a criminal offense and the charges were dismissed because the person was suffering from a traumatic brain injury; and

(C) arrested for, or otherwise believed to be responsible for, a crime and criminal charges were not brought because the person was suffering from a traumatic brain injury.

(3) A copy of the report shall be provided to the Department of Disabilities, Aging, and Independent Living.

(c) On or before October 1, 2014 and on or before February 1, 2015, the Department of Disabilities, Aging, and Independent Living shall report to the House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare on the status of the Department's progress toward implementation of this act. The status reports shall include updates on the Department's progress in evaluating best practices for treatment of persons with traumatic brain injuries who are unable to conform their behavior to the requirements of the law, and in identifying appropriate programs and services to provide treatment to enable those persons to be fully reintegrated into the community consistent with public safety. The status reports shall also include updates on the Department's progress on the design of the programs and services needed to treat persons with traumatic brain injuries who have been found not guilty by reason of insanity or incompetent to stand trial as required by this act.

Sec. 14. IMPLEMENTATION

(a) On or before April 30, 2015, the Department of Disabilities, Aging, and Independent Living shall request approval and funding from the Senate and House Committees on Judiciary and on Appropriations for the Department's plan to implement this act. The Department shall commence implementation of the plan, including requesting that it be included under the Global Commitment Waiver by the Centers for Medicare and Medicaid Services, if the plan is approved by a majority vote of the Senate and House Committees on Judiciary and funded by a majority vote of the Senate and House Committees on Appropriations.

Sec. 15. APPROPRIATION

The amount of $50,000.00 is appropriated in fiscal year 2014 from the Global Commitment Fund to the Department of Disabilities, Aging, and Independent Living to research and design a program that satisfies this act's requirement that the Department treat persons with traumatic brain injuries who have been found not guilty by reason of insanity or incompetent to stand trial. To the maximum extent possible, the Department shall design the program to be integrated into the Department's existing framework of services.

Sec. 16. EFFECTIVE DATES

(a) Secs. 1–12 shall take effect on July 1, 2017.

(b) Secs. 13, 14, 15, and this section shall take effect on passage.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 26, 2014, pages 814-815 and March 27, 2014, page 851)

Reported favorably by Senator Nitka for the Committee on Appropriations.

(Committee vote: 7-0-0)

H. 656.

An act relating to professions and occupations regulated by the Office of Professional Regulation.

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

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

First: In Sec. 5, 26 V.S.A. § 1211 (definitions), in subsection (b) subdivision (4), after the words "directly authorized by the immediate family members", by inserting the words or authorized person

Second: By striking out Sec. 11 (amending 26 V.S.A. § 2022 (definitions)) in its entirety and inserting in lieu thereof a new Sec. 11 to read as follows: [Deleted]

Third: In Sec. 12, 26 V.S.A. § 2042a (pharmacy technicians; qualifications for registration), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) if required by rules adopted by the Board, be certified or eligible for certification by a national pharmacy technician certification authority; and

Fourth: By adding a new section to be numbered Sec. 25 to read as follows:

* * * Social Workers * * *

Sec. 25. 26 V.S.A. § 3205 is amended to read:

§ 3205. ELIGIBILITY

To be eligible for licensing as a clinical social worker, an applicant must have:

* * *

(3) ~~completed~~ Completed 3,000 hours of supervised practice of clinical social work as defined by rule under the supervision of a licensed physician or a licensed osteopathic physician who has completed a residency in psychiatry, a licensed psychologist, a licensed clinical mental health counselor, a person licensed or certified under this chapter, or a person licensed or certified in another state or Canada in one of these professions or their substantial equivalent. The supervisor must be licensed or certified in the jurisdiction where the supervised practice occurs. Persons engaged in post masters supervised practice in Vermont shall be entered on the roster of nonlicensed, noncertified psychotherapists;

* * *

Fifth: In Sec. 42 (amending 26 V.S.A. § 3319a (appraiser trainee registration)), by adding a new subsection to be subsection (d) to read as follows:

(d) Appraiser trainees registered with the Board as of July 1, 2013 and who continue on to satisfy the requirements specified by the AQB may become State licensed appraisers, notwithstanding the elimination of that license category.

Sixth: By adding a new section to be numbered Sec. 50a to read as follows:

* * * Motor Vehicle Racing * * *

Sec. 50a. 26 V.S.A. § 4811 is amended to read:

§ 4811. SAFETY STANDARDS

Minimum safety standards for the conduct of any race covered by this chapter are established as follows:

* * *

(3) Any driver shall have a legal operator's license. Any driver under the age of majority shall have the written consent of a parent or guardian. A person under 10 years of age shall not be allowed in the pit area.

* * *

(Committee vote: 4-1-0)

(For House amendments, see House Journal for March 18, 2014, page 654)

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

The Committee recommends that the Senate propose to the House to amend the bill as recommended by the Committee on Government Operations with the following amendments thereto:

First: By striking out in its entirety Sec. 7, 26 V.S.A. § 1256 (renewal of registration or license), and inserting in lieu thereof a new Sec. 7 to read:

Sec. 7. [Deleted.]

Second: By striking out in its entirety Sec. 15, 26 V.S.A. § 2255 (fees), and inserting in lieu thereof a new Sec. 15 to read:

Sec. 15. [Deleted.]

Third: By striking out in its entirety Sec. 22, 26 V.S.A. § 3010 (fees; licenses), and inserting in lieu thereof a new Sec. 22 to read:

Sec. 22. [Deleted.]

(Committee vote: 5-1-1)

H. 728.

An act relating to developmental services' system of care.

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

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. 18 V.S.A. chapter 204A is amended to read:

CHAPTER 204A. DEVELOPMENTAL DISABILITIES ACT

* * *

§ 8722. DEFINITIONS

As used in this chapter:

* * *

(2) "Developmental disability" means a severe, chronic disability of a person that is manifested before the person reaches ~~the age of~~ 18 years of age and results in:

(A) ~~mental retardation~~ intellectual disability, autism, or pervasive developmental disorder; and

(B) deficits in adaptive behavior at least two standard deviations below the mean for a normative comparison group.

* * *

§ 8723. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING; DUTIES

The ~~department~~ Department shall plan, coordinate, administer, monitor, and evaluate ~~state~~ State and federally funded services for people with developmental disabilities and their families within Vermont. The ~~department of disabilities, aging, and independent living~~ Department shall be responsible for coordinating the efforts of all agencies and services, government and private, on a statewide basis in order to promote and improve the lives of individuals with developmental disabilities. Within the limits of available resources, the ~~department~~ Department shall:

(1) ~~Promote~~ promote the principles stated in section 8724 of this title and shall carry out all functions, powers, and duties required by this chapter by collaborating and consulting with people with developmental disabilities, their families, guardians, community resources, organizations, and people who provide services throughout the ~~state.~~ State;

(2) ~~Develop and~~ develop, maintain, and monitor an equitably and efficiently allocated statewide system of community-based services that reflect the choices and needs of people with developmental disabilities and their families~~.~~;

(3) ~~Acquire and~~ acquire, administer, and exercise fiscal oversight over funding for ~~these~~ community-based services ~~and identify needed resources and legislation.~~, including the management of State contracts;

(4) identify resources and legislation needed to maintain a statewide system of community-based services;

(5) ~~Establish~~ establish a statewide procedure for applying for services~~.~~;

~~(5)~~(6) ~~Facilitate~~ facilitate or provide pre-service or in-service training and technical assistance to service providers consistent with the system of care plan~~.~~;

~~(6)~~(7) ~~Provide quality assessment and quality improvement support for the services provided throughout the state.~~ maintain a statewide system of quality assessment and assurance for services provided to people with developmental disabilities and provide quality improvement support to ensure that the principles of service in section 8724 of this title are achieved;

~~(7)~~(8) ~~Encourage~~ encourage the establishment and development of locally administered and locally controlled nonprofit services for people with developmental disabilities based on the specific needs of individuals and their families~~.~~;

~~(8)~~(9) ~~Promote~~ promote and facilitate participation by people with developmental disabilities and their families in activities and choices that affect their lives and in designing services that reflect their unique needs, strengths, and cultural values~~.~~;

~~(9)~~(10) ~~Promote~~ promote positive images and public awareness of people with developmental disabilities and their families~~.~~;

~~(10)~~(11) ~~Certify~~ certify services that are paid for by the ~~department.~~ Department; and

~~(11)~~(12) ~~Establish~~ establish a procedure for investigation and resolution of complaints regarding the availability, quality, and responsiveness of services provided throughout the ~~state~~ State.

* * *

§ 8725. SYSTEM OF CARE PLAN

(a) ~~No later than July 1, 1997, and every~~ Every three years ~~thereafter~~, the ~~department~~ Department shall adopt a plan for the nature, extent, allocation, and timing of services consistent with the principles of service set forth in section 8724 of this title that will be provided to people with developmental disabilities and their families. ~~Notwithstanding any other provision of law, it is not required that the plan be adopted pursuant to 3 V.S.A. chapter 25.~~ Each plan shall include the following categories, which shall be adopted by rule pursuant to 3 V.S.A. chapter 25:

(1) priorities for continuation of existing programs or development of new programs;

(2) criteria for receiving services or funding; ~~and~~

(3) type of services provided; and

(4) a process for evaluating and assessing the success of programs.

(b)(1) ~~Each plan shall be~~ The Commissioner shall determine plan priorities based upon:

(A) information obtained from people with developmental disabilities, their families, guardians, and people who provide the services ~~and shall include~~;

(B) a comprehensive needs assessment~~,~~ that includes:

(i) demographic information about people with developmental disabilities~~,~~;

(ii) information about existing services used by individuals and their families~~,~~;

(iii) characteristics of unserved and ~~under-served~~ underserved individuals and populations; and

(iv) the reasons for these gaps in service, and the varying community needs and resources.

(2) ~~The commissioner shall determine the priorities of the plan based on funds available to the department~~ Once the plan priorities are determined, the Commissioner may consider funds available to the Department in allocating resources.

(c) No later than 60 days before adopting the proposed plan, the ~~commissioner~~ Commissioner shall submit ~~the proposed plan~~ it to the ~~advisory board~~ Advisory Board, established in section 8733 of this title, for advice and recommendations, except that the Commissioner shall submit those categories within the plan subject to 3 V.S.A. chapter 25 to the Advisory Board at least 30 days prior to filing the proposed plan in accordance with the Vermont Administrative Procedure Act. The Advisory Board shall provide the Commissioner with written comments on the proposed plan. It may also submit public comments pursuant to 3 V.S.A. chapter 25.

(d) The Commissioner may make annual revisions to the plan as deemed necessary in accordance with the process set forth in this section. The Commissioner shall submit any proposed revisions to the Advisory Board established in section 8733 of this title for comment within the time frame established by subsection (c) of this section.

(e) ~~The department~~ Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year, the Department shall report ~~annually~~ to the ~~governor~~ Governor and the ~~general assembly~~ committees of jurisdiction regarding implementation of the plan ~~and shall make annual revisions as needed~~, the extent to which the principles of service set forth in section 8724 of this title are achieved, and whether people with a developmental disability have any

unmet service needs, including the number of people on waiting lists for developmental services.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 20, 2014, page 730)

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

The Committee recommends that the Senate propose to the House to amend the bill as recommended by the Committee on Health and Welfare with the following amendment thereto:

In Sec. 1, § 8725, subdivision (b)(2) by striking out "may" and inserting in lieu thereof shall

(Committee vote: 6-1-0)

H. 790.

An act relating to Reach Up eligibility.

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

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. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

(a) Financial assistance shall be given for the benefit of a dependent child to the relative or caretaker with whom the child is living unless otherwise provided. The amount of financial assistance to which an eligible person is entitled shall be determined with due regard to the income, resources, and maintenance available to that person and, as far as funds are available, shall provide that person a reasonable subsistence compatible with decency and health. The Commissioner may fix by regulation maximum amounts of financial assistance, and act to ~~insure~~ ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case may the Department expend State funds in excess of the appropriations for the programs under this chapter.

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

(1) No less than the first ~~$200.00~~ $300.00 per month of earnings from an unsubsidized job and ~~25~~ 50 percent of the remaining unsubsidized earnings shall be disregarded in determining the amount of the family's financial assistance grant. The family shall receive the difference between countable income and the Reach Up payment standard in a partial financial assistance grant.

* * *

(5) The value of assets accumulated from the earnings of adults and children in participating families and from any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing eligibility for the Reach Up program. The asset limitation shall be ~~increased from $1,000.00 to $2,000.00~~ $5,000.00 for participating families for the purposes of determining continuing eligibility for the Reach Up program.

* * *

Sec. 2. 33 V.S.A. § 1107(a) is amended to read:

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other eligible families. The case manager, with the full involvement of the family, shall recommend, and the Commissioner shall modify as necessary a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. The applicant for or recipient of financial assistance~~,~~ under this chapter~~,~~ shall have the burden of demonstrating the existence of his or her condition.

(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each participating family with a program director or the program director's designee

when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:

(A) is in compliance with a family development plan or work requirement;

(B) is properly claiming a deferment, if applicable; ~~and~~

(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other State programs; and

(D) has additional opportunities to achieve earned income through the program without a corresponding loss of benefits.

(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.

Sec. 3. 33 V.S.A. § 1204 is amended to read:

§ 1204. FOOD ASSISTANCE

(a) An eligible family shall receive monthly food assistance equal to ~~$100.00~~ $50.00 to be applied to the family's electronic benefit transfer (EBT) food account ~~for the first six months after the family has become eligible for Reach Ahead. For the seventh through 12th months, the family shall receive a monthly food assistance of $50.00~~ while the family is eligible for the 12-month Reach Ahead program.

* * *

Sec. 4. REACH AHEAD; GRANDFATHER PROVISION

Notwithstanding 33 V.S.A. § 1204(a), any family within the first six months of its participation in the Reach Ahead program on October 1, 2014 shall continue to receive monthly food assistance equal to $100.00 until its seventh month of participation in the program, at which time it shall receive monthly food assistance equal to $50.00.

Sec. 5. RULEMAKING; OFFSET FOR EARNED INCOME DISREGARD

(a) In order to effect the increased earned income disregard established by this act and to make its impact fiscally neutral, the Commissioner for Children and Families shall amend the rules governing the Reach Up program pursuant to 3 V.S.A. chapter 25 to direct the Department to:

(1) calculate an annual adjustment to Reach Up grants, excluding exempt grants, that accounts for the difference between an earned income disregard of the first $200.00 earned per month from an unsubsidized job in addition to 25 percent of the remaining unsubsidized earnings and the first $300.00 earned per month from an unsubsidized job in addition to 50 percent of the remaining unsubsidized earnings, that:

(A) shall first be adjusted downward based on any projected program cost reduction associated with caseload estimates below the level appropriated for fiscal year 2015; and

(B) may be further adjusted downward based on appropriated resources and projected program costs; and

(2) apply the adjustment described in subdivision (1) of this subsection to all Reach Up grants, excluding exempt grants, after need and benefit determinations are calculated.

(b) As used in this section, "exempt grants" means grants to children in the care of a person other than their parents and grants to participating families when a single parent or both parents receive Supplemental Security Income.

Sec. 6. BUDGET PRESENTATION

The Department for Children and Families shall include as part of its fiscal year 2016 budget presentation to the General Assembly a preliminary estimate of the annual adjustment calculated pursuant to Sec. 5(a)(1) of this act and the projected program cost reduction associated with caseload estimates below the level appropriated for fiscal year 2015.

Sec. 7. EFFECTIVE DATES

(a) Except for Secs. 1 and 3, this act shall take effect on July 1, 2014.

(b) Except for Sec. 1(c)(1), Secs. 1 and 3 shall take effect on October 1, 2014.

(c) Sec. 1(c)(1) shall take effect on July 1, 2015.

And that after passage the title of the bill be amended to read: "An act relating to Reach Up eligibility and benefit levels".

(Committee vote: 4-1-0)

(For House amendments, see House Journal for March 21, 2014, page 763)

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

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

* * * Asset Limit, Earned Income Counseling, and Enhanced Child Care Services Subsidy * * *

Sec. 1. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

(a) Financial assistance shall be given for the benefit of a dependent child to the relative or caretaker with whom the child is living unless otherwise provided. The amount of financial assistance to which an eligible person is entitled shall be determined with due regard to the income, resources, and maintenance available to that person and, as far as funds are available, shall provide that person a reasonable subsistence compatible with decency and health. The Commissioner may fix by regulation maximum amounts of financial assistance, and act to ~~insure~~ ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case may the Department expend State funds in excess of the appropriations for the programs under this chapter.

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

* * *

(5) The value of assets accumulated from the earnings of adults and children in participating families and from any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing eligibility for the Reach Up program. The asset limitation shall be ~~increased from $1,000.00 to $2,000.00~~ $5,000.00 for participating families for the purposes of determining continuing eligibility for the Reach Up program.

* * *

(i) A family shall be eligible for an enhanced child care services subsidy that shall be administered by the Department's Child Development Division pursuant to section 3512 of this title if it:

(1) was previously participating in the Reach Up program and becomes ineligible for that program due to increased earned income; and

(2) is currently participating in the Reach Up program and whose Reach Up grant is reduced due to increased earned income.

Sec. 2. 33 V.S.A. § 1107(a) is amended to read:

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other eligible families. The case manager, with the full involvement of the family, shall recommend, and the Commissioner shall modify as necessary a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. The applicant for or recipient of financial assistance~~,~~ under this chapter~~,~~ shall have the burden of demonstrating the existence of his or her condition.

(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each participating family with a program director or the program director's designee when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:

(A) is in compliance with a family development plan or work requirement;

(B) is properly claiming a deferment, if applicable; ~~and~~

(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other State programs; and

(D) has additional opportunities to achieve earned income through the program without a corresponding loss of benefits.

(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.

Sec. 3. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE SERVICES ~~PROGRAM~~ PROGRAMS; ELIGIBILITY

(a)(1) A child care services program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment or to obtain training leading to employment. Families seeking employment shall not be entitled to participate in the program for a period in excess of one month, unless that period is extended by the Commissioner.

~~(b)~~(2) The subsidy authorized by this ~~section~~ subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the federal poverty guidelines nor more than 100 percent of the ~~state~~ State median income, adjusted for the size of the family. The scale shall be structured so that it encourages employment.

(b)(1) An enhanced child care services subsidy program is established for families:

(A) previously participating in the Reach Up program and who become ineligible for that program due to increased earned income; and

(B) currently participating in the Reach Up program and whose Reach Up grant is reduced due to increased earned income.

(2) A family shall remain eligible for the enhanced child care services subsidy as long as one or more dependent children of a working parent or parents are receiving child care services.

(3) The enhanced child care services subsidy program established by this subsection shall be administered by the Department's Child Development Division. The Commissioner shall adopt rules necessary for the administration of the program pursuant to 3 V.S.A. chapter 25. The subsidy authorized by this subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size.

(4) The enhanced child care services subsidy program shall be funded by any caseload reductions in the Reach Up program. If there are insufficient savings from caseload reductions to fund the program, the program shall be suspended or modified.

Sec. 4. ENHANCED CHILD CARE SERVICES SUBSIDY PILOT

(a) For each participating family that becomes ineligible for the Reach Up program due to increased earned income, monies equivalent to the Reach Up grant amount for that family in the month prior to earned income ineligibility, shall be transferred from the Reach Up program to the Department for Children and Family's Child Development Division to provide an interim enhanced child care services subsidy for the family.

(b) The Department shall provide a written bimonthly report to the Health Care Oversight Committee in calendar year 2014 while the General Assembly is adjourned regarding the actions taken under subsection (a) of this section and on its progress adopting rules pursuant to 33 V.S.A. § 3512 (b).

Sec. 5. BUDGET PRESENTATION

The Department for Children and Families shall include as part of its fiscal year 2016 budget presentation to the General Assembly a preliminary estimate of the projected program cost reduction associated with caseload estimates below the level appropriated for fiscal year 2015, as well as the parameters and cost projections for the enhanced child care services subsidy established pursuant to 33 V.S.A. § 3512 (b)

* * * Asset Limit Offset * * *

Sec. 6. 33 V.S.A. § 1204 is amended to read:

§ 1204. FOOD ASSISTANCE

(a) An eligible family shall receive monthly food assistance equal to ~~$100.00~~ $50.00 to be applied to the family's electronic benefit transfer (EBT) food account ~~for the first six months after the family has become eligible for Reach Ahead. For the seventh through 12th months, the family shall receive a monthly food assistance of $50.00~~ while the family is eligible for the 12-month Reach Ahead program.

* * *

Sec. 7. REACH AHEAD; GRANDFATHER PROVISION

Notwithstanding 33 V.S.A. § 1204(a), any family within the first six months of its participation in the Reach Ahead program on January 1, 2015 shall continue to receive monthly food assistance equal to $100.00 until its seventh month of participation in the program, at which time it shall receive monthly food assistance equal to $50.00.

* * * Sunset Provision, Effective Dates * * *

Sec. 8. SUNSET

Sec. 4 (Enhanced Child Care Services Subsidy Pilot) is repealed effective July 1, 2015.

Sec. 9. EFFECTIVE DATES

(a) Except for Secs. 1, 3, 4, and 6, this act shall take effect on July 1, 2014.

(b) Sec. 4 shall take effect on October 1, 2014.

(c) Except for Sec. 1(c)(i), Secs. 1 and 6 shall take effect on January 1, 2015.

(d) Secs. 1(c)(i) and 3 shall take effect on July 1, 2015.

And that after passage the title of the bill be amended to read:

An act relating to Reach Up eligibility and benefit levels.

(Committee vote: 7-0-0)

H. 877.

An act relating to repeal of report requirements that are at least five years old.

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 by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Reports Exempt from 2 V.S.A. § 20(d) * * *

Sec. 1. 2 V.S.A. § 263(j) is amended to read:

(j) The ~~secretary of state~~ Secretary of State shall prepare a list of names and addresses of lobbyists and their employers and the list shall be published at the end of the second legislative week of each regular or adjourned session. Supplemental lists shall be published monthly during the remainder of the legislative session. No later than March 15 of the first year of each legislative biennium, the ~~secretary of state~~ Secretary of State shall publish no fewer than 500 booklets containing an alphabetical listing of all registered lobbyists, including, at a minimum, a current passport-type photograph of the lobbyist, the lobbyist's business address, telephone and fax numbers, a list of the lobbyist's clients and a subject matter index. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection.

Sec. 2. 2 V.S.A. § 404(b)(6) is amended to read:

(6) Except when the ~~general assembly~~ General Assembly is in session and upon the request of any person provide him or her, on a weekly basis, with a list of all public hearings or meetings scheduled by a council, committee, subcommittee, commission or study committee of the ~~general assembly~~ General Assembly or any cancellations of hearings or meetings thereof previously scheduled. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subdivision;

Sec. 3. 2 V.S.A. § 802(b) is amended to read:

(b) At least annually, the ~~committee~~ Committee shall report its activities, together with recommendations, if any, to the ~~general assembly~~ General Assembly. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection.

Sec. 4. 2 V.S.A. § 970(g) is amended to read:

(g) At least annually, by January 15, the Committee shall report its activities, together with recommendations, if any, to the General Assembly. The report shall be in brief summary form. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection.

Sec. 5. 3 V.S.A. § 23(d) is amended to read:

(d) Reporting. The ~~commission~~ Commission shall submit an annual report, which shall be prepared by the ~~secretary of commerce and community development~~ Secretary of Commerce and Community Development, to the ~~house committee on commerce~~ House Committee on Commerce and Economic Development, the ~~senate committee on economic development, housing and general affairs~~ Senate Committee on Economic Development, Housing and General Affairs, the ~~governor~~ Governor, and Vermont's congressional delegation. The report shall contain information acquired pursuant to activities carried out under subsection (c) of this section. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 6. 3 V.S.A. § 309(a)(19) is amended to read:

(19) Annually on or before January 15, the ~~commissioner of human resources~~ Commissioner of Human Resources shall submit to the ~~general assembly~~ General Assembly a report on the status of the ~~state~~ State employee workforce. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. All reporting on numbers of ~~state~~ State employees shall include numbers stated in "full-time

equivalent" positions. The report shall consolidate reports mandated by the ~~general assembly~~ General Assembly, as well as other information regarding developments in ~~state~~ State employment, including:

(A) Use of temporary employees.

(B) Use of limited service positions.

(C) Vacancies of more than six months' duration.

(D) Use of emergency volunteer leave under section 265 of this title.

(E) Development of compensation plans.

(F) Developments in equal employment opportunity.

(G) Use of the position management system.

(H) Abolished or transferred classified and exempt ~~state~~ State positions.

Sec. 7. 3 V.S.A. § 344(b) is amended to read:

(b) The information on contracts shall be reported to the ~~general assembly~~ General Assembly in the annual workforce report required under subdivision 309(a)(19) of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 8. 3 V.S.A. § 471 is amended to read:

§ 471. RETIREMENT BOARD; MEDICAL BOARD; ACTUARY; RATES OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

* * *

(g) The ~~retirement board~~ Retirement Board shall keep a record of all its proceedings, which shall be open to public inspection. It shall publish annually and distribute to the ~~general assembly~~ General Assembly a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the retirement system by means of an actuarial valuation of the assets and liabilities of the system. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

* * *

(n) The ~~board~~ Board shall review annually the amount of ~~state~~ State contribution recommended by the actuary of the retirement system as necessary to achieve and preserve the financial integrity of the fund established pursuant to section 473 of this title. Based on this review, the ~~board~~ Board

shall recommend the amount of ~~state~~ State contribution that should be appropriated for the next fiscal year to achieve and preserve the financial integrity of the fund. On or before November 1 of each year, the ~~board~~ Board shall submit this recommendation to the ~~governor~~ Governor and the ~~house and senate committees on government operations and appropriations~~ House and Senate Committees on Government Operations and Appropriations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 9. 3 V.S.A. § 473a is amended to read:

§ 473a. PERIODIC ACTUARIAL REPORTS

The ~~board~~ Board shall cause to be made an actuarial reevaluation of the rate of member contributions deducted from earnable compensation pursuant to subdivision 473(b)(2) of this title, on a periodic basis at least every three years, to determine whether the amount deducted is necessary to make the contributions picked up and paid by the ~~state~~ State for such members cost neutral to the ~~general fund~~ General Fund. The actuarial reevaluation shall consider all relevant factors, including federal tax law changes. The ~~board~~ Board shall report the results of the actuarial reevaluation to the ~~general assembly~~ General Assembly together with any recommendations for adjustment in the members' contribution rate under subdivision 473(b)(2). The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 10. 3 V.S.A. § 847(b) is amended to read:

(b) The ~~secretary of state~~ Secretary of State shall publish not less than quarterly a bulletin setting forth the text of all rules filed since the immediately preceding publication and any objections filed under subsection 842(b) or 844(e) of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 11. 3 V.S.A. § 2222(c) is amended to read:

(c) The Secretary shall compile, weekly, a list of all public hearings and meetings scheduled by all ~~executive branch state~~ Executive Branch State agencies, departments, boards, or commissions during the next ensuing week. The list shall be distributed to any person in the State at that person's request. Each ~~executive branch state~~ Executive Branch State agency, department, board, or commission shall notify the Secretary of all public hearings and meetings to be held and any cancellations of such hearings or meetings. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 12. 3 V.S.A. § 2281 is amended to read:

§ 2281. DEPARTMENT OF FINANCE AND MANAGEMENT

The ~~department of finance and management~~ Department of Finance and Management is created in the ~~agency of administration~~ Agency of Administration and is charged with all powers and duties assigned to it by law, including the following:

(1) ~~to~~ To administer the financial transactions of the ~~state~~ State, including payroll transactions, in accordance with the law and within the limits of appropriations made by the ~~general assembly~~; General Assembly.

(2) ~~to~~ To conduct management studies and audits of the performance of ~~state~~ State government~~;~~.

(3) ~~to~~ To prepare the ~~executive~~ Executive budget~~;~~.

(4) ~~to~~ To report on an annual basis to the ~~joint fiscal committee~~ Joint Fiscal Committee at its November meetings on the allocation of funds contained in the annual pay acts and the allocation of funds in the annual appropriations act which relate to those annual pay acts. The report shall include the formula for computing these funds, the basis for the formula, and the distribution of the different funding sources among state agencies. The report shall also be submitted to the members of the ~~house and senate committees on government operations and appropriations;~~ House and Senate Committees on Government Operations and Appropriations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(5) ~~to~~ To maintain a central payroll office which shall be the successor to and continuation of the payroll functions of the ~~department of human resources~~ Department of Human Resources.

Sec. 13. 4 V.S.A. § 608(e) is amended to read:

(e) On or before the tenth Thursday after the convening of each biennial and adjourned session the ~~committee~~ Committee shall report to the ~~general assembly~~ General Assembly its recommendation whether the candidates should continue in office, with any amplifying information which it may deem appropriate, in order that the ~~general assembly~~ General Assembly may discharge its obligation under section 34 of Chapter II of the Constitution of the State of Vermont ~~constitution~~. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 14. 6 V.S.A. § 793(a) is amended to read:

(a) The council shall:

* * *

(2) Submit policy recommendations to the ~~secretary~~ Secretary on any of the subject matter set forth under subdivision (1) of this subsection. A copy of the policy recommendations submitted to the ~~secretary~~ Secretary shall be provided to the ~~house and senate committees on agriculture~~ House Committee on Agriculture and Forest Products and the Senate Committee on Agriculture. Recommendations may be in the form of proposed legislation. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(3) Meet at least annually and at such other times as the chair determines to be necessary.

(4) Submit minutes of the council annually, on or before January 15, to the ~~house and senate committees on agriculture~~ House Committee on Agriculture and Forest Products and the Senate Committee on Agriculture. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 15. 6 V.S.A. § 2966(e) is amended to read:

(e) Annual report. The Board shall make available a report, at least annually, to the Administration, the House Committee on Agriculture and Forest Products, the Senate Committee on Agriculture, the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, and the people of Vermont on the State's progress toward attaining the goals and outcomes identified in the comprehensive agricultural and forest products economic development plan. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 16. 10 V.S.A. § 217(b) is amended to read:

(b) Prior to February 1 in each year, the ~~authority~~ Authority shall submit a report of its activities for the preceding fiscal year to the ~~governor~~ Governor and to the ~~general assembly~~ General Assembly. The report shall set forth a complete operating and financial statement covering its operations during the year. The ~~authority~~ Authority shall cause an audit of its books and accounts to be made at least once in each year by a certified public accountant and its cost shall be considered an expense of the ~~authority~~ Authority and a copy shall be filed with the ~~state treasurer~~ State Treasurer. The provisions of 2 V.S.A.

§ 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 17. 10 V.S.A. § 639(a) is amended to read:

(a) On or before the last day of January in each year, the ~~agency~~ Agency shall submit a report of its activities for the preceding fiscal year to the ~~governor~~ Governor and to the ~~general assembly~~ General Assembly, specifically the committees in the ~~house~~ House and ~~senate~~ Senate with jurisdiction over housing. Each report shall set forth a complete operating and financial statement covering its operations during the year, including the ~~agency's~~ Agency's present and projected economic health, amount of indebtedness, a statement of the amounts received from funds generated by interest from real estate escrow and trust accounts established pursuant to 26 V.S.A. § 2214(c), a list and description of the programs to which IORTA funds were provided and the amounts distributed to each county. The ~~agency~~ Agency shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants; the cost shall be considered an expense of the agency and a copy shall be filed with the ~~state treasurer~~ State Treasurer. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 18. 10 V.S.A. § 1253(d) is amended to read:

(d) The Secretary shall determine what degree of water quality and classification should be obtained and maintained for those waters not classified by the Board before 1981 following the procedures in sections 1254 and 1258 of this title. Those waters shall be classified in the public interest. The Secretary shall revise all 17 basin plans by January 1, 2006, and update them every five years thereafter. On or before January 1 of each year, the Secretary shall report to the House Committees on Agriculture and Forest ~~Product~~ Products, on Natural Resources and Energy, and on Fish, Wildlife and Water Resources, and to the Senate Committees on Agriculture and on Natural Resources and Energy regarding the progress made and difficulties encountered in revising basin plans. By January 1, 1993, the Secretary shall prepare an overall management plan to ensure that the water quality standards are met in all State waters. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 19. 10 V.S.A. § 1941(e) is amended to read:

(e) The Secretary shall establish a Petroleum Cleanup Fund Advisory Committee which shall meet not less than annually to review receipts and disbursements from the Fund, to evaluate the effectiveness of the Fund in meeting its purposes, the reasonableness of the cost of cleanup and to

recommend alterations and statutory amendments deemed appropriate. The Advisory Committee shall submit an annual report of its findings to the General Assembly on January 15 of each year. In its annual report, the Advisory Committee shall review the financial stability of the Fund, evaluate the implementation of assistance related to underground farm or residential heating fuel storage tanks and aboveground storage tanks, and the need for continuing assistance, and shall include recommendations for sustainable funding sources to finance the provision of that assistance. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The membership of the Committee shall include the following or their designated representative:

(1) the Secretary of Natural Resources who shall be chairperson;

(2) the Commissioner of Environmental Conservation;

(3) the Commissioner of Financial Regulation;

(4) a licensed gasoline distributor;

(5) a retail gasoline dealer;

(6) a representative of a statewide refining-marketing petroleum association;

(7) one member of the House to be appointed by the Speaker of the House;

(8) one member of the Senate to be appointed by the Committee on Committees;

(9) a licensed heating fuel dealer;

(10) a representative of a statewide heating fuel dealers' association;

(11) a licensed real estate broker.

Sec. 20. 10 V.S.A. § 1961(a)(5) is amended to read:

(5) On or before June 15, 1991 and every January thereafter present a report to the Vermont ~~legislature~~ General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision. The report shall include the following:

(A) An update on the quality of the waters of the lake.

(B) Findings of pertinent research.

(C) An action plan including~~, but not limited to,~~ water quality and fishery improvement measures and ways to enhance public use of and access to the lake.

(D) Recommended budgets and revenue sources including an expanded lake user fee structure.

Sec. 21. 10 V.S.A. § 2721(c) is amended to read:

(c) The ~~commissioner of forests, parks and recreation~~ Commissioner of Forests, Parks and Recreation shall report in writing to the ~~senate and house committees on agriculture~~ Senate Committee on Agriculture and the House Committee on Agriculture and Forest Products and the ~~senate and house committees on natural resources and energy~~ Senate and House Committees on Natural Resources and Energy on or before January 31 of each year on the activities and performance of the forestry and forest products viability program. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. At a minimum, the report shall include:

(1) an evaluation of the program utilizing the performance goals and evaluative measures established pursuant to subdivision (a)(5)(C) of this section;

(2) a summary of the money received in the ~~fund~~ Fund and expended from the ~~fund~~ Fund;

(3) an estimate of the financial impact of the Vermont ~~forestry and forest products viability program~~ Forestry and Forest Products Viability Program on the forestry and forest products industries;

(4) an assessment of the potential demand for the ~~program~~ Program over the succeeding three years; and

(5) a listing of individuals, trade associations, and other persons or entities consulted in preparation of the report.

Sec. 22. 10 V.S.A. § 4145(c) is amended to read:

(c) The ~~commissioner~~ Commissioner shall keep account of funds, including private donations and ~~state~~ State appropriations, which are deposited into the ~~fish and wildlife fund~~ Fish and Wildlife Fund for the purpose of building and maintaining access areas and shall annually, on or before January 15, report to the ~~house committee on fish, wildlife and water resources~~ House Committee on Fish, Wildlife and Water Resources, the ~~senate committee on natural resources and energy~~ Senate Committee on Natural Resources and Energy and to the ~~senate and house committees on appropriations~~ Senate and House Committees on Appropriations, concerning the use of those funds in the past year and plans for use of the funds for the coming year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 23. 10 V.S.A. § 6503(a) is amended to read:

(a) The ~~committee~~ Committee shall report to the ~~general assembly~~ General Assembly its recommendation to approve or not to approve the petition for the facility together with such additional information and comment it deems appropriate. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 24. 10 V.S.A. § 8017 is amended to read:

§ 8017. ANNUAL REPORT

The ~~secretary~~ Secretary and the ~~attorney general~~ Attorney General shall report annually to the ~~president pro tempore of the senate~~ President Pro Tempore of the Senate, the ~~speaker of the house~~ Speaker of the House, the ~~house committee on fish, wildlife and water resources~~ House Committee on Fish, Wildlife and Water Resources, and the ~~senate and house committees on natural resources and energy~~ Senate and House Committees on Natural Resources and Energy. The report shall be filed no later than January 15, on the enforcement actions taken under this chapter, and on the status of citizen complaints about environmental problems in the ~~state~~ State. The report shall describe, at a minimum, the number of violations, the actions taken, disposition of cases, the amount of penalties collected, and the cost of administering the enforcement program. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 25. 15 V.S.A. § 1140(g) is amended to read:

(g) The ~~commission~~ Commission shall report its findings and recommendations to the ~~governor~~ Governor, the ~~general assembly~~ General Assembly, the ~~chief justice of the Vermont supreme court~~ Chief Justice of the Vermont Supreme Court, and the Vermont ~~council on domestic violence~~ Council on Domestic Violence no later than the third Tuesday in January of the first year of the biennial session. The report shall be available to the public through the ~~office of the attorney general~~ Office of the Attorney General. The ~~commission~~ Commission may issue data or other information periodically, in addition to the biennial report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 26. 16 V.S.A. § 164(17) is amended to read:

(17) Report annually on the condition of education statewide and on a school by school basis. The report shall include information on attainment of standards for student performance adopted under subdivision 164(9) of this

section, number and types of complaints of harassment or hazing made pursuant to section 565 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school to determine its strengths and weaknesses. The ~~commissioner~~ Commissioner shall use the information in the report in determining whether students in each school are provided educational opportunities substantially equal to those provided in other schools pursuant to subsection 165(b) of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 27. 16 V.S.A. § 165(a)(2) is amended to read:

(2) The school, at least annually, reports student performance results to community members in a format selected by the school board. In the case of a regional technical center, the community means the school districts in the service region. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision. The school report shall include:

* * *

Sec. 28. 16 V.S.A. § 1942(r) is amended to read:

(r) The ~~board~~ Board shall review annually the amount of ~~state~~ State contribution recommended by the actuary of the retirement system as necessary to achieve and preserve the financial integrity of the fund established pursuant to section 1944 of this title. Based on this review, the ~~board~~ Board shall determine the amount of ~~state~~ State contribution necessary for the next fiscal year to achieve and preserve the financial integrity of the funds. On or before November 1 of each year, the ~~board~~ Board shall inform the ~~governor~~ Governor and the ~~house and senate committees on government operations and on appropriations~~ House and Senate Committees on Government Operations and on Appropriations in writing about the amount needed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 29. 16 V.S.A. § 2835 is amended to read:

§ 2835. CONTROLS, AUDITS, AND REPORTS

Control of funds appropriated and all procedures incident to the carrying out of the purposes of this chapter shall be vested in the ~~board~~ Board. The books of account of the corporation shall be audited annually by an independent public accounting firm registered in the ~~state~~ State of Vermont in accordance

with government auditing standards issued by the ~~United States~~ U.S. Government Accountability Office (GAO) and the resulting audit report filed with the ~~secretary of administration~~ Secretary of Administration not later than November 1 each year. The ~~auditor of accounts~~ Auditor of Accounts or his or her designee shall be the ~~state's~~ State's nonvoting representative to an audit committee established by the ~~board~~ Board. Biennially, the ~~board~~ Board shall report to the ~~legislature~~ Legislature on its activities during the preceding biennium. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 30. 16 V.S.A. § 2905(h) is amended to read:

(h) The ~~council~~ Council shall report on its activities to the ~~house and senate committees on education~~ House and Senate Committees on Education and to the ~~state board of education~~ State Board of Education each year in January. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 31. 16 V.S.A. § 2967(a) is amended to read:

(a) On or before December 15, the ~~commissioner~~ Commissioner shall publish an estimate, by town school district, city school district, union school district, unified union school district, incorporated school district, and the member school districts of an interstate school district, of the amount of ~~state~~ State assistance necessary to fully fund sections 2961 through 2963 of this title in the ensuing school year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 32. 16 V.S.A. § 4010(i) is amended to read:

(i) The ~~commissioner~~ Commissioner shall evaluate the accuracy of the weights established in subsection (c) of this section and, at the beginning of each biennium, shall propose to the ~~house and senate committees on education~~ House and Senate Committees on Education whether the weights should stay the same or be adjusted. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 33. 18 V.S.A. § 709 is amended to read:

§ 709. ANNUAL REPORT

(a) The director of the Blueprint shall report annually, no later than January ~~15~~ 31, on the status of implementation of the Vermont Blueprint for Health for the prior calendar year and shall provide the report to the ~~house committee on health care~~ House Committee On Health Care, the ~~senate committee on health and welfare~~ Senate Committee on Health and Welfare, and the ~~health care oversight committee~~ Health Care Oversight Committee.

(b) The report required by subsection (a) of this section shall include the number of participating insurers, health care professionals, and patients; the progress made in achieving statewide participation in the chronic care management plan, including the measures established under this subchapter; the expenditures and savings for the period; the results of health care professional and patient satisfaction surveys; the progress made toward creation and implementation of privacy and security protocols; information on the progress made toward the requirements in this subchapter; and other information as requested by the committees. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under subsection (a) of this section.

Sec. 34. 18 V.S.A. § 9352(e) is amended to read:

(e) Report. No later than January 15 of each year, VITL shall file a report with the Secretary of Administration; the Commissioner of Information and Innovation; the Commissioner of Financial Regulation; the Commissioner of Vermont Health Access; the Secretary of Human Services; the Commissioner of Health; the Commissioner of Mental Health; the Commissioner of Disabilities, Aging, and Independent Living; the Senate Committee on Health and Welfare; and the House Committee on Health Care. The report shall include an assessment of progress in implementing health information technology in Vermont and recommendations for additional funding and legislation required. In addition, VITL shall publish minutes of VITL meetings and any other relevant information on a public website. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 35. 18 V.S.A. § 9410(i) is amended to read:

(i) On or before January 15, 2008 and every three years thereafter, the Commissioner shall submit a recommendation to the General Assembly for conducting a survey of the health insurance status of Vermont residents. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 36. 21 V.S.A. § 1309 is amended to read:

§ 1309. REPORTS; SOLVENCY OF TRUST FUND

On or before January 31 of each year, the Commissioner shall submit to the Governor and the Chairs of the Senate Committee on Economic Development, Housing and General Affairs and on Finance and the House Committees on Commerce and Economic Development and on Ways and Means a report covering the administration and operation of this chapter during the preceding calendar year. The report shall include a balance sheet of the ~~moneys~~ monies

in the Fund and data as to probable reserve requirements based upon accepted actuarial principles, with respect to business activity, and other relevant factors for the longest available period. The report shall also include recommendations for amendments of this chapter as the Board considers proper. Whenever the Commissioner believes that the solvency of the Fund is in danger, the Commissioner shall promptly inform the Governor and the Chairs of the Senate Committees on Economic Development, Housing and General Affairs and on Finance, and the House Committees on Commerce and Economic Development and on Ways and Means, and make recommendations for preserving an adequate level in the Trust Fund. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 37. 24 V.S.A. § 1354 is amended to read:

§ 1354. ACCOUNTS; ANNUAL REPORT

The supervisor or supervisors shall maintain an account showing in detail the revenue raised and the expenses necessarily incurred in the performance of the supervisor's duties. The supervisor or supervisors shall prepare an annual fiscal report by July 1 which shall conform to procedural and substantive requirements to be established by the ~~board of governors~~ Board of Governors and which, upon approval by the ~~board of governors~~ Board of Governors, shall be distributed to the residents of the gores. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 38. 24 V.S.A. § 4498 is amended to read:

§ 4498. HOUSING BUDGET AND INVESTMENT REPORTS

The ~~commissioner of housing and community affairs~~ Commissioner of Housing and Community Affairs shall:

(1) Create a Vermont housing budget designed to assure efficient expenditure of ~~state~~ State funds appropriated for housing development, to encourage and enhance cooperation among housing organizations, to eliminate overlap and redundancy in housing development efforts, and to ensure appropriate geographic distribution of housing funds. The Vermont housing budget shall include any ~~state~~ State funds of $50,000.00 or more awarded or appropriated for housing. The Vermont housing budget and appropriation recommendations shall be submitted to the General Assembly annually on or before January 15. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the recommendations to be made under this subdivision, and the report shall include the amounts and purposes of funds appropriated for or awarded to the following:

(A) The Vermont ~~housing and conservation trust fund~~ Housing and Conservation Trust Fund.

(B) The ~~agency of human services~~ Agency of Human Services.

(C) The ~~agency of commerce and community development~~ Agency of Commerce and Community Development.

(D) Any other entity that fits the funding criteria.

(2) Annually, develop a Vermont housing investment plan in consultation with the Vermont ~~housing council~~ Housing Council. The housing investment plan shall be consistent with the Vermont consolidated plan for housing, in order to coordinate the investment of ~~state~~ State, federal and other resources, such as ~~state~~ State appropriations, tax credits, rental assistance, and mortgage revenue bonds, to increase the availability and improve the quality of Vermont's housing stock. The housing investment plan shall be submitted to the ~~general assembly~~ General Assembly, annually on January 15. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this subdivision, and the plan shall:

(A) target investments at single-family housing, mobile homes, multifamily housing, and housing for homeless persons and people with special needs;

(B) recommend approaches that maximize the use of available ~~state~~ State and federal resources;

(C) identify areas of the state that face the greatest housing shortages; and

(D) recommend strategies to improve coordination among ~~state~~ State, local, and regional offices in order to remedy identified housing shortages.

Sec. 39. 24 V.S.A. § 4594 is amended to read:

§ 4594. ANNUAL REPORT; AUDIT

On or before the last day of February in each year, the bank shall make a report of its activities for the preceding calendar year to the ~~governor~~ Governor and to the ~~legislature~~ General Assembly. Each report shall set forth a complete operating and financial statement covering its operations during the year. The bank shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof shall be considered an expense of the bank and a copy thereof shall be filed with the ~~state treasurer~~ State Treasurer. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 40. 24 V.S.A. § 4753a(a) is amended to read:

(a) Pollution control. The General Assembly shall approve all categories of awards made from the special funds established by section 4753 of this title for water pollution control facility construction, in order to assure that such awards conform with State policy on water quality and pollution abatement, and with the State policy that municipal entities shall receive first priority in the award of public monies for such construction, including monies returned to the revolving funds from previous awards. To facilitate this legislative oversight, the Secretary of Natural Resources shall annually no later than January 15 report to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the House and Senate Committees on Resources and Energy on all awards made from the relevant special funds during the prior and current fiscal years, and shall report on and seek legislative approval of all the types of projects for which awards are proposed to be made from the relevant special funds during the current or any subsequent fiscal year. Where feasible, the specific projects shall be listed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 41. 24 V.S.A. § 4753b(b) is amended to read:

(b) The Commissioner shall report receipt of a grant under this section to the Chairs of the Senate Committee on Institutions and the House Committee on Corrections and Institutions and the Joint Fiscal Committee. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 42. 26 V.S.A. § 3105(d) is amended to read:

(d) Prior to review under this chapter and consideration by the ~~legislature~~ General Assembly of any bill to regulate a profession or occupation, the ~~office of professional regulation~~ Office of Professional Regulation shall make, in writing, a preliminary assessment of whether any particular request for regulation meets the criteria set forth in subsection (a) of this section. The ~~office~~ Office shall report its preliminary assessment to the appropriate ~~house or senate committee on government operations~~ House or Senate Committee on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 43. 26 V.S.A. § 3106 is amended to read:

§ 3106. DIRECTOR OF THE OFFICE OF PROFESSIONAL REGULATION; ANNUAL REPORT

Annually, the ~~director of the office of professional regulation~~ Director of the Office of Professional Regulation shall prepare a concise report on the activities of all boards under his or her jurisdiction. Prior to the commencement of each legislative session, the ~~director~~ Director shall prepare a report for publication on the office's website containing his or her assessments, conclusions, and recommendations with proposals for legislation, if any, to the ~~speaker of the house~~ Speaker of the House and to the ~~chairpersons of the government operations committees of the house and senate~~ Chairpersons of the House and Senate Committees on Government Operations and the chairpersons of the boards. The office shall also provide written copies of the report to the ~~house and senate committees on government operations~~ House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 44. 29 V.S.A. § 152(a)(25) is amended to read:

(25) Transfer any unexpended project balances from previous capital construction acts for the purpose of emergency projects not authorized in a capital construction act in an amount not to exceed $100,000.00; provided the Commissioner shall send timely written notice of such expenditures to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 45. 29 V.S.A. § 531(c) is amended to read:

(c) Each ~~state~~ State land manager shall adopt a written statement of objectives, policies, procedures, and a program to guide the development of the ~~state's~~ State's oil and gas resources. Biennially, each ~~state~~ State land manager and the ~~board~~ Board shall prepare and submit to the ~~general assembly~~ General Assembly a proposed four-year oil and gas leasing and management program and a report on all leasing and management activities undertaken during the preceding two years. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. Managers may elect to collaborate on a joint program of planning, leasing, and reporting to fulfill the requirements of this section.

Sec. 46. [Deleted.]

Sec. 47. [Deleted.]

Sec. 48. 30 V.S.A. § 203a(c) is amended to read:

(c) Report. On or before January 15, 2010, and annually thereafter, the ~~Public Service~~ Department of Public Service shall report to the ~~Legislature~~ General Assembly on the expenditure of funds from the Fuel Efficiency Fund to meet the public's needs for energy efficiency services. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 49. 30 V.S.A. § 209(d)(3)(A) is amended to read:

(A) Balances in the Electric Efficiency Fund shall be ratepayer funds, shall be used to support the activities authorized in this subdivision, and shall be carried forward and remain in the Fund at the end of each fiscal year. These monies shall not be available to meet the general obligations of the State. Interest earned shall remain in the Fund. The Board will annually provide the General Assembly with a report detailing the revenues collected and the expenditures made for energy efficiency programs under this section. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 50. 30 V.S.A. § 255(e) is amended to read:

(e) Reports. By January 15 of each year, commencing in 2007, the Department of Public Service in consultation with the Agency of Natural Resources and the Public Service Board shall provide to the House and Senate Committees on Natural Resources and Energy, the Senate Committee on Finance, and the House Committee on Commerce a report detailing the implementation and operation of RGGI and the revenues collected and the expenditures made under this section, together with recommended principles to be followed in the allocation of funds. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 51. 30 V.S.A. § 5038(a) is amended to read:

(a) On or before the last day of January in each year, the authority shall submit a report of its activities for the preceding calendar year to the ~~governor~~ Governor, the ~~public service board~~ Public Service Board, and the ~~general assembly~~ General Assembly. Each report shall set forth a complete operating and financial statement covering its operations during the year, and shall contain a full and complete statement of the authority's anticipated budget and operations for the ensuing year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants; the cost shall

be considered an expense of the authority and copies shall be filed with the ~~state treasurer~~ State Treasurer and the ~~public service board~~ Public Service Board.

Sec. 52. 30 V.S.A. § 8105(b) is amended to read:

(b) Beginning March 1, 2010, and annually thereafter, the Commissioner of Public Service shall submit a report to the Senate Committees on Economic Development, Housing and General Affairs, on Finance, and on Natural Resources and Energy, the House Committees on Ways and Means, on Commerce and Economic Development, and on Natural Resources and Energy, and the Governor which shall include an update on progress made in the development of the Vermont village green renewable projects authorized under this chapter. The report also shall include an analysis of the costs and benefits of the projects as well as any recommendations consistent with the purposes of this chapter. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 53. 30 V.S.A. § 8015(e)(7)(A) is amended to read:

(A) By January 15 of each year, provide to the House and Senate Committees on Natural Resources and Energy, the Senate Committee on Finance, and the House Committee on Commerce and Economic Development a report for the fiscal year ending the preceding June 30 detailing the activities undertaken, the revenues collected, and the expenditures made under this subchapter. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 54. 32 V.S.A. § 5(a)(3) is amended to read:

(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. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 55. 32 V.S.A. § 166 is amended to read:

§ 166. PAYMENTS TO TOWNS; RETURNS BY COMMISSIONER OF FINANCE AND MANAGEMENT

On or before January 10 of each year, the Commissioner of Finance and Management shall transmit to the ~~Auditors~~ auditors of each town a statement showing the amount of money paid by the State to the town and the purpose for which paid during the year ending December 31 preceding the date of such statement, the date of such payments and purpose for which made, unless the Commissioner of Finance and Management is requested to send such statement at some other date to conform to the fiscal year of such municipality. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 56. 32 V.S.A. § 306 is amended to read:

§ 306. BUDGET REPORT

(a) The Governor shall submit to the General Assembly, not later than the third Tuesday of every annual session, a budget which shall embody his or her estimates, requests, and recommendations for appropriations or other authorizations for expenditures from the State Treasury. In the first year of the biennium, the budget shall relate to the two succeeding fiscal years. In the second year of the biennium, it shall relate to the succeeding fiscal year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(b) The Governor shall also submit to the General Assembly, not later than the third Tuesday of each session of every biennium, a tax expenditure budget which shall embody his or her estimates, requests, and recommendations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The tax expenditure budget shall be divided into three parts and made as follows:

(1) A budget covering tax expenditures related to nonprofits and charitable organizations and covering miscellaneous expenditures shall be made by the third Tuesday of the legislative session beginning in January 2012 and every three years thereafter.

(2) A budget covering tax expenditures related to economic development, including business, investment, and energy, shall be made by the third Tuesday of the legislative session beginning in January 2013 and every three years thereafter.

(3) A budget covering tax expenditures made in furtherance of Vermont's human services, including tax expenditures affecting veterans, shall

be made by the third Tuesday of the legislative session beginning in January 2014 and every three years thereafter.

(c) The tax expenditure budget shall be provided to the House Committee on Ways and Means and the Senate Committee on Finance, which committees shall review the tax expenditure budget and shall report their recommendations in bill form.

Sec. 57. 32 V.S.A. § 309(e) is added to read:

(e) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to any report to be made under this section.

Sec. 58. 32 V.S.A. § 311(b) is amended to read:

(b) At the request of the House or Senate Committee on Government Operations or on Appropriations, the State Treasurer, and the Commissioner of Finance and Management shall present to the requesting committees the recommendations submitted under 3 V.S.A. § 471(n) and 16 V.S.A. § 1942(r). The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 59. 32 V.S.A. § 312(b) is amended to read:

(b) Tax expenditure reports. Biennially, as part of the budget process, beginning January 15, 2009, the Department of Taxes and the Joint Fiscal Office shall file with the House Committees on Ways and Means and Appropriations and the Senate Committees on Finance and Appropriations a report on tax expenditures in the personal and corporate income taxes, sales and use tax, and meals and rooms tax, insurance premium tax, bank franchise tax, education property tax, diesel fuel tax, gasoline tax, motor vehicle purchase and use tax, and such other tax expenditures for which the Joint Fiscal Office and the Department of Taxes jointly have produced revenue estimates. The Office of Legislative Council shall also be available to assist with this tax expenditure report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The report shall include, for each tax expenditure, the following information:

(1) ~~A~~ a description of the tax expenditure.;

(2) ~~The~~ the most recent fiscal information available on the direct cost of the tax expenditure in the past two years.;

(3) ~~The~~ the date of enactment of the expenditure.; and

(4) ~~A~~ a description of and estimate of the number of taxpayers directly benefiting from the expenditure provision.

Sec. 60. 32 V.S.A. § 511 is amended to read:

§ 511. EXCESS RECEIPTS

If any receipts including federal receipts exceed the appropriated amounts, the receipts may be allocated and expended on the approval of the Commissioner of Finance and Management. If, however, the expenditure of those receipts will establish or increase the scope of the program, which establishment or increase will at any time commit the State to the expenditure of State funds, they may only be expended upon the approval of the ~~legislature~~ General Assembly. Excess federal receipts, whenever possible, shall be utilized to reduce the expenditure of State funds. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee quarterly with a cumulative list and explanation of the allocation and expenditure of such excess receipts. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 61. 32 V.S.A. § 605(a) is amended to read:

(a) The Governor shall, no later than the third Tuesday of every annual legislative session, submit a consolidated Executive Branch fee report and request to the General Assembly, which shall accompany the Governor's annual budget report and request submitted to the General Assembly as required by section 306 of this title, except that the first fee report shall be submitted by October 1, 1996 to the House and Senate Committee on Ways and Means, the House and Senate Committee on Finance, and the House and Senate Committee on Government Operations. The first fee request shall be submitted during the 1997 session as provided herein ~~above~~. The content of each annual report and request for fees concerning State agency public records maintained pursuant to 1 V.S.A. chapter 5, subchapter 3 shall be prepared by the Secretary of State, who shall base all recommended fee amounts on "actual cost." The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 62. 32 V.S.A. § 605a(a) is amended to read:

(a) The ~~Justices~~ justices of the Supreme Court or the Court Administrator if one is appointed pursuant to 4 V.S.A. § 21, in consultation with the ~~Justices~~ justices of the Supreme Court, shall submit a consolidated Judicial Branch fee report and request no later than the third Tuesday of the legislative session of 2011 and every three years thereafter. The report shall be submitted to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 63. 32 V.S.A. § 704 is amended to read:

§ 704. INTERIM BUDGET AND APPROPRIATION ADJUSTMENTS

(a) The General Assembly recognizes that acts of appropriations and their sources of funding reflect the priorities for expenditures of public funds enacted by the Legislature, and that major reductions or adjustments, when required by reduced State revenues or other reasons, ought to be made whenever possible by an act of the Legislature reflecting its revisions of those priorities. Nevertheless, if the General Assembly is not in session, authorized appropriations and their sources of funding may be adjusted and funds may be transferred pursuant to the provisions of this section.

(b)(1) If the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds, determined under section 305a of this title have been reduced by one percent or more from the estimates determined and assumed for purposes of the general appropriations act or budget adjustment act, and if the General Assembly is not in session, in order to adjust appropriations and their sources of funding under this subdivision**,** the Secretary shall prepare a plan for approval by the Joint Fiscal Committee, and authorized appropriations and their sources of funding may be adjusted and funds transferred pursuant to a plan approved under this section.

(2) If the Secretary of Administration determines that the current fiscal year revenues for the General Fund, Transportation Fund, or federal funds are likely to be reduced from the official revenue estimates by less than one percent, the Secretary may prepare and implement an expenditure reduction plan, and implement appropriations reductions in accordance with the plan. The Secretary may implement a plan under this subdivision without the approval of the Joint Fiscal Committee if reductions to any individual appropriation do not exceed five percent of the appropriation's amount for personal services, operating expenses, grants, and other categories, and provided that the plan is designed to minimize any negative effects on the delivery of services to the public, and shall not have any unduly disproportionate effect on any single function, program, service, benefit, or county. Plans not requiring the approval of the Joint Fiscal Committee shall be filed with the Joint Fiscal Office prior to implementation. If the Secretary's plan consists of disproportionate reductions greater than five percent in any line item, such plan shall not be implemented without the approval of the Joint Fiscal Committee.

(c) A plan prepared by the Secretary shall indicate the amounts to be adjusted in each appropriation, and in personal services, operating expenses, grants, and other categories, shall indicate the effect of each adjustment in appropriations and their sources of funding, and each fund transfer, on the

primary purposes of the program, and shall indicate how it is designed to minimize any negative effects on the delivery of services to the public, and any unduly disproportionate effect the plan may have on any single function, program, service, benefit, or county.

(d) An expenditure reduction plan under subdivision (b)(2) of this section shall not include any reduction in:

(1) appropriations authorized and necessary to fulfill the State's debt obligations;

(2) appropriations authorized for the Judicial or Legislative ~~Branches~~ Branch, except that the plan may recommend reductions for consideration by the Judicial or Legislative ~~Branches~~ Branch; or

(3) appropriations for the salaries of elected officers of the Executive Branch listed in subsection 1003(a) of this title.

(e)(1) The Joint Fiscal Committee shall have 21 days from the date of submission of a plan under subdivision (b)(1) of this section to consider the plan, and may approve or disapprove the plan upon a vote of a majority of the members of the Committee. If the Committee vote results in a tie, the plan shall be deemed disapproved; and if the Committee fails for any other reason to take final action on such plan within 21 days of its submission to the Committee, it shall be deemed to be disapproved. During the 21-day period for consideration of the plan, the Committee shall conduct a public hearing and provide an opportunity for public comment on the plan.

(2) If the plan is disapproved, then in order to communicate the priorities of the General Assembly, the Committee shall make recommendations to the Secretary for amendments to the plan. Within seven days after the Committee notifies the Secretary of its disapproval of a plan, the Secretary may submit a final plan to the Committee. The ~~committee~~ Committee shall have 14 days from the date of submission of a final plan to consider that plan and to vote by a majority of the members of the Committee to approve or disapprove the plan; but if the Committee fails to approve or disapprove the plan by a majority vote, the plan shall be deemed disapproved. If the Secretary's final plan includes any changes from the original plan other than those recommended by the Committee, then during the 14-day period for consideration of the final plan, the Committee shall conduct a public hearing and provide an opportunity for public comment, with the scope of the hearing and the comments limited to the changes from the original plan.

(3) In determining whether to approve a plan submitted by the Secretary under this subsection, the Committee shall consider whether the plan minimizes any negative effects on the delivery of services to the public, and

whether the plan will have any unduly disproportionate effect on any single function, program, service, benefit, or county.

(4) Any plan disapproved under this section shall not be implemented.

(5) For purposes of this section, the Committee shall be convened at the call of the Chair or at the request of at least three members of the Committee.

(f) In the event of a reduction in the official revenue estimate of one percent or more, the Secretary may implement an expenditure reduction plan in the manner provided for in subdivision (b)(2) of this section, provided that the reduction in appropriations is not greater than one percent of the prior official revenue estimate.

(g) No plan may be approved or implemented under this section which:

(1) would reduce appropriations from any fund by more than the cumulative reductions in the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds, determined under section 305a of this title, from the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act; minus the total reductions in appropriations already taken under this section in that fund in the fiscal year; or

(2) would result in total reductions under this section in appropriations in the fiscal year from any fund by more than four percent of the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act; or

(3) would adjust revenues or expenditures of the Education Fund as prescribed by law.

(h) The provisions of this section shall apply to each official State revenue estimate of the Emergency Board in the fiscal year and when the General Assembly is not in session.

(i) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this section.

Sec. 64. 32 V.S.A. § 705(c) is amended to read:

(c) The authority conferred by this section is granted solely for the ministerial purpose of managing the State's financial accounts. Nothing contained in this section shall authorize any decrease in any such appropriation. If allotments have been made, the Secretary shall report to the Joint Fiscal Committee on or before the 15th day of each quarter, identifying and describing the allotments made pursuant to the authority granted by this section during the preceding quarter. The provisions of 2 V.S.A. § 20(d)

(expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 65. 32 V.S.A. § 1001(c) is amended to read:

(c) Committee estimate of a prudent amount of net State tax-supported debt; affordability considerations. On or before September 30 of each year, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of net State tax-supported debt which prudently may be authorized for the next fiscal year, together with a report explaining the basis for the estimate. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. In developing its annual estimate, and in preparing its annual report, the Committee shall consider:

* * *

Sec. 66. 32 V.S.A. § 1001a is amended to read:

§ 1001a. REPORTS

The Capital Debt Affordability Advisory Committee shall prepare and submit consistent with 2 V.S.A. § 20(a) a report on:

(1) ~~general~~ General obligation debt, pursuant to subsection 1001(c) of this title~~; and~~.

(2) ~~how~~ How many, if any, Transportation Infrastructure Bonds have been issued and under what conditions. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 67. 32 V.S.A. § 3101(b) is amended to read:

(b) The Commissioner shall:

(1) report biennially to the General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision;

* * *

(11) from time to time prepare and publish statistics reasonably available with respect to the operation of this title, including amounts collected, classification of taxpayers, tax liabilities, and such other facts as the Commissioner or the General Assembly considers pertinent. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision;

(12) [Repealed.]

(13) from time to time provide municipalities with recommended methods for determining, for municipal tax purposes, the fair market value of renewable energy plants that are subject to taxation under section 8701 of this title.

Sec. 68. 32 V.S.A. § 3412 is amended to read:

§ 3412. ANNUAL REPORT

Before January 15 of each year, the Director shall deliver to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate copies of an annual report including in that report all rules issued in the preceding year. The report shall include the rate per dollar and the amount of all taxes assessed in each and all of the towns, gores, school and fire districts and villages for and during the year ending with June 30, preceding, and the value of all exempt property on each grand list as required by subsection 4152(a) of this title. The report shall also include an analysis of the appraisal practices and methods employed through the State. The Director shall include recommendations for statutory changes as he or she feels necessary. Copies of the annual report shall be forwarded to the Chair of the Selectboard of each town. The presiding officer shall refer the report to the appropriate committees of the General Assembly for their review and recommendation. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 69. [Deleted.]

Sec. 70. 33 V.S.A. § 2032(e) is amended to read:

(e) The Department shall conduct comprehensive evaluations of the Board's success in improving clinical and utilization outcomes using claims data and a survey of health care professional satisfaction. The Department shall report annually by January 15 to the House Committee on Health Care and the Senate Committee on Health and Welfare regarding the results of the most recent evaluation or evaluations and a summary of the Board's activities and recommendations since the last report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 71. 33 V.S.A. § 4603(16) is amended to read:

(16) Report to the Governor and the legislative committees of jurisdiction during the first month of each legislative biennium on the Council's findings and recommendations, progress toward outcomes consistent with No. 68 of the Acts of the 2009 Adj. Sess. (2010), and recommendations for priorities for the biennium. The provisions of 2 V.S.A. § 20(d) (expiration

of required reports) shall not apply to the report to be made under this subdivision.

Sec. 72. 2005 Acts and Resolves No. 71, Sec. 142a(a) as amended by 2006 Acts and Resolves No. 93, Sec. 47 is amended to read:

(a) It is the intent of the ~~legislature~~ General Assembly that should the projected need for out-of-state beds be reduced from the amount budgeted at any time during any fiscal year and this need is expected to remain at or below this new level for at least 12 months, the resources within the correctional services budget that would have been used for out-of-state bed capacity be reallocated first to community supervision to create and fill at least five community supervision positions, including caseworkers and community corrections officers for each ~~50-bed~~ 50-bed reduction in long-term projected out-of-state bed need. Projections of out-of-state bed need for at least the subsequent 12 months shall be made by the ~~department of corrections~~ Department of Corrections for presentation at each meeting to the ~~legislative joint corrections oversight committee~~ Legislative Joint Corrections Oversight Committee. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 73. [Deleted.]

Sec. 74. [Deleted.]

Sec. 75. 2009 Acts and Resolves No. 38, Sec. 3(5) is amended to read:

(5) Report to the ~~senate and house committees on education~~ Senate and House Committees on Education on or before January 15, 2011 regarding implementation of this section and in January of each subsequent year until implementation is complete. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 76. 2009 Acts and Resolves No. 43, Sec. 49 is amended to read:

Sec. 49. CLOSING OF CORRECTIONAL FACILITIES; APPROVAL

The ~~secretary of administration~~ Secretary of Administration shall not plan to close or significantly reduce operations at any correctional facility unless approval to proceed with such closing or reduction plans is granted by both the ~~joint committee on corrections oversight~~ Joint Committee on Corrections Oversight and the ~~joint fiscal committee~~ Joint Fiscal Committee. Any plan submitted to the committees shall include an analysis of the regional impact, including how the increased transportation costs will be funded. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 77. 2009 Acts and Resolves No. 44, Sec. 44(b) is amended to read:

(b) On or before January 15 of each year through January 2020, the ~~commissioner~~ Commissioner shall report to the ~~senate and house committees on education~~ Senate and House Committees on Education regarding the ~~state's~~ State's progress in achieving the goal of a 100 percent secondary school completion rate. At the time of the report, the ~~commissioner~~ Commissioner shall also recommend other initiatives, if any, to improve both graduation rates and secondary school success for all Vermont students. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 78. 2009 Acts and Resolves No. 58, Sec. 25(b) is amended to read:

(b) The committee shall include recommendations on the issues described in subsection (a) of this section in its annual report to the ~~general assembly~~ General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 79. 2010 Acts and Resolves No. 154, Sec. 235b is amended to read:

Sec. 235b. WEIGHTED CASELOAD STUDY

The ~~court administrator~~ Court Administrator shall conduct a weighted caseload study and analysis or equivalent study within the ~~superior court and judicial bureau~~ Superior Court and Judicial Bureau every three years. The results of the study shall be reported to the ~~senate and house committees on judiciary and government operations~~ Senate and House Committees on Judiciary and on Government Operations. The study may be used to review and consider adjustments to the compensation of ~~probate~~ Probate judges. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

* * * Report Requirements Repealed * * *

Sec. 80. 1 V.S.A. § 853(d)(7) is amended to read:

(7) ~~The commission shall provide a detailed written report of its findings and conclusions to the applicant and the legislative committees along with a recommendation that the general assembly recognize or deny recognition to the applicant as a Native American Indian tribe.~~ [Repealed.]

Sec. 81. 2 V.S.A. § 951(d) is amended to read:

(d) ~~The Vermont directors of the association shall report to the general assembly on or before January 1 of each year with a summary of the activities of the association, and any findings and recommendations for making prescription drugs more affordable and accessible to Vermonters.~~ [Repealed.]

Sec. 82. 3 V.S.A. § 2807(d) is amended to read:

(d) ~~Report. Every year, by January 15, the commissioner shall report to the house and senate committees on natural resources and energy on the sources of the fund, and on fund balances and expenditures from the fund.~~ [Repealed.]

Sec. 83. 6 V.S.A. § 981 is amended to read:

§ 981. ADOPTION OF COMPACT

* * *

ARTICLE IV

The Insurance Fund, Internal Operations and Management

* * *

(g) The insurance fund may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, or corporation, and may receive, utilize, and dispose of the same. ~~Any donation, gift, or grant accepted by the governing board pursuant to this subsection or services borrowed pursuant to subsection (h) of this article shall be reported in the annual report of the insurance fund. Such report shall include the nature, amount, and conditions, if any, of the donation, gift, grant, or services borrowed and the identity of the donor or lender.~~

(h) The governing board shall adopt bylaws for the conduct of the business of the insurance fund and shall have the power to amend and to rescind these bylaws. The insurance fund shall publish its bylaws in a convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

(i) ~~The insurance fund annually shall make to the governor and legislature of each party state a report covering its activities for the preceding year.~~ The insurance fund may make ~~such additional~~ reports to the governor and legislature of party states as it may deem desirable.

* * *

Sec. 84. 9A V.S.A. § 9-527 is amended to read:

§ 9-527. ~~DUTY TO REPORT~~

~~The secretary of state shall report biannually to the legislature on the operation of the filing office. The report must contain a statement of the extent to which:~~

~~(1) the filing office rules are not in harmony with the rules of filing offices in other jurisdictions that enact substantially this part and the reasons for these variations; and~~

~~(2) the filing office rules are not in harmony with the most recent version of the model rules promulgated by the International Association of Corporate Administrators, or any successor organization, and the reasons for these variations.~~ [Repealed.]

Sec. 85. [Deleted.]

Sec. 86. 10 V.S.A. § 707 is amended to read:

§ 707. ~~EXPENDITURES; STATEMENT BY COUNCIL~~

~~The council, on or before September 1 in each even numbered year shall file with the commissioner of budget and management, upon forms prepared and furnished by the commissioner of budget and management, statements showing in detail the amount appropriated and expended for the current biennial fiscal periods and the amount estimated for such activity to be necessary for the ensuing biennial fiscal periods.~~ [Repealed.]

Sec. 87. 10 V.S.A. § 1264(f)(3) is amended to read:

(3) By January 15, 2010, the Secretary shall issue a watershed improvement permit, issue a general or individual permit implementing a TMDL approved by the EPA, or issue a general or individual permit implementing a water quality remediation plan for each of the stormwater-impaired waters on the Vermont Year 2004 Section 303(d) List of Waters required by 33 U.S.C. 1313(d). In developing a TMDL or a water quality remediation plan for a stormwater-impaired water, the Secretary shall consult "A Scientifically Based Assessment and Adaptive Management Approach to Stormwater Management" and "Areas of Agreement about the Scientific Underpinnings of the Water Resources Board's Original Seven Questions" set out in appendices A and B, respectively, of the final report of the Water Resources Board's "Investigation Into Developing Cleanup Plans For Stormwater Impaired Waters, Docket No. Inv-03-01," issued March 9, 2004. ~~Beginning January 30, 2005 and until a watershed improvement permit, a general or individual permit implementing a TMDL, or a general or individual permit implementing a water quality remediation plan is set for each of the stormwater-impaired waters on the Vermont Year 2004 Section 303(d) List of Waters required by 33 U.S.C. § 1313(d), the Secretary shall report annually to the General Assembly on Agency progress in establishing the watershed improvement permits, TMDLs, and water quality remediation plans for the stormwater-impaired waters of the State; on the accuracy of assessment and environmental efficacy of any stormwater impact fee paid to the State~~

~~Stormwater-Impaired Waters Restoration Fund; and on the efforts by the Secretary to educate and inform owners of real estate in watersheds of stormwater-impaired waters regarding the requirements of the state stormwater law.~~

Sec. 88. 10 V.S.A. § 1283(e) is amended to read:

(e) ~~The secretary shall report annually to the general assembly on the condition of the fund. The report shall include a listing of any incident leading to disbursements, the amount disbursed, and the method and amount of reimbursement.~~ [Repealed.]

Sec. 89. 10 V.S.A. § 1455(l)(2) is amended to read:

(2) ~~On an annual basis, the secretary of agriculture, food and markets shall notify the secretary of the location of all authorized mosquito control applications to the waters of the state that took place during the reporting year and the type and quantity of larvicide and pupacide used at each location.~~ [Repealed.]

Sec. 90. [Deleted.]

Sec. 91. [Deleted.]

Sec. 92. 18 V.S.A. § 1755(b) is amended to read:

(b) Annually, the ~~commissioner~~ Commissioner shall determine the percentage of children six years of age or younger who are being screened in accordance with the guidelines ~~and shall, unless a final report is available, provide interim information on screening to the legislature annually on April 15~~. If fewer than 85 percent of one-year-olds and fewer than 75 percent of two-year-olds as specified in the guidelines are receiving screening, the ~~secretary~~ Secretary shall adopt rules to require that all health care providers who provide primary medical care to young children shall ensure that their patients are screened and tested according to the guidelines, beginning January 1, 2011.

Sec. 93. 20 V.S.A. § 1946 is amended to read:

§ 1946. ~~REPORT FROM COMMISSIONER~~

~~The commissioner of public safety shall report annually no later than January 15 to the senate and house committees on judiciary regarding the administration of the DNA data bank, any backlogs in processing samples, and staffing and funding issues related to any backlog.~~ [Repealed.]

Sec. 94. 24 V.S.A. § 4760(b) is amended to read:

(b) ~~Annually, the secretary and the bond bank shall notify the chairpersons of the house committee on appropriations and the senate committee on appropriations of the amount of each of the separate funds created under section 4753 of this title anticipated to be available for the next fiscal year.~~ [Repealed.]

Sec. 95. 24 V.S.A. § 4774(b) is amended to read:

(b) ~~Annually by January 15, the secretary and VEDA shall submit a report to members of the joint fiscal committee setting out the balance of the fund created by subdivision 4753(a)(3) of this title, loan awards made to date, funds anticipated to be made available in the coming year and any other matters of interest.~~ [Repealed.]

Sec. 96. 29 V.S.A. § 903(e)(3) is amended to read:

(3) ~~The Secretary of Administration will report to the General Assembly, on February 1 each year, equipment purchased through this Fund, plans for equipment purchased through the Fund for the following fiscal year, the status of the Fund, and a consolidated amortization schedule.~~ [Repealed.]

Sec. 97. 32 V.S.A. § 308b is amended to read:

§ 308b. HUMAN SERVICES CASELOAD RESERVE

(a) There is created within the General Fund a Human Services Caseload Management Reserve. Expenditures from the Reserve shall be subject to an appropriation by the General Assembly or approval by the Emergency Board. Expenditures from the Reserve shall be limited to Agency of Human Services caseload-related needs primarily in the Departments for Children and Families; of Health~~,~~; of Mental Health; of Disabilities, Aging, and Independent Living; and of Vermont Health Access.

(b) The Secretary of Administration may transfer to the Human Services Caseload Reserve any General Fund carry-forward directly attributable to Aid to Needy Families with Children (ANFC) caseload reductions and the effective management of related federal receipts. ~~A report on the transfer of any such carry-forward to the Reserve shall be made to the Joint Fiscal Committee at its first meeting following September 1 of each year.~~

(c) [Repealed.]

Sec. 98. 33 V.S.A. § 1901(e) is amended to read:

(e)~~(1) The Department for Children and Families and the Department of Vermont Health Access shall monitor and evaluate and report quarterly beginning July 1, 2006 on the disenrollment in each of the Medicaid or Medicaid waiver programs subject to premiums, including:~~

~~(A) The number of beneficiaries receiving termination notices for failure to pay premiums;~~

~~(B) The number of beneficiaries terminated from coverage as a result of failure to pay premiums as of the second business day of the month following the termination notice. The number of beneficiaries terminated from coverage for nonpayment of premiums shall be reported by program and income level within each program; and~~

~~(C) The number of beneficiaries terminated from coverage as a result of failure to pay premiums whose coverage is not restored three months after the termination notice.~~

~~(2) The Department for Children and Families and the Department of Vermont Health Access shall submit reports at the end of each quarter required by subdivision (1) of this subsection to the House and Senate Committees on Appropriations, the Senate Committee on health and welfare, the house Committee on Human Services, the Health Care Oversight Committee, and the Medicaid Advisory Board.~~ [Repealed.]

Sec. 98a. 33 V.S.A. § 1998(c)(6) is amended to read:

(6) ~~The Commissioners and the Secretary shall report quarterly to the Health Care Oversight Committee and the Joint Fiscal Committee on their progress in securing Vermont's participation in such joint purchasing agreements.~~ [Repealed.]

Sec. 99. 33 V.S.A. § 2003(i) is amended to read:

(i) ~~Annually, the Department of Vermont Health Access shall report the enrollment and financial status of the pharmacy discount plans to the Health Care Oversight Committee by September 1, and to the General Assembly by January 1.~~ [Repealed.]

Sec. 100. 33 V.S.A. § 3308 is amended to read:

§ 3308. ~~ANNUAL REPORT~~

~~Annually, prior to January 15, the council shall submit a report of its activities for the preceding fiscal year to the governor and to the general assembly. The report shall contain an evaluation of the effectiveness of the programs and services financed or to be financed by the children's trust fund, and shall include an assessment of the impact of such programs and services on children and families.~~ [Repealed.]

Sec. 101. 33 V.S.A. § 3703 is amended to read:

§ 3703. ~~REPORT~~

~~Annually on or before January 15 of each year, the secretary of the agency of human services shall report to the general assembly on the status of parent-child center programs. The report shall include information concerning the following areas:~~

~~(1) actual disbursements;~~

~~(2) number of facilities and programs provided;~~

~~(3) number of families served;~~

~~(4) the impact of the monies relative to the continued success of each program;~~

~~(5) identification of other funding sources.~~ [Repealed.]

Sec. 102. 33 V.S.A. § 4904(d) is amended to read:

(d) ~~The Commissioner shall establish a method for measuring, evaluating, and reporting the outcomes of transitional services provided under this section to the House Committee on Human Services and the Senate Committee on Health and Welfare annually on January 15.~~ [Repealed.]

Sec. 103. 33 V.S.A. § 6508 is amended to read:

§ 6508. ~~REPORT REQUIRED~~

~~On or before January 15 of each year up to and including 1992, the Department of Disabilities, Aging, and Independent Living shall evaluate the effect of this chapter and report its findings to the chairpersons of the Senate and House Committees on Health and Welfare. At a minimum, the report shall address the following: inquiries or complaints received by the Department of Disabilities, Aging, and Independent Living concerning physician balance billing practices, changes in actual billing of Medicare beneficiaries for physician services, issues relating to access to physician services for beneficiaries, and any other information necessary to enable the committees to assess the effect of this chapter on physicians and beneficiaries. In compiling its report, the Department of Disabilities, Aging, and Independent Living shall consult with the Secretary of State, the carrier for Medicare physician services for Vermont, and the professional societies of professions affected by this chapter.~~ [Repealed.]

Sec. 103a. 2003 Acts and Resolves No. 66, Sec. 217d(b) is amended to read:

(b) ~~On or before January 15, 2004 and by January 15 each year thereafter, the commissioner of fish and wildlife shall report to the general assembly on: the development of management plans for wildlife management areas; the status of implementation of wildlife habitat enhancement and maintenance projects on fish and wildlife lands; the schedule for maintenance and habitat~~

~~treatments on wildlife management areas; and the status of protected areas and ecologically sensitive areas on wildlife management areas.~~ [Repealed.]

Sec. 104. 2005 Acts and Resolves No. 56, Sec. 1(g), as amended by 2007 Acts and Resolves No. 65, Sec. 112a is amended to read:

(g)(1) Any savings realized due to the implementation of the long-term care Medicaid 1115 waiver shall be retained by the department and reinvested into providing home- and community-based services under the waiver. If at any time the agency reapplies for a Medicaid waiver to provide these services, it shall include a provision in the waiver that any savings shall be reinvested.

(2) ~~In its annual budget presentation, the department of disabilities, aging, and independent living shall include the amount of savings generated from individuals receiving home- and community-based care services instead of services in a nursing home through the Choices for Care waiver and a plan with details on the recommended use of the appropriation. The plan shall include the base appropriation; the method for determining savings; how the savings will be reinvested in home- and community-based services, including the allocation between increases in caseloads and increases in provider reimbursements; and a breakdown of how many individuals are receiving services by type of service.~~ [Repealed.]

Sec. 104a. 2009 Acts and Resolves No. 43, Sec. 31(f)(3) is amended to read:

(3) ~~Outside the legislative session, the department of mental health shall provide quarterly updates to the joint fiscal committee and the mental health oversight committee on the progress toward completing the facility and developing the residential recovery program.~~ [Repealed.]

and by renumbering the remaining sections to be numerically correct.

Sec. 105. 2004 Acts and Resolves No. 136, Sec. 6 is amended to read:

Sec. 6. ~~REPORT~~

~~Annually, on or before January 15, the commissioner of fish and wildlife shall report to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy on the effects of the fish and wildlife board's management of the deer herd pursuant to this act. At a minimum, the commissioner shall address the impacts on:~~

~~(1) the size of the deer population;~~

~~(2) the health of the deer population;~~

~~(3) the ratio of males to females;~~

~~(4) the age distribution;~~

~~(5) the advisability of redefining wildlife management district boundaries;~~

~~(6) the satisfaction of the hunting community; and~~

~~(7) the number of hunters choosing to hunt in specific wildlife management units.~~ [Repealed.]

Sec. 105a. 2006 Acts and Resolves No. 132, Sec. 3 is amended to read:

Sec. 3. SECRETARY OF ADMINISTRATION REPORT

~~The secretary of administration shall submit an annual report to the house and senate committees on government operations on January 15. The report shall include a list of the written public records requests received for the prior calendar year for each state agency; the number of records delivered or withheld by each state agency; the number of records that could not be located by each state agency; and the agency time needed to respond to each request.~~ [Repealed.]

Sec. 106. 2007 Acts and Resolves No. 15, Sec. 23 is amended to read:

Sec. 23. ~~REPORT~~

~~On or before January 15, 2008, and on January 15 of every even-numbered year thereafter, the secretary of human services, the commissioner of health, and the commissioner of mental health shall jointly report to the general assembly. The report shall describe the relationship between the commissioner of health and commissioner of mental health and shall evaluate how effectively they and their respective departments cooperate and how effectively the departments have complied with the intent of this act. The report shall address prevention, early intervention, and chronic care health services for children and adults, coordination of mental health, substance abuse, and physical health services, and coordination with all parts of the health care delivery system, public and private, including the office of Vermont health access, the office of alcohol and drug abuse, and primary care physicians.~~ [Repealed.]

Sec. 107. 2008 Acts and Resolves No. 200, Sec. 10 is amended to read:

Sec. 10. ~~UNIVERSITY OF VERMONT~~

~~The sum of $1,600,000 is appropriated to the University of Vermont for construction, renovation, or maintenance projects. The university shall file with the general assembly on or before January 15 an annual report that details the status of capital projects funded in whole or in part by state capital appropriations, including an explanation of the process for bidding for~~

~~contractors or subcontractors where the amount of the contract or subcontract exceeds $50,000.~~

~~Total appropriation – Section 10~~ ~~$1,600,000~~

[Repealed.]

Sec. 108. 2008 Acts and Resolves No. 200, Sec. 11 is amended to read:

Sec. 11. ~~VERMONT STATE COLLEGES~~

~~The sum of $1,600,000 is appropriated to the Vermont State Colleges for major facility maintenance. The state colleges shall file with the general assembly on or before January 15 an annual report that details the status of capital projects funded in whole or in part by state capital appropriations, including an explanation of the process for bidding for contractors or subcontractors where the amount of the contract or subcontract exceeds $50,000.~~

~~Total appropriation – Section 11~~ ~~$1,600,000~~

[Repealed.]

Sec. 109. 2010 Acts and Resolves No. 119, Sec. 10(c) is amended to read:

(c) ~~No later than March 15 of each year, the agency of human services shall provide an update to the house committee on human services and the senate committee on health and welfare regarding the status of efforts to secure funding for the evaluation authorized by Sec. 11 of this act and the issuance of a request for proposals to conduct the evaluation.~~ [Repealed.]

Sec. 110. 2010 Acts and Resolves No. 128, Sec. 14(e) is amended to read:

(e) ~~If the pilot projects are approved by the general assembly, the director of payment reform shall report annually by January 15 beginning in 2012 on the status of implementation of the pilot projects for the prior calendar year, including any analysis or evaluation of the effectiveness of the pilot projects, and shall provide the report to the house committee on health care, the senate committee on health and welfare, the health access oversight committee, and the commission on health care reform.~~ [Repealed.]

Sec. 111. 2011 Acts and Resolves No. 59, Sec. 13(c) is amended to read:

(c) ~~On or before January 15, 2012, and annually thereafter, the secretary of administration shall submit to the senate and house committees on government operations a copy of the records requests catalogued in the public records request system in the preceding calendar year.~~ [Repealed.]

Sec. 112. REPORT REPEAL DELAYED

The reports set forth in this section shall not be subject to expiration under the provisions of 2 V.S.A. § 20(d) (expiration of required reports) until July 1, 2018:

(1) 2 V.S.A. § 752(c) (annual budget for expenditures for legislative information technology and services).

(2) 6 V.S.A. §§ 2937 (Vermont Milk Commission report), 2972(b) (Vermont Dairy Promotion Council report), 4701(d) (sustainable agriculture research and education program report), 4710(f) (Vermont farm viability enhancement program report), and 4825 (financial and technical assistance for agricultural water quality report).

(3) 7 V.S.A. § 109 (Liquor Control Board audit report).

(4) 10 V.S.A. §§ 291 (Entrepreneurs' seed capital fund report), 323 (Vermont Housing And Conservation Trust Fund report), 329 (The Sustainable Jobs Fund Program report), 580(b) (25 by 25 state goal report), 685(g) (Vermont Community Development Board report), 1196 (Connecticut River Watershed Advisory Commission report), 1942 (Underground Storage Tank Assistance Program report), 1961(a)(4) (Vermont Citizens Advisory Committee on Lake Champlain's Future report), and 7563 (ANR report on federal laws relating to collection and recycling of electronic devices).

(5) 13 V.S.A. § 5415(b) (DPS report on special investigation units).

(6) 18 V.S.A. §§ 1756 (lead poisoning report), 7402 (Commissioner of Mental Health report), 8725(d) (System of Care Plan report), 9505 (Vermont Tobacco Evaluation and Review Board conflict of interest policy report), and 9507(a) (Vermont Tobacco Evaluation and Review Board report).

(7) 28 V.S.A. § 701a(c) (report on segregation of inmates with a serious functional impairment).

(8) 30 V.S.A. §§ 20(a)(2)(C) (report on ANR costs under 30 V.S.A. § 248), 20(b)(9) (report on agency costs related to proceedings at FERC), 209(j)(4)(G) (self-managed energy efficiency program report), and 8071(a) (Vermont Telecommunications Authority fiscal report).

(9) 31 V.S.A. § 659 (State Lottery Commission Report).

(10) 32 V.S.A. §§ 588(6) (special fund report), 5930a(j) (economic advancement tax incentive report), and 5930b(e) (employment growth incentives report).

(11) 33 V.S.A. §§ 1134 (Reach First, Reach Up, and Reach Ahead program reports), 1901a (Medicaid budget report), 1901e(c) (managed care

organization's investment report), 4923 (child abuse report), and 7503 (long-term care report).

(12) 1998 Acts and Resolves No. 114, Secs. 5 and 6 (involuntary medication report); 2004 Acts and Resolves No. 122, Sec. 136 (weatherization fund report); 2007 Acts and Resolves No. 43, Sec. 4(a) (report on Lake Champlain TMDL plan); 2008 Acts and Resolves No. 90, Sec. 86(a)(4) (Job Start loan portfolio report); 2008 Acts and Resolves No. 192, Sec. 5.221(b) (weatherization fund report); 2009 Acts and Resolves No. 25, Sec. 18(b) (Palliative Care and Pain Management Task Force report); 2009 Acts and Resolves Special Session No. 1, Sec. E.326(b); 2010 Acts and Resolves No. 87, Sec. 1(b) (weatherization fund report); 2010 Acts and Resolves No. 120, Sec. 5 (mentored hunting program report); and 2010 Acts and Resolves No.146, Sec. H4 (Challenges for Change report).

* * * Reports Not Listed Herein * * *

Sec. 113. REPORTS NOT INCLUDED IN THIS ACT

On or before January 15, 2015, the Office of Legislative Council shall provide to the General Assembly a list of all statutory sections not listed in this act that contain a report subject to the repeal provisions of 2 V.S.A. § 20(d). On July 1, 2016, Legislative Council shall, pursuant to its statutory revision authority, delete the report requirements contained in this list.

* * * Effective Date * * *

Sec. 114. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 20, 2014, pages 727-728 and March 21, 2014, page 755)

NOTICE CALENDAR

Second Reading

Favorable with Proposal of Amendment

H. 329.

An act relating to use value appraisals.

Reported favorably with recommendation of proposal of amendment by Senator Starr 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:

* * * Definitions * * *

Sec. 1. 32 V.S.A. § 3752 is amended to read:

§ 3752. DEFINITIONS

* * *

(8) ~~"Housesite"~~ "House site" means the two acres of land surrounding any house, mobile home, or dwelling, but shall not include any dwelling that houses farm employees if that dwelling qualifies as a "farm building" under subdivision (14) of this section.

(9) "Managed forestland" means:

(A) any land, exclusive of any house site, which is at least 25 acres in size and which is under active long-term forest management for the purpose of growing and harvesting repeated forest crops in accordance with minimum acceptable standards for forest management. Such land may include eligible ecologically significant treatment areas in accordance with minimum acceptable standards for forest management and as approved by the Commissioner; or

* * *

(14) "Farm buildings" means all farm buildings and other farm improvements which are actively used by a farmer as part of a farming operation, are owned by a farmer or leased to a farmer under a written lease for a term of three years or more, and are situated on land that is enrolled in a use value appraisal program or on a ~~housesite~~ house site adjoining enrolled land. "Farm buildings" shall include up to $100,000.00 of the value of a farm facility processing farm crops, a minimum of 75 percent of which are produced on the farm ~~and~~. "Farm buildings" shall not include any dwelling other than a

dwelling in use during the preceding tax year exclusively to house one or more farm employees, as defined in 9 V.S.A. ~~§ 4469~~ § 4469a, and their families, as a nonmonetary benefit of the farm employment, even if such a dwelling is located on a house site that is not contiguous with the land receiving a use value appraisal. This subdivision shall not affect the application of the definition of "farming" in 10 V.S.A. § 6001(22) or the definition of "farm structure" in 24 V.S.A. § 4413(d)(1).

* * *

(16) "Methane digester" means a system used to convert manure or other farm products into biogas through an anaerobic digesting process.

(A) A methane digester shall be considered a farm building for purposes of this chapter if it is:

(i) owned by or leased to a farmer pursuant to subdivision (14) of this section;

(ii) actively used to manage manure or other farm products from the farm operation, and the amount of manure or other farm products it manages from the farm operation exceeds the amount of off-farm manure or other farm products it manages; and

(iii) situated on land subject to use value appraisal or on a house site that is or is not contiguous with the land receiving a use value appraisal.

(B) For the purpose of calculating municipal reimbursements under section 3760 of this title, the Director shall value any methane digester treated as a farm building at zero.

(17) As used in this chapter, "parcel" means all contiguous land in the same ownership, except that for land that is subdivided, each subdivided lot shall be considered a parcel.

* * * Forest Management Plans * * *

Sec. 2. 32 V.S.A. § 3755 is amended to read:

§ 3755. ELIGIBILITY FOR USE VALUE APPRAISALS

* * *

(b) Managed forestland shall be eligible for use value appraisal under this subchapter only if:

* * *

(3) there has not been filed with the Director an adverse inspection report by the Department stating that the management of the tract is contrary to

the forest or conservation management plan, or contrary to the minimum acceptable standards for forest or conservation management. The management activity report shall be on a form prescribed by the Commissioner of Forests, Parks and Recreation in consultation with the Commissioner of Taxes and shall include a detachable section signed by all the owners that shall contain the federal tax identification numbers of all the owners. The section containing federal tax identification numbers shall not be made available to the general public, but shall be forwarded to the Commissioner of Taxes within 30 days after receipt and used for tax administration purposes. If any owner shall satisfy the Department that he or she was prevented by accident, mistake, or misfortune from filing ~~a~~ an initial or revised management plan which is required to be filed on or before October 1, or a management plan update which is required to be filed on or before April 1 of the year in which the plan expires, or a management activity report which is required to be filed on or before February 1 of the year following the year when the management activity occurred, the Department may receive that management plan or management activity report at a later date; provided, however, no initial or revised management plan shall be received later than December 31, and no management plan update shall be received later than one year after April 1 of the year the plan expires, and no management activity report shall be received later than March 1.

* * * Portions of Parcels * * *

Sec. 3. 32 V.S.A. § 3756 is amended to read:

§ 3756. QUALIFICATION FOR USE VALUE APPRAISAL

(a) The owner of eligible agricultural land, farm buildings, or managed forestland shall be entitled to have eligible property appraised at its use value provided the owner shall have applied to the Director on or before September 1 of the previous tax year, on a form approved by the Board and provided by the Director. A farmer, whose application has been accepted on or before December 31 by the Director of ~~the Division of~~ Property Valuation and Review of the Department of Taxes for enrollment for the use value program for the current tax year, shall be entitled to have eligible property appraised at its use value, if he or she was prevented from applying on or before September 1 of the previous year due to the severe illness of the farmer.

(b) ~~[Deleted.]~~ When applying for a use value appraisal, the owner of eligible agricultural land or managed forestland may:

(1) Designate a portion of the parcel, not to exceed two acres, to remain excluded from the program and that shall be valued as a portion of a parcel in accordance with subsection (d) of this section. The designated portion does

not need to represent a fixed location. If an owner of managed forestland designates a portion of a parcel under this subdivision and does not fix the location of the designated portion, the entire parcel shall remain under the forest management plan.

(2) Exclude an undeveloped, contiguous portion of a parcel from enrollment in the use value program. Until the unenrolled portion is developed, the fair market value of any portion of a parcel that is not subject to a use value appraisal shall be valued as a portion of a parcel in accordance with subsection (d) of this section.

(c) The Director shall notify the applicant ~~no later than~~ on or before April 15 of his or her decision to classify or refusal to classify his or her property as eligible for use value appraisal by delivery of such notification to him or her in person or by mailing such notification to his or her last and usual place of abode. In the case of a refusal, the Director shall state the reasons therefor in the notification.

(d) The assessing officials shall appraise qualifying agricultural land and managed forestland and farm buildings at use value appraisal as defined in subdivision 3752(12) of this title. If the land to be appraised is a portion of a parcel, the assessing officials shall:

(1) ~~determine the contributory value of each portion such that the fair market value of the total parcel is comparable with other similar parcels in the municipality; and~~

~~(2) notify the landowner according to the procedures for notification of change of appraisal. The portion of the parcel that is not to be appraised at use value shall be appraised at its fair market value.~~ determine the fair market value of the entire parcel that is comparable with similar parcels in the municipality;

(2) determine the fair market value of the portion not being appraised at use value as if it were a separate parcel at a value that is comparable with similar parcels in the municipality;

(3) for purposes of the payment to municipalities under section 3760 of this title, determine fair market value of the portion being appraised at use value as the difference between the value of subdivisions (1) and (2) of this subsection; and

(4) notify the owner of the value used in accordance with the procedures for notification of a change of appraisal.

* * *

* * * Land Use Change Tax * * *

Sec. 4. 32 V.S.A. § 3757 is amended to read:

§ 3757. LAND USE CHANGE TAX

(a) Land which has been classified as agricultural land or managed forestland pursuant to this chapter shall be subject to a land use change tax upon the development of that land, as defined in section 3752 of this chapter. ~~The~~ When an entire parcel is developed, the tax shall be at the rate of 20 percent of the full fair market value of the changed land determined without regard to the use value appraisal; or the tax shall be at the rate of 10 percent if the owner demonstrates to the satisfaction of the Director that the parcel has been enrolled continuously more than 10 years. ~~If~~ For parcels or portions of a parcel that have been continuously enrolled for 10 years or longer, and changed land is a portion of a parcel, the fair market value of the changed land shall be the fair market value of the changed land prorated on the basis of acreage, divided by the common level of appraisal. For portions of a parcel that have been continuously enrolled for less than 10 years, the tax shall be at the rate of 10 percent of the full fair market value of the changed land as a separate parcel. Such fair market value shall be determined as of the date the land is no longer eligible for use value appraisal. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require payment of a land use change tax merely because previously eligible land becomes ineligible, provided no development of the land has occurred.

Sec. 5. USE VALUE APPRAISAL "EASY-OUT"

Notwithstanding any other provision of law, an owner of property enrolled in use value appraisal under 32 V.S.A. chapter 124 for less than 10 continuous years as of the passage of this act who elects to discontinue enrollment of the entire parcel may be relieved of the first $100,000.00 of land use change tax imposed pursuant to 32 V.S.A. § 3757; provided that if the property owner does elect to discontinue enrollment and be relieved of the first $100,000.00 of land use change tax, the owner shall pay the full property tax, based upon the property's full fair market value, for the 2014 assessment, and no State reimbursement shall be paid for that land in fiscal year 2016. No property owner shall be relieved of more than $100,000.00 in land use change tax under this provision. An election to discontinue enrollment under this provision is effective only if made in writing to the Director of Property Valuation and Review on or before October 1, 2014; and an owner who elects to discontinue enrollment under this section or any successor owner shall not reenroll less than the entire withdrawn parcel in the succeeding five years. If the property

owner withdraws less than the entire parcel, the provisions of this section do not apply. The "easy-out" provided for in this section shall not be available for any land that has been developed, as that term is defined in 32 V.S.A. § 3752(5), prior to passage of this act.

* * * Development and Subdivision * * *

Sec. 6. 32 V.S.A. § 3760(b) is amended to read:

(b) Assessing officials shall appraise property enrolled in the program at fair market value consistent with other appraisals. On or before July 5, the assessing officials shall provide the Director with the listed value of all enrolled property in the municipality, along with a list of all enrolled properties that were subdivided in the past year, and the size of the resulting parcels. If the Director certifies that the value set by the assessing officials is significantly above the fair market value or is not equitable with other assessments, the Director's estimate of the fair market value shall be substituted for that of the assessing officials.

* * * Parcel * * *

Sec. 7. 32 V.S.A. § 4152(a)(3) is amended to read:

(3) A brief description of each parcel of taxable real estate in the town. ~~"Parcel"~~ As used in this chapter, "parcel" means all contiguous land in the same ownership, together with all improvements thereon;

* * * Audit Language * * *

Sec. 8. 32 V.S.A. § 3760a is added to read:

§ 3760a. VALUATION AUDITS

(a) Annually, the Director shall conduct an audit of five towns with enrolled land to ensure that parcels with a use value appraisal are appraised by the local assessing officials consistent with the appraisals for non-enrolled parcels.

(b) In determining which towns to select for an audit, the Director shall consider factors that demonstrate a deviation from consistent valuations, including the following:

(1) the fair market value per acre of enrolled land in each town;

(2) the fair market value of enrolled land versus un-enrolled land in the same town;

(3) the fair market value of enrolled farm buildings in each town; and

(4) the fair market value of enrolled farm buildings in relation to the fair market value of the associated land.

(c) For each town selected for an audit, the Director shall:

(1) conduct an independent appraisal of enrolled parcels and enrolled farm buildings in that town;

(2) compare the appraisals reached by the Director for each enrolled parcel with the appraisal reach by the local assessing officials; and

(3) review the land schedule and appraisal model applied by the town.

(d) If, as a result of an audit, the Director determines that the townwide appraisal for enrolled parcels reached by the local assessing officials is more than 10 percent higher than the townwide appraisal for enrolled parcels reached by the Director, then the Director shall substitute his or her appraisals of fair market value for the appraisals reached by the local assessing officials, and the Director may collect a portion of the cost or the entire cost of the audit from the town. A substitution of a fair market appraisal under this subsection shall be treated as a substitution by the Director under subsection 3760(b) of this title. Nothing in this subsection shall be construed to prohibit the Director from substituting his or her appraisals for the appraisals of the local assessing officials under subsection 3760(b) of this title.

Sec. 9. DIVISION OF PROPERTY VALUATION AND REVIEW UPDATE

On or before January 15, 2015, the Division of Property Valuation and Review shall provide a status report on the implementation of the valuation audits required by 32 V.S.A. § 3760a to the House Committee on Agriculture and Forest Products, the Senate Committee on Agriculture, the House Committee on Ways and Means, and the Senate Committee on Finance.

* * * Agricultural Lands * * *

Sec. 10. AGRICULTURAL LANDS SUBJECT TO A USE VALUE APPRAISAL

The Commissioner of Taxes, in consultation with the Secretary of Agriculture, Food and Markets and the Commissioner of Forests, Parks and Recreation, shall adopt rules or procedures to ensure that agricultural lands subject to a use value appraisal continue to meet the statutory requirements to qualify for those appraisals. Prior to filing proposed rules under this section, and on or before January 15, 2015, the Commissioner shall report the proposed rules to the House Committee on Agriculture and Forest Products, the Senate Committee on Agriculture, and the House and Senate Committees on Natural Resources and Energy.

* * * County Foresters * * *

Sec. 11. COUNTY FORESTERS

(a) The Secretary of Natural Resources, in consultation with the Commissioner of Taxes and the Commissioner of Forest, Parks and Recreation, shall report to the Senate Committee on Finance and House Committee on Ways and Means on whether the current number of county foresters is sufficient to oversee compliance of forestland subject to a use value appraisal under 32 V.S.A. chapter 124, given the increasing number of forestland parcels, and the increasing acreage of forestland, in the current use program. In addition to any issues the Secretary considers relevant to this report, he or she shall specifically consider whether any or all of the following would be appropriate to strengthening the current use program:

(1) providing an additional forester whose sole responsibility would be investigating alleged violations of the current use requirements and doing spot compliance checks for forestland parcels;

(2) adding additional foresters to reflect the growth in forestland parcels subject to a use value appraisal; and

(3) requiring consulting foresters to be licensed by the State.

(b) The report of the Secretary of Natural Resources under this section shall be due on January 15, 2015.

* * * Appropriation * * *

Sec. 12. CURRENT USE ANALYST

The establishment of one (1) new classified position – Current Use Analyst – in the Department of Taxes is authorized in fiscal year 2015 for the purpose of conducting valuation audits required by this act and any other job responsibilities related to use value appraisals under 32 V.S.A. chapter 124. The sum of $75,000.00 is appropriated from the General Fund to the Department of Taxes to fund this position.

* * * Ecologically Significant Treatment Areas * * *

Sec. 13. 2008 Acts and Resolves No. 205, Sec. 7 is amended to read:

Sec. 7. COMMISSIONER OF FORESTS, PARKS AND RECREATION

* * *

(3) If more than 20 percent of the acres to be enrolled are Site 4, plus open not to be restocked, plus ecologically significant not to be managed for timber production, landowners may apply to the ~~commissioner~~ Commissioner for approval. The plans and maps shall be reviewed by the county foresters of

the county where the parcel is located. ~~In no situation shall a parcel be approved that does not provide for at least 80 percent of the land classified as Site 1, 2, or 3 to be managed for timber production.~~

* * *

* * * Effective Dates * * *

Sec. 14. EFFECTIVE DATES

This act shall take effect on July 1, 2014 and apply to grand lists compiled after that date, except for Sec. 4 (land use change tax) which shall take effect on October 1, 2014.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 28, 2013, page 275, March 28, 2013, page 589 and March 29, 2013, page 599)

Reported favorably with recommendation of proposal of amendment by Senator MacDonald 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. 32 V.S.A. § 3757 is amended to read:

§ 3757. LAND USE CHANGE TAX

(a) Land which has been classified as agricultural land or managed forestland pursuant to this chapter shall be subject to a land use change tax upon the development of that land, as defined in section 3752 of this chapter. ~~The tax shall be at the rate of 20 percent of the full fair market value of the changed land determined without regard to the use value appraisal; or the tax shall be at the rate of 10 percent if the owner demonstrates to the satisfaction of the Director that the parcel has been enrolled continuously more than 10 years. If changed land is a portion of a parcel, the fair market value of the changed land shall be the fair market value of the changed land prorated on the basis of acreage, divided by the common level of appraisal.~~ The tax shall be ten percent of the full fair market value of the developed or withdrawn land determined without regard to the use value appraisal. Such fair market value shall be determined as of the date the land is no longer eligible for use value appraisal. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require payment of a

land use change tax merely because previously eligible land becomes ineligible, provided no development of the land has occurred.

* * *

Sec. 2. USE VALUE APPRAISAL "EASY-OUT"

Notwithstanding any other provision of law, an owner of property enrolled in use value appraisal under 32 V.S.A. chapter 124 as of the passage of this act who elects to discontinue enrollment of the entire parcel may be relieved of the land use change tax imposed pursuant to 32 V.S.A. § 3757; provided that if the property owner does elect to discontinue enrollment and be relieved of the land use change tax, the owner shall pay the full property tax, based upon the property's full fair market value, for the 2015 assessment. An election to discontinue enrollment under this provision is effective only if made in writing to the Director of Property Valuation and Review on or before February 1, 2015; and an owner who elects to discontinue enrollment under this section or any successor owner may not reenroll the withdrawn parcel or any part of the withdrawn parcel until fiscal year 2017. If the property owner withdraws less than the entire parcel, the provisions of this section do not apply. The "easy-out" provided for in this section shall not be available for any land that has been developed, as that term is defined in 32 V.S.A. § 3752(5), prior to passage of this act.

Sec. 3. ASSESSMENT OF PROPERTY

On or before November 1, 2014, the Director of Property Valuation and Review shall publish guidance for the local assessing officials concerning:

(1) how to assess land permanently encumbered by a conservation easement;

(2) how to assess land subject to a use value appraisal; and

(3) how to apply the methodologies in subdivisions (1) and (2) of this section in a consistent manner across the State.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

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

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. 32 V.S.A. § 3757 is amended to read:

§ 3757. LAND USE CHANGE TAX

(a) Land which has been classified as agricultural land or managed forestland pursuant to this chapter shall be subject to a land use change tax upon the development of that land, as defined in section 3752 of this chapter. ~~The tax shall be at the rate of 20 percent of the full fair market value of the changed land determined without regard to the use value appraisal; or the tax shall be at the rate of 10 percent if the owner demonstrates to the satisfaction of the Director that the parcel has been enrolled continuously more than 10 years. If changed land is a portion of a parcel, the fair market value of the changed land shall be the fair market value of the changed land prorated on the basis of acreage, divided by the common level of appraisal.~~ The tax shall be ten percent of the full fair market value of the developed or withdrawn land as a stand-alone parcel determined without regard to the use value appraisal. Such fair market value shall be determined as of the date the land is no longer eligible for use value appraisal. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require payment of a land use change tax merely because previously eligible land becomes ineligible, provided no development of the land has occurred.

* * *

Sec. 2. USE VALUE APPRAISAL "EASY-OUT"

Notwithstanding any other provision of law, an owner of property enrolled in use value appraisal under 32 V.S.A. chapter 124 as of the passage of this act who elects to discontinue enrollment of the entire parcel may be relieved of the land use change tax imposed pursuant to 32 V.S.A. § 3757; provided that if the property owner does elect to discontinue enrollment and be relieved of the land use change tax, the owner shall pay the full property tax, based upon the property's full fair market value, for the 2015 tax year assessment. An election to discontinue enrollment under this provision is effective only if made in writing to the Director of Property Valuation and Review on or before February 1, 2015. An owner who elects to discontinue enrollment under this section or any successor owner may not reenroll the withdrawn parcel or any part of the withdrawn parcel until the 2016 tax year. If the property owner withdraws less than the entire parcel, the provisions of this section do not apply. The "easy-out" provided for in this section shall not be available for any land that has been developed, as that term is defined in 32 V.S.A. § 3752(5), prior to passage of this act.

Sec. 3. ASSESSMENT OF PROPERTY

On or before November 1, 2014, the Director of Property Valuation and Review shall publish guidance for the local assessing officials concerning:

(1) how to assess land permanently encumbered by a conservation easement;

(2) how to assess land subject to a use value appraisal; and

(3) how to apply the methodologies in subdivisions (1) and (2) of this section in a consistent manner across the State.

Sec. 4. 32 V.S.A. § 3752 is amended to read:

§ 3752. DEFINITIONS

* * *

(9) "Managed forestland" means:

(A) any land, exclusive of any house site, which is at least 25 acres in size and which is under active long-term forest management for the purpose of growing and harvesting repeated forest crops in accordance with minimum acceptable standards for forest management. Such land may include eligible ecologically significant treatment areas in accordance with minimum acceptable standards for forest management and as approved by the Commissioner; or

* * *

(16) "Methane digester" means a system used to convert manure or other farm products into biogas through an anaerobic digesting process.

(A) A methane digester shall be considered a farm building for purposes of this chapter if it is:

(i) owned by or leased to a farmer pursuant to subdivision (14) of this section;

(ii) actively used to manage manure or other farm products from the farm operation, and the amount of manure or other farm products it manages from the farm operation exceeds the amount of off-farm manure or other farm products it manages; and

(iii) situated on land subject to use value appraisal or on a house site that is contiguous with the land receiving a use value appraisal.

(B) For the purpose of calculating municipal reimbursements under section 3760 of this title, the Director shall value any methane digester treated as a farm building at zero.

Sec. 5. METHANE DIGESTERS; REPORT ON TAXATION OF ENERGY PRODUCTION

On or before January 15, 2015, the Commissioner of Taxes shall report to the Senate Committee on Finance and the House Committee on Ways and Means on whether the production of electricity by methane digesters, as defined by 32 V.S.A. § 3752(16), should be taxed and a proposed method of taxing such electricity production.

Sec. 6. 32 V.S.A. § 3755 is amended to read:

§ 3755. ELIGIBILITY FOR USE VALUE APPRAISALS

* * *

(b) Managed forestland shall be eligible for use value appraisal under this subchapter only if:

* * *

(3) there has not been filed with the Director an adverse inspection report by the Department stating that the management of the tract is contrary to the forest or conservation management plan, or contrary to the minimum acceptable standards for forest or conservation management. The management activity report shall be on a form prescribed by the Commissioner of Forests, Parks and Recreation in consultation with the Commissioner of Taxes and shall include a detachable section signed by all the owners that shall contain the federal tax identification numbers of all the owners. The section containing federal tax identification numbers shall not be made available to the general public, but shall be forwarded to the Commissioner of Taxes within 30 days after receipt and used for tax administration purposes. If any owner shall satisfy the Department that he or she was prevented by accident, mistake, or misfortune from filing ~~a~~ an initial or revised management plan which is required to be filed on or before October 1, or a management plan update which is required to be filed on or before April 1 of the year in which the plan expires, or a management activity report which is required to be filed on or before February 1 of the year following the year when the management activity occurred, the Department may receive that management plan or management activity report at a later date; provided, however, no initial or revised management plan shall be received later than December 31, and no management plan update shall be received later than one year after April 1 of the year the plan expires, and no management activity report shall be received later than March 1.

Sec. 7. AGRICULTURAL LANDS SUBJECT TO A USE VALUE APPRAISAL

On or before September 1, 2015 and annually thereafter, the owner of agricultural land or buildings enrolled in the use value program as agricultural land or buildings shall certify in writing under oath to the Commissioner that the agricultural land or buildings enrolled by that owner continue to meet the requirements for enrollment in the use value program at the time of the certification. The form of the certification shall be made on a form specified by the Director of Property Valuation and Review.

Sec. 8. COUNTY FORESTERS

(a) The Secretary of Natural Resources, in consultation with the Commissioner of Taxes and the Commissioner of Forest, Parks and Recreation, shall report to the Senate Committee on Finance and House Committee on Ways and Means on whether the current number of county foresters is sufficient to oversee compliance of forestland subject to a use value appraisal under 32 V.S.A. chapter 124, given the increasing number of forestland parcels, and the increasing acreage of forestland, in the current use program. In addition to any issues the Secretary considers relevant to this report, he or she shall specifically consider whether any or all of the following would be appropriate to strengthening the current use program:

(1) providing an additional forester whose sole responsibility would be investigating alleged violations of the current use requirements and doing spot compliance checks for forestland parcels;

(2) adding additional foresters to reflect the growth in forestland parcels subject to a use value appraisal; and

(3) requiring consulting foresters to be licensed by the State.

(b) The report of the Secretary of Natural Resources under this section shall be due on January 15, 2015.

Sec. 9. 2008 Acts and Resolves No. 205, Sec. 7 is amended to read:

Sec. 7. COMMISSIONER OF FORESTS, PARKS AND RECREATION

* * *

(3) If more than 20 percent of the acres to be enrolled are Site 4, plus open not to be restocked, plus ecologically significant not to be managed for timber production, landowners may apply to the ~~commissioner~~ Commissioner for approval. The plans and maps shall be reviewed by the county foresters of the county where the parcel is located. ~~In no situation shall a parcel be~~

~~approved that does not provide for at least 80 percent of the land classified as Site 1, 2, or 3 to be managed for timber production.~~

* * *

Sec. 10. EFFECTIVE DATES

This act shall take effect on July 1, 2014 and apply to grand lists compiled after that date.

(Committee vote: 7-0-0)

H. 413.

An act relating to the Uniform Collateral Consequences of Conviction Act.

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 as follows:

First: In Sec.1, in subdivision 8002(7), by striking out the sentence in its entirety and inserting in lieu thereof the following: Unless otherwise indicated, "offense" means any offense that is not a listed crime as defined in section 5301 of this title.

Second: In Sec. 1, in section 8003, by inserting a new subsection (c) to read as follows:

(c) This chapter shall only apply to a person charged with or convicted of an offense that is not a listed crime as defined in section 5301 of this title.

Third: In Sec. 1, in section 8004, by inserting a new subsection (f) to read as follows: For purposes of this section, the sanctions and disqualifications identified, collected, and published shall be those imposed on an individual on grounds relating to the individual's conviction of any felony, misdemeanor, or delinquent act under the laws of this State, another state, or the United States.

Fourth: In Sec. 1, in section 8012, by striking out subdivision (4) in its entirety.

Fifth: In Sec. 1, in subsection 8013(d), by striking out in its entirety the sentence "The Court shall maintain a public record of the issuance and modification of orders of limited relief and certificates of restoration of rights."

Sixth: By striking out Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. 2009 Acts and Resolves No. 58, Sec. 14, as amended by 2010 Acts and Resolves No. 66, Sec. 3, is further amended to read:

Sec. 14. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

* * *

(b) The ~~department~~ Department shall electronically post the following information ~~on~~ regarding sex offenders designated in subsection (a) of this section:

(1) the offender's name and any known aliases;

(2) the offender's date of birth;

(3) a general physical description of the offender;

(4) a digital photograph of the offender;

(5) the offender's town of residence;

(6) the date and nature of the offender's conviction;

(7) except as provided in subsection (l) of this section, the offender's address or, if the offender does not have a fixed address, other information about where the offender habitually lives, if:

(A) the offender has been designated as high risk by the Department of Corrections pursuant to section 5411b of this title;

(B) the offender has not complied with sex offender treatment;

(C) there is an outstanding warrant for the offender's arrest;

(D) the offender is subject to the Registry for a conviction of a sex offense against a child under 13 years of age; or

(E) the offender's name has been electronically posted for an offense committed in another jurisdiction which required the person's address to be electronically posted in that jurisdiction;

(8) if the offender is under the supervision of the Department of Corrections, the name and telephone number of the local Department of Corrections office in charge of monitoring the sex offender;

~~(8)~~(9) whether the offender complied with treatment recommended by the Department of Corrections;

~~(9)~~(10) a statement that there is an outstanding warrant for the offender's arrest, if applicable;

~~(10)~~(11) the reason for which the offender information is accessible under this section;

~~(11)~~(12) whether the offender has been designated ~~high-risk~~ high risk by the Department of Corrections pursuant to section 5411b of this title; and

~~(12)~~(13) if the offender has not been subject to a risk assessment, a statement that the offender has not been so assessed and that such a person is presumed to be high risk, provided that the Department of Corrections shall permit a person subject to this subdivision to obtain a risk assessment at the person's own expense.

* * *

(d) ~~An offender's street address shall not be posted electronically.~~ The identity of a victim of an offense that requires registration shall not be released.

* * *

Seventh: By adding three new sections to be numbered Secs. 3–7 to read as follows:

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

Subchapter 3. Law Enforcement Practices

§ 5581. EYEWITNESS IDENTIFICATION POLICY

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

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

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

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

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

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

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

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

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

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

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

(d) If a law enforcement agency does not adopt a policy by January 1, 2015 in accordance with this section, the model policy issued by the Law Enforcement Advisory Board shall become the policy of that law enforcement agency or constable.

Sec. 4. REPORTING EYEWITNESS IDENTIFICATION POLICIES

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

Sec. 5. 13 V.S.A. chapter 182, subchapter 3 is added to read:

Subchapter 3. Law Enforcement Practices

§ 5581. ELECTRONIC RECORDING OF A CUSTODIAL INTERROGATION

(a) As used in this section:

(1) "Custodial interrogation" means any interrogation:

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

(B) in which a reasonable person in the subject's position would consider himself or herself to be in custody, starting from the moment a person

should have been advised of his or her Miranda rights and ending when the questioning has concluded.

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

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

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

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

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

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

(A) exigent circumstances;

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

(C) interrogations conducted by other jurisdictions;

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

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

(F) equipment malfunction.

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

cautionary instructions to the jury regarding the failure to record the interrogation.

Sec. 6. TASK FORCE

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

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

(1) the Commissioner of Public Safety or designee;

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

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

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

(5) the Attorney General or designee;

(6) the Defender General or designee;

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

(8) a representative appointed by The Innocence Project.

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

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

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

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

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

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

(f) Meetings.

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

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

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

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

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

Sec. 7. EFFECTIVE DATES

This act shall take effect on passage except for Secs. 1 and 5 which shall take effect on July 1, 2015.

(Committee vote: 4-0-1)

(For House amendments, see House Journal for March 14, 2014, page 626)

H. 501.

An act relating to operating a motor vehicle under the influence of alcohol or drugs.

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. 23 V.S.A. § 1201 is amended to read:

§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR OTHER SUBSTANCE; CRIMINAL REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person's alcohol concentration is 0.08 or more, or 0.02 or more if the person is operating a school bus as defined in subdivision 4(34) of this title; or

(2) when the person is under the influence of intoxicating liquor; or

(3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug ~~to a degree which renders the person incapable of driving safely~~; or

(4) when the person's alcohol concentration is 0.04 or more if the person is operating a commercial motor vehicle as defined in subdivision 4103(4) of this title.

* * *

(h) As used in subdivision (a)(3) of this section, "under the influence of a drug" means that a drug interferes with a person's safe operation of a vehicle in the slightest degree. This subsection shall not be construed to affect the meaning of the terms "under the influence of intoxicating liquor" or "under the combined influence of alcohol and any other drug."

Sec. 2. DEPARTMENT OF PUBLIC SAFETY REPORTS; DRUG RECOGNITON EXPERTS

(a) On or before November 1, 2014, the Department of Public Safety shall report to the Senate and House Committees on Judiciary the number of Vermont law enforcement officers who are certified drug recognition experts and the number of drug recognition experts needed to provide adequate statewide law enforcement coverage;

(b) On or before November 1, 2015, the Department of Public Safety shall report to the Senate and House Committees on Judiciary on the use of drug recognition experts in cases involving operating a motor vehicle while under the influence of drugs. The report shall include the following:

(1) the number of motor vehicle stops made by law enforcement in Vermont during the period of July 1, 2014 to June 30, 2015 and accidents that occurred during that period in which the operator of the vehicle was suspected of driving under the influence of drugs;

(2) the number of times an operator of a motor vehicle involved in an accident or stopped by a law enforcement officer during the period of July 1, 2014 to June 30, 2015 was examined by a drug recognition expert and the number of times, after examination by the drug recognition expert, that the operator was:

(A) charged with operating a motor vehicle under the influence of drugs;

(B) not charged with operating a motor vehicle under the influence of drugs; and

(C) convicted of operating a motor vehicle under the influence of drugs.

Sec. 3. 2009 Acts and Resolves No. 58, Sec. 14, as amended by 2010 Acts and Resolves No. 66, Sec. 3, is further amended to read:

Sec. 14. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

* * *

(b) The ~~department~~ Department shall electronically post the following information ~~on~~ regarding sex offenders designated in subsection (a) of this section:

(1) the offender's name and any known aliases;

(2) the offender's date of birth;

(3) a general physical description of the offender;

(4) a digital photograph of the offender;

(5) the offender's town of residence;

(6) the date and nature of the offender's conviction;

(7) except as provided in subsection (l) of this section, the offender's address or, if the offender does not have a fixed address, other information about where the offender habitually lives, if:

(A) the offender has been designated as high risk by the Department of Corrections pursuant to section 5411b of this title;

(B) the offender has not complied with sex offender treatment;

(C) there is an outstanding warrant for the offender's arrest;

(D) the offender is subject to the Registry for a conviction of a sex offense against a child under 13 years of age; or

(E) the offender's name has been electronically posted for an offense committed in another jurisdiction which required the person's address to be electronically posted in that jurisdiction;

(8) if the offender is under the supervision of the Department of Corrections, the name and telephone number of the local Department of Corrections office in charge of monitoring the sex offender;

~~(8)~~(9) whether the offender complied with treatment recommended by the Department of Corrections;

~~(9)~~(10) a statement that there is an outstanding warrant for the offender's arrest, if applicable;

~~(10)~~(11) the reason for which the offender information is accessible under this section;

~~(11)~~(12) whether the offender has been designated ~~high risk~~ high risk by the Department of Corrections pursuant to section 5411b of this title; and

~~(12)~~(13) if the offender has not been subject to a risk assessment, a statement that the offender has not been so assessed and that such a person is presumed to be high risk, provided that the Department of Corrections shall permit a person subject to this subdivision to obtain a risk assessment at the person's own expense.

* * *

(d) ~~An offender's street address shall not be posted electronically.~~ The identity of a victim of an offense that requires registration shall not be released.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-0-1)

(For House amendments, see House Journal for March 12, 2014, page 552)

H. 578.

An act relating to administering State funds for loans to individuals for replacement of failed wastewater systems and potable water supplies.

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

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 1, 24 V.S.A. § 4753, in subsection (b), in the second sentence, after "8 V.S.A. § 30101(3)" by inserting , a credit union, as that term is defined in 8 V.S.A. § 30101(5),.

(Committee vote: 6-0-1)

(For House amendments, see House Journal for February 5, 2014, page 335)

Reported favorably by Senator Snelling for the Committee on Appropriations.

(Committee vote: 6-0-1)

H. 645.

An act relating to workers' compensation.

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

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. 21 V.S.A. § 632 is amended to read:

§ 632. COMPENSATION TO DEPENDENTS; ~~DEATH BENEFITS~~ BURIAL AND FUNERAL EXPENSES

If death results from the injury, the employer shall pay to the persons entitled to compensation or, if there is none, then to the personal representative of the deceased employee, the actual burial and funeral expenses ~~in the amount of $5,500.00~~ not to exceed $10,000.00 and the actual expenses for out-of-state transportation of the decedent to the place of burial not to exceed ~~$1,000.00~~ $5,000.00. Every two years, the Commissioner of Labor shall evaluate the average burial and funeral expenses in the State and make a recommendation to the House Committee on Commerce and Economic Development and the Senate Committee on Finance as to whether an adjustment in compensation is warranted. The employer shall also pay to or for the benefit of the following persons, for the periods prescribed in section 635 of this title, a weekly compensation equal to the following percentages of the deceased employee's average weekly wages. The weekly compensation payment herein allowed shall not exceed the maximum weekly compensation or be lower than the minimum weekly compensation:

* * *

Sec. 2. 21 V.S.A. § 639 is amended to read:

§ 639. DEATH, PAYMENT TO DEPENDENTS

In cases of the death of a person from any cause other than the accident during the period of payments for disability or for the permanent injury, the remaining payments for disability then due or for the permanent injury shall be made to the person's dependents according to the provisions of sections 635 and 636 of this title, or if there are none, the remaining amount due, but ~~not exceeding $5,500.00 for burial and funeral expenses~~ no more than the actual burial and funeral expenses not to exceed $10,000.00 and the actual expenses for out-of-state transportation of the decedent to the place of burial not to exceed ~~$1,000.00~~ $5,000.00, shall be paid in a lump sum to the proper person. Every two years, the Commissioner of Labor shall evaluate the average burial

and funeral expenses in the State and make a recommendation to the House Committee on Commerce and Economic Development and the Senate Committee on Finance as to whether an adjustment in compensation is warranted.

Sec. 3. 21 V.S.A. § 640c is added to read:

§ 640c. OPIOID USAGE DETERRENCE

(a) In support of the State's fundamental interest in ensuring the well-being of employees and employers, it is the intent of the General Assembly to protect employees from the dangers of prescription drug abuse while maintaining a balance between the employee's health and the employee's expedient return to work.

(b) As it pertains to workers' compensation claims, the Commissioner of Labor, in consultation with the Department of Health, the State Pharmacologist, the Vermont Board of Medical Practice, and the Vermont Medical Society, shall adopt rules consistent with the best practices governing the prescription of opioids, including patient screening, drug screening, and claim adjudication for patients prescribed opioids for chronic pain. In adopting rules, the Commissioner shall consider guidelines and standards such as the Occupational Medicine Practice Guidelines published by the American College of Occupational and Environmental Medicine and other medical authorities with expertise in the treatment of chronic pain. The rules shall be consistent with the standards and guidelines provided under 18 V.S.A. § 4289 and any rules adopted by the Department of Health pursuant to 18 V.S.A § 4289.

Sec. 4. 21 V.S.A. § 641 is amended to read:

§ 641. VOCATIONAL REHABILITATION

* * *

(e)(1) In support of the State's fundamental interest in ensuring the well-being of employees and employers, it is the intent of the General Assembly that, following a workplace accident, an employee returns to work as soon as possible but remains cognizant of the limitations imposed by his or her medical condition.

(2) The Commissioner shall adopt rules promoting development and implementation of cost-effective, early return-to-work programs.

Sec. 5. 21 V.S.A. § 643a is amended to read:

§ 643a. DISCONTINUANCE OF BENEFITS

Unless an injured worker has successfully returned to work, an employer shall notify both the Commissioner and the employee prior to terminating benefits under either section 642 or 646 of this title. The notice of intention to discontinue payments shall be filed on forms prescribed by the Commissioner and shall include the date of the proposed discontinuance, the reasons for it, and, if the employee has been out of work for 90 days, a verification that the employer offered vocational rehabilitation screening and services as required under this chapter. All relevant evidence, including evidence that does not support discontinuance in the possession of the employer ~~not already filed, shall be filed with the notice~~ shall be provided to the injured worker. With the notice of discontinuance, the employer shall file only evidence relevant to the discontinuance, including evidence that does not support the discontinuance, with the Commissioner. The liability for the payments shall continue for ~~seven~~ 14 days after the notice is received by the ~~commissioner~~ Commissioner and the employee. If the claimant disputes the discontinuance, the claimant may file with the Commissioner an objection to the discontinuance and seek an extension of the 14-day limit. The Commissioner may grant an extension up to 21 days. The request for an extension shall be specific as to the number of days needed and the reason for the extension and must be received by the Commissioner prior to the end of the 14-day limit. A copy of the request for an extension shall be provided to the employer at the time the request is made to the Commissioner. Those payments shall be made without prejudice to the employer and may be deducted from any amounts due pursuant to section 648 of this title if the Commissioner determines that the discontinuance is warranted or if otherwise ordered by the Commissioner. Every notice shall be reviewed by the Commissioner to determine the sufficiency of the basis for the proposed discontinuance. If, after review of all the evidence in the file, the Commissioner finds that a preponderance of all the evidence in the file does not reasonably support the proposed discontinuance, the Commissioner shall order that payments continue until a hearing is held and a decision is rendered. Prior to a formal hearing, an injured worker may request reinstatement of benefits by providing additional new evidence to the Department that establishes that a preponderance of all evidence now supports the claim. If the Commissioner's decision, after a hearing, is that the employee was not entitled to any or all benefits paid between the discontinuance and the final decision, upon request of the employer, the Commissioner may order that the employee repay all benefits to which the employee was not entitled. The employer may enforce a repayment order in any court of law having jurisdiction.

Sec. 6. 21 V.S.A. § 696 is amended to read:

§ 696. CANCELLATION OF INSURANCE CONTRACTS

A policy or contract shall not be cancelled within the time ~~limited~~ specified in the policy or contract for its expiration, until at least 45 days after a notice of intention to cancel the policy or contract, on a date specified in the notice, has been filed in the office of the ~~commissioner~~ Commissioner and provided to the employer. The notice shall be filed with the Commissioner in accordance with rules adopted by the Commissioner and provided to the employer by certified mail ~~or certificate of mailing~~. The cancellation shall not affect the liability of an insurance carrier on account of an injury occurring prior to cancellation.

Sec. 7. 21 V.S.A. § 697 is amended to read:

§ 697. NOTICE OF INTENT NOT TO RENEW POLICY

An insurance carrier who does not intend to renew a workers' compensation insurance policy ~~of workers' compensation insurance~~ or guarantee contract covering the liability of an employer under the provisions of this chapter~~, 45 days prior to the expiration of the policy or contract,~~ shall give notice of ~~the~~ its intention to the ~~commissioner of labor~~ Commissioner and ~~to~~ the covered employer at least 45 days prior to the expiration date stated in the policy or contract. The notice shall be given to the employer by certified mail ~~or certificate of mailing~~. An insurance carrier who fails to give notice shall continue the policy or contract in force beyond its expiration date for 45 days from the day the notice is received by the ~~commissioner~~ Commissioner and the employer. However, ~~this latter provision shall not apply~~ if, ~~prior to such expiration date,~~ on or before the expiration of the existing insurance or guarantee contract the insurance carrier has, by delivery of a renewal contract or otherwise, offered to continue the insurance ~~beyond the date by delivery of a renewal contract or otherwise~~, or if the employer notifies the insurance carrier in writing that the employer does not wish the insurance continued beyond the expiration date, or if the employer complies with the provisions of section 687 of this title, ~~on or before the expiration of the existing insurance or guarantee contract~~ then the policy will expire upon notice to the Commissioner.

Sec. 8. 2013 Acts and Resolves No. 75, Sec. 14 is amended as follows:

Sec. 14. UNIFIED PAIN MANAGEMENT SYSTEM ADVISORY COUNCIL

* * *

(b) The Unified Pain Management System Advisory Council shall consist of the following members:

* * *

(4) the Commissioner of Labor or designee;

(5) the Director of the Blueprint for Health or designee;

~~(5)~~(6) the Chair of the Board of Medical Practice or designee, who shall be a clinician;

~~(6)~~(7) a representative of the Vermont State Dental Society, who shall be a dentist;

~~(7)~~(8) a representative of the Vermont Board of Pharmacy, who shall be a pharmacist;

~~(8)~~(9) a faculty member of the academic detailing program at the University of Vermont's College of Medicine;

~~(9)~~(10) a faculty member of the University of Vermont's College of Medicine with expertise in the treatment of addiction or chronic pain management;

~~(10)~~(11) a representative of the Vermont Medical Society, who shall be a primary care clinician;

~~(11)~~(12) a representative of the American Academy of Family Physicians, Vermont chapter, who shall be a primary care clinician;

~~(12)~~(13) a representative from the Vermont Board of Osteopathic Physicians, who shall be an osteopath;

~~(13)~~(14) a representative of the Federally Qualified Health Centers, who shall be a primary care clinician selected by the Bi-State Primary Care Association;

~~(14)~~(15) a representative of the Vermont Ethics Network;

~~(15)~~(16) a representative of the Hospice and Palliative Care Council of Vermont;

~~(16)~~(17) a representative of the Office of the Health Care Ombudsman;

~~(17)~~(18) the Medical Director for the Department of Vermont Health Access;

~~(18)~~(19) a clinician who works in the emergency department of a hospital, to be selected by the Vermont Association of Hospitals and Health Systems in consultation with any nonmember hospitals;

~~(19)~~(20) a member of the Vermont Board of Nursing Subcommittee on APRN Practice, who shall be an advanced practice registered nurse;

~~(20)~~(21) a representative from the Vermont Assembly of Home Health and Hospice Agencies;

~~(21)~~(22) a psychologist licensed pursuant to 26 V.S.A. chapter 55 who has experience in treating chronic pain, to be selected by the Board of Psychological Examiners;

~~(22)~~(23) a drug and alcohol abuse counselor licensed pursuant to 33 V.S.A. chapter 8, to be selected by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

~~(23)~~(24) a retail pharmacist, to be selected by the Vermont Pharmacists Association;

~~(24)~~(25) an advanced practice registered nurse full-time faculty member from the University of Vermont's Department of Nursing; and

~~(25)~~(26) a consumer representative who is either a consumer in recovery from prescription drug abuse or a consumer receiving medical treatment for chronic noncancer-related pain~~.~~;

(27) a clinician who specializes in occupational medicine;

(28) a clinician who specializes in physical medicine and rehabilitation; and

(29) a consumer representative who is or has been an injured worker and has been prescribed opioids.

* * *

Sec. 9. 21 V.S.A. § 678 is amended to read:

§ 678. COSTS; ATTORNEY FEES

(a) Necessary costs of proceedings under this chapter, including deposition expenses, subpoena fees, and expert witness fees, shall be assessed by the ~~commissioner~~ Commissioner against the employer or its workers' compensation carrier when the claimant prevails. The ~~commissioner~~ Commissioner may allow the claimant to recover reasonable ~~attorney~~ attorney's fees when the claimant prevails. Costs shall not be taxed or allowed either party except as provided in this section.

(b) In appeals to the ~~superior or supreme courts~~ Superior or Supreme Court, if the claimant prevails, he or she shall be entitled to reasonable ~~attorney~~ attorney's fees as approved by the ~~court~~ Court, necessary costs, including deposition expenses, subpoena fees, and expert witness fees, and interest at the rate of 12 percent per annum on that portion of any award the payment of which is contested. Interest shall be computed from the date of the award of the ~~commissioner~~ Commissioner.

* * *

Sec. 10. 21 V.S.A. § 655 is amended to read:

§ 655. PROCEDURE IN OBTAINING COMPENSATION; MEDICAL EXAMINATION; VIDEO AND AUDIO RECORDING

After an injury and during the period of disability, if so requested by his or her employer, or ordered by the Commissioner, the employee shall submit to examination, at reasonable times and ~~places~~ within a 50-mile radius of the residence of the injured employee, by a duly licensed physician or surgeon designated and paid by the employer. The Commissioner may in his or her discretion permit an examination outside the 50-mile radius if it is necessary to obtain the services of a provider who specializes in the evaluation and treatment specific to the nature and extent of the employee's injury. The employee may make a video or audio recording of any examination performed by the insurer's physician or surgeon or have a licensed health care provider designated and paid by the employee present at the examination. The employer may make an audio recording of the examination. The right of the employee to record the examination shall not be construed to deny to the employer's physician the right to visit the injured employee at all reasonable times and under all reasonable conditions during total disability. If an employee refuses to submit to or in any way obstructs the examination, the employee's right to prosecute any proceeding under the provisions of this chapter shall be suspended until the refusal or obstruction ceases, and compensation shall not be payable for the period which the refusal or obstruction continues.

Sec. 11. 21 V.S.A. § 624 is amended to read:

§ 624. DUAL LIABILITY; CLAIMS, SETTLEMENT PROCEDURE

* * *

(e)(1) In an action to enforce the liability of a third party, the injured employee may recover any amount which the employee or the employee's personal representative would be entitled to recover in a civil action. Any recovery against the third party for damages resulting from personal injuries or death only, after deducting expenses of recovery, shall first reimburse the employer or its workers' compensation insurance carrier for any amounts paid or payable under this chapter to date of recovery, and the balance shall forthwith be paid to the employee or the employee's dependents or personal representative and shall be treated as an advance payment by the employer on account of any future payment of compensation benefits. Reimbursement required under this subsection, except to prevent double recovery, shall not reduce the employee's recovery of any benefit or payment provided by a plan or policy that was privately purchased by the injured employee, including

uninsured-under insured motorist coverage, or any other first party insurance payments or benefits.

(2) In an instance where the recovery amount is less than the full value of the claim for personal injuries or death, the employer or its workers' compensation insurance carrier shall be reimbursed less than the amount paid or payable under this chapter. Reimbursement shall be limited to the proportion which the recovery allowed in the previous subsection bears to the total recovery for all damages. In determining the full value of the claim for personal injuries or death, the Commissioner shall make that administrative determination by considering the same evidence that a Superior Court would consider in determining damages in a personal injury or wrongful death action, or the Commissioner may order that the valuation of the claim be determined by a single arbitrator, which shall be adopted as a decision of the Commissioner. An appeal from the Commissioner's decision shall be made pursuant to section 670 of this title, except that the action shall be tried to the presiding judge of the Superior Court.

* * *

Sec. 12. EFFECTIVE DATES

(a) This section and Secs. 3, 4, 9, 10, and 11 shall take effect on passage.

(b) Secs. 1, 2, and 5–8 shall take effect on July 1, 2014.

(Committee vote: 6-0-1)

(For House amendments, see House Journal for March 18, 2014, page 642 and March 19, 2014, page 705)

Reported favorably by Senator Westman for the Committee on Appropriations.

(Committee vote: 6-1-0)

H. 646.

An act relating to unemployment insurance.

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

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

First: In Sec. 1, 21 V.S.A. § 342a, in subsection (a), after "a response", by inserting to the specific allegation in the complaint filed by the employee or the Department

Second: In Sec. 9, by striking out the section in its entirety and inserting in lieu thereof three new sections to read:

Sec. 9. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS; DISCLOSURE TO SUCCESSOR ENTITY

(a)(1) The Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

* * *

(F) The individual voluntarily separated from that employer to accompany a spouse who is on active duty with the U.S. Armed Forces or who holds a commission in the foreign service of the United States and is assigned overseas as provided by section 1344(a)(2)(A) of this chapter.

* * *

Sec. 10. 21 V.S.A. § 1344 is amended to read:

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

* * *

(2) For any week benefits are claimed, except as provided in subdivision (a)(3) of this section, until he or she has presented evidence to the satisfaction of the Commissioner that he or she has performed services in employment for a bona fide employer and has had earnings in excess of six times his or her weekly benefit amount if the Commissioner finds that such individual is unemployed because:

(A) He or she has left the employ of his or her last employing unit voluntarily without good cause attributable to such employing unit. An individual shall not suffer more than one disqualification by reason of such separation. However, an individual shall not be disqualified for benefits if the individual left such employment to accompany a spouse who is on active duty with the U.S. Armed Forces or who holds a commission in the foreign service of the United States and is assigned overseas and is required to relocate by the

U.S. Armed Forces due to permanent change of station orders, activation orders, or unit deployment orders, and when such relocation would make it impractical or impossible, as determined by the Commissioner, for the individual to continue working for such employment unit.

* * *

Sec. 11. EFFECTIVE DATES

(a) This section and Sec. 4(h) (rulemaking for self-employment assistance program) shall take effect on passage.

(b) Secs. 1–3, 4(a)–(g) and (i), and 5–10 shall take effect on July 1, 2014.

(Committee vote: 6-0-1)

(For House amendments, see House Journal for March 19, 2014, page 707 and March 20, 2014, page 724)

Reported favorably by Senator Sears for the Committee on Appropriations.

(Committee vote: 6-0-1)

H. 661.

An act relating to exhumation requirements and notice.

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 by striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 18 V.S.A. § 5212 is amended to read:

§ 5212. PERMIT TO REMOVE DEAD BODIES; NOTICE

* * *

(b) An applicant for a removal permit shall publish notice of his or her intent to remove the remains. This notice shall be published for two successive weeks in a newspaper of general circulation in the municipality in which the body is interred or entombed. The notice shall include a statement that the spouse, child, parent, sibling, or descendant of the deceased, or that the ~~cemetery commissioner~~ Cemetery Commissioner or other municipal authority responsible for cemeteries in the municipality may object to the proposed removal by filing a complaint in the ~~probate division of the superior court~~ Probate Division of the Superior Court of the district in which the body is

located as provided in section 5212a of this title. In addition to the published notice, an applicant for a removal permit shall notify directly, by certified mail, the town clerk in the municipality in which the body is interred or entombed and:

(1) the person who buried the deceased, if that person was a relative of the deceased; and

(2)(A) the surviving spouse of the deceased, if any; and

(B) all surviving adult children of the deceased.

* * *

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 13, 2014, page 581)

House Proposal of Amendment

S. 208

An act relating to solid waste management.

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

* * * Architectural Waste Recycling* * *

Sec. 1. FINDINGS

The General Assembly finds that, for the purposes of Secs. 1–3 of this act:

(1) Certain waste from commercial development projects can create significant issues for the capacity and operation of landfills in the State.

(2) There are opportunities for materials recovery of certain waste from commercial development projects in a manner consistent with Vermont's solid waste management priorities of reuse and recycling.

(3) Substantial opportunity exists in Vermont for the recovery and recycling of certain materials in the waste from commercial development projects, including wood, drywall, asphalt shingles, and metal.

(4) To reduce the amount of waste from commercial development projects in landfills and improve materials recovery, the construction industry should attempt to recover certain waste from commercial development projects from the overall waste stream.

Sec. 2. 10 V.S.A. § 6605m is added to read:

§ 6605m. ARCHITECTURAL WASTE RECYCLING

(a) Definitions. In addition to the definitions in section 6602 of this chapter, as used in this section:

(1) "Architectural waste" means discarded drywall, metal, asphalt shingles, clean wood, and treated or painted wood derived from the construction or demolition of buildings or structures.

(2) "Commercial project" means construction, renovation, or demolition of a commercial building or of a residential building with two or more residential units.

(b) Materials recovery requirement. Beginning on or after January 1, 2015, if a person produces 40 cubic yards or more of architectural waste at a commercial project located within 20 miles of a solid waste facility that recycles architectural waste, the person shall:

(1) arrange for the transfer of architectural waste from the project to a certified solid waste facility, which shall be required to recycle the architectural waste or arrange for its reuse unless the facility demonstrates to the Secretary a lack of a market for recycling or reuse and a plan for reentering the market when it is reestablished; or

(2) arrange for a method of disposition of the architectural waste that the Secretary of Natural Resources deems appropriate as an end use, including transfer of the architectural waste to an out-of-state facility that recycles architectural waste and similar materials.

(c) Transition; application. The requirements of this section shall not apply to a commercial project subject to a contract entered into on or before January 1, 2015 for the disposal or recycling of architectural waste from the project.

(d) Guidance on separation of hazardous materials. The Secretary of Natural Resources shall publish informational material regarding the need for a solid waste facility that recycles architectural waste to manage properly and provide for the disposition of hazardous waste and hazardous material in architectural waste delivered to a facility.

Sec. 3. ANR REPORT ON ARCHITECTURAL WASTE RECYCLING

On or before January 1, 2017, the Secretary of Natural Resources, after consultation with interested persons, shall submit to the Senate and House Committees on Natural Resources and Energy a report regarding implementation of the requirements for architectural waste recycling in the State under 10 V.S.A. § 6605m. The report shall include:

(1) a summary of the implementation of the requirements of 10 V.S.A. § 6605m for the recycling of architectural waste;

(2) an estimate of the amount of architectural waste recycled or reused since January 1, 2015;

(3) whether viable markets exist for the cost-effective recycling or reuse of additional components of the waste stream from commercial projects;

(4) a recommendation as to whether architectural waste should be banned from landfill disposal; and

(5) any other recommended statutory changes to the requirements of this section.

* * * Solid Waste Management Facility Certification * * *

Sec. 4. 10 V.S.A. § 6605 is amended to read:

§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

* * *

(j) A facility certified under this section that offers the collection of municipal solid waste shall:

* * *

(l) A facility certified under this section that offers the collection of municipal solid waste shall not charge a separate fee for the collection of mandated recyclables. A facility certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of municipal solid waste and may adjust the charge for the collection of municipal solid waste. A facility certified under this section may charge a separate fee for the collection of leaf and yard residuals or food residuals. If a facility collects mandated recyclables from a commercial hauler, the facility may charge a fee for the collection of those mandated recyclables.

Sec. 5. 10 V.S.A. § 6605c(a) is amended to read:

(a) Notwithstanding sections 6605, 6605f, and 6611 of this title, no person may construct, substantially alter, or operate any categorical solid waste facility without first obtaining a certificate from the Secretary. Certificates shall be valid for a period not to exceed ~~five~~ 10 years.

* * * Solid Waste Transporters; Mandated Recyclables * * *

Sec. 6. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the Secretary and by submitting the

disclosure statement described in section 6605f of this title. These permits shall have a duration of five years and shall be renewed annually. The application shall indicate the nature of the waste to be hauled. The Secretary may specify conditions that the Secretary deems necessary to assure compliance with ~~state~~ State law.

(b) As used in this section:

(1) "Commercial hauler" means:

(A) any person that transports regulated quantities of hazardous waste; and

(B) any person that transports solid waste for compensation in a vehicle ~~having a rated capacity of more than one ton~~.

(2) The commercial hauler required to obtain a permit under this section is the legal or commercial entity that is transporting the waste, rather than the individual employees and subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole proprietor is the commercial entity.

* * *

(g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a transporter certified under this section that offers the collection of municipal solid waste shall:

(A) Beginning July 1, 2015, offer to collect mandated recyclables separated from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables.

(B) Beginning July 1, 2016, offer to collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)–(5) of this title.

(C) Beginning July 1, 2017, offer collection of food residuals separate from other solid waste and deliver to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)–(5) of this title.

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard residuals, or food residuals, a transporter in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

(A) is applicable to all residents of the municipality;

(B) prohibits a resident from opting out of ~~municipally-provided~~ municipally provided solid waste services; and

(C) does not apply a variable rate for the collection for the material addressed by the ordinance.

(3) A transporter is not required to comply with the requirements of subdivision (1)(A), (B), or (C) of this subsection in a specified area within a municipality if:

(A) the Secretary has approved a solid waste implementation plan for the municipality;

(B) for purposes of waiver of the requirements of subdivision (1)(A) of this subsection (g), the Secretary determines that under the approved plan:

(i) the municipality is achieving the per capita disposal rate in the State Solid Waste Plan; and

(ii) the municipality demonstrates that its progress toward meeting the diversion goal in the State Solid Waste Plan is substantially equivalent to that of municipalities complying with the requirements of subdivision (1)(A) of this subsection (g);

(C) the approved plan delineates an area where solid waste management services required by subdivision (1)(A), (B), or (C) of this subsection (g) are not required; and

~~(C)~~(D) in the delineated area, alternatives to the services, including ~~on-site~~ on-site management, required under subdivision (1)(A), (B), or (C) of this subsection (g) are offered, the alternative services have capacity to serve the needs of all residents in the delineated area, and the alternative services are convenient to residents of the delineated area.

(h) A transporter certified under this section that offers the collection of municipal solid waste may not charge a separate line item fee on a bill to a residential customer for the collection of mandated recyclables, provided that a transporter may charge a fee for all service calls, stops, or collections at a residential property and a transporter may charge a tiered or variable fee based on the size of the collection container provided to a residential customer or the amount of waste collected from a residential customer. A transporter certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A transporter certified under this section that offers the collection of solid waste may charge a separate fee for

the collection of leaf and yard residuals or food residuals from a residential customer.

* * * Solid Waste Infrastructure Advisory Committee * * *

Sec. 7. SOLID WASTE INFRASTRUCTURE ADVISORY COMMITTEE

(a) The Secretary of Natural Resources shall convene a Solid Waste Infrastructure Advisory Committee to review the current solid waste management infrastructure in the State, evaluate the sufficiency of existing solid waste management infrastructure to meet the requirements of subsection 6605(j) of this title, and recommend development or construction of new solid waste management infrastructure in the State.

(b) The Solid Waste Infrastructure Advisory Committee shall be composed of the Secretary of Natural Resources or his or her designee and the following members, to be appointed by the Secretary of Natural Resources:

(1) three representatives of the solid waste management districts or other solid waste management entities in the State;

(2) one representative of a solid waste collector that owns or operates a material recovery facility;

(3) two representatives of solid waste commercial haulers, provided that one of the commercial haulers shall serve rural or underpopulated areas of the State;

(4) one representative of recyclers of food residuals or leaf and yard residuals; and

(5) one Vermont institution or business subject to the requirements under subsection 6605(j) of this title for the management of food residuals.

(c) The Solid Waste Infrastructure Advisory Committee shall:

(1) review the existing systems analysis of the State waste stream to determine whether the existing solid waste management facilities operating in the State provide sufficient services to comply with the requirements of subsection 6605(j) of this title, and meet any demand for services;

(2) summarize the locations or service sectors where the State lacks sufficient infrastructure or resources to comply with the requirements of and demand generated by subsection 6605(j) of this title, including the infrastructure necessary in each location;

(3) estimate the cost of constructing the necessary infrastructure identified under subdivision (2) of this subsection; and

(4) review options for generating the revenue sufficient to fund the costs of constructing necessary infrastructure.

(d) Report. On or before January 15, 2015, the Solid Waste Infrastructure Advisory Committee shall submit to the Senate and House Committees on Natural Resources and Energy a report that includes the information and data developed under subsection (c) of this section.

* * * Vermont Green Up Checkoff * * *

Sec. 7a. 32 V.S.A. § 5862f is added to read:

§ 5862f. VERMONT GREEN UP CHECKOFF

(a) Returns filed by individuals shall include, on a form prescribed by the Commissioner of Taxes, an opportunity for the taxpayer to designate funds to Vermont Green Up, Inc.

(b) Amounts so designated shall be deducted from refunds due to, or overpayments made by, the designating taxpayers. All amounts so designated and deducted shall be deposited in an account by the Commissioner of Taxes for payment to Vermont Green Up, Inc. If at any time after the payment of amounts so designated to the account it is determined that the taxpayer was not entitled to all or any part of the amount so designated, the Commissioner may assess, and the account shall then pay to the Commissioner, the amount received, together with interest at the rate prescribed by section 3108 of this title, from the date the payment was made until the date of repayment.

(c) The Commissioner of Taxes shall explain to taxpayers the purposes of the account and how to contribute to it. The Commissioner shall make available to taxpayers the annual income and expense report of Vermont Green Up, Inc. and shall provide notice in the instructions for the State individual income tax return that the report is available at the Department of Taxes.

(d) If amounts paid with respect to a return are insufficient to cover both the amount owed on the return under this chapter and the amount designated by the taxpayer as a contribution to Vermont Green Up, Inc., the payment shall first be applied to the amount owed on the return under this chapter and the balance, if any, shall be deposited in the account.

(e) Nothing in this section shall be construed to require the Commissioner to collect any amount designated as a contribution to Vermont Green Up, Inc.

* * * Effective Date * * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2014, except that Sec. 7a (Vermont Green Up Checkoff) shall take effect on January 1, 2015 and apply to returns filed after that date.

House Proposal of Amendment

S. 234

An act relating to Medicaid coverage for home telemonitoring services.

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

By striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 33 V.S.A. § 1901g is added to read:

§ 1901g. MEDICAID COVERAGE FOR HOME TELEMONITORING SERVICES

(a) The Agency of Human Services shall provide Medicaid coverage for home telemonitoring services performed by home health agencies or other qualified providers as defined by the Agency of Human Services for Medicaid beneficiaries who have serious or chronic medical conditions that can result in frequent or recurrent hospitalizations and emergency room admissions. Beginning on July 1, 2014, the Agency shall provide coverage for home telemonitoring for one condition or risk factor for which it determines coverage to be cost-neutral. The Agency may expand coverage to include additional conditions or risk factors identified using evidence-based best practices if the expanded coverage will remain cost-neutral or as funds become available.

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

(c) As used in this section:

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

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

health agency or other qualified provider as defined by the Agency of Human Services.

House Proposal of Amendment

S. 239

An act relating to the regulation of toxic substances.

The House proposes to the Senate 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 that:

(1) There are more than 84,000 chemicals used commercially in the United States, and each year approximately 1,000 chemicals are added to the list of registered chemicals.

(2) More than 90 percent of the chemicals in commercial use in the United States have never been fully tested for potential impacts on human health or the environment.

(3) In 1976, the federal government passed the Toxic Substances Control Act (TSCA) in an attempt to improve the regulation of chemicals in the United States. However, TSCA grandfathered approximately 62,000 chemicals from regulation under the Act. Consequently, the U.S. Environmental Protection Agency (EPA) is not required to assess the risk of these chemicals. Since TSCA became law, EPA only has required testing for approximately 200 chemicals, and has banned or restricted the use of five of those chemicals. No chemicals have been banned in over 20 years.

(4) Biomonitoring studies reveal that toxic chemicals are in the bodies of people, including chemicals linked to cancer, brain and nervous damage, birth defects, developmental delays, and reproductive harm. Even newborn babies have chemical body burdens, proving that they are being polluted while in the womb.

(5) Vermont has regulated the use of individual chemicals of concern, including lead, mercury, bisphenol A, phthalates, decabromodiphenyl ether, tris(1,3-dichloro-2-propyl) phosphate, and tris(2-chloroethyl) phosphate, but reviewing chemicals individually, one at a time, is inefficient and inadequate for addressing the issues posed by chemicals of concern.

(6) Other states and countries, including Maine, Washington, California, and the European Union, are already taking a more comprehensive approach to chemical regulation in consumer products, and chemical regulation in Vermont should harmonize with these efforts.

(7) The State has experience monitoring and regulating chemical use through the toxic use and hazardous waste reduction programs.

(8) In order to ensure that the regulation of toxic chemicals is robust and protective, parties affected by the regulation of chemical use shall have ample opportunity to comment on proposed regulation so that the legal and financial risks of regulation are minimized.

Sec. 2. 18 V.S.A. chapter 38A is added to read:

CHAPTER 38A. CHEMICALS OF HIGH CONCERN TO CHILDREN

§ 1771. POLICY

It is the policy of the State of Vermont:

(1) to protect public health and the environment by reducing exposure of its citizens and vulnerable populations, such as children, to toxic chemicals, particularly when safer alternatives exist; and

(2) that the State attempt, when possible, to regulate toxic chemicals in a manner that is consistent with regulation of toxic chemicals in other states.

§ 1772. DEFINITIONS

As used in this chapter:

(1) "Aircraft" shall have the same meaning as in 5 V.S.A. § 202.

(2) "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation, or metabolism. "Chemical" shall not mean crystalline silica in any form, as derived from ordinary sand or as present as a naturally occurring component of any other mineral raw material, including granite, gravel, limestone, marble, slate, soapstone, and talc.

(3) "Chemical of high concern to children" means a chemical listed under section 1773 or designated by the Department as a chemical of high concern by rule under section 1776 of this title.

(4) "Child" or "children" means an individual or individuals under 12 years of age.

(5) "Children's cosmetics" means cosmetics that are made for, marketed for use by, or marketed to children. "Children's cosmetics" includes cosmetics that meet any of the following conditions:

(A) are represented in its packaging, display, or advertising as appropriate for use by children;

(B) are sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children; or

(C) are sold in any of the following:

(i) a retail store, catalogue, or online website, in which a person exclusively offers for sale consumer products that are packaged, displayed, or advertised as appropriate for use by children; or

(ii) a discrete portion of a retail store, catalogue, or online website, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(6) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children and shall include jewelry that meets any of the following conditions:

(A) is represented in its packaging, display, or advertising as appropriate for use by children;

(B) is sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

(C) is sized for children and not intended for use by adults; or

(D) is sold in any of the following:

(i) a vending machine;

(ii) a retail store, catalogue, or online website, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(iii) a discrete portion of a retail store, catalogue, or online website, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(7)(A) "Children's product" means any consumer product, marketed for use by, marketed to, sold, offered for sale, or distributed to children in the State of Vermont, including:

(i) toys;

(ii) children's cosmetics;

(iii) children's jewelry;

(iv) a product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children; or

(v) child car seats.

(B) "Children's product" shall not mean or include the following:

(i) batteries;

(ii) consumer electronic products, including personal computers, audio and video equipment, calculators, wireless phones, game consoles, and hand-held devices incorporating a video screen used to access interactive software intended for leisure and entertainment and their associated peripherals;

(iii) interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact discs;

(iv) snow sporting equipment, including skis, poles, boots, snow boards, sleds, and bindings;

(v) inaccessible components of a consumer product that during reasonably foreseeable use and abuse of the consumer product would not come into direct contact with a child's skin or mouth; and

(vi) used consumer products that are sold in second-hand product markets.

(8) "Consumer product" means any product that is regularly used or purchased to be used for personal, family, or household purposes. "Consumer product" shall not mean:

(A) a product primarily used or purchased for industrial or business use that does not enter the consumer product market or is not otherwise sold at retail;

(B) a food or beverage or an additive to a food or beverage;

(C) a tobacco product;

(D) a pesticide regulated by the U.S. Environmental Protection Agency;

(E) a drug, or biologic regulated by the U.S. Food and Drug Administration (FDA), or the packaging of a drug, or biologic that is regulated by the FDA, including over the counter drugs, prescription drugs, dietary supplements, medical devices, or products that are both a cosmetic and a drug regulated by the FDA;

(F) ammunition or components thereof, firearms, air rifles, hunting or fishing equipment or components thereof;

(G) an aircraft, motor vehicle, vessel; or

(H) the packaging in which a product is sold, offered for sale, or distributed.

(9) "Contaminant" means a trace amount of a chemical or chemicals that is incidental to manufacturing and serves no intended function in the children's product or component of the children's product, including an unintended by-product of chemical reactions during the manufacture of the children's product, a trace impurity in feed-stock, an incompletely reacted chemical mixture, and a degradation product.

(10) "Cosmetics" means articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering appearance, and articles intended for use as a component of such an article. "Cosmetics" shall not mean soap, dietary supplements, or food and drugs approved by the U.S. Food and Drug Administration.

(11) "Intentionally added" means the addition of a chemical in a product that serves an intended function in the product component.

(12) "Manufacturer" means:

(A) any person who manufactures a children's product or whose name is affixed to a children's product or its packaging or advertising, and the children's product is sold or offered for sale in Vermont; or

(B) any person who sells a children's product to a retailer in Vermont when the person who manufactures the children's product or whose name is affixed to the children's product or its packaging or advertising does not have a presence in the United States other than the sale or offer for sale of the manufacturer's products.

(13) "Motor vehicle" means every vehicle intended primarily for use and operation on the public highways and shall include snowmobiles, all-terrain vehicles, and farm tractors and other machinery used in the production, harvesting, and care of farm products.

(14) "Persistent bioaccumulative toxic" means a chemical or chemical group that, based on credible scientific information, meets each of the following criteria:

(A) the chemical can persist in the environment as demonstrated by the fact that:

(i) the half-life of the chemical in water is greater than or equal to 60 days;

(ii) the half-life of the chemical in soil is greater than or equal to 60 days; or

(iii) the half-life of the chemical in sediments is greater than or equal to 60 days; and

(B) the chemical has a high potential to bioaccumulate based on credible scientific information that the bioconcentration factor or bioaccumulation factor in aquatic species for the chemical is greater than 1,000 or, in the absence of such data, that the log-octanol water partition coefficient (log Kow) is greater than five; and

(C) the chemical has the potential to be toxic to children as demonstrated by the fact that:

(i) the chemical or chemical group is a carcinogen, a developmental or reproductive toxicant, or a neurotoxicant;

(ii) the chemical or chemical group has a reference dose or equivalent toxicity measure that is less than 0.003 mg/kg/day; or

(iii) the chemical or chemical group has a chronic no observed effect concentration (NOEC) or equivalent toxicity measure that is less than 0.1 mg/L or an acute NOEC or equivalent toxicity measure that is less than 1.0 mg/L.

(15) "Practical quantification limit (PQL)" means the lowest concentration that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions.

(16) "Toy" means a consumer product designed or intended by the manufacturer to be used by a child at play.

(17) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water.

§ 1773. CHEMICALS OF HIGH CONCERN TO CHILDREN

(a) List of chemicals of high concern to children. The following chemicals are designated as chemicals of high concern to children for the purposes of the requirements of this chapter:

(1) Formaldehyde.

(2) Aniline.

(3) N-Nitrosodimethylamine.

(4) Benzene.

(5) Vinyl chloride.

(6) Acetaldehyde.

(7) Methylene chloride.

(8) Carbon disulfide.

(9) Methyl ethyl ketone.

(10) 1,1,2,2-Tetrachloroethane.

(11) Tetrabromobisphenol A.

(12) Bisphenol A.

(13) Diethyl phthalate.

(14) Dibutyl phthalate.

(15) Di-n-hexyl phthalate.

(16) Phthalic anhydride.

(17) Butyl benzyl phthalate (BBP).

(18) N-Nitrosodiphenylamine.

(19) Hexachlorobutadiene.

(20) Propyl paraben.

(21) Butyl paraben.

(22) 2-Aminotoluene.

(23) 2,4-Diaminotoluene.

(24) Methyl paraben.

(25) p-Hydroxybenzoic acid.

(26) Ethylbenzene.

(27) Styrene.

(28) 4-Nonylphenol; 4-NP and its isomer mixtures including CAS 84852-15-3 and CAS 25154-52-3.

(29) para-Chloroaniline.

(30) Acrylonitrile.

(31) Ethylene glycol.

(32) Toluene.

(33) Phenol.

(34) 2-Methoxyethanol.

(35) Ethylene glycol monoethyl ester.

(36) Tris(2-chloroethyl) phosphate.

(37) Di-2-ethylhexyl phthalate.

(38) Di-n-octyl phthalate (DnOP).

(39) Hexachlorobenzene.

(40) 3,3′-Dimethylbenzidine and Dyes Metabolized to 3,3′-Dimethylbenzidine.

(41) Ethyl paraben.

(42) 1,4-Dioxane.

(43) Perchloroethylene.

(44) Benzophenone-2 (Bp-2); 2,2′,4,4′-Tetrahydroxybenzophenone.

(45) 4-*tert*-Octylphenol; 4(1,1,3,3-Tetramethylbutyl) phenol.

(46) Estragole.

(47) 2-Ethylhexanoic acid.

(48) Octamethylcyclotetrasiloxane.

(49) Benzene, Pentachloro.

(50) C.I. Solvent yellow 14.

(51) N-Methylpyrrolidone.

(52) 2,2′,3,3′,4,4′,5,5′,6,6′-Decabromodiphenyl ether; BDE-209.

(53) Perfluorooctanyl sulphonic acid and its salts; PFOS.

(54) Phenol, 4-octyl.

(55) 2-Ethyl-hexyl-4-methoxycinnamate.

(56) Mercury & mercury compounds including methyl mercury (22967-92-6).

(57) Molybdenum and molybdenum compounds.

(58) Antimony and Antimony compounds.

(59) Arsenic and Arsenic compounds, including arsenic trioxide (1327-53-3) and dimethyl arsenic (75-60-5).

(60) Cadmium and cadmium compounds.

(61) Cobalt and cobalt compounds.

(62) Tris(1,3-dichloro-2-propyl)phosphate.

(63) Butylated hydroxyanisole; BHA.

(64) Hexabromocyclododecane

(65) Diisodecyl phthalate (DIDP).

(66) Diisononyl phthalate (DINP).

(67) any other chemical designated by the Commissioner as a chemical of high concern to children by rule under section 1776 of this title.

(b) Beginning on July 1, 2017, and biennially thereafter, the Commissioner of Health shall review the list of chemicals of high concern to children to determine if additional chemicals should be added to the list under subsection 1776(b) of this title. In reviewing the list of chemicals of high concern to children, the Commissioner of Health may consider designations made by other states, the federal government, other countries, or other governmental agencies.

(c) Publication of list. The Commissioner shall post the list of chemicals of high concern to children on the Department of Health website by chemical name and Chemical Abstracts Service number.

(d) Addition or removal from list. Under 3 V.S.A. § 806, any person may request that the Commissioner add or remove a chemical from the list of chemicals of high concern to children.

(e) PQL value. A PQL value established under this chapter for individual chemicals shall depend on the analytical method used for each chemical. The PQL value shall be based on scientifically defensible, standard analytical methods as advised by guidance published by the Department.

§ 1774. CHEMICALS OF HIGH CONCERN TO CHILDREN WORKING GROUP

(a) Creation. A Chemicals of High Concern to Children Working Group (Working Group) is created within the Department of Health for the purpose of providing the Commissioner of Health advice and recommendations regarding implementation of the requirements of this chapter.

(b) Membership.

(1) The Working Group shall be composed of the following members who, except for ex officio members, shall be appointed by the Governor after consultation with the Commissioner of Health:

(A) the Commissioner of Health or designee, who shall be the chair of the Working Group;

(B) the Commissioner of Environmental Conservation or designee;

(C) the State toxicologist or designee;

(D) a representative of a public interest group in the State with experience in advocating for the regulation of toxic substances;

(E) a representative of an organization within the State with expertise in issues related to the health of children or pregnant women;

(F) two representatives of businesses in the State that use chemicals in a manufacturing or production process or use chemicals that are used in a children's product manufactured in the State;

(G) a scientist with expertise regarding the toxicity of chemicals; and

(H) a representative of the children's products industry with expertise in existing state and national policies impacting children's products.

(2)(A) In addition to the members of the Working Group appointed under subdivision (1) of this subsection, the Governor may appoint up to three additional adjunct members.

(B) An adjunct member appointed under this subdivision (2) shall have expertise or knowledge of the chemical or children's product under review or shall have expertise or knowledge in the potential health effects of the chemical at issue.

(C) Adjunct members appointed under this subdivision (2) shall have the same authority and powers as a member of the Working Group appointed under subdivision (1) of this subsection (b).

(3) The members of the Working Group appointed under subdivision (1) of this subsection shall serve staggered three-year terms. The Governor may remove members of the Working Group who fail to attend three consecutive meetings and may appoint replacements. The Governor may reappoint members to serve more than one term.

(c) Powers and duties. The Working Group shall:

(1) upon the request of the Chair of the Working Group, review proposed chemicals for listing as a chemical of high concern to children under section 1773 of this title; and

(2) recommend to the Commissioner of Health whether rules should be adopted under section 1776 of this title to regulate the sale or distribution of a children's product containing a chemical of high concern to children.

(d) Commissioner of Health recommendation; assistance.

(1) Beginning on July 1, 2017, and biennially thereafter, the Commissioner of Health shall recommend chemicals of high concern to children in children's products for review by the Working Group. The Commissioner's recommendations shall be based on the degree of human health risks, exposure pathways, and impact on sensitive populations presented by a chemical of high concern to children.

(2) The Working Group shall have the administrative, technical, and legal assistance of the Department of Health and the Agency of Natural Resources.

(e) Meetings.

(1) The Chair of the Working Group may convene the Working Group at any time, but no less frequently than at least once every other year.

(2) A majority of the members of the Working Group, including adjunct members when appointed, shall constitute a quorum, and all action shall be taken upon a majority vote of the members present and voting.

(f) Reimbursement. Members of the Working Group, including adjunct members, whose participation is not supported through their employment or association shall receive per diem compensation pursuant to 32 V.S.A. § 1010 and reimbursement of travel expenses. A per diem authorized by this section shall be paid from the budget of the Department of Health.

§ 1775. DISCLOSURE OF INFORMATION ON CHEMICALS OF HIGH CONCERN

(a) Notice of chemical of high concern to children. Unless the Commissioner adopts by rule a phased-in reporting requirement under section 1776, beginning on July 1, 2015, and biennially thereafter, a manufacturer of a children's product or a trade association representing a manufacturer of children's products shall submit to the Department the notice described in subsection (b) of this section for each chemical of high concern to children in a children's product if a chemical of high concern to children is:

(1) intentionally added to a children's product at a level above the PQL produced by the manufacturer; or

(2) present in a children's product produced by the manufacturer as a contaminant at a concentration of 100 parts per million or greater.

(b) Format for notice. The Commissioner shall specify the format for submission of the notice required by subsection (a) of this section, provided that the required format shall be generally consistent with the format for submission of notice in other states with requirements substantially similar to the requirements of this section. Any notice submitted under subsection (a) shall contain the following information:

(1) the name of the chemical used or produced and its chemical abstracts service registry number;

(2) a description of the product or product component containing the chemical;

(3) the amount of the chemical contained in each unit of the product or product component, reported by weight or parts per million as authorized by the Commissioner;

(4) the name and address of the manufacturer of the children's product and the name, address, and telephone number of a contact person for the manufacturer;

(5) any other information the manufacturer deems relevant to the appropriate use of the product; and

(6) any other information required by the Commissioner under rules adopted pursuant to 3 V.S.A. chapter 25.

(c) Reciprocal data-sharing. In order for the Department to obtain the information required in the notice described in subsection (b) of this section, the Department may enter into reciprocal data-sharing agreements with other states in which a manufacturer of children's products is also required to disclose information related to chemicals of high concern to children in children's products. The Department shall not disclose trade secret information, confidential business information, or other information designated as confidential by law under a reciprocal data-sharing agreement.

(d) Waiver of format. Upon application of a manufacturer on a form provided by the Department, the Commissioner may waive the requirement under subsection (b) of this section that a manufacturer provide notice in a format specified by the Commissioner. The waiver may be granted, provided that:

(1) the manufacturer submitted the information required in a notice under this section to:

(A) a state with which the Department has entered a reciprocal data-sharing agreement; or

(B) a trade association, the Interstate Chemicals Clearinghouse, or other independent third party;

(2) the information required to be reported in a notice under this section is provided to the Department in an alternate format, including reference to information publicly available in other states a federal governmental agency, or by independent third parties; and

(3) the information required to be reported in a notice under this section is available on or accessible from the Department of Health website.

(e) Chemical control program. A manufacturer shall be exempt from the requirements of notice under this section for any chemical of high concern to children that is present in a children's product or component of a children's product only as a contaminant if, during manufacture of the children's product, the manufacturer was implementing a manufacturing control program and exercised due diligence to minimize the presence of the contaminant in the children's product.

(f) Notice of removal of chemical. A manufacturer who submitted the notice required by subsection (a) of this section may at any time submit to the Department notice that a chemical of high concern to children has been removed from the manufacturer's children's product or that the manufacturer no longer sells, offers for sale, or distributes in the State the children's product containing the chemical of high concern to children. Upon verification of a manufacturer's notice under this subsection, the Commissioner shall promptly remove from the Department website any reference to the relevant children's product of the manufacturer.

(g) Certificate of compliance. A manufacturer required to submit notice under this section to the Commissioner may rely on a certificate of compliance from suppliers for determining reporting obligations.

(h) Products for sale out of State. A manufacturer shall not be required to submit notice under this section for a children's product manufactured, stored in, or transported through Vermont solely for use or sale outside of the State of Vermont.

(i) Publication of information; disclaimer. The Commissioner shall post on the Department of Health website information submitted under this section by a manufacturer. When the Commissioner posts on the Department of Health

website information submitted under this section by a manufacturer, the Commissioner shall provide the following notice:

"The reports on this website are based on data provided to the Department. The presence of a chemical in a children's product does not necessarily mean that the product is harmful to human health or that there is any violation of existing safety standards or laws. The reporting triggers are not health-based values."

(j) Fee. A manufacturer shall pay a fee of $200.00 for each notice required under subsection (a) of this section. If, under subsection (d) of this section, the Commissioner waives the required format for reporting, the fee shall not be waived. Fees collected under this subsection shall be deposited in the Chemicals of High Concern Fund for the purposes of that Fund.

(k) Application of section. The requirements of this section shall apply unless a manufacturer is exempt or unless notice according to the requirements of this section is specifically preempted by federal law. In the event of conflict between the requirements of this section and federal law, federal law shall control.

§ 1776. RULEMAKING; ADDITIONAL CHEMICALS OF CONCERN TO CHILDREN; PROHIBITION OF SALE

(a) Rulemaking authority. The Commissioner shall, after consultation with the Secretary of Natural Resources, adopt rules as necessary for the purposes of implementing, administering, or enforcing the requirements of this chapter.

(b) Additional chemicals of concern to children. The Commissioner may by rule add additional chemicals to the list of chemicals of high concern to children, provided that the Commissioner of Health, on the basis of the weight of credible, scientific evidence, has determined that a chemical proposed for addition to the list meets both of the following criteria in subdivisions (1) and (2) of this subsection:

(1) The Commissioner of Health has determined that an authoritative governmental entity or accredited research university has demonstrated that the chemical:

(A) harms the normal development of a fetus or child or causes other developmental toxicity;

(B) causes cancer, genetic damage, or reproductive harm;

(C) disrupts the endocrine system;

(D) damages the nervous system, immune system, or organs or cause other systemic toxicity; or

(E) is a persistent bioaccumulative toxic.

(2) The chemical has been found through:

(A) biomonitoring to be present in human blood, umbilical cord blood, breast milk, urine, or other bodily tissues or fluids;

(B) sampling and analysis to be present in household dust, indoor air, drinking water, or elsewhere in the home environment; or

(C) monitoring to be present in fish, wildlife, or the natural environment.

(c) Removal of chemical from list. The Commissioner may by rule remove a chemical from the list of chemicals of high concern to children established under section 1773 of this title or rules adopted under this section if the Commissioner determines that the chemical no longer meets both of the criteria of subdivisions (b)(1) and (2) of this section.

(d) Rule to regulate sale or distribution.

(1) The Commissioner, upon the recommendation of the Chemicals of High Concern to Children Working Group, may adopt a rule to regulate the sale or distribution of a children's product containing a chemical of high concern to children upon a determination that:

(A) children will be exposed to a chemical of high concern to children in the children's product; and

(B) there is a probability that, due to the degree of exposure or frequency of exposure of a child to a chemical of high concern to children in a children's product, exposure could cause or contribute to one or more of the adverse health impacts listed under subdivision (b)(1) of this section.

(2) In determining whether children will be exposed to a chemical of high concern in a children's product, the Commissioner shall review available, credible information regarding:

(A) the market presence of the children's product in the State;

(B) the type or occurrence of exposures to the relevant chemical of high concern to children in the children's product;

(C) the household and workplace presence of the children's product;

(D) the potential and frequency of exposure of children to the chemical of high concern to children in the children's product.

(3) A rule adopted under this section may:

(A) prohibit the children's product containing the chemical of high concern to children from sale, offer for sale, or distribution in the State; or

(B) require that the children's product containing the chemical of high concern to children be labeled prior to sale, offer for sale, or distribution in the State.

(4) In any rule adopted under this subsection, the Commissioner shall adopt reasonable time frames for manufacturers, distributors, and retailers to comply with the requirements of the rules. No prohibition on sale or manufacture of a children's product in the State shall take effect sooner than two years after the adoption of a rule adopted under this section unless the Commissioner determines that an earlier effective date is required to protect human health and the new effective date is established by rule.

(e) Exemption for chemical management strategy. In adopting a rule under this section, the Commissioner may exempt from regulation a children's product containing a chemical of high concern to children if the manufacturer of the children's product is implementing a comprehensive chemical management strategy designed to eliminate harmful substances or chemicals from the manufacturing process.

(f) Additional rules.

(1) On or before July 1, 2017, the Commissioner of Health shall adopt by rule the process and procedure to be required when the Commissioner of Health adopts a rule under subsection (b) or (c) of this section. The rule shall provide all relevant criteria for evaluation of the chemical, time frames for labeling or phasing out sale or distribution, and other information or process determined as necessary by the Commissioner for implementation of this chapter.

(2) The Commissioner may, by rule, authorize a manufacturer to report ranges of the amount of a chemical in a children's product, rather than the exact amount, provided that if there are multiple chemical values for a given component in a particular product category, the manufacturer shall use the largest value for reporting.

(3) Notwithstanding the required reporting dates under section 1774 of this title, the Commissioner may adopt by rule phased-in reporting requirements for chemicals of high concern to children in children's products based on the size of the manufacturer, aggregate sales of children's products, or the exposure profile of the chemical of high concern to children in the children's product,

(g) Additional public participation. In addition to the public participation requirements of 3 V.S.A. chapter 25 and prior to submitting a rule authorized under this section to the Secretary of State under 3 V.S.A. § 838, the Commissioner shall make reasonable efforts to consult with interested parties within the State regarding any proposed prohibition of a chemical of high concern to children. The Commissioner may satisfy the consultation requirement of this section through the use of one or more workshops, focused work groups, dockets, meetings, or other forms of communication.

§ 1777. CHEMICALS OF HIGH CONCERN TO CHILDREN FUND

(a) The Chemicals of High Concern to Children Fund is established in the State Treasury, separate and distinct from the General Fund, to be administered by the Commissioner of Health. Interest earned by the Fund shall be credited to the Fund. Monies in the Fund shall be made available to the Department of Health and the Agency of Natural Resources to pay costs incurred in administration of the requirements of this chapter.

(b) The Chemicals of High Concern to Children Fund shall consist of:

(1) fees and charges collected under section 1775 of this chapter;

(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.

§ 1778. CONFIDENTIALITY

Information submitted to or acquired by the Department or the Chemicals of High Concern to Children Working Group under this chapter may be subject to public inspection or copying or may be published on the Department website, provided that trade secret information and confidential business information shall be exempt from public inspection and copying under 1 V.S.A. § 317(c)(9) and information otherwise designated confidential by law shall be exempt from public inspection and copying under 1 V.S.A. § 317(c)(1). It shall be the burden of the manufacturer to assert that information submitted under this chapter is a trade secret, confidential business information, or is otherwise designated confidential by law. When a manufacturer asserts under this section that the specific identity of a chemical of high concern to children in a children's product is a trade secret, the Commissioner shall, in place of the specific chemical identity, post on the Department's website the generic class or category of the chemical in the children's product and the potential health effect of the specific chemical of high concern to children.

§ 1779. VIOLATIONS; ENFORCEMENT

A violation of this chapter shall be considered a violation of the Consumer Protection Act in 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions under 9 V.S.A. chapter 63, subchapter 1. Private parties shall not have a private right of action under this chapter.

Sec. 3. REPORT TO GENERAL ASSEMBLY; CHEMICALS OF HIGH CONCERN TO CHILDREN

On or before January 15, 2015, and biennially thereafter, the Commissioner of Health, after consultation with the Secretary of Natural Resources, shall submit to the Senate Committee on Health and Welfare, the House Committee on Human Services, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate and House Committees on Appropriations, a report concerning implementation, administration, and financing by the Department of Health of the requirements of 18 V.S.A. chapter 38A regarding the chemicals of high concern to children. The report shall include:

(1) Any updates to the list of chemicals of high concern to children required under 18 V.S.A. § 1773.

(2) The number of manufacturers providing notice under 18 V.S.A. § 1775 regarding whether a children's product includes a chemical of high concern to children.

(3) The number of chemicals of high concern to children for which manufacturers asserted trade secret protection for the specific identity of the chemical, and a recommendation of whether a process should be established to review the validity of asserted trade secrets.

(4) An estimate of the annual cost to the Department of Health to implement the chemicals of high concern to children program.

(5) The number of Department of Health employees needed to implement the chemicals of high concern to children program.

(6) An estimate of additional funding that the Department may require to implement the chemicals of high concern to children program.

(7) A recommendation of how the State should collaborate with other states in implementing the requirements of the chemicals of high concern to children program.

(8) A recommendation as to whether the requirements of this chapter should be expanded to consumer products other than children's products.

Sec. 4. 7 V.S.A. § 1012 is added to read:

§ 1012. LIQUID NICOTINE; PACKAGING

(a) As used in this section, "liquid nicotine container" means a bottle or other container that contains liquid nicotine or other substance containing nicotine, where the liquid or other substance is sold, marketed, or intended for use in an electronic delivery device.

(b) Unless specifically preempted by federal law, a liquid nicotine container that is sold at retail in the State shall satisfy the child-resistant effectiveness standards under 16 C.F.R. § 1700.15(b)(1) when tested in accordance with the requirements of 16 C.F.R. § 1700.20.

Sec. 5. EFFECTIVE DATES

(a) Secs. 1–3 and this section shall take effect on passage.

(b) Sec. 4 (liquid nicotine; packaging) shall take effect on January 1, 2015.

House Proposal of Amendment

S. 241

An act relating to binding arbitration for State employees.

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

First: In Sec. 1, by striking out subsection (b) in its entirety and inserting a new subsection (b) to read:

(b) Membership. The Grievance Arbitration Study Committee shall be composed of the following members:

(1) the Commissioner of Human Resources or designee;

(2) the Executive Director of the Vermont Bar Association or designee;

(3) one member appointed by the Vermont Troopers Association;

(4) one member appointed by the Vermont State Employees' Association; and

(5) the Attorney General or designee.

Second: In Sec. 1, by striking out subsection (c) in its entirety and inserting a new subsection (c) to read:

(c) Powers and duties. The Committee shall:

(1) study the issue of grievance arbitration for State employees;

(2) assess the relative merits of various grievance protocols, including arbitration and use of the Vermont Labor Relations Board, addressing the

ability of these protocols to provide resolution of grievances in a manner that is economical, timely, just, and provides for appropriate privacy protections for the parties; and

(3) study the impact on the State if the State does not request criminal history record information on its initial employee application form. As used in this subdivision, "criminal history record" shall have the same meaning as in 20 V.S.A. § 2056a.

House Proposal of Amendment

S. 291

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

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

Sec. 1. TRANSITIONAL FACILITIES; DEPARTMENT OF CORRECTIONS; STUDY

(a) Findings. The General Assembly finds that the Department of Corrections has experienced a rise in costs of $17,624,076.00 since FY 2012. The General Assembly further finds that there are offenders in the State of Vermont who are eligible for release from State correctional facilities but who are not released due to a lack of suitable housing. The General Assembly further finds that recidivism is reduced and public safety is enhanced when offenders receive supervision as they transition to their home community. Therefore, it is the intent of the General Assembly that the Department of Corrections shall explore the creation of secure transitional facilities so that offenders may return to their home communities. It is also the intent of the General Assembly that the housing in these facilities include programs for employment, training, transportation, and other appropriate services. It is also the intent of the General Assembly that the Department of Corrections work with communities to gain support for these programs and services.

(b) Recommendations. The Commissioner of Corrections shall examine and make recommendations for the establishment of transitional facilities under the supervision of the Department of Corrections. The recommendations shall include an evaluation of costs associated with establishing transitional facilities, a detailed budget for funding transitional facilities, an estimate of State capital funding needs, potential site locations, a summary of the programming and services that are currently available to transitioning offenders, proposals for programming and services for transitioning offenders that may be needed, and eligibility guidelines for offenders to reside in

transitional facilities, including the number of offenders who would be eligible for residence in a transitional facility.

(c) Report. On or before January 15, 2015, the Commissioner of Corrections shall submit the recommendations described in subsection (b) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(d) Definitions. As used in this section, "transitional facility" means housing intended to be occupied by offenders granted furloughs to work in the community.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

House Proposal of Amendment

S. 293

An act relating to reporting on population-level outcomes and indicators and on program-level performance measures.

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

First: In Sec. 2, 3 V.S.A. chapter 45, subchapter 5, by striking out in its entirety § 2313 (performance contracts and grants) and inserting in lieu thereof a new § 2313 to read:

§ 2313. PERFORMANCE CONTRACTS AND GRANTS

(a) The Chief Performance Officer shall assist agencies as necessary in developing performance measures for contracts and grants.

(b) Annually, on or before July 30 and as part of any other report requirement to the General Assembly set forth in this subchapter, the Chief Performance Officer shall report to the General Assembly on the progress by rate or percent of how many State contracts and grants have performance accountability requirements and the rate or percent of contractors' and grantees' compliance with those requirements.

Second: By striking out in its entirety Sec. 3 (initial population-level indicators) and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. INITIAL POPULATION-LEVEL INDICATORS

Until any population-level indicators are requested pursuant to the provisions of Sec. 2 of this act, 3 V.S.A. § 2311(c) (requesting population-level indicators), each population-level quality of life outcome set forth in Sec. 2 of this act, 3 V.S.A. § 2311(b) (Vermont population-level quality of life

outcomes), and listed in this section shall have the following population-level indicators:

(1) Vermont has a prosperous economy.

(A) percent or rate per 1,000 jobs of nonpublic sector employment;

(B) median household income;

(C) percent of Vermont covered by state-of-the-art telecommunications infrastructure;

(D) median house price;

(E) rate of resident unemployment per 1,000 residents;

(F) percent of structurally-deficient bridges, as defined by the Vermont Agency of Transportation; and

(G) percent of food sales that come from Vermont farms.

(2) Vermonters are healthy.

(A) percent of adults 20 years of age or older who are obese;

(B) percent of adults smoking cigarettes;

(C) number of adults who are homeless;

(D) percent of individuals and families living at different poverty levels;

(E) percent of adults at or below 200 percent of federal poverty level; and

(F) percent of adults with health insurance.

(3) Vermont's environment is clean and sustainable.

(A) cumulative number of waters subject to TMDLs or alternative pollution control plans;

(B) percent of water, sewer, and stormwater systems that meet federal and State standards;

(C) carbon dioxide per capita; and

(D) electricity by fuel or power type.

(4) Vermont's communities are safe and supportive.

(A) rate of petitions granted for relief from domestic abuse per 1,000 residents;

(B) rate of violent crime per 1,000 crimes;

(C) rate of sexual assault committed against residents per 1,000 residents;

(D) percent of residents living in affordable housing;

(E) percent or rate per 1,000 people convicted of crimes of recidivism;

(F) incarceration rate per 100,000 residents; and

(G) percent or rate per 1,000 residents of residents entering the corrections system.

(5) Vermont's families are safe, nurturing, stable, and supported.

(A) number and rate per 1,000 children of substantiated reports of child abuse and neglect;

(B) number of children who are homeless;

(C) number of families that are homeless; and

(D) number and rate per 1,000 children and youth of children and youth in out-of-home care.

(6) Vermont's children and young people achieve their potential, including:

(A) Pregnant women and young people thrive.

(i) percent of women who receive first trimester prenatal care;

(ii) percent of live births that are preterm (less than 37 weeks);

(iii) rate of infant mortality per 1,000 live births;

(iv) percent of children at or below 200 percent of federal poverty level; and

(v) percent of children with health insurance.

(B) Children are ready for school.

(i) percent of kindergarteners fully immunized with all five vaccines required for school;

(ii) percent of first-graders screened for vision and hearing problems;

(iii) percent of children ready for school in all five domains of healthy development; and

(iv) percent of children receiving State subsidy enrolled in high quality early childhood programs that receive at least four out of five stars under State standards.

(C) Children succeed in school.

(i) rate of school attendance per 1,000 children;

(ii) percent of children below the basic level of fourth grade reading achievement under State standards; and

(iii) rate of high school graduation per 1,000 high school students.

(D) Youths choose healthy behaviors.

(i) rate of pregnancy per 1,000 females 15–17 years of age;

(ii) rate of pregnancy per 1,000 females 18–19 years of age;

(iii) percent of adolescents smoking cigarettes;

(iv) percent of adolescents who used marijuana in the past 30 days;

(v) percent of adolescents who reported ever using a prescription drug without a prescription;

(vi) percent of adolescents who drank alcohol in the past 30 days; and

(vii) number and rate per 1,000 minors of minors who are under the supervision of the Department of Corrections.

(E) Youths successfully transition to adulthood.

(i) percent of high school seniors with plans for education, vocational training, or employment;

(ii) percent of graduating high school seniors who continue their education within six months of graduation;

(iii) percent of all deaths for youths 10–19 years of age;

(iv) rate of suicide per 100,000 Vermonters;

(v) percent of adolescents with a suicide attempt that requires medical attention;

(vi) percent of high school graduates entering postsecondary education, work, or training;

(vii) percent of completion of postsecondary education; and

(viii) rate of high school graduates entering a training program per 1,000 high school graduates.

(7) Vermont's elders and people with disabilities and people with mental conditions live with dignity and independence in settings they prefer.

(A) rate of confirmed reports of abuse and neglect of vulnerable adults per 1,000 vulnerable adults;

(B) percent of elders living in institutions versus receiving home care; and

(C) number of people with disabilities and people with mental conditions receiving State services living in each of the following: institutions, residential or group facilities, or independently.

(8) Vermont has open, effective, and inclusive government at the State and local levels.

(A) percent of youth who spoke to their parents about school;

(B) percent of youth who report they help decide what goes on in their school;

(C) percent of eligible population voting in general elections;

(D) percent of students volunteering in their community in the past week;

(E) percent of youth who feel valued by their community; and

(F) percent of youth that report their teachers care about them and give them encouragement.

House Proposal of Amendment to Senate Proposal of Amendment

H. 483

An act relating to adopting revisions to Article 9 of the Uniform Commercial Code

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

In Sec. 1, in 9A V.S.A. § 9-805(b)(2)(B), by striking out "2018" and inserting in lieu thereof 2019

CONCURRENT RESOLUTIONS FOR ACTION

S.C.R. 56 (For text of Resolution, see Addendum to Senate Calendar for May 1, 2014)

H.C.R. 341-355 (For text of Resolutions, see Addendum to House Calendar for May 1, 2014)

CONFIRMATIONS

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

Emma Marvin of Hyde Park – Member of the Economic Progress Council – By Sen. Collins for the Committee on Economic Development, Housing and General Affairs. (4/25/14)

Linda Ryan of St. Albans – Member of the Vermont State Housing Authority – By Sen. Collins for the Committee on Economic Development, Housing and General Affairs. (4/25/14)

Samuel Hoar, Jr. of South Burlington – Superior Court Judge – By Sen. Ashe for the Committee on Judiciary. (4/25/14)

Martha O'Connor of Brattleboro – Member of the Vermont State Lottery Commission – By Sen. Doyle for the Committee on Economic Development, Housing and General Affairs. (4/25/14)

Michael Keane of North Bennington – Member of the Vermont Economic Progress Council – By Sen. Bray for the Committee on Economic Development, Housing and General Affairs. (4/29/14)

Betsy Gentile of Brattleboro – Member of the Vermont Economic Progress Council – By Sen. Bray for the Committee on Economic Development, Housing and General Affairs. (4/29/14)

Frederick S. Kenney II of Jericho – Executive Director of the Vermont Economic Progress Council – By Sen. Bray for the Committee on Economic Development, Housing and General Affairs. (4/29/14)

David Luce of Waterbury Center – Member of the Community High School of Vermont Board – By Sen. Doyle for the Committee on Education. (4/29/14)

JFO NOTICE

INFORMATION NOTICE

The Joint Fiscal Committee recently received the following items:

JFO #2680 – Donation of 0.03 acres of land (estimated value: $5,000) from Steve and Jane Glass to the Vermont Department of Fish & Wildlife. Located in Craftsbury, this donation will provide public access to Great Hosmer Pond for fishing, hunting, trapping, wildlife viewing and watercraft launching. State funds in the amount of $1,750 (special funds) will be used, along with federal funds, to cover closing costs, etc.

[*JFO received 04/25/14*]

JFO #2681 – Donation of 10 acres of land (estimated value: $27,500) from Engineers Construction, Inc. to the Vermont Department of Fish & Wildlife. Located in Wolcott, this donation will provide public access to the Lamoille River for fishing, hunting, trapping, wildlife viewing, and protect riparian, wetland and forested habitat. State funds in the amount of $250 (special funds) will be used, along with federal funds, to cover closing costs, etc.

[*JFO received 04/25/14*]