

Journal of the House

Thursday, February 13, 2014

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. David Connor of the Old Meeting House in East Montpelier, Vt.

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twelfth day of February, 2014, he approved and signed a bill originating in the House of the following title:

H. 593 An act relating to the Winooski School District Charter's term of office for the District Treasurer

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 296

Senate bill, entitled

An act relating to the Defender General's duty to investigate issues related to the health, safety, and welfare of inmates in correctional facilities;

To the committee on Corrections and Institutions.

S. 299

Senate bill, entitled

An act relating to sampler flights;

To the committee on General, Housing and Military Affairs.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 799

Rep. Deen of Westminster moved that the committee on Fish, Wildlife & Water Resources be relieved of House bill, entitled

An act relating to the importation of untreated firewood

And that the bill be committed to the committee on Agriculture and Forest Products, which was agreed to.

Third Reading; Bill Passed

H. 809

House bill, entitled

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

Was taken up, read the third time and passed.

Bill Amended; Third Reading Ordered

H. 62

Rep. Koch of Barre Town, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to prohibiting the handheld use of a portable electronic device while driving

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 1095b is amended to read:

§ 1095b. **HANDHELD USE OF PORTABLE ELECTRONIC DEVICE ~~IN~~
WORK ZONE PROHIBITED**

(a) Definition. As used in this section, “hands-free use” means the use of a portable electronic device without use of either hand ~~and outside the immediate proximity of the user’s ear~~, by employing an internal feature of, or an attachment to, the device.

(b) Use of handheld portable electronic device ~~in work zone~~ prohibited. A person shall not use a portable electronic device while operating a moving motor vehicle ~~within~~ on a highway work zone in this State. The prohibition of this subsection shall not apply ~~unless the work zone is properly designated with warning devices in accordance with subdivision 4(5) of this title, and shall not apply~~:

(1) to hands-free use, or to use of the device to activate or deactivate hands-free use; or

(2) when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances;

(3) to communications among law enforcement or emergency service personnel in the performance of their official duties; or

(4) to use of an ignition interlock device, as defined at 23 V.S.A. § 1200.

(c) Penalty. A person who violates this section commits a traffic violation and shall be subject to a penalty of not less than \$100.00 and not more than \$200.00 ~~upon adjudication of~~ for a first violation, and of not less than \$250.00 and not more than \$500.00 ~~upon adjudication of~~ for a second or subsequent violation within any two-year period.

(d)(1) Operators of commercial motor vehicles shall be governed by the provisions of 23 V.S.A. chapter 39 (Commercial Driver License Act) instead of the provisions of this chapter with respect to the handheld use of mobile telephones, and texting, while operating a commercial motor vehicle.

(2) A person shall not be issued more than one complaint for any violation of this section, section 1095a of this title (junior operator use of portable electronic devices), or section 1099 of this title (texting prohibited) that arises from the same conduct.

Sec. 2. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Any person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

* * *

(LL)(i) § 1095. Entertainment picture visible to operator;

(ii) § 1095b. Use of portable electronic device ~~in work zone~~—first offense;

* * *

(4) Five points assessed for:

* * *

(D) § 1095b. Use of portable electronic device ~~in work zone~~—second and subsequent offenses;

* * *

Sec. 3. 23 V.S.A. § 1095a is amended to read:

§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC DEVICES

A person under 18 years of age shall not use any portable electronic device as defined in subdivision 4(82) of this title while operating a moving motor vehicle on a highway. This prohibition shall not apply ~~if it is necessary to place an emergency 911 call;~~

(1) when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances; or

(2) to communications among law enforcement or emergency service personnel in the performance of their official duties.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

Rep. McCarthy of St. Albans City, for the committee on Transportation recommended that the bill ought to pass when amended as recommended by the committee on Judiciary and when further amended as follows:

In Sec. 1, in 23 V.S.A. § 1095b(b)(1), by striking the following phrase: “, or to use of the device to activate or deactivate hands-free use”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committees on Judiciary and Transportation agreed to.

Pending the question, Shall bill be read a third time? **Rep. Koch of Barre Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall bill be read a third time? was decided in the affirmative. Yeas, 130. Nays, 11.

Those who voted in the affirmative are:

Ancel of Calais	Branagan of Georgia	Carr of Brandon
Bartholomew of Hartland	Brennan of Colchester	Christie of Hartford
Beyor of Highgate	Browning of Arlington	Clarkson of Woodstock
Bissonnette of Winooski	Burke of Brattleboro	Cole of Burlington
Botzow of Pownal	Campion of Bennington	Condon of Colchester
Bouchard of Colchester	Canfield of Fair Haven	Connor of Fairfield

Conquest of Newbury	Jewett of Ripton	Partridge of Windham
Consejo of Sheldon	Johnson of South Hero	Pearce of Richford
Copeland-Hanzas of Bradford	Johnson of Canaan	Pearson of Burlington
Corcoran of Bennington	Juskiewicz of Cambridge	Peltz of Woodbury
Cross of Winooski	Keenan of St. Albans City	Potter of Clarendon
Cupoli of Rutland City	Kilmartin of Newport City	Pugh of South Burlington
Dakin of Chester	Kitzmiller of Montpelier	Quimby of Concord
Deen of Westminster	Klein of East Montpelier	Rachelson of Burlington
Devereux of Mount Holly	Koch of Barre Town	Ralston of Middlebury
Dickinson of St. Albans Town	Krebs of South Hero	Ram of Burlington
Donaghy of Poultney	Krowinski of Burlington	Russell of Rutland City
Donahue of Northfield	Lanpher of Vergennes	Ryerson of Randolph
Donovan of Burlington	Larocque of Barnet	Savage of Swanton
Ellis of Waterbury	Lawrence of Lyndon	Shaw of Pittsford
Emmons of Springfield	Lenes of Shelburne	Shaw of Derby
Evans of Essex	Lewis of Berlin	Smith of New Haven
Fagan of Rutland City	Lippert of Hinesburg	Spengler of Colchester
Fay of St. Johnsbury	Macaig of Williston	Stevens of Waterbury
Feltus of Lyndon	Malcolm of Pawlet	Stevens of Shoreham
Fisher of Lincoln	Manwaring of Wilmington	Strong of Albany
Frank of Underhill	Marcotte of Coventry	Stuart of Brattleboro
French of Randolph	Marek of Newfane	Sweaney of Windsor
Gage of Rutland City	Martin of Springfield	Taylor of Barre City
Gallivan of Chittenden	Martin of Wolcott	Terenzini of Rutland Town
Goodwin of Weston	Masland of Thetford	Till of Jericho
Grad of Moretown	McCarthy of St. Albans City	Toleno of Brattleboro
Greshin of Warren	McCormack of Burlington	Toll of Danville
Haas of Rochester	McCullough of Williston	Townsend of South Burlington
Head of South Burlington	McFaun of Barre Town	Turner of Milton
Heath of Westford	Miller of Shaftsbury	Waite-Simpson of Essex
Helm of Fair Haven	Mitchell of Fairfax	Webb of Shelburne
Higley of Lowell	Mook of Bennington	Weed of Enosburgh
Hooper of Montpelier	Moran of Wardsboro	Wilson of Manchester
Hoyt of Norwich	Morrissey of Bennington	Winters of Williamstown
Hubert of Milton	Mrowicki of Putney	Wright of Burlington
Huntley of Cavendish	Myers of Essex	Yantachka of Charlotte
Jerman of Essex	Nuovo of Middlebury	
	O'Brien of Richmond	
	O'Sullivan of Burlington	

Those who voted in the negative are:

Buxton of Tunbridge	Scheuermann of Stowe	Van Wyck of Ferrisburgh
Davis of Washington	Sharpe of Bristol	Young of Glover
Komline of Dorset	South of St. Johnsbury	Zagar of Barnard
Michelsen of Hardwick	Trieber of Rockingham	

Those members absent with leave of the House and not voting are:

Batchelor of Derby	Hebert of Vernon	Kupersmith of South Burlington
Burditt of West Rutland		

Poirier of Barre City
Vowinkel of Hartford

Wizowaty of Burlington
Woodward of Johnson

Consideration Interrupted by Recess

H. 640

Rep. Higley of Lowell, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to technical corrections

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 253 is amended to read:

§ 253. DEPUTY OFFICERS

* * *

(c)(1) The Commissioner of Financial Regulation, with the approval of the ~~governor~~ Governor, shall appoint a Deputy Commissioner of Banking, a Deputy Commissioner of Insurance, a Deputy Commissioner of Captive Insurance, and a Deputy Commissioner of Securities, ~~and a Deputy Commissioner of Health Care Administration~~. The Commissioner of Financial Regulation may remove the deputy commissioners at pleasure and shall be responsible for their acts. The functions and duties that relate to banks and banking shall be in the charge of the Deputy Commissioner of Banking; those that relate to the business of insurance shall be in the charge of the Deputy Commissioner of Insurance; those that relate to the business of captive insurance shall be in the charge of the Deputy Commissioner of Captive Insurance; and those that relate to the business of securities shall be in the charge of the Deputy Commissioner of Securities; ~~and those that relate to health care administration shall be in the charge of the Deputy Commissioner of health care administration.~~

(2) In the case of a vacancy in the Office of the Commissioner of Financial Regulation, one of the deputies appointed by the Commissioner shall assume and discharge the duties of that office until the vacancy is filled or the Commissioner returns.

(d) In case a vacancy occurs in the office of any appointing official who by law is authorized to appoint a deputy, or ~~such~~ the official is absent, his or her deputy shall assume and discharge the duties of such office until ~~such~~ the vacancy is filled; or ~~such~~ the official returns. ~~In the case of a vacancy in the office of the Commissioner of Financial Regulation, one of the deputies appointed by the Commissioner shall assume and discharge the duties of that~~

~~office until the vacancy is filled or the Commissioner returns. In case a vacancy occurs in the office of the Secretary of Agriculture, Food and Markets, the Deputy Commissioner for administration and enforcement shall assume and discharge the duties of the Secretary until such vacancy is filled, or the Secretary returns.~~

(e)(1) The Secretary of Agriculture, Food and Markets, with the approval of the Governor, shall appoint a Deputy ~~Commissioner for administration and enforcement~~ Secretary. The Secretary of Agriculture, Food and Markets may remove the Deputy ~~Commissioner~~ Secretary at pleasure, and he or she shall be responsible for the Deputy ~~Commissioner's~~ Secretary's acts. The Agency of Agriculture, Food and Markets shall be so organized that, subject to the supervision of the Secretary of Agriculture, Food and Markets, the functions and duties that relate to administration and enforcement shall be in the charge of the Deputy ~~Commissioner of Administration and Enforcement~~ Secretary.

(2) In case a vacancy occurs in the Office of the Secretary of Agriculture, Food and Markets, the Deputy Secretary shall assume and discharge the duties of the Secretary until such vacancy is filled or the Secretary returns.

* * *

Sec. 2. 3 V.S.A. § 471(m) is amended to read:

(m) The committee may authorize the loan of its securities pursuant to securities lending agreements that provide for collateral consisting of cash or securities issued or guaranteed by the ~~United States~~ U.S. government or its agencies equal to 100 percent or more of the market value of the loaned securities. Cash collateral may be invested by the lending institution in investments approved by the ~~state treasurer~~ State Treasurer. Approval of investments shall be made in accordance with the standard of care established by the prudent investor rule under ~~chapter 147 of Title 9~~ 14A V.S.A. chapter 9.

Sec. 3. 3 V.S.A. § 472(a) is amended to read:

(a) The members of the Vermont ~~pension investment committee~~ Pension Investment Committee established in chapter 17 of this title shall be the trustees of the funds created by this subchapter, 16 V.S.A. chapter 55 ~~of Title 16~~, and 24 V.S.A. chapter 125 ~~of Title 24~~, and with respect to them may invest and reinvest the assets of the ~~fund~~ Fund, and hold, purchase, sell, assign, transfer, and dispose of the securities and investments in which the assets of the ~~fund~~ Fund have been invested and reinvested. Investments shall be made in accordance with the standard of care established by the prudent investor rule under ~~chapter 147 of Title 9~~ 14A V.S.A. chapter 9.

Sec. 4. 3 V.S.A. § 479(d) is amended to read:

(d) After January 1, 2007, the State Treasurer may offer and administer a dental benefit plan for retired members, beneficiaries, eligible dependents, and eligible retirees of special affiliated groups and the dependents of members of those groups who are eligible for coverage in the State Employee ~~Group~~ Medical Benefit Plan. The Plan shall be separate and apart from any dental benefit plan offered to Vermont State employees. The original plan of benefits, and any changes thereto, shall be determined by the State Treasurer with due consideration of recommendations from the Retired Employees' Committee on Insurance established in section 636 of this title.

* * *

Sec. 5. 10 V.S.A. § 543(f)(3) is added to read:

(3) Apprenticeship Program. The Vermont Apprenticeship Program established under 21 V.S.A. chapter 13. Awards under this subdivision may be used to fund the cost of apprenticeship-related instruction provided by the Department of Labor.

Sec. 6. 10 V.S.A. § 905b(18) is amended to read:

(18) study and investigate the wetlands of the State and cooperate with municipalities, the general public, other agencies, and the Board in collecting and compiling data relating to wetlands, ~~propose to the Board specific wetlands to be designated as Class I wetlands,~~ issue or deny permits pursuant to section 913 of this title and the rules authorized by this subdivision, issue wetland determinations pursuant to section 914 of this title, issue orders pursuant to section 1272 of this title, and in accordance with 3 V.S.A. chapter 25, adopt rules to address the following:

* * *

Sec. 7. 10 V.S.A. § 1080 is amended to read:

§ 1080. DEFINITIONS

As used in this chapter:

* * *

(4) "Engineer" means a professional engineer ~~registered~~ licensed under Title 26 who has experience in the design and investigation of dams.

* * *

Sec. 8. 10 V.S.A. § 1087 is amended to read:

§ 1087. REVIEW OF PLANS AND SPECIFICATIONS

Upon receipt of an application, the ~~state~~ State agency having jurisdiction shall employ a ~~registered~~ licensed engineer experienced in the design and

investigation of dams to investigate the property, review the plans and specifications, and make additional investigations as it considers necessary to ensure that the project adequately provides for the public safety. The engineer shall report his or her findings to the agency.

Sec. 9. 10 V.S.A. § 1090 is amended to read:

§ 1090. CONSTRUCTION SUPERVISION

The construction, alteration or other action authorized in section 1086 of this title shall be supervised by a ~~registered~~ licensed engineer employed by the applicant. Upon completion of the authorized project, the engineer shall certify to the agency having jurisdiction that the project has been completed in conformance with the approved plans and specifications.

Sec. 10. 10 V.S.A. § 1105 is amended to read:

§ 1105. INSPECTION OF DAMS

The ~~state~~ State agency having jurisdiction shall employ an engineer to make periodic inspections of nonfederal dams in the ~~state~~ State to determine their condition and the extent, if any, to which they pose a potential or actual threat to life and property, or shall ~~promulgate~~ adopt rules pursuant to 3 V.S.A. chapter 25 ~~of Title 3~~ to require an adequate level of inspection by an independent ~~registered~~ licensed engineer experienced in the design and investigation of dams. The agency shall provide the owner with the findings of the inspection and any recommendations.

Sec. 11. 10 V.S.A. § 4255(a) is amended to read:

(a) Vermont residents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:

(1) Fishing license	\$25.00
(2) Hunting license	\$25.00
(3) Combination hunting and fishing license	\$40.00
(4) Big game licenses (all require a hunting license)	
(A) archery license	\$23.00
(B) muzzle loader license	\$23.00
(C) turkey license	\$23.00
(D) second muzzle loader license <u>[Repealed.]</u>	\$17.00
(E) second archery license <u>[Repealed.]</u>	\$17.00
(F) moose license	\$100.00

(G) <u>early</u> season bear tag	\$5.00
(H) additional deer archery tag	\$23.00

* * *

Sec. 12. 13 V.S.A. § 3255(b) is amended to read:

(b) In a prosecution for a crime defined in this chapter and in a prosecution pursuant to sections 2601 and 2602 of this title, for human trafficking or aggravated human trafficking under chapter 60 of this title, or for abuse or exploitation of a vulnerable adult under 33 V.S.A. § 6913(b), if a defendant proposes to offer evidence described in subdivision (a)(3) of this section, the defendant shall prior to the introduction of such evidence file written notice of intent to introduce that evidence, and the Court shall order an in camera hearing to determine its admissibility. All objections to materiality, credibility, and probative value shall be stated on the record by the prosecutor at the in camera hearing, and the Court shall rule on the objections forthwith, and prior to the taking of any other evidence.

Sec. 13. 16 V.S.A. § 1943(a) is amended to read:

(a) The members of the Vermont ~~pension investment committee~~ Pension Investment Committee established in 3 V.S.A. chapter 17 shall be the trustees of the fund created by this subchapter, and with respect to them may invest and reinvest the assets of the ~~fund~~ Fund, and hold, purchase, sell, assign, transfer, and dispose of the securities and investments in which the assets of the ~~fund~~ Fund have been invested and reinvested. Investments shall be made in accordance with the standard of care established by the prudent investor rule under ~~9 V.S.A. chapter 147~~ 14A V.S.A. chapter 9.

Sec. 14. 18 V.S.A. § 7505(a) is amended to read:

(a) In emergency circumstances where a certification by a physician is not available without serious and unreasonable delay, and when personal observation of the conduct of a person constitutes reasonable grounds to believe that the person is a person in need of treatment, and he or she presents an immediate risk of serious injury to himself or herself or others if not restrained, a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any ~~district or superior~~ Superior judge for a warrant for an immediate examination.

Sec. 15. 18 V.S.A. § 7801(a) is amended to read:

(a) A patient who has been ordered hospitalized may apply for discharge to the ~~criminal division~~ Family Division of the ~~superior court~~ Superior Court within which the hospital is located. A patient who has been ordered to receive treatment other than hospitalization may apply for discharge to the ~~criminal~~

~~division~~ Family Division of the ~~superior court~~ Superior Court which originally entered the order; the ~~court~~ Court in its discretion may transfer the matter, for the convenience of witnesses or for other reasons, to the ~~criminal division~~ Family Division of the ~~superior court~~ Superior Court within which the treatment is centered or in which the patient resides. Applications may be made no sooner than 90 days after the issuance of an order of continued treatment or no sooner than six months after the filing of a previous application under this section.

Sec. 16. 18 V.S.A. § 7802 is amended to read:

§ 7802. ADMINISTRATIVE REVIEW

The head of the hospital and the board shall cause the condition of every patient to be reviewed as regularly as practicable, but not less often than every six months, and whenever the head of a hospital or the board certifies that the patient is not a patient in need of further treatment, the patient shall be discharged. If requested by the patient all hearings by the board on the issue of granting a discharge shall be on reasonable notice to the patient's attorney who shall be afforded an opportunity to attend. In the absence of any attorney, the board shall notify the ~~criminal division~~ Family Division of the ~~superior court~~ Superior Court and an attorney shall be appointed as provided in section 7111 of this title.

Sec. 17. 18 V.S.A. § 9352(c) is amended to read:

(c) Health information exchange operation. VITL shall be designated in the Health Information Technology Plan pursuant to section 9351 of this title to operate the exclusive statewide health information exchange network for this State. The Secretary of Administration or designee shall enter into procurement grant agreements with VITL pursuant to ~~8 V.S.A. § 4089k~~ 32 V.S.A. § 10301. Nothing in this chapter shall impede local community providers from the exchange of electronic medical data.

Sec. 18. 19 V.S.A. § 38(a)(2) is amended to read:

(2) a representative from the Division ~~of~~ for Historic Preservation appointed by the Secretary of Commerce and Community Development;

Sec. 19. 20 V.S.A. § 3817 is amended to read:

§ 3817. RULES ADOPTION AUTHORITY

The ~~agency of agriculture, food and markets~~ Agency of Human Services may adopt rules to implement this subchapter.

Sec. 20. 21 V.S.A. § 2002(3) is amended to read:

(3) “Full-time equivalent” or “FTE” means the number of employees expressed as the number of employee hours worked during a calendar quarter divided by 520. “Full-time equivalent” shall not include any employee hours attributable to a seasonal employee or part-time employee of an employer who offers health care coverage to all of its regular full-time employees, provided that the seasonal employee or part-time employee has health care coverage under either a private or any public plan except ~~VHAP~~ or Medicaid.

Sec. 21. 23 V.S.A. § 3318(c) is amended to read:

(c) The provisions of this subchapter and the rules adopted pursuant to this subchapter shall be enforced by law enforcement officers as defined in section 3302 of this title in accordance with the provisions of 12 V.S.A. chapter 193, and they may also enforce the provisions of 10 V.S.A. § ~~1266~~ 1454 and the rules adopted pursuant to 10 V.S.A. § 1424. With respect to the provisions of 10 V.S.A. § ~~1266~~ 1454 and the rules adopted pursuant to 10 V.S.A. § 1424, whenever a penalty for a violation of such a rule is not otherwise established, three ~~superior~~ Superior judges appointed by the Court Administrator shall establish a schedule, within the limits prescribed by law, of the penalty to be imposed. Any law enforcement officer who issues a complaint shall advise the defendant of the schedule of penalties and show the defendant a copy of the schedule.

Sec. 22. 23 V.S.A. § 4103(4)(B)(iv) is amended to read:

(iv) farm vehicles, which are vehicles:

(I) controlled and operated by a farmer;

(II) used to transport either agricultural products, farm machinery, farm supplies ~~or both~~, or any of these to or from a farm;

(III) not used in the operations of a common or contract motor carrier; and

(IV) used within 150 miles of the farm.

Sec. 23. 24 V.S.A. § 3269(d) is amended to read:

(d) The ~~reserve fund~~ Reserve Fund shall be capitalized in accordance with standards and procedures approved by the Commissioner of Financial Regulation to cover expected foreclosures and fund administration costs based on good lending practice experience. Interest earned shall remain in the ~~fund~~ Fund. The administrator of the ~~reserve fund~~ Reserve Fund shall invest and reinvest the ~~moneys~~ monies in the ~~fund~~ Fund and hold, purchase, sell, assign, transfer, and dispose of the investments in accordance with the standard of care established by the Prudent Investor Rule under ~~9 V.S.A. chapter 147~~ 14A V.S.A. chapter 9. The administrator shall apply the same investment

objectives and policies adopted by the Vermont State Employees' Retirement System, where appropriate, to the investment of ~~moneys~~ monies in the ~~fund~~ Fund.

Sec. 24. 24 V.S.A. § 3270(c) is amended to read:

(c) At the direction of the Treasurer, a sum shall be transferred to the ~~fund~~ Fund from ~~moneys~~ monies deposited into the Energy Efficiency Fund pursuant to ~~30 V.S.A. § 209(d)(7)~~ 30 V.S.A. § 209(e)(1)(A) (net capacity savings payments) and ~~(8)(B)~~ (net revenues from the sale of carbon credits).

* * *

Sec. 25. 24 V.S.A. § 4306(b)(2) is amended to read:

(2) Disbursement to municipalities shall be awarded annually on or before December 31 through a competitive program administered by the Department of Housing and Community Affairs providing the opportunity for any eligible municipality or municipalities to compete regardless of size, provided that to receive funds, a municipality:

* * *

Sec. 26. 24 V.S.A. § 4471(e) is amended to read:

(e) ~~Vermont neighborhood.~~ Neighborhood development area. Notwithstanding subsection (a) of this section, a determination by an appropriate municipal panel shall not be subject to appeal if the determination is that a proposed residential development within a designated downtown development district, designated growth center, ~~or~~ designated Vermont neighborhood, or designated neighborhood development area seeking conditional use approval will not result in an undue adverse effect on the character of the area affected, as provided in subdivision 4414(3)(A)(ii) of this title.

Sec. 27. 24 V.S.A. § 4472(b) is amended to read:

(b) The remedy of an interested person with respect to the constitutionality of any one or more of the provisions of any bylaw or municipal plan shall be governed by the Vermont Rules of Civil Procedure with a de novo trial in the Civil Division of the Superior Court, unless the issue arises in the context of another case under this chapter, in which instance it may be raised in the Environmental Division. In such cases, hearings before the appropriate municipal panel shall not be required. This section shall not limit the authority of the Attorney General to bring an action before the Environmental Division under section 4453 of this title, with respect to challenges to housing provisions in bylaws.

Sec. 28. 24 V.S.A. § 5062(o) is amended to read:

(o) The Vermont Pension Investment Committee may authorize the loan of its securities pursuant to securities lending agreements that provide for collateral consisting of cash or securities issued or guaranteed by the ~~United States~~ U.S. government or its agencies equal to 100 percent or more of the market value of the loaned securities. Cash collateral may be invested by the lending institution in investments approved by the State Treasurer. Approval of investments shall be made in accordance with the standard of care established by the prudent investor rule under ~~9 V.S.A. chapter 147~~ 14A V.S.A. chapter 9.

Sec. 29. 24 V.S.A. § 5088(5) is amended to read:

(5) A “public transit service” means any fixed route, paratransit, transportation brokerage, user-side subsidy, ~~and~~ or rideshare/ride-match program which is available to any person upon payment of the proper fare, and which is promoted to be available to all members of the public, including those with special needs.

Sec. 30. 30 V.S.A. § 8015(d)(3) is amended to read:

(3) ~~A~~ The Fund may issue a grant in lieu of a solar energy tax credit in accordance with 32 V.S.A. § 5930z(f). Of any Fund ~~moneys~~ monies unencumbered by such grants, the first \$2.3 million shall fund the Small-scale Renewable Energy Incentive Program described in subdivision (1)(E)(ii) of this subsection.

Sec. 31. 32 V.S.A. § 434 is amended to read:

§ 434. INVESTMENT OF CERTAIN FUNDS

(a)(1) A “Trust Investment Account” is hereby created to maximize the earnings of individual funds by associating them together for common investment.

* * *

(3) The State Treasurer may invest and reinvest the funds in the ~~account~~ Account, and hold, purchase, sell, assign, transfer, and dispose of the investments in accordance with the standard of care established by the prudent investor rule under ~~9 V.S.A. chapter 147~~ 14A V.S.A. chapter 9. The Treasurer shall apply the same investment objectives and policies adopted by the Vermont State Employees’ Retirement System, where appropriate, to the investment of funds in the Trust Investment Account.

* * *

(b) The State Treasurer may invest and reinvest the monies deposited into the Tobacco Litigation Settlement Fund established by section 435a of this title, and may hold, purchase, sell, assign, transfer, and dispose of the investments in accordance with the standard of care established by the prudent investor rule under ~~9 V.S.A. chapter 147~~ 14A V.S.A. chapter 9.

Sec. 32. 32 V.S.A. § 1261(a) is amended to read:

(a) Unless otherwise provided, all persons in the employ of the ~~state~~ State when away from home and office on official duties shall be reimbursed for expenses necessarily incurred for travel, subsistence, postage, telephone, telegraph, express, and incidentals which shall be paid out of the ~~biennial~~ appropriation made for the support of their respective departments. Nothing contained herein shall authorize payment to an administrative official or employee, except the Governor, for travel between his or her place of residence and office, or subsistence thereat except for mileage reimbursement when an employee is called in and required to work at any time other than continuously into his or her normally scheduled shift. Compensation for subsistence, travel, and other expenses occurring while conducting business for the State shall be the subject of collective bargaining as defined in 3 V.S.A. § 904(a). Whenever it shall be necessary to effect the transfer of an employee of the State from one official station to another by direction of the head of a department, said employee shall be reimbursed for his or her reasonable and necessary moving expenses actually incurred. However, the reasonableness of ~~said~~ the expense shall be determined by the Commissioner of Finance and Management and no such expense shall be allowed unless the transfer is made for the convenience of the State and in no event where it is effected for the convenience or at the request of the employee. Such expense when allowed shall be paid out of the ~~biennial~~ appropriation made for the support of the respective departments. When an administrative official or employee works out of his or her home in the usual course of employment rather than out of an office, he or she shall be reimbursed for expenses in the same manner as though he or she were working out of an office and for the purposes of this section, his or her home shall be considered as his or her office.

Sec. 33. CAMPAIGN FINANCE; CONTRIBUTION LIMITS;
TRANSITIONAL PROVISION

Notwithstanding the provisions of 2014 Acts and Resolves No. 90 (campaign finance (S.82)), Secs. 2 (repeal of 17 V.S.A. chapter 59) and 8 (effective dates; transitional provisions), the provisions of 17 V.S.A. § 2805(a), (b), (f), (g), and (h) (limitations of contributions), as administered and enforced by the State immediately prior to the effective date of 2014 Acts and Resolves No. 90, Sec. 2, shall continue to apply to elections in the State from the

effective date of 2014 Acts and Resolves No. 90, Sec. 2 until the effective date of 2014 Acts and Resolves No. 90, Sec. 3, 17 V.S.A. § 2941 (limitations of contributions).

Sec. 34. REPEALS

The following are repealed:

(1) 2009 Special Session Acts and Resolves No. 1, Sec. H.7 (directing the Legislative Council to revise the Vermont Statutes Annotated to reflect the redesignation of the Department of Taxes as the Department of Revenue).

(2) 3 V.S.A. § 252 (cost of bonds; blanket bond).

(3) 3 V.S.A. § 3083 (Department of Developmental and Mental Health Services).

(4) 10 V.S.A. § 902(10) (definition of "Panel").

(5) 10 V.S.A. § 914(e) (wetland determination provision).

(6) 24 V.S.A. § 2408 (land acquired by virtue of the provisions of 24 V.S.A. § 2407).

(7) 30 V.S.A. § 8004(f) (report requirement).

Sec. 35. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Branagan of Georgia, for the committee on Ways and Means recommended that the bill ought to pass when amended as recommended by the committee on Government Operations.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the report of the committees on Government Operations and Ways and Means be agreed to?

Reps Browning of Arlington and Davis of Washington moved to amend the recommendation of proposal of amendment offered by the committee on Government Operations by striking Sec. 35 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 35. 2014 Acts and Resolves No. 90 (campaign finance (S.82)), Sec. 3 (adding 17 V.S.A. chapter 61 (campaign finance)), 17 V.S.A. § 2941(a)(1)(B) (limits on contributions to a candidate for State Representative or for local office from a political party) is amended to read:

(B) Such a candidate may accept ~~unlimited contributions~~ \$5,000.00 from a political party.

Sec. 36. 2014 Acts and Resolves No. 90, Sec. 3, 17 V.S.A. § 2941(a)(2)(B) (limits on contributions to a candidate for State Senator or for county office from a political party) is amended to read:

(B) Such a candidate may accept ~~unlimited contributions~~ \$8,000.00 from a political party.

Sec. 37. 2014 Acts and Resolves No. 90, Sec. 3, 17 V.S.A. § 2941(a)(3)(B) (limits on contributions to a statewide candidate from a political party) is amended to read:

(B) Such a candidate may accept ~~unlimited contributions~~ \$90,000.00 from a political party.

Sec. 38. 2014 Acts and Resolves No. 90, Sec. 3, 17 V.S.A. § 2941(a)(5) (limits on contributions to a political party) is amended to read:

(5) A political party shall not accept contributions totaling more than:

(A) ~~\$10,000.00~~ \$4,000.00 from a single source;

(B) ~~\$10,000.00~~ \$4,000.00 from a political committee; or

(C) ~~\$60,000.00~~ \$40,000.00 from a political party.

Sec. 39. 2014 Acts and Resolves No. 90, Sec. 3, 17 V.S.A. § 2941(a)(6) (aggregate contribution limits on single sources) is amended to read:

(6) A single source shall not contribute more than an aggregate of:

(A) ~~\$40,000.00~~ \$30,000.00 to candidates; and

(B) ~~\$40,000.00~~ \$30,000.00 to political committees.

Sec. 40. 17 V.S.A. § 2963(a)(1) (campaign finance reports; contributor information) is amended to read:

(1) the full name, town of residence, ~~and~~ mailing address, occupation, and employer of each contributor who contributes an amount in excess of \$100.00, the date of the contribution, and the amount contributed;

Sec. 41. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, **Rep. Deen of Westminster** raised a Point of Order that the amendment was not germane to the report, which Point of Order the Speaker ruled well taken.

Pending the question, Shall the recommendation of proposal of amendment offered by the committee on Government Operations be agreed to? **Rep. Browning of Arlington** moved that the recommendation of proposal of

amendment offered by the committee on Government Operations be amended by inserting a new section to be Sec. 33a to read:

Sec. 33a. 17 V.S.A. § 2963(a)(1) (campaign reports; contributor information) is amended to read:

(1)(A) the full name, town of residence, and mailing address of each contributor who contributes an amount in excess of \$100.00, the date of the contribution, and the amount contributed; and

(B) in addition to the information required to be reported under subdivision (A) of this subdivision (1), the occupation and employer of each contributor who contributes an amount in excess of \$400.00;

Thereupon, **Rep. Deen of Westminster** raised a Point of Order that the amendment was not germane to the report of the committee on Government Operations, which Point of Order the Speaker ruled well taken.

Pending the question, Shall the recommendation of proposal of amendment offered by the committee on Government Operations be agreed to? **Rep. Pearson of Burlington** moved that the recommendation of proposal of amendment offered by the committee on Government Operations be amended by striking Sec. 35 (effective date) and inserting in lieu thereof the following:

Sec. 35. 17 V.S.A. § 2901(19) is added to read:

(19) "Separate segregated fund" means a bank account held separately from the general treasury of a corporation or labor union and which contains only contributions made by natural persons within the contribution limits of this chapter for those persons.

Sec. 36. 17 V.S.A. § 2926 is added to read:

§ 2926. REQUIREMENTS FOR SEPARATE SEGREGATED FUNDS

(a) The separate segregated fund of a corporation or labor union shall be considered a political committee.

(b) Only a natural person may make a contribution to a separate segregated fund.

(c) A separate segregated fund may be used only to make contributions to candidates, political committees, or political parties.

Sec. 37. 17 V.S.A. § 2950 is added to read:

§ 2950. LIMITATIONS ON CONTRIBUTIONS; CORPORATIONS AND LABOR UNIONS; SEPARATE SEGREGATED FUNDS

(a) Notwithstanding any provision of law to the contrary and except as provided in subsection (b) of this section, a corporation or labor union shall not make a contribution to a candidate, political committee, or political party.

(b)(1) A corporation or labor union may:

(A) establish a separate segregated fund that may contribute to candidates, political committees, and political parties; and

(B) provide its meeting facilities to a candidate, political committee, or political party on a nondiscriminatory and nonpreferential basis.

(2) A corporation may use money, property, labor, or any other thing of monetary value of the corporation for the purposes of soliciting its stockholders, executive or administrative personnel, and the immediate families of those persons for contributions to the corporation's separate segregated fund and for financing the administration of that separate segregated fund. The corporation's employees and the immediate families of those employees to whom the foregoing authority does not extend may only be solicited in writing, and such solicitations may only take place two times in a calendar year.

(3) A labor union may use money, property, labor, or any other thing of monetary value of the labor union for the purposes of soliciting its members, executive or administrative personnel, and the immediate families of those persons for contributions to the labor union's separate segregated fund and for financing the administration of that separate segregated fund. The labor union's employees and the immediate families of those employees to whom the foregoing authority does not extend and stockholders and their immediate families of a corporation in which the labor union represents members working for the corporation may only be solicited in writing, and such solicitations may only take place two times in a calendar year.

(c) Notwithstanding any provision of law to the contrary, a candidate, political committee, or political party shall not accept a contribution from a corporation or labor union except from the separate segregated fund of that corporation or labor union.

(d) The provisions of this section shall not apply to a non-profit corporation that:

(1) is not organized or operating for the principal purpose of conducting a business;

(2) has no shareholders or other persons affiliated so as to have a claim on its assets or earnings; and

(3) was not established by a business corporation or a labor union and has a policy not to accept significant contributions from those entities.

(e) As used in this section, "immediate families" means the spouse and the father, mother, sons, and daughters who live in the same household as a corporation or labor union's stockholder, executive or administrative personnel, member, or employee.

Sec. 38. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, **Rep. Deen of Westminster** raised a Point of Order that the amendment was not germane to the report of the committee on Government Operations, which Point of Order the Speaker ruled well taken.

Pending the question, Shall the recommendation of proposal of amendment offered by the committee on Government Operations be agreed to? **Rep. Browning of Arlington** moved that the recommendation of proposal of amendment offered by the committee on Government Operations be amended by inserting a new section to be Sec. 33a to read:

Sec. 33a. 2014 Acts and Resolves No. 90 (campaign finance (S.82)), Sec. 8(a)(2) (effective dates; contribution limits) is amended to read:

(2) in Sec. 3 of this act, 17 V.S.A. § 2941 (limitations of contributions), except subdivision (a)(6) (aggregate limits on contributions from a single source), shall take effect on ~~January 1, 2015~~ January 1, 2019;

Recess

At three o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until three o'clock and twenty-five minutes in the afternoon.

At three o'clock and thirty-eight minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Third Reading Ordered

H. 640

Consideration resumed on House bill, entitled

An act relating to technical corrections

Pending the question, Shall the report of the Committee on Government Operations be amended as offered by the Rep. Browning of Arlington? **Rep. Browning of Arlington** demanded the Yeas and Nays, which demand was

sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Government Operations be amended as offered by the Rep. Browning of Arlington? was decided in the negative. Yeas, 13. Nays, 122.

Those who voted in the affirmative are:

Browning of Arlington *	Greshin of Warren	Weed of Enosburgh
Burke of Brattleboro	Haas of Rochester	Yantachka of Charlotte
Cross of Winooski	Komline of Dorset	Zagar of Barnard
Davis of Washington	Pearson of Burlington	
Goodwin of Weston	Stevens of Shoreham	

Those who voted in the negative are:

Ancel of Calais	Frank of Underhill	Martin of Springfield
Bartholomew of Hartland	French of Randolph	Martin of Wolcott
Beyor of Highgate	Gage of Rutland City	Masland of Thetford
Bissonnette of Winooski	Gallivan of Chittenden	McCarthy of St. Albans City
Botzow of Pownal	Grad of Moretown	McCormack of Burlington
Bouchard of Colchester	Head of South Burlington	McCullough of Williston
Branagan of Georgia	Heath of Westford	McFaun of Barre Town
Brennan of Colchester	Hebert of Vernon	Michelsen of Hardwick
Buxton of Tunbridge	Helm of Fair Haven	Miller of Shaftsbury
Campion of Bennington	Higley of Lowell	Mook of Bennington
Canfield of Fair Haven	Hooper of Montpelier	Morrissey of Bennington
Carr of Brandon	Hoyt of Norwich	Mrowicki of Putney
Christie of Hartford	Hubert of Milton	Nuovo of Middlebury
Clarkson of Woodstock	Huntley of Cavendish	O'Brien of Richmond
Cole of Burlington	Jerman of Essex	O'Sullivan of Burlington
Condon of Colchester	Johnson of South Hero	Partridge of Windham
Connor of Fairfield	Johnson of Canaan	Pearce of Richford
Conquest of Newbury	Juskiewicz of Cambridge	Peltz of Woodbury
Consejo of Sheldon	Keenan of St. Albans City	Potter of Clarendon
Corcoran of Bennington	Kilmartin of Newport City	Pugh of South Burlington
Cupoli of Rutland City	Kitzmiller of Montpelier	Quimby of Concord
Dakin of Chester	Klein of East Montpelier	Ralston of Middlebury
Deen of Westminster	Koch of Barre Town	Ram of Burlington
Devereux of Mount Holly	Krebs of South Hero	Russell of Rutland City
Dickinson of St. Albans Town	Krowinski of Burlington	Ryerson of Randolph
Donaghy of Poultney	Lanpher of Vergennes	Savage of Swanton
Donahue of Northfield	Larocque of Barnet	Scheuermann of Stowe
Donovan of Burlington	Lawrence of Lyndon	Sharpe of Bristol
Ellis of Waterbury	Lenes of Shelburne	Shaw of Pittsford
Emmons of Springfield	Lewis of Berlin	Smith of New Haven
Evans of Essex	Lippert of Hinesburg	Spengler of Colchester
Fagan of Rutland City	Macaig of Williston	Stevens of Waterbury
Fay of St. Johnsbury	Malcolm of Pawlet	Strong of Albany
Feltus of Lyndon	Manwaring of Wilmington	Stuart of Brattleboro
Fisher of Lincoln	Marcotte of Coventry	Sweaney of Windsor
	Marek of Newfane *	Taylor of Barre City

Terenzini of Rutland Town	Trieber of Rockingham	Winters of Williamstown
Till of Jericho	Turner of Milton	Wizowaty of Burlington
Toleno of Brattleboro	Van Wyck of Ferrisburgh	Wright of Burlington
Toll of Danville	Waite-Simpson of Essex	Young of Glover
Townsend of South Burlington	Webb of Shelburne	
	Wilson of Manchester	

Those members absent with leave of the House and not voting are:

Batchelor of Derby	Mitchell of Fairfax	Smith of Morristown
Burditt of West Rutland	Moran of Wardsboro	South of St. Johnsbury
Copeland-Hanzas of Bradford	Myers of Essex	Vowinkel of Hartford
Kupersmith of South Burlington	Poirier of Barre City	Woodward of Johnson
	Rachelson of Burlington	
	Shaw of Derby	

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I vote yes to have time to correct mistakes in Act 90. We all make mistakes. I believe that the lack of real limits on large donations and the lack of required disclosure about the employer and occupation of large donors are grave errors of omission in Act 90. It is never too late to correct an error, but it is never too soon to do so when the integrity and transparency of our democratic process is at stake.

I regret that today the House did not have a chance to undertake a better campaign finance reform bill.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

This amendment would have left Vermont with no campaign limits at all, based only on the unsupported view that the next two legislatures may take no further action on this subject. That simply would make our limits weaker, not stronger, and was ample reason to reject it.”

Thereupon, the report of the committees on Government Operations and Ways and Means were agreed to and third reading ordered.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 802

Rep. Partridge of Windham moved that the committee on Agriculture and Forest Products be relieved of House bill, entitled

An act relating to expanding the authority of the Vermont Agricultural Credit Corporation

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

Adjournment

At four o'clock and seven minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at ten o'clock in the forenoon.