

Journal of the House

Wednesday, May 7, 2014

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by poet Gary Margolis from Cornwall, 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 sixth day of May, 2014, he approved and signed a bill originating in the House of the following title:

H. 356 An act relating to prohibiting littering in or on the waters of the State

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed;
Rules Suspended and Bill Messaged to Senate Forthwith**

H. 501

On motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to operating a motor vehicle under the influence of alcohol or drugs

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking 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. 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 RECOGNITION 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. NALTREXONE INJECTIONS; DEPARTMENT OF HEALTH STUDY

The Department of Health shall evaluate the feasibility, effectiveness, risks, and benefits of using an injectable form of the opioid antagonist naltrexone in the treatment of opioid addiction in Vermont, either instead of or in addition to the use of methadone and buprenorphine. On or before January 15, 2015, the Department shall report its findings and recommendations regarding the use of injectable naltrexone in Vermont's substance abuse treatment programs to the House Committees on Human Services and on Judiciary and the Senate Committees on Health and Welfare and on Judiciary.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Koch of Barre Town** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Waite-Simpson of Essex

Rep. Koch of Barre Town

Rep. Potter of Clarendon

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Bill Amended, Read Third Time and Passed

H. 673

House bill, entitled

An act relating to retirement and pension amendments

Was taken up and pending third reading of the bill, **Rep. Browning of Arlington** moved to amend the bill as follows:

First: By striking out Sec. 4 in its entirety and inserting a new Sec. 4 to read:

Sec. 4. 16 V.S.A. § 1944d is added to read:

§ 1944d. TEACHER FEE FOR HEALTH CARE

Members of the State Teachers' Retirement System of Vermont as of July 1, 2015 shall pay an annual fee for their health and medical benefits. The fee shall be equivalent to one percent of the value, as approved annually by the Board of Trustees based on the actuary's recommendation, of the average health insurance coverage provided to members. The fee shall be paid by members at a time and in a manner to be determined by the Board.

Second: By striking out Sec. 5 in its entirety, and by renumbering the remaining sections to be numerically correct.

Pending the question, Shall the bill be amended as recommended by 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 bill be amended as recommended by Rep. Browning of Arlington? was decided in the negative. Yeas, 14. Nays, 118.

Those who voted in the affirmative are:

| | | |
|-------------------------|---------------------|----------------------|
| Browning of Arlington * | Koch of Barre Town | Quimby of Concord |
| Cole of Burlington | Larocque of Barnet | Scheuermann of Stowe |
| Davis of Washington | Mitchell of Fairfax | Smith of New Haven |
| Donahue of Northfield * | Moran of Wardsboro | Stevens of Shoreham |
| Goodwin of Weston | Myers of Essex | |

Those who voted in the negative are:

| | | |
|-------------------------|------------------------|-------------------------|
| Ancel of Calais | Carr of Brandon | Deen of Westminster |
| Bartholomew of Hartland | Clarkson of Woodstock | Devereux of Mount Holly |
| Batchelor of Derby | Condon of Colchester | Dickinson of St. Albans |
| Beyor of Highgate | Connor of Fairfield | Town |
| Bissonnette of Winooski | Conquest of Newbury | Donaghy of Poultney |
| Botzow of Pownal | Consejo of Sheldon | Donovan of Burlington |
| Bouchard of Colchester | Copeland-Hanzas of | Ellis of Waterbury |
| Brennan of Colchester | Bradford | Emmons of Springfield |
| Burke of Brattleboro | Corcoran of Bennington | Evans of Essex |
| Buxton of Tunbridge | Cross of Winooski | Fagan of Rutland City |
| Campion of Bennington | Cupoli of Rutland City | Fay of St. Johnsbury |
| Canfield of Fair Haven | Dakin of Chester | Feltus of Lyndon |

| | | |
|---------------------------|-----------------------------|---------------------------------|
| Fisher of Lincoln | Lewis of Berlin | Russell of Rutland City |
| Frank of Underhill | Lippert of Hinesburg | Ryerson of Randolph |
| French of Randolph | Macaig of Williston | Savage of Swanton |
| Gage of Rutland City | Malcolm of Pawlet | Sharpe of Bristol |
| Gallivan of Chittenden | Manwaring of Wilmington | Shaw of Pittsford |
| Grad of Moretown | Marcotte of Coventry | Stevens of Waterbury |
| Greshin of Warren | Marek of Newfane | Strong of Albany |
| Haas of Rochester | Martin of Springfield | Stuart of Brattleboro |
| Head of South Burlington | Martin of Wolcott | Sweaney of Windsor |
| Hebert of Vernon | Masland of Thetford | Terenzini of Rutland Town |
| Helm of Fair Haven | McCarthy of St. Albans City | Till of Jericho |
| Higley of Lowell | McCormack of Burlington | Toleno of Brattleboro |
| Hooper of Montpelier | McCullough of Williston | Townsend of South Burlington |
| Hubert of Milton | McFaun of Barre Town | Trieber of Rockingham |
| Huntley of Cavendish | Michelsen of Hardwick | Turner of Milton |
| Jerman of Essex | Miller of Shaftsbury | Van Wyck of Ferrisburgh |
| Jewett of Ripton | Mook of Bennington | Waite-Simpson of Essex |
| Johnson of South Hero | Morrissey of Bennington | Walz of Barre City |
| Johnson of Canaan | Mrowicki of Putney | Webb of Shelburne |
| Juskiewicz of Cambridge | Nuovo of Middlebury | Weed of Enosburgh |
| Keenan of St. Albans City | O'Brien of Richmond | Wilson of Manchester |
| Kitzmiller of Montpelier | Pearce of Richford | Wizowaty of Burlington |
| Klein of East Montpelier | Pearson of Burlington | Woodward of Johnson |
| Komline of Dorset | Peltz of Woodbury | Yantachka of Charlotte |
| Krebs of South Hero | Potter of Clarendon | Young of Glover |
| Krowinski of Burlington | Pugh of South Burlington | Zagar of Barnard |
| Lanpher of Vergennes | Rachelson of Burlington | |
| Lawrence of Lyndon | Ralston of Middlebury | |
| Lenes of Shelburne | Ram of Burlington | |

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

| | | |
|---------------------------|--------------------------|-------------------------|
| Branagan of Georgia | Kupersmith of South | South of St. Johnsbury |
| Burditt of West Rutland | Burlington | Spengler of Colchester |
| Christie of Hartford | O'Sullivan of Burlington | Toll of Danville |
| Heath of Westford | Partridge of Windham | Vowinkel of Hartford |
| Hoyt of Norwich | Poirier of Barre City | Winters of Williamstown |
| Kilmartin of Newport City | Shaw of Derby | Wright of Burlington |

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I vote yes to protect the education of our students and to protect property taxpayers. The state must take responsibility for its own obligations and not shift them onto the Education Fund.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

Timing can indeed, sometimes, be everything. Timing demands a solution to the Teachers' Retirement System funding this year. But it also demands that we do not add to the burdens of the property tax as part of the solution this year. I vote yes because this small component of the solution can and should wait for our intended overhaul of education funding and financing.”

Pending third reading of the bill, **Rep. Browning of Arlington** moved that the bill be amended as follows:

By striking Secs. 4 and 5 in their entirety, and by renumbering the remaining sections to be numerically correct.

Thereupon, **Rep. Browning of Arlington** asked and was granted leave of the House to withdraw her amendment.

Pending third reading of the bill, **Rep. Browning of Arlington** moved that the bill be amended as follows:

By inserting a new Sec. 7 to read:

Sec. 7. REPEAL

On July 1, 2015, 32 V.S.A. chapter 135 (education property tax) is repealed. and by renumbering the remaining section to be numerically correct.

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

Pending third reading of the bill, **Rep. Komline of Dorset** moved to amend the bill as follows:

By inserting a new Sec. 6 to read:

Sec. 6. 16 V.S.A. § 4028(d) is added to read:

(d) On or before July 1 of each year, the Joint Fiscal Office shall determine the total amount of new unfunded mandates imposed on supervisory unions and school districts for the coming fiscal year. The Joint Fiscal Office shall present this total to the Joint Fiscal Committee at its July meeting. The Joint Fiscal Committee shall review and approve the total, and that amount shall then be added to the General Fund transfer in subdivision 4025(a)(2) of this title for that fiscal year and after. As used in this subsection, an “unfunded mandate” means a State statute or State regulation that requires a supervisory union or school district to perform certain actions, but with no money or funding mechanism in place for fulfilling the requirement. “Unfunded mandate” shall not mean the annual assessment pursuant to section 1944d of this title.

and by renumbering the remaining section to be numerically correct.

Pending the question, Shall the bill be amended as recommended by Rep. Komline of Dorset and others? **Rep. Komline of Dorset** 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 bill be amended as recommended by Rep. Komline of Dorset and others? was decided in the affirmative. Yeas, 126. Nays, 6.

Those who voted in the affirmative are:

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|---------------------------------|--------------------------|-----------------------------|
| Ancel of Calais | Fay of St. Johnsbury | Martin of Wolcott |
| Bartholomew of Hartland | Feltus of Lyndon | Masland of Thetford |
| Batchelor of Derby | Fisher of Lincoln | McCarthy of St. Albans City |
| Beyor of Highgate | Frank of Underhill | McCormack of Burlington |
| Bissonnette of Winooski | French of Randolph | McCullough of Williston |
| Botzow of Pownal | Gage of Rutland City | McFaun of Barre Town |
| Bouchard of Colchester | Gallivan of Chittenden | Michelsen of Hardwick |
| Brennan of Colchester | Goodwin of Weston | Miller of Shaftsbury |
| Browning of Arlington | Grad of Moretown | Mitchell of Fairfax |
| Burke of Brattleboro | Greshin of Warren | Moran of Wardsboro |
| Buxton of Tunbridge | Haas of Rochester | Morrissey of Bennington |
| Campion of Bennington | Head of South Burlington | Mrowicki of Putney |
| Canfield of Fair Haven | Hebert of Vernon | Myers of Essex |
| Carr of Brandon | Helm of Fair Haven | Nuovo of Middlebury |
| Christie of Hartford | Higley of Lowell | Partridge of Windham |
| Clarkson of Woodstock | Hoopier of Montpelier | Pearce of Richford |
| Cole of Burlington | Hubert of Milton | Peltz of Woodbury |
| Condon of Colchester | Huntley of Cavendish | Potter of Clarendon |
| Connor of Fairfield | Jerman of Essex | Pugh of South Burlington |
| Conquest of Newbury * | Johnson of South Hero | Quimby of Concord |
| Consejo of Sheldon | Juskiewicz of Cambridge | Rachelson of Burlington |
| Copeland-Hanzas of Bradford | Kitzmiller of Montpelier | Ralston of Middlebury |
| Corcoran of Bennington | Klein of East Montpelier | Ram of Burlington |
| Cross of Winooski | Koch of Barre Town | Russell of Rutland City |
| Cupoli of Rutland City | Komline of Dorset | Ryerson of Randolph |
| Dakin of Chester | Krebs of South Hero | Savage of Swanton |
| Davis of Washington | Krowinski of Burlington | Scheuermann of Stowe |
| Devereux of Mount Holly | Lanpher of Vergennes | Sharpe of Bristol |
| Dickinson of St. Albans Town | Larocque of Barnet | Shaw of Pittsford |
| Donaghy of Poultney | Lawrence of Lyndon | Smith of New Haven |
| Donahue of Northfield | Lenes of Shelburne | South of St. Johnsbury |
| Donovan of Burlington | Lewis of Berlin | Stevens of Waterbury |
| Ellis of Waterbury | Macaig of Williston | Stevens of Shoreham |
| Emmons of Springfield | Malcolm of Pawlet | Strong of Albany |
| Evans of Essex | Manwaring of Wilmington | Stuart of Brattleboro |
| Fagan of Rutland City | Marcotte of Coventry | Sweaney of Windsor |
| | Marek of Newfane | Terenzini of Rutland Town |
| | Martin of Springfield | Till of Jericho |

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|---------------------------------|--|--|
| Toleno of Brattleboro | Van Wyck of Ferrisburgh | Wilson of Manchester |
| Townsend of South Burlington | Waite-Simpson of Essex Walz of Barre City | Winters of Williamstown Woodward of Johnson |
| Trieber of Rockingham | Webb of Shelburne | Young of Glover |
| Turner of Milton | Weed of Enosburgh | Zagar of Barnard |

Those who voted in the negative are:

| | | |
|---------------------------|---------------------|------------------------|
| Deen of Westminster | Mook of Bennington | Pearson of Burlington |
| Keenan of St. Albans City | O'Brien of Richmond | Yantachka of Charlotte |

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

| | | |
|---------------------------|-----------------------------------|---|
| Branagan of Georgia | Kupersmith of South Burlington | Smith of Morristown Spengler of Colchester |
| Burditt of West Rutland | Lippert of Hinesburg | Toll of Danville |
| Heath of Westford | O'Sullivan of Burlington | Vowinkel of Hartford |
| Hoyt of Norwich | Poirier of Barre City | Wizowaty of Burlington |
| Johnson of Canaan | Shaw of Derby | Wright of Burlington |
| Kilmartin of Newport City | | |

Rep. Conquest of Newbury explained his vote as follows:

“Mr. Speaker:

I’m happy to support this amendment. Establishing the policy of identifying the dollar figure of unfunded mandates in our education system and committing to paying for them is critical.

If we find we have to revisit the mechanics of how we do that, it will only serve to remind us of the importance of doing it. No bad thing.”

Thereupon, the bill was read a third time and passed.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 237

Rep. Conquest of Newbury, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to civil forfeiture proceedings in cases of animal cruelty

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, 13 V.S.A. § 354, in subsection (d), in the second sentence, after the words “motion for forfeiture” by adding, if a criminal charge has been filed, or a petition for forfeiture if no criminal charge has been filed

Second: In Sec. 1, 13V.S.A. § 354, in subdivision (f)(2), after the second sentence by adding “Upon request of the other party or the Court, the party

offering an affidavit shall make the affiant available by telephone at the hearing.”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

**Senate Proposal of Amendment Concurred in
With a Further Proposal of Amendment**

H. 497

The Senate proposed to the House to amend House bill, entitled

An act relating to the open meeting law

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~~ subdivision 313(a)(2) 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~~ prematre 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.

Thereupon, **Rep. Higley of Lowell** moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

In Sec. 3, 1 V.S.A. § 313, in subsection (a), subdivision (3), by striking out the words “employee other than the appointment of a person to a public body or to any elected office” and inserting in lieu thereof the following: “employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting”

Which was agreed to.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 790

The Senate proposed to the House to amend House bill, entitled
An act relating to Reach Up eligibility

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

* * * Reach Up Asset Limit and Earned Income Counseling * * *

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.

* * *

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.

* * * Enhanced Child Care Services Subsidy * * *

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 participating in the Reach Ahead program.

(2) 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.

(3) The subsidy authorized by this subsection shall be no greater than 100 percent of the subsidy provided in subsection (a) of this section.

(4) A participating family shall remain eligible for the enhanced child care services subsidy program between 12 and 24 months as long as one or more dependent children of a working parent or parents are receiving child care services. The Commissioner for Children and Families may extend the subsidy beyond 24 months if the Commissioners for Children and Families and of Finance and Management determine jointly that an extension can be accommodated within appropriated resources.

(5) The enhanced child care services subsidy program shall be funded through savings resulting from 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. INTERIM REPORT

The Department for Children and Families shall submit a written report to the Health Care Oversight Committee on or before November 1, 2014 regarding the estimated cost of the enhanced child care services subsidy program and projected caseload reduction savings in the Reach Up program.

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 Reach Up 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 and Child Care Services Subsidy Offset * * *

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

§ 1204. FOOD ASSISTANCE

(a)(1) 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~~ 12 months after the family has become eligible for Reach Ahead.

(2) For the ~~seventh~~ 12th through ~~12th~~ 24th months, the family shall receive a monthly food assistance of ~~\$50.00~~ \$25.00.

* * *

(d) The 12th through the 24th months of assistance shall be funded through savings resulting from caseload reductions in the Reach Up program. If there are insufficient savings from caseload reductions to fund the 12th through the 24th months of assistance, the assistance shall be suspended or modified.

Sec. 7. 33 V.S.A. § 1205 is amended to read:

§ 1205. REQUIRED SERVICES TO PARTICIPATING FAMILIES

(a) The Commissioner shall provide participating families Reach Ahead services, case management services if necessary, and referral to any agencies or programs, including workforce development, that provide the services needed by participating families to improve the family's prospects for employment retention. Reach Ahead services shall be provided for ~~12~~ 24 months.

(b) A participating family shall be eligible for an enhanced child care services subsidy during its 12th through 24th month on the Reach Ahead program pursuant to subsection 3512(b) of this title.

Sec. 8. 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 for the remainder of the initial 12-month period.

* * * Effective Dates * * *

Sec. 9. EFFECTIVE DATES

This act shall take effect on July 1, 2014, except that:

(1) Secs. 1, 6(a)(1), and 8 shall take effect on January 1, 2015; and

(2) Secs. 3, 6(a)(2) and (d), and 7 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.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Trieber of Rockingham** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Trieber of Rockingham
Rep. Pugh of South Burlington
Rep. O'Brien of Richmond

Senate Proposal of Amendment Concurred in

H. 877

The Senate proposed to the House to amend House bill, entitled

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

By striking 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(1)(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.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 497

House bill, entitled

An act relating to the open meeting law

H. 673

House bill, entitled

An act relating to retired teachers' health care costs

H. 790

House bill, entitled

An act relating to Reach Up eligibility

Recess

At twelve o'clock and thirteen minutes in the afternoon, the Speaker declared a recess until two o'clock and thirty minutes in the afternoon.

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

**Senate Proposal of Amendment Concurred in with a
Further Amendment Thereto**

S. 239

The Senate concurred in the House proposal of amendment with a further amendment thereto on House bill, entitled

An act relating to the regulation of toxic substances

First: In Sec. 2, in 18 V.S.A. § 1772, in subdivision (7)(A), after “children in the State of Vermont,” and before “including” by inserting or any consumer product whose substantial use or handling by children under 12 years of age is reasonably foreseeable,

and by striking out subdivisions (7)(B)(ii) and (iii) in their entirety

and by renumbering the remaining subdivisions to be numerically correct.

Second: In Sec. 2, in 18 V.S.A. § 1772, in subdivision (8)(G), by striking out “or” where it appears

and by adding new subdivisions (8)(H) and (8)(I) to read as follows:

(H) consumer electronic products, including personal computers, audio and video equipment, calculators, wireless telephones, game consoles, and hand-held devices incorporating a video screen used to access interactive software intended for leisure and entertainment and their associated peripherals;

(I) interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact discs; or

and by relettering the remaining subdivision in subdivision (8) to be alphabetically correct.

Third: In Sec. 2, in 18 V.S.A. § 1772, by striking out subdivision (11) in its entirety and by renumbering the remaining subdivisions to be numerically correct.

Fourth: In Sec. 2, in 18 V.S.A. § 1774, in subdivision (b)(1)(F), by striking out “two representatives” where it appears and inserting in lieu thereof one representative

and in subdivision (d)(1), after “shall recommend” and before “chemicals of high concern” by inserting at least two

and by adding subsection (g) to read as follows:

(g) Right of appeal. Individual members of the Working Group and the Working Group as a whole shall have the right to appeal to the Board of Health an act or omission by the Commissioner in the implementation or administration of the requirements of this chapter.

Fifth: In Sec. 2, in 18 V.S.A. § 1775, in subsection (a), after “on July, 1,” and before “, and biennially thereafter” by striking out “2015” and inserting in lieu thereof 2016

and in subdivision (a)(1), by striking out “intentionally added to” where it appears and inserting in lieu thereof present in

and by striking out subsection (g) in its entirety and by relettering the remaining subsections to be alphabetically correct.

Sixth: In Sec. 2, in 18 V.S.A. § 1776, in subdivision (d)(1), after “The Commissioner” and before “may adopt a rule” by striking out “, upon the recommendation of the Chemicals of High Concern to Children Working Group,”

and in subdivision (d)(2), after “credible information regarding” and before the colon, by inserting one or more of the following

and in subdivision (d)(2)(C), after the semicolon, by inserting or

and in subdivision (f)(1), by striking out the second sentence in its entirety and inserting in lieu thereof the following:

The rule shall provide:

(A) all relevant criteria for evaluation of the chemical;

(B) criteria by which a chemical, due to its presence in the environment or risk of harm, shall be prioritized for addition or removal from the list of chemicals of high concern to children or for regulation under subsection (d) of this section;

(C) time frames for labeling or phasing out sale or distribution; and

(D) other information or process determined as necessary by the Commissioner for implementation of this chapter.

Seventh: In Sec. 2, in 18 V.S.A. § 1778, by adding a sentence at the end of the section to read as follows:

The Commissioner may publish information submitted or acquired under this chapter that is designated a trade secret, confidential business information, or otherwise confidential by law in a summary or aggregate form, provided that any published information shall not directly or indirectly identify an individual manufacturer or a business advantage of an individual manufacturer.

Eighth: By striking out Secs. 4 (liquid nicotine packaging) and 5 (Effective Dates) in their entirety and by inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto? **Rep. Deen of Westminster** moved to concur with the Senate proposal of amendment with a further amendment thereto as follows:

First: In Sec. 2, in 18 V.S.A. § 1772, in subdivision (7)(A), after “children in the State of Vermont,” and before “including” by striking out or any consumer product whose substantial use or handling by children under 12 years of age is reasonably foreseeable,

Second: In Sec. 2, in 18 V.S.A. § 1772, by inserting a new subdivision to be subdivision (11) to read:

(11) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

and by renumbering the remaining subdivisions to be numerically correct.

Third: In Sec. 2, in 18 V.S.A. § 1774, by striking out subsection (g) (right of appeal) in its entirety.

Fourth: In Sec. 2, in 18 V.S.A. § 1775, in subdivision (a)(1), by striking out “present in” where it appears and inserting in lieu thereof intentionally added to

and by adding a new subsection to be subsection (g) to read as follows:

(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. A certificate of compliance provided by a supplier under this subsection shall be solely for the purpose of compliance with the requirements of this chapter.

and by relettering the remaining subsections to be alphabetically correct.

Fifth: In Sec. 2, in 18 V.S.A. § 1776, in subdivision (d)(1), in the first sentence, by striking out the sentence to the colon and inserting in lieu thereof the following:

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

Sixth: In Sec. 2, in 18 V.S.A. § 1776, in subdivision (d)(2), after “credible information regarding” and before the colon, by striking out one or more of the following

and in subdivision (f)(1), in the first sentence, by striking out “subsection (b) or (c)” where it appears and inserting in lieu thereof subsection (b), (c), or (d).

Seventh: In Sec. 2, in 18 V.S.A. § 1778, by striking out the last sentence in its entirety.

Which was agreed to.

Rules Suspended; Senate Proposal of Amendment Concurred in**H. 656**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

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

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed 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. 7, 26 V.S.A. § 1256 (renewal of registration or license), in its entirety and inserting in lieu thereof the following: [Deleted.]

Third: In Sec. 9, 18 V.S.A. § 4201 (definitions), in subdivision (26) (definition of “prescription”), at the end of the subdivision following “If a prescription is communicated orally, it shall be reduced promptly to writing by the pharmacist.” by inserting Nothing in this subdivision is meant to authorize the oral communication of a prescription when a written prescription is otherwise required.

Fourth: By striking out Sec. 11 (amending 26 V.S.A. § 2022 (definitions)) in its entirety and inserting in lieu thereof the following: [Deleted.]

Fifth: 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

Sixth: By striking out Sec. 15, 26 V.S.A. § 2255 (fees), in its entirety and inserting in lieu thereof the following: [Deleted.]

Seventh: By striking out Sec. 22, 26 V.S.A. § 3010 (fees; licenses), in its entirety and inserting in lieu thereof the following: [Deleted.]

Eighth: 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;

* * *

Ninth: 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.

Tenth: 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.

* * *

Which proposal of amendment was considered and concurred in.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 728

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to developmental services' system of care

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking 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 shall 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.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Senate Proposal of Amendment Concurred in

S. 208

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to solid waste management

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate concurred in the House proposal of amendment with the following proposal of amendment thereto:

First: In Sec. 2, 10 V.S.A. § 6605m, in subdivision (a)(1), by striking out “treated or painted wood” and inserting in lieu thereof plywood, and oriented strand board.

Second: By striking out Sec. 7a (Greenup Checkoff) in its entirety.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Report of Committee of Conference Adopted;
Rules Suspended and Bill Messaged to Senate Forthwith**

S. 314

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

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

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the Senate accede to the House proposal of amendment, with the following amendments thereto:

First: By striking out Sec. 11 in its entirety and inserting in lieu thereof a new Sec. 11 to read:

Sec. 11. 23 V.S.A. § 704 is amended to read:

§ 704. QUALIFICATIONS FOR TRAINING SCHOOL LICENSE

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

* * *

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

* * *

Second: In Sec. 40, 23 V.S.A. § 1095b, in subdivision (c)(3), by striking out the following: “for a first conviction, and shall have two points assessed for a second or subsequent conviction within a two-year period”

Third: In Sec. 41, 23 V.S.A. § 2502, by striking out subdivision (a)(1)(LL)(iii) in its entirety.

Fourth: By inserting a new section to be Sec. 42a to read:

Sec. 42a. PUBLIC EDUCATION CAMPAIGN

(a) To inform highway users of the requirements of Sec. 40 of this act (prohibition on handheld use of portable electronic devices while driving) and the October 1, 2014 effective date of Sec. 40, the Agency shall conduct a public education campaign to commence no later than August 1, 2014.

(b) At a minimum, the Agency shall:

(1) notify media outlets throughout the State of the prohibition and its effective date;

(2) update its website and the website of the Department of Motor Vehicles to provide notice of the prohibition and its effective date; and

(3) install signs and variable message boards at locations within highway rights-of-way designated by the Agency which inform highway users of the prohibition and its effective date. Such signs and boards shall conform to the Manual on Uniform Traffic Control Devices and any other applicable federal law.

Fifth: In Sec. 43 (effective dates), by striking out subsections (b) and (c) in their entirety and inserting in lieu thereof the following:

(b) Secs. 39–42 (use of portable electronic device while driving) shall take effect on October 1, 2014.

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

COMMITTEE ON THE PART OF THE SENATE COMMITTEE ON THE PART OF THE HOUSE

SEN. RICHARD T. MAZZA
SEN. MARGARET K. FLORY
SEN. RICHARD W. SEARS

REP. DAVID E. POTTER
REP. PATRICK M. BRENNAN
REP. MAXINE J. GRAD

Pending the question, Shall the House adopt the report of the Committee of Conference? **Rep. Turner of Milton** 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 House adopt the report of the Committee of Conference? was decided in the affirmative. Yeas, 130. Nays, 5.

Those who voted in the affirmative are:

| | | |
|-------------------------|--------------------------|---------------------------|
| Ancel of Calais | Davis of Washington | Higley of Lowell |
| Bartholomew of Hartland | Deen of Westminster | Hooper of Montpelier |
| Batchelor of Derby | Devereux of Mount Holly | Huntley of Cavendish |
| Beyor of Highgate | Dickinson of St. Albans | Jerman of Essex |
| Bissonnette of Winooski | Town | Jewett of Ripton |
| Botzow of Pownal | Donaghy of Poultney | Johnson of South Hero |
| Bouchard of Colchester | Donahue of Northfield | Johnson of Canaan |
| Brennan of Colchester | Donovan of Burlington | Juskiewicz of Cambridge |
| Browning of Arlington | Ellis of Waterbury | Keenan of St. Albans City |
| Burke of Brattleboro | Emmons of Springfield | Kitzmiller of Montpelier |
| Campion of Bennington | Evans of Essex | Klein of East Montpelier |
| Canfield of Fair Haven | Fagan of Rutland City | Koch of Barre Town |
| Carr of Brandon | Fay of St. Johnsbury | Krowinski of Burlington |
| Christie of Hartford | Feltus of Lyndon | Lanpher of Vergennes |
| Clarkson of Woodstock | Fisher of Lincoln | Larocque of Barnet |
| Cole of Burlington | Frank of Underhill | Lawrence of Lyndon |
| Condon of Colchester | French of Randolph | Lenes of Shelburne |
| Connor of Fairfield | Gage of Rutland City | Lewis of Berlin |
| Conquest of Newbury | Gallivan of Chittenden | Lippert of Hinesburg |
| Consejo of Sheldon | Goodwin of Weston | Macaig of Williston |
| Copeland-Hanzas of | Grad of Moretown | Malcolm of Pawlet |
| Bradford | Greshin of Warren | Manwaring of Wilmington |
| Corcoran of Bennington | Haas of Rochester | Marcotte of Coventry |
| Cross of Winooski | Head of South Burlington | Marek of Newfane |
| Cupoli of Rutland City | Heath of Westford | Martin of Springfield |
| Dakin of Chester | Hebert of Vernon | Martin of Wolcott |

| | | |
|-----------------------------|---------------------------|-------------------------|
| Masland of Thetford | Poirier of Barre City | Till of Jericho |
| McCarthy of St. Albans City | Potter of Clarendon | Toleno of Brattleboro |
| McCormack of Burlington | Pugh of South Burlington | Townsend of South |
| McCullough of Williston | Quimby of Concord | Burlington |
| McFaun of Barre Town | Rachelson of Burlington | Turner of Milton |
| Michelsen of Hardwick | Ralston of Middlebury | Van Wyck of Ferrisburgh |
| Miller of Shaftsbury | Ram of Burlington | Waite-Simpson of Essex |
| Mitchell of Fairfax | Russell of Rutland City | Walz of Barre City |
| Mook of Bennington | Ryerson of Randolph | Webb of Shelburne |
| Moran of Wardsboro | Savage of Swanton | Weed of Enosburgh |
| Morrissey of Bennington | Scheuermann of Stowe | Wilson of Manchester |
| Mrowicki of Putney | Sharpe of Bristol | Winters of Williamstown |
| Myers of Essex | Shaw of Pittsford | Wizowaty of Burlington |
| Nuovo of Middlebury | Smith of New Haven | Wright of Burlington |
| O'Brien of Richmond | Stevens of Waterbury | Yantachka of Charlotte |
| Partridge of Windham | Strong of Albany | Young of Glover |
| Pearce of Richford | Stuart of Brattleboro | Zagar of Barnard |
| Pearson of Burlington | Sweaney of Windsor | |
| Peltz of Woodbury | Terenzini of Rutland Town | |

Those who voted in the negative are:

| | | |
|---------------------|------------------------|---------------------|
| Buxton of Tunbridge | South of St. Johnsbury | Woodward of Johnson |
| Komline of Dorset | Trieber of Rockingham | |

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

| | | |
|-------------------------|---------------------------|------------------------|
| Branagan of Georgia | Kilmartin of Newport City | Shaw of Derby |
| Burditt of West Rutland | Krebs of South Hero | Spengler of Colchester |
| Helm of Fair Haven | Kupersmith of South | Stevens of Shoreham |
| Hoyt of Norwich | Burlington | Toll of Danville |
| Hubert of Milton | O'Sullivan of Burlington | Vowinkel of Hartford |

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Recess

At three o'clock and thirty-eight minutes in the afternoon, the Speaker declared a recess until four o'clock and fifteen minutes in the afternoon.

At four o'clock and fifteen minutes in the afternoon, the Speaker called the House to order.

Rules Suspended; Senate Proposal of Amendment Concurred in With a Further Amendment Thereto

H. 578

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to administering State funds for loans to individuals for replacement of failed wastewater systems and potable water supplies

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed 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).

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Botzow of Pownal** moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

In Sec. 1, 24 V.S.A. § 4753, in subsection (b), by striking out the second sentence in its entirety and inserting in lieu thereof a new second sentence to read:

These funds shall be administered by the Bond Bank on behalf of the State, except that: the ~~fund~~ Fund shall be administered by VEDA concerning loans to privately owned water systems under subdivision (a)(3) of this section; and the Fund may be administered by a community development financial institution, as that term is defined in 12 U.S.C. § 4702, that is contracted with by the State for the purpose of providing loans to individuals for failed wastewater systems and potable water supplies under subdivision (a)(10) of this section.

Which was agreed to.

**Rules Suspended; Senate Proposal of Amendment Concurred
in with a Further Amendment Thereto**

H. 646

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to unemployment insurance

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed 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.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Botzow of Pownal** moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

By striking Sec. 10 in its entirety and inserting in lieu thereof a new Sec. 10 to read:

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:

(i) is on active duty with the U.S. Armed Forces and is required to relocate 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; or

(ii) holds a commission in the foreign service of the United States and is assigned overseas, 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.

* * *

Which was agreed to.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 555

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

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

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking 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~~ the person is tried or is to be tried, the issue of whether ~~such the~~ the person is incompetent to stand trial, or if the ~~court~~ Court has reason to believe that ~~such the~~ 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~~ the person may be incompetent to stand trial due to a mental ~~disease or mental defect, such illness, developmental disability, or traumatic brain injury,~~ 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~~ 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.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

H. 413

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the Uniform Collateral Consequences of Conviction Act

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill as follows:

First: 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.”

Second: In Sec. 1, by striking out section 8012 in its entirety and inserting in lieu thereof a new section 8012 to read:

**§ 8012. DISCRETIONARY DISQUALIFICATIONS AND MANDATORY
SANCTIONS NOT SUBJECT TO ORDER OF LIMITED RELIEF
OR CERTIFICATE OF RESTORATION OF RIGHTS**

(a) An order of limited relief or certificate of restoration of rights may not be issued to relieve the following mandatory sanctions:

(1) requirements imposed by chapter 167, subchapter 3 of this title (sex offender registration; law enforcement notification);

(2) a motor vehicle license suspension, revocation, limitation, or ineligibility pursuant to Title 23 for which restoration or relief is available; or

(3) ineligibility for employment by law enforcement agencies, including the Office of the Attorney General, State's Attorney, police departments, sheriff's departments, State Police, or the Department of Corrections.

(b) An order of limited relief or certificate of restoration of rights may not be issued to relieve a discretionary disqualification or mandatory sanction imposed due to:

(1) a conviction of a listed crime as defined in section 5301 of this title;
or

(2) a conviction of trafficking of regulated drugs pursuant to 18 VSA chapter 84.

Third: By striking out Sec. 2 in its entirety and inserting in lieu thereof the following Secs. 2-3:

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 (1) 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. 3. EFFECTIVE DATES

This act shall take effect on passage except for Sec. 1 (collateral consequences of conviction) which shall take effect on July 1, 2015.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Wizowaty of Burlington** moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

By striking "July 1, 2015" and inserting in lieu thereof "January 1, 2016"

Which was agreed to.

**Rules Suspended; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 263

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the authority of assistant judges in child support contempt proceedings

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Lippert of Hinesburg, for the committee on Judiciary, to which had been referred the bill reported in favor of its passage in concurrence with proposal of amendment as follows:

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

Sec. 1. 4 V.S.A. § 36 is amended to read:

§ 36. COMPOSITION OF THE COURT

(a) Unless otherwise specified by law, when in session, a ~~superior court~~ Superior Court shall consist of:

(1) For cases in the ~~civil~~ Civil or ~~family division~~ Family Division, one presiding ~~superior~~ Superior judge and two assistant judges, if available.

(2)(A) For cases in the ~~family division~~ Family Division, except as provided in subdivision (B) of this subdivision (2), one presiding ~~superior judge~~ judicial officer and two assistant judges, if available.

(B) The ~~family court~~ Family Division shall consist of one presiding ~~superior judge~~ judicial officer sitting alone in the following proceedings:

(i) ~~All~~ all juvenile proceedings filed pursuant to 33 V.S.A. chapters 51, 52, and 53 ~~of Title 33~~, including proceedings involving “youthful offenders” pursuant to 33 V.S.A. § 5281, whether the matter originated in the ~~criminal or family division of the superior court~~ Criminal or Family Division of the Superior Court;

(ii) ~~All~~ all guardianship services proceeding for persons proceedings filed pursuant to 18 V.S.A. chapter 215 ~~of Title 18~~;

(iii) ~~All~~ all mental health proceedings filed pursuant to 18 V.S.A. chapters 179, 181, and 185 ~~of Title 18~~;

(iv) ~~All~~ all involuntary sterilization proceedings filed pursuant to 18 V.S.A. chapter 204 of Title 18;

(v) ~~All~~ all care for persons with developmental disabilities proceedings filed pursuant to 18 V.S.A. chapter 206 of Title 18; and

(vi) ~~All~~ all proceedings specifically within the jurisdiction of the office of magistrate except child support contempt proceedings held pursuant to a magistrate's jurisdiction under subdivision 461(a)(1) of this title;

(C) Use of the term "judicial officer" in subdivisions (A) and (B) of this subsection shall not be construed to expand a judicial officer's subject matter jurisdiction or conflict with the authority of the Chief Justice or Administrative Judge to make special assignments pursuant to section 22 of this title.

* * *

Sec. 2. 3 V.S.A. § 221 is added to read:

§ 221. HEARING OFFICERS; RULES

(a) The Secretary of Administration shall adopt a rule to establish guidelines and oversight for hearing officers in the Executive Branch. As used in this section, "hearing officer" means a person employed by the State of Vermont whose exclusive duty is to resolve contested cases when a decision of an Executive Branch agency is challenged.

(b) The rule adopted pursuant to this subsection shall include provisions addressing the following topics:

(1) The rule shall include ethical standards for hearing officers. The ethical standards:

(A) may be based on the Model Code of Judicial Conduct for State Administrative Law Judges developed by the National Association of Administrative Law Judiciary;

(B) shall be made readily accessible to the public and to parties in administrative proceedings; and

(C) shall include provisions related to bias, impartiality and the appearance of impartiality, conflicts of interest, recusal and disqualification, confidentiality, and ex parte communications.

(2) The rule shall require the agency or department that employs the hearing officer to designate procedures for the receipt, consideration, and determination of complaints about the conduct of hearing officers. The procedures shall be provided to all parties in the matter.

(3) The rule shall ensure that all parties in proceedings presided over by a hearing officer are provided with a copy of the rules of procedure that apply to the proceedings. The rules shall prominently and specifically describe any appeal rights a party has and the procedure for filing an appeal.

Sec. 3. HEARING OFFICERS; REPORT

(a) On or before December 15, 2014, the Commissioner of Human Resources shall report to the House and Senate Committees on Judiciary and on Government Operations on the current and potential use and oversight of hearing officers in Vermont State government. The report shall:

(1) identify all State employees and contractors who function in whole or in part as hearing officers;

(2) analyze the feasibility and costs of expanding the rule adopted pursuant to 3 V.S.A. § 221 to all State employees and contractors who function in whole or in part as hearing officers; and

(3) analyze the feasibility and costs of providing education and training to:

(A) hearing officers covered by the rule adopted pursuant to 3 V.S.A. § 221; and

(B) all State employees and contractors who function in whole or in part as hearing officers.

(b) As used in this section:

(1) "Education and training" shall include content related to:

(A) the importance to the proceedings of fairness, impartiality, and the appearance of impartiality;

(B) the rules of evidence;

(C) legal writing, reasoning, and decision making;

(D) the ethical standards established pursuant to 3 V.S.A. § 221(b)(1);

(E) confidentiality; and

(F) the participation of pro se parties.

(2) "Hearing officer" means a person employed or contracted on a full-time or part-time basis by the State of Vermont whose duties include resolving contested cases when a decision of an Executive Branch agency is challenged.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Message from the Senate No. 67

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposals of amendment to Senate bills of the following titles:

S. 202. An act relating to the energy efficiency charge.

S. 256. An act relating to the solemnization of a marriage by a Judicial Bureau hearing officer.

S. 281. An act relating to vision riders and a choice of providers for vision and eye care services.

S. 291. An act relating to the establishment of transition units at State correctional facilities.

S. 293. An act relating to reporting on population-level outcomes and indicators and on program-level performance measures.

And has concurred therein.

The Senate has considered House proposals of amendment to Senate bills of the following titles:

S. 28. An act relating to gender-neutral nomenclature for the identification of parents on birth certificates.

S. 221. An act relating to providing statutory purposes for tax expenditures.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 497. An act relating to the open meeting law.

And has concurred therein.

The Senate has considered the reports of the Committees of Conference upon the disagreeing votes of the two Houses upon House bills of the following titles:

H. 699. An act relating to temporary housing.

H. 765. An act relating to eliminating the part-time certification of law enforcement officers.

And has accepted and adopted the same on its part.

The Governor has informed the Senate that on the sixth day of May, he approved and signed bills originating in the Senate of the following titles:

S. 100. An act relating to forest integrity.

S. 283. An act relating to the changing of the name of the Vermont Criminal Information Center.

**Rules Suspended; Bill Read Third Time and Passed in Concurrence
With Proposal of Amendment; Rules Suspended and Bill was Ordered
Messaged to the Senate Forthwith**

S. 263

Senate bill, entitled

An act relating to the authority of assistant judges in child support contempt proceedings

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 578

House bill, entitled

An act relating to administering State funds for loans to individuals for replacement of failed wastewater systems and potable water supplies

H. 646

House bill, entitled

An act relating to unemployment insurance

H. 413

House bill, entitled

An act relating to the Uniform Collateral Consequences of Conviction Act

**Rules Suspended; Proposal of Amendment Agreed to;
Third Reading Ordered; Rules Suspended; Bill Read Third Time and
Passed in Concurrence with Proposal of Amendment; Rules Suspended
and Bill Ordered Messaged to the Senate Forthwith**

S. 264

On motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to technical corrections to civil and criminal procedure statutes

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Lippert of Hinesburg, for the committee on Judiciary, to which had been referred the bill reported in favor of its passage in concurrence with proposal of amendment as follows:

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

Sec. 1. 1 V.S.A. § 317(c)(41) is amended to read:

(41) documents reviewed by the Victim's Compensation Board for purposes of approving an application for compensation pursuant to 13 V.S.A. chapter 167, except as provided by 13 V.S.A. §§ ~~5360~~ 5358a(b) and 7043(c).

Sec. 2. 4 V.S.A. § 601(d) is amended to read:

(d) The Judicial Nominating Board shall adopt rules under 3 V.S.A. chapter 25 ~~which~~ that shall establish criteria and standards for the nomination of qualified candidates for ~~justices~~ Justices of the ~~supreme~~ Supreme Court, ~~superior~~ Superior Court judges, ~~magistrates~~ Magistrates, the Chair of the Public Service Board, and members of the Public Service Board. The criteria and standards shall include such factors as integrity, legal knowledge and ability, judicial temperament, impartiality, health, experience, diligence,

administrative and communicative skills, social consciousness, and public service. The application form shall not be included in the rules and may be developed and periodically revised at the discretion of the Board.

Sec. 3. 9 V.S.A. § 2292 is amended to read:

§ 2292. DEFENSES; LIABILITY AND PROTECTION OF TRANSFEREE

* * *

(e) A transfer is not voidable under subdivision 2288(a)(2) or section 2289 of this title if the transfer results from:

(1) termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law;

(2) enforcement of a security interest in compliance with 9A V.S.A. Article 9 ~~of Title 9A~~; or

(3) foreclosure of a mortgage in compliance with 12 V.S.A. subchapter 6 of chapter 163 ~~or subchapter 1 of chapter 172 of Title 12.~~

* * *

Sec. 4. 12 V.S.A. § 2794 is amended to read:

§ 2794. EXECUTION UPON REAL ESTATE; HOMESTEAD A PART

When an execution is levied upon real estate of which the debtor's homestead is a part or upon that part of a homestead in excess of ~~\$75,000.00~~ \$125,000.00 in value, the location and boundaries of the homestead shall be ascertained before the sale and set out in the manner provided for the levy of execution upon real estate whereof a homestead forms a part.

Sec. 5. 18 V.S.A. § 4474(b) is amended to read:

(b) Prior to acting on an application, the ~~department~~ Department shall obtain from the Vermont ~~criminal information center~~ Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a criminal record from the Federal Bureau of Investigation for the applicant. ~~For purposes of this subdivision~~ As used in this subsection, "criminal record" means a record of whether the person has ever been convicted of a drug-related crime. Each applicant shall consent to release of criminal records to the ~~department~~ Department on forms ~~substantially similar to the release forms developed by the center pursuant to 20 V.S.A. § 2056e~~ Center. The ~~department~~ Department shall comply with all laws regulating the release of criminal history records and the protection of individual privacy. The Vermont ~~criminal information center~~ Crime Information Center shall send to the requester any record received pursuant to this section or inform the ~~department~~

~~of public safety~~ Department of Public Safety that no record exists. If the ~~department~~ Department disapproves an application, the ~~department~~ Department shall promptly provide a copy of any record of convictions and pending criminal charges to the applicant and shall inform the applicant of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Vermont ~~criminal information center~~ Crime Information Center. No person shall confirm the existence or nonexistence of criminal record information to any person who would not be eligible to receive the information pursuant to this subchapter.

Sec. 6. 18 V.S.A. § 4474g(b) is amended to read:

(b) Prior to acting on an application for a registry identification card, the ~~department of public safety~~ Department of Public Safety shall obtain with respect to the applicant a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation. Each applicant shall consent to the release of criminal history records to the ~~department~~ Department on forms ~~substantially similar to the release forms developed in accordance with 20 V.S.A. § 2056e~~ by the Vermont Crime Information Center.

Sec. 7. 20 V.S.A. § 2056e(a) is amended to read:

(a) The ~~department of buildings and general services~~ Department of Buildings and General Services shall obtain from the Vermont ~~criminal information center~~ Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a record from the Federal Bureau of Investigation for any applicant for a ~~state~~ State security personnel position who has given written authorization, on a release form prescribed ~~under section 2056e of this chapter~~ by the Center, pursuant to the provisions of this subchapter and the user's agreement filed by the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services with the ~~center~~ Center. The user's agreement shall require the ~~department~~ Department to comply with all federal and ~~state~~ State statutes, rules, regulations, and policies regulating the release of criminal history records and the protection of individual privacy. The user's agreement shall be signed and kept current by the ~~commissioner~~ Commissioner. Release of interstate and Federal Bureau of Investigation criminal history records is subject to the rules and regulations of the Federal Bureau of Investigation's National Crime Information Center.

Sec. 8. 20 V.S.A. § 2056h is amended to read:

§ 2056h. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE
DEPARTMENT OF FINANCIAL REGULATION

(a) The Department of Financial Regulation shall obtain from the Vermont ~~Criminal Crime~~ Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a record from the Federal Bureau of Investigation (FBI) for any applicant for a banking division examiner position who has given written authorization, on a release form prescribed ~~under section 2056e of this chapter~~ by the Center, pursuant to the provisions of this subchapter and the user's agreement filed by the Commissioner of Financial Regulation with the ~~center~~ Center. The user's agreement shall require the Department to comply with all federal and State statutes, rules, regulations, and policies regulating the release of criminal history records, and the protection of individual privacy. The user's agreement shall be signed and kept current by the Commissioner. Release of interstate and ~~F.B.I.~~ FBI criminal history records is subject to the rules and regulations of the ~~F.B.I.'s~~ FBI's National Crime Information Center.

* * *

Sec. 9. 27 V.S.A. § 145 is amended to read:

§ 145. EFFECT OF SPOUSE JOINING IN MORTGAGE

If the homestead or lands included therein are mortgaged by the joint deed of husband and wife, the joining of the wife or husband in the mortgage shall have no other effect than to bar her or his claim to the homestead as against the mortgage. If the mortgage includes lands other than the homestead, and the owner thereof dies, the other lands shall be first sold by the executor or administrator and applied on the mortgage and the residue only shall rest on the homestead. When the ~~probate division of the superior court~~ Probate Division of the Superior Court orders the whole to be sold, the balance of the proceeds after the payment of the mortgage, not exceeding ~~\$75,000.00~~ \$125,000.00 shall be under the control of the ~~court~~ Court as in case of the sale of a homestead under this chapter.

Sec. 10. 27 V.S.A. § 182 is amended to read:

§ 182. APPLICATION TO SUPERIOR COURT FOR RELIEF

When a dwelling house, outbuildings, and lands in which a homestead right exists, exceed in value ~~\$75,000.00;~~ \$125,000.00 and a severance of the homestead would greatly depreciate the value of the residue of the premises or be of great inconvenience to the parties interested either in the residue or in the homestead, either party may apply for relief to the ~~superior court~~ Superior Court by a complaint setting forth the facts.

Sec. 11. 27 V.S.A. § 183 is amended to read:

§ 183. TRANSFER OR SALE IN LIEU OF SEVERANCE

When it appears upon hearing that such homestead cannot be occupied in severalty without great inconvenience to the parties interested therein or in such residue, the ~~court~~ Court may order such homestead to be transferred to such other parties and the payment of ~~\$75,000.00~~ \$125,000.00 to the owner thereof, or, at the option of the owner, ~~such court~~ the Court may order the parties to transfer such residue to him or her and order him or her thereupon to pay such other parties the value thereof to be fixed by the ~~court~~ Court. If the case requires, the ~~court~~ Court may order a sale of the whole premises and apportion the proceeds between the parties, and the ~~court~~ Court may make such orders in the premises as are equitable. If such homestead is sold, the ~~court~~ Court may control the investment of the proceeds of the sale in a new homestead or make such disposition thereof as equity requires.

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

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

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary? **Rep. Lippert of Hinesburg** moved to amend the recommendation of proposal of amendment offered by the committee on Judiciary as follows:

First: By striking Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 4 V.S.A. § 601 is amended to read:

§ 601. JUDICIAL NOMINATING BOARD CREATED; COMPOSITION

* * *

(d) The Judicial Nominating Board shall adopt rules under 3 V.S.A. chapter 25 which shall establish criteria and standards for the nomination of ~~qualified~~ candidates for ~~justices~~ Justices of the Supreme ~~court~~, ~~superior~~ Court, Superior judges, magistrates, the Chair of the Public Service Board, and members of the Public Service Board. The criteria and standards shall include such factors as integrity, legal knowledge and ability, judicial temperament, impartiality, health, experience, diligence, administrative and communicative skills, social consciousness, and public service. The application form shall not be included in the rules and may be developed and periodically revised at the discretion of the Board.

(e) A quorum of the Board shall consist of eight members.

(f) The ~~board~~ Board is authorized to use the staff and services of appropriate ~~state~~ State agencies and departments as necessary to conduct investigations of applicants. The Office of Legislative Council shall assist the Board for the purpose of rulemaking.

Second: By adding new Secs. 12, 13, 14, and 15 to read as follows:

Sec. 12. 4 V.S.A. § 1111 is added to read:

§ 1111. CIVIL VIOLATION; FAILURE TO PRODUCE IDENTIFICATION

(a) A law enforcement officer is authorized to detain a person if:

(1) the officer has reasonable grounds to believe the person has committed a civil violation of Title 7, 10, 13, 18, or 23; and

(2) the person refuses to identify himself or herself satisfactorily to the officer when requested by the officer.

(b) The person may be detained under this section only until the person identifies himself or herself satisfactorily to the officer or is properly identified. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a judge in the Criminal Division of the Superior Court for that purpose. A person who refuses to identify himself or herself to the Court on request shall immediately and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

Sec. 13. 18 V.S.A. § 4230a(e) is amended to read:

~~(e)(1) Upon request by a law enforcement officer who reasonably suspects that a person has committed or is committing a violation of this section, the person shall give his or her name and address to the law enforcement officer and shall produce a motor vehicle operator's license, an identification card, a passport, or another suitable form of identification.~~

~~(2)~~ A law enforcement officer is authorized to detain a person if:

(A) the officer has reasonable grounds to believe the person has violated this section; and

(B) the person refuses to identify himself or herself satisfactorily to the officer when requested by the officer.

~~(3)~~(2) The person may be detained only until the person identifies himself or herself satisfactorily to the officer or is properly identified. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a judge in the Criminal Division of the Superior Court for that purpose. A person who refuses to identify himself or herself to

the Court on request shall immediately and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

Sec. 14. 24 V.S.A. § 1983(b) is amended to read as follows:

(b) The person may be detained only until the person identifies himself or herself satisfactorily to the officer or is properly identified. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a Criminal Division of the Superior Court judge for that purpose. A person who refuses to identify himself or herself to the Court on request shall immediately and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

Sec. 15. 2008 Acts and Resolves No. 179, Sec. 22(a), as amended by 2010 Acts and Resolves No. 157, Sec. 14, by 2012 Acts and Resolves No. 104, Sec. 38, and by 2013 Acts and Resolves No. 41, Sec. 1a, is further amended to read:

(a) Secs. 11 and 12 ~~of this act~~ shall take effect on July 1, ~~2014~~ 2017.

and by renumbering the remaining section to be numerically correct

Which was agreed to.

Thereupon, the recommendation of proposal of amendment offered by the committee on Judiciary, as amended, was agreed to and third reading was ordered.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Adjournment

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