

Journal of the House

Friday, May 9, 2014

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

Devotional Exercises

Devotional exercises were conducted by Sheila Rae Charles from Atlanta, Georgia.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Brynn Bushey of Montpelier
Alden Ducharme of Morristown
Elizabeth Harris of Bennington
Evan Jones of South Burlington
Madelyn Koff of Hartford
Zoe Moskowitz of Burlington
Hannah Pandya of Montpelier
Caroline Saba of Burlington
Graham Stevens of Springfield
Rachel Sucher of Montpelier

Message from the Senate No. 72

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. 40. An act relating to establishing an interim committee that will develop policies to restore the 1980 ratio of state funding to student tuition at Vermont State Colleges and to make higher education more affordable.

S. 168. An act relating to making miscellaneous amendments to laws governing municipalities.

S. 211. An act relating to permitting of sewage holding and pumpout tanks for public buildings.

S. 218. An act relating to temporary employees.

And has concurred therein.

**Senate Proposal of Amendment to House Proposal of Amendment
concured in with a Further Amendment Thereto**

S. 221

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

An act relating to providing statutory purposes for tax expenditures

First: In Sec. 6, in 32 V.S.A. § 9706, in subsection (p), after “the aircraft maintenance industry in Vermont” by inserting “by lowering the cost of parts and equipment relative to other states with private airplane maintenance facilities”

Second: In Sec. 15, in 32 V.S.A. § 3800, by striking subsection (c) in its entirety and by relettering the remaining subsections to be alphabetically correct.

Third: In Sec. 21, in 32 V.S.A. § 312, in subsection (a), subdivision (2), by striking out: “, or taxed under an alternative tax structure”

Fourth: In Sec. 21, in 32 V.S.A. § 312, by adding a sentence at the end of subsection (d) to read: “The Department of Taxes shall notify the General Assembly when it has determined that a tax expenditure listed in the tax expenditure report lacks a statutory purpose, and the Department shall specify a date, no later than one year after its determination, that it will cease implementation or enforcement of the tax expenditure.”

Fifth: in Sec. 22 (repeals), by inserting a subdivision (4) to read:

(4) 32 V.S.A. § 3802(5) (college fraternities and societies exemption) is repealed on July 1, 2014.

Rep. Greshin of Warren moved that the House concur in the Senate proposal of amendment to the House proposal of amendment with a further amendment thereto as follows:

First: In Sec. 15, in 32 V.S.A. § 3800, by inserting a new subsection (c) to read:

(c) The statutory purpose of the exemption for college fraternities and societies in subdivision 3802(5) of this title is to promote civic services.

and by relettering the remaining subsections to be alphabetically correct.

Second: In Sec. 22 (repeals), by striking out subdivision (4) in its entirety.

Which was agreed to.

**Rules Suspended; Senate Proposal of Amendment Concurred in
H. 869**

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

An act relating to miscellaneous agricultural subjects

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. 3, 6 V.S.A. § 1085(b), in the last sentence, before “may be eligible” by striking out “also”

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

Sec. 11. REPEAL OF EXEMPTIONS FOR WEIGHTS AND MEASURES FEES

9 V.S.A. § 2730(g) (license fee exemptions; commercial scale and motor fuel dispensers) shall be repealed on July 1, 2016.

Third: By striking out Sec. 12 in its entirety and inserting in lieu thereof new Secs. 12–17 to read as follows:

* * * Emergency Authority * * *

Sec. 12. 6 V.S.A. § 21 is added to read:

§ 21. AUTHORITY TO ADDRESS PUBLIC HEALTH HAZARDS AND FOOD SAFETY ISSUES

(a) As used in this section:

(1) “Adulterated” shall have the same meaning as in 18 V.S.A. § 4059 and shall include adulteration under rules adopted under 18 V.S.A. chapter 82.

(2) “Emergency” means any natural disaster, weather-related incident, health- or disease-related incident, resource shortage, plant pest outbreak, accident, or fire that poses a threat or may pose a threat, as determined by the Secretary, to health, safety, the environment, or property in Vermont.

(3) “Farm” means a site or parcel on which farming is conducted.

(4) “Farming” shall have the same meaning as in 10 V.S.A. § 6001(22).

(5) “Public health hazard” means the potential harm to the public health by virtue of any condition or any biological, chemical, or physical agent. In determining whether a health hazard is public or private, the Secretary shall consider at least the following factors:

(A) the number of persons at risk;

(B) the characteristics of the person or persons at risk;

(C) the characteristics of the condition or agent that is the source of potential harm;

(D) the availability of private remedies;

(E) the geographical area and characteristics thereof where the condition or agent that is the source of the potential harm or the receptors exists; and

(F) the policy of the Agency of Agriculture, Food and Markets as established by rule or procedure.

(6) “Raw agricultural commodity” means any food in its raw or natural state, including all fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

(7) “Secretary” means the Secretary of Agriculture, Food and Markets.

(b) The Secretary shall have the authority to:

(1) respond to and remediate incidences of mass animal death, agricultural structure fires, or other emergencies on a farm in order to prevent a public health hazard;

(2) condemn, confiscate, or establish restrictions on the use, sale, or distribution of adulterated raw agricultural commodities or animal feed; and

(3) cooperate with the Department of Health and other State and federal agencies regarding:

(A) the prevention or remediation of the adulteration of raw agricultural commodities, food, or animal feed on farms; and

(B) application of the FDA Food Safety Modernization Act, 21 U.S.C. §§ 2201–2252, to farms, farm products, or value-added products produced in the State.

* * * Testing of Captive Deer * * *

Sec. 13. 6 V.S.A. § 1165 is amended to read:

§ 1165. TESTING OF CAPTIVE DEER

(a) Definitions. As used in this section:

(1) “Captive deer operation” means a place where deer are privately or publicly maintained or held for economic or other purposes within a perimeter fence or confined space.

(2) “Chronic wasting disease” or “CWD” means a transmissible spongiform encephalopathy.

(b) Testing. A person operating a captive deer operation under the jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the Secretary when a captive deer in his or her control dies or is sent to slaughter. The person operating the captive deer operation shall make the carcass of a deceased or slaughtered animal available to the Secretary for testing for CWD.

(c) Cost. The cost of CWD testing required under this section shall be paid by the Secretary, and shall not be assessed to the person operating the captive deer operation from which a tested captive deer originated.

* * * Agricultural Water Quality* * *

Sec. 14. 6 V.S.A. § 4812 is amended to read:

§ 4812. CORRECTIVE ACTIONS

(a) ~~When the secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets determines that a person engaged in farming is managing a farm using practices which are inconsistent with the ~~practices defined by requirements of this chapter or rules adopted~~ practices defined by requirements of this chapter or rules adopted under this subchapter, the ~~secretary~~ Secretary may issue a written warning which shall be served in person or by certified mail, return receipt requested. The warning shall include a brief description of the alleged violation, identification of this statute and applicable rules, a recommendation for corrective actions that may be taken by the person, along with a summary of federal and ~~state~~ State assistance programs which may be utilized by the person to remedy the violation ~~and a request for an abatement schedule from the person according to which the practice shall be altered.~~ and a request for an abatement schedule from the person according to which the practice shall be altered. The person shall have 30 days to respond to the written warning ~~and shall provide an abatement schedule for curing the violation and a description of the corrective action to be taken to cure the violation.~~ and shall provide an abatement schedule for curing the violation and a description of the corrective action to be taken to cure the violation. If the person fails to respond to the written warning within this period or to take corrective action to change the practices ~~in order to protect water quality,~~ in order to protect water quality, the ~~secretary~~ Secretary may act pursuant to subsection (b) of this section in order to protect water quality.

(b) ~~After an opportunity for a hearing, the secretary~~ The Secretary may:

(1) issue cease and desist orders and administrative penalties in accordance with the requirements of sections 15, 16, and 17 of this title; and

(2) institute appropriate proceedings on behalf of the ~~agency~~ Agency to enforce this subchapter.

(c) Whenever the ~~secretary~~ Secretary believes that any person engaged in farming is in violation of this subchapter or rules adopted thereunder, an action may be brought in the name of the ~~agency~~ Agency in a court of competent jurisdiction to restrain by temporary or permanent injunction the continuation or repetition of the violation. The court may issue temporary or permanent injunctions, and other relief as may be necessary and appropriate to curtail any violations.

~~(d) The secretary may assess administrative penalties in accordance with sections 15, 16, and 17 of this title against any farmer who violates a cease and desist order or other order issued under subsection (b) of this section. [Repealed.]~~

(e) Any person subject to an enforcement order or an administrative penalty who is aggrieved by the final decision of the ~~secretary~~ Secretary may appeal to the ~~superior court~~ Superior Court within 30 days of the decision. The administrative judge may specially assign an ~~environmental~~ Environmental judge to ~~superior court~~ Superior Court for the purpose of hearing an appeal.

Sec. 15. 6 V.S.A. § 4816 is added to read:

§ 4816. SEASONAL APPLICATION OF MANURE

(a) Prohibition on application. A person shall not apply manure to land in the State between December 15 and April 1 of any calendar year unless authorized by this section.

(b) Extension of prohibition. The Secretary of Agriculture, Food and Markets shall amend the accepted agricultural practices by rule in order to establish a process under which the Secretary may prohibit the application of manure to land in the State between December 1 and December 15 and between April 1 and April 30 of any calendar year when the Secretary determines that due to weather conditions, soil conditions, or other limitations, application of manure to land would pose a significant potential of discharge or runoff to State waters.

(c) Seasonal exemption. The Secretary of Agriculture, Food and Markets shall amend the accepted agricultural practices by rule in order to establish a process under which the Secretary may authorize an exemption to the prohibition on the application of manure to land in the State between

December 15 and April 1 of any calendar year or during any period established under subsection (b) of this section when manure is prohibited from application. Any process established for the issuance of an exemption under the accepted agricultural practices may authorize land application of manure on a weekly, monthly, or seasonal basis or in authorized regions, areas, or fields in the State, provided that any exemption shall:

(1) prohibit application of manure:

(A) in areas with established channels of concentrated stormwater runoff to surface waters, including ditches and ravines;

(B) in nonharvested permanent vegetative buffers;

(C) in a nonfarmed wetland, as that term is defined in 10 V.S.A. § 902(5);

(D) within 50 feet of a potable water supply, as that term is defined in 10 V.S.A. § 1972(6);

(E) to fields exceeding tolerable soil loss; and

(F) to saturated soils;

(2) establish requirements for the application of manure when frozen or snow-covered soils prevent effective incorporation at the time of application;

(3) require manure to be applied according to a nutrient management plan; and

(4) establish the maximum tons of manure that may be applied per acre during any one application.

Sec. 16. SMALL FARM AGRICULTURAL WATER QUALITY TRAINING

On or before January 15, 2015, the Secretary of Agriculture, Food and Markets shall submit to the Senate Committee on Agriculture and the House Committee on Agriculture and Forest Products a proposed voluntary training program for owners or operators of small farms. The proposed voluntary training program shall include:

(1) the prevention of discharges, as that term is defined in 10 V.S.A. § 1251(3);

(2) the requirements for small farms under the accepted agricultural practices;

(3) the mitigation and management from farms of stormwater runoff, as that term is defined in 10 V.S.A. § 1264.

(4) the existing statutory and regulatory requirements for operation of a small farm in the State; and

(5) address the management practices and technical and financial resources available to assist in compliance with statutory or regulatory agricultural requirements.

* * * Primary Agricultural Soils * * *

Sec. 16a. 10 V.S.A. § 6093 is amended to read:

§ 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

(a) Mitigation for loss of primary agricultural soils. Suitable mitigation for the conversion of primary agricultural soils necessary to satisfy subdivision 6086(a)(9)(B)(iv) of this title shall depend on where the project tract is located.

(1) Project located in ~~growth center~~ certain designated areas. This subdivision applies to projects located in the following areas designated under 24 V.S.A. chapter 76A: a downtown development district, a growth center, a new town center designated on or before January 1, 2014, and a neighborhood development area associated with a designated downtown development district. If the project tract is located in a ~~designated growth center~~ one of these designated areas, an applicant who complies with subdivision 6086(a)(9)(B)(iv) of this title shall deposit an offsite mitigation fee into the Vermont ~~housing and conservation trust fund~~ Housing and Conservation Trust Fund established under section 312 of this title for the purpose of preserving primary agricultural soils of equal or greater value with the highest priority given to preserving prime agricultural soils as defined by the U.S. Department of Agriculture. Any required offsite mitigation fee shall be derived by:

(A) ~~determining~~ Determining the number of acres of primary agricultural soils affected by the proposed development or subdivision;

(B) ~~multiplying~~ Multiplied the number of affected acres of primary agricultural soils by a factor resulting in a ratio established as follows:

(i) ~~for~~ For development or subdivision within a designated ~~growth center~~ area described in this subdivision (a)(1), the ratio shall be 1:1;

(ii) ~~for~~ For residential construction that has a density of at least eight units of housing per acre, of which at least eight units per acre or at least 40 percent of the units, on average, in the entire development or subdivision, whichever is greater, meets the definition of affordable housing established in this chapter, no mitigation shall be required, regardless of location in or outside a designated area described in this subdivision (a)(1). However, all affordable housing units shall be subject to housing subsidy covenants, as defined in

27 V.S.A. § 610, that preserve their affordability for a period of 99 years or longer. ~~For purposes of~~ As used in this section, housing that is rented shall be considered affordable housing when its inhabitants have a gross annual household income that does not exceed 60 percent of the county median income or 60 percent of the standard metropolitan statistical area income if the municipality is located in such an area.

(C) ~~multiplying~~ Multiplying the resulting product by a “price-per-acre” value, which shall be based on the amount that the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets has determined to be the recent, per-acre cost to acquire conservation easements for primary agricultural soils in the same geographic region as the proposed development or subdivision.

(2) Project located outside certain designated ~~growth-center~~ areas. If the project tract is not located in a designated ~~growth-center~~ area described in subdivision (1) of this subsection, mitigation shall be provided on site in order to preserve primary agricultural soils for present and future agricultural use, with special emphasis on preserving prime agricultural soils. Preservation of primary agricultural soils shall be accomplished through innovative land use design resulting in compact development patterns which will maintain a sufficient acreage of primary agricultural soils on the project tract capable of supporting or contributing to an economic or commercial agricultural operation and shall be enforceable by permit conditions issued by the ~~district commission~~ District Commission. The number of acres of primary agricultural soils to be preserved shall be derived by:

(A) ~~determining~~ Determining the number of acres of primary agricultural soils affected by the proposed development or subdivision; ~~and~~.

(B) ~~multiplying~~ Multiplying the number of affected acres of primary agricultural soils by a factor based on the quality of those primary agricultural soils, and other factors as the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets may deem relevant, including the soil’s location; accessibility; tract size; existing agricultural operations; water sources; drainage; slope; the presence of ledge or protected wetlands; the infrastructure of the existing farm or municipality in which the soils are located; and the ~~N.R.C.S.~~ NRCS rating system for Vermont soils. This factor shall result in a ratio of no less than 2:1, but no more than 3:1, protected acres to acres of impacted primary agricultural soils.

(3) Mitigation flexibility.

(A) Notwithstanding the provisions of subdivision (a)(1) of this ~~subsection~~ section pertaining to a development or subdivision on primary

agricultural soils within a certain designated ~~growth-center~~ areas, the ~~district commission~~ District Commission may, in appropriate circumstances, require onsite mitigation with special emphasis on preserving prime agricultural soils if that action is deemed consistent with the agricultural elements of local and regional plans and the goals of 24 V.S.A. § 4302. In this situation, the approved plans must designate specific soils that shall be preserved inside ~~growth-centers~~ a designated area described in subdivision (a)(1) of this section. For projects located within such a designated ~~growth-center~~ area, all factors used to calculate suitable mitigation acreage or fees, or some combination of these measures, shall be as specified in this subsection, subject to a ratio of 1:1.

(B) Notwithstanding the provisions of subdivision (a)(2) of this ~~subsection~~ section pertaining to a development or subdivision on primary agricultural soils outside a designated ~~growth-center~~ area described in subdivision (a)(1) of this section, the ~~district commission~~ District Commission may, in appropriate circumstances, approve off-site mitigation or some combination of onsite and off-site mitigation if that action is deemed consistent with the agricultural elements of local and regional plans and the goals of 24 V.S.A. § 4302. For projects located outside such a designated ~~growth center~~ area, all factors used to calculate suitable mitigation acreage or fees, or some combination of these measures, shall be as specified in this subsection (a), subject to a ratio of no less than 2:1, but no more than 3:1.

* * *

(b) Easements required for protected lands. All primary agricultural soils preserved for commercial or economic agricultural use by the Vermont ~~housing and conservation board~~ Housing and Conservation Board pursuant to this section shall be protected by permanent conservation easements (grant of development rights and conservation restrictions) conveyed to a qualified holder, as defined in section 821 of this title, with the ability to monitor and enforce easements in perpetuity. Off-site mitigation fees may be used by the Vermont ~~housing and conservation board~~ Housing and Conservation Board and shall be used by the Agency of Agriculture, Food and Markets to pay reasonable staff or transaction costs, or both, of the ~~board and agency of agriculture, food, and markets~~ Board and Agency related to preserve the preservation of primary agricultural soils or to implement section the implementation of subdivision 6086(a)(9)(B) or section 6093 of this title.

Sec. 16b. 10 V.S.A. § 6001(15) is amended to read:

(15) "Primary agricultural soils" means ~~soil map units with the best combination of physical and chemical characteristics that have a potential for growing food, feed, and forage crops, have sufficient moisture and drainage,~~

~~plant nutrients or responsiveness to fertilizers, few limitations for cultivation or limitations which may be easily overcome, and an average slope that does not exceed 15 percent. Present uses may be cropland, pasture, regenerating forests, forestland, or other agricultural or silvicultural uses. However, the soils must be of a size and location, relative to adjoining land uses, so that those soils will be capable, following removal of any identified limitations, of supporting or contributing to an economic or commercial agricultural operation. Unless contradicted by the qualifications stated in this subdivision, primary agricultural soils shall include important farmland soils map units with a rating of prime, statewide, or local importance as defined by the Natural Resources Conservation Service (N.R.C.S.) of the United States Department of Agriculture (U.S.D.A.) each of the following:~~

(A) An important farmland soils map unit that the Natural Resources Conservation Service of the U.S. Department of Agriculture (NRCS) has identified and determined to have a rating of prime, statewide, or local importance, unless the District Commission determines that the soils within the unit have lost their agricultural potential. In determining that soils within an important farmland soils map unit have lost their agricultural potential, the Commission shall consider:

(i) impacts to the soils relevant to the agricultural potential of the soil from previously constructed improvements;

(ii) the presence on the soils of a Class I or Class II wetland under chapter 37 of this title;

(iii) the existence of topographic or physical barriers that reduce the accessibility of the rated soils so as to cause their isolation and that cannot reasonably be overcome; and

(iv) other factors relevant to the agricultural potential of the soils, on a site-specific basis, as found by the Commission after considering the recommendation, if any, of the Secretary of Agriculture, Food and Markets.

(B) Soils on the project tract that the District Commission finds to be of agricultural importance, due to their present or recent use for agricultural activities and that have not been identified by the NRCS as important farmland soil map units.

* * * Use Value Appraisal * * *

Sec. 16c. 32 V.S.A. § 3752 is amended to read:

§ 3752. DEFINITIONS

* * *

(9) "Managed forestland" means:

(A) any land, exclusive of any house site, which is at least 25 acres in size and which is under active long-term forest management for the purpose of growing and harvesting repeated forest crops in accordance with minimum acceptable standards for forest management. Such land may include eligible ecologically significant treatment areas in accordance with minimum acceptable standards for forest management and as approved by the Commissioner; or

* * *

Sec. 16d. 32 V.S.A. § 3755 is amended to read:

§ 3755. ELIGIBILITY FOR USE VALUE APPRAISALS

* * *

(b) Managed forestland shall be eligible for use value appraisal under this subchapter only if:

* * *

(3) there has not been filed with the Director an adverse inspection report by the Department stating that the management of the tract is contrary to the forest or conservation management plan, or contrary to the minimum acceptable standards for forest or conservation management. The management activity report shall be on a form prescribed by the Commissioner of Forests, Parks and Recreation in consultation with the Commissioner of Taxes and shall include a detachable section signed by all the owners that shall contain the federal tax identification numbers of all the owners. The section containing federal tax identification numbers shall not be made available to the general public, but shall be forwarded to the Commissioner of Taxes within 30 days after receipt and used for tax administration purposes. If any owner shall satisfy the Department that he or she was prevented by accident, mistake, or misfortune from filing a an initial or revised management plan which is required to be filed on or before October 1, or a management plan update which is required to be filed on or before April 1 of the year in which the plan expires, or a management activity report which is required to be filed on or before February 1 of the year following the year when the management activity occurred, the Department may receive that management plan or management activity report at a later date; provided, however, no initial or revised management plan shall be received later than December 31, and no management plan update shall be received later than one year after April 1 of the year the plan expires, and no management activity report shall be received later than March 1.

Sec. 16e. 2008 Acts and Resolves No. 205, Sec. 7 is amended to read:

Sec. 7. COMMISSIONER OF FORESTS, PARKS AND RECREATION

* * *

(3) If more than 20 percent of the acres to be enrolled are Site 4, plus open not to be restocked, plus ecologically significant not to be managed for timber production, landowners may apply to the ~~commissioner~~ Commissioner for approval. The plans and maps shall be reviewed by the county foresters of the county where the parcel is located. ~~In no situation shall a parcel be approved that does not provide for at least 80 percent of the land classified as Site 1, 2, or 3 to be managed for timber production.~~

* * *

* * * Neonicotinoid Pesticides * * *

Sec. 17. NEONICOTINOID PESTICIDES; SAFETY AND USE

The Secretary of Agriculture Food, and Markets shall evaluate whether the use or application of the pesticides imidacloprid, clothianiden, thiamethoxam, donotafuran, or any other member of the nitro group of neonicotinoid pesticides is safe and not harmful to human health or the health of bees and other pollinators in the State.

* * * Effective Dates * * *

Sec. 18. EFFECTIVE DATES

This section and Secs. 12 (AAFM emergency authority), 13 (captive deer testing), 14 (corrective actions; agricultural water quality), and 17 (neonicotinoid pesticides) shall take effect on passage. All other sections shall take effect on July 1, 2014.

Which proposal of amendment was considered and concurred in.

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

S. 241

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

An act relating to binding arbitration for State employees

Appearing on the Calendar for notice, 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 first Proposal of Amendment by the House and that the House recede from the second Proposal of Amendment and that the bill be amended in Sec. 1, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Powers and duties. The Committee shall:

(1) study the issue of grievance arbitration for State employees; and

(2) assess the relative merits of various grievance protocols, including arbitration and use of the Vermont Labor Relations Board, addressing the ability of these protocols to provide resolution of grievances in a manner that is economical, timely, just, and provides for appropriate privacy protections for the parties.

COMMITTEE ON THE PART OF
THE SENATE

SEN. PHILIP E. BARUTH
SEN. ANN E. CUMMINGS
SEN. WILLIAM T. DOYLE

COMMITTEE ON THE PART OF
THE HOUSE

REP. JOHN T. MORAN
REP. CINDY WEED
REP. JEAN O'SULLIVAN

Which was considered and adopted on the part of the House.

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

Recess

At eleven o'clock and sixteen minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

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

Message from the Senate No. 73

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 a bill originating in the House of the following title:

H. 876. An act relating to making miscellaneous amendments and technical corrections to education laws.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

Rules Suspended; Report of Committee of Conference Adopted

S. 295

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

An act relating to pretrial services, risk assessments, and criminal justice programs

Appearing on the Calendar for notice, 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 House recede from its proposal of amendment and that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS

(a) This act was initiated by legislators serving on the Joint Legislative Corrections Oversight Committee, and notably Senator Sally Fox. Senator Fox was instrumental in the General Assembly's recent work on the issues of mental health, substance abuse, and criminal justice reform. She was an early advocate of risk assessments and needs screenings for the purpose of tailoring criminal justice responses to the individual in a manner that would protect public safety while addressing the needs of the offender in the hope of breaking the cycle of recidivism. The General Assembly is eternally grateful for her contributions.

(b) It is the intent of the General Assembly that law enforcement officials and criminal justice professionals develop and maintain programs at every

stage of the criminal justice system to provide alternatives to a traditional criminal justice response for people who, consistent with public safety, can effectively and justly benefit from those alternative responses. These programs shall be reflective of the goals and principles of restorative justice pursuant to 28 V.S.A. § 2a. Commonly referred to as the sequential intercept model, this approach was designed to identify five points within the criminal justice system where innovative approaches to offenders and offending behavior could be taken to divert individuals away from a traditional criminal justice response to crime. These intercept points begin in the community with law enforcement interaction with citizens, proceed through arrest, the judicial process, and sentencing, and conclude with release back into communities. Alternative justice programs may include the employment of police-social workers, community-based restorative justice programs, community-based dispute resolution, precharge programs, pretrial services and case management, recovery support, DUI and other drug treatment courts, suspended fine programs, and offender reentry programs.

(c) Research shows the risk-need-responsivity model approach to addressing criminal conduct is successful at reducing recidivism. The model's premise is that the risk and needs of a person charged with or convicted of a criminal offense should determine the strategies appropriate for addressing the person's criminogenic factors.

(d) Some studies show that incarceration of low-risk offenders or placement of those offenders in programs or supervision designed for high-risk offenders may increase the likelihood of recidivism.

(e) The General Assembly recommends use of evidence-based risk assessments and needs screening tools for eligible offenses to provide information to the Court for the purpose of determining bail and appropriate conditions of release and to inform decisions by the State's Attorney and the Court related to a person's participation and level of supervision in an alternative justice program.

(f) As used in this act:

(1) "Risk assessment" means a pretrial assessment that is designed to be predictive of a person's failure to appear in court and risk of violating pretrial conditions of release with a new alleged offense.

(2) "Needs screening" means a preliminary systematic procedure to evaluate the likelihood that an individual has a substance abuse or a mental health condition.

(3) “Clinical assessment” means the procedures, to be conducted after a client has been screened, by which a licensed or otherwise approved counselor identifies and evaluates an individual’s strengths, weaknesses, problems, and needs for the development of a treatment plan.

(g) The General Assembly intends this act to be a continuation of justice reinvestment efforts initiated in 2007 by the Legislative, Judicial, and Executive Branches. Justice reinvestment is a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and strengthen communities.

(h) Buprenorphine/Naloxone (Suboxone or Subutex) is a well-known medication used in the treatment of opioid addiction. Vermont spends \$8.3 million in Medicaid funds annually on these drugs. As medicated-assisted treatment for opiate addiction has increased substantially in the last several years, so has illegal diversion of these drugs and their misuse. Suboxone is currently the number one drug smuggled into Vermont correctional facilities and evidence suggests that the nonmedical use of such drugs is gaining in popularity. The General Assembly urges the administration to prioritize efforts to ensure that people with opiate addictions are provided access to necessary medication, while taking all possible measures to prevent the diversion and misuse of these drugs, including working with drug manufacturers.

(i) Approximately 54,000 Vermonters have abused or been dependent on alcohol or illicit drugs in the past year, according to the current National Survey on Drug Use and Health. More people abuse or are dependent on alcohol (approximately 39,000) than all illicit drugs combined (18,000). Many Vermonters struggle with both alcohol and illicit drugs. Substance abuse is expensive, and not solely due to the cost of providing treatment. Research indicates that \$1.00 invested in addiction treatment saves between \$4.00 and \$7.00 in reduced drug-related crime, criminal justice costs, and theft. Earlier intervention to provide services before major problems develop can save even more.

Sec. 2. 13 V.S.A. § 7554c is added to read:

§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

(a)(1) The objective of a pretrial risk assessment is to provide information to the Court for the purpose of determining whether a person presents a risk of nonappearance or a threat to public safety so the Court can make an appropriate order concerning bail and conditions of pretrial release.

(2) The objective of a pretrial needs screening is to obtain a preliminary indication of whether a person has a substantial substance abuse or mental health issue that would warrant a subsequent court order for a more detailed clinical assessment.

(3) Participation in a risk assessment or needs screening pursuant to this section does not create any entitlement for the assessed or screened person.

(b)(1) A person whose offense or status falls into any of the following categories shall be offered a risk assessment and, if deemed appropriate by the pretrial monitor, a needs screening prior to arraignment:

(A) felonies, excluding listed crimes, cited into court;

(B) persons cited or arrested for an offense that is not a listed crime who are identified by law enforcement, the prosecution, the defense, probation and parole personnel, the Court, a treatment provider, or a family member or friend as having a substantial substance abuse or mental health issue;

(C) misdemeanor and felony drug offenses, excluding trafficking, cited into court; and

(D) persons who are arrested and lodged and unable to post bail within 24 hours of lodging, excluding persons who are charged with an offense for which registration as a sex offender is required upon conviction pursuant to subchapter 3 of chapter 167 of this title or an offense punishable by up to life imprisonment.

(2) As used in this section, “listed crime” shall have the same meaning as provided in section 5301 of this title.

(3) Unless ordered as a condition of release under section 7554 of this title, participation in an assessment or screening shall be voluntary.

(4) In the event an assessment or screening cannot be obtained prior to arraignment, the Court shall direct the assessment and screening to be conducted as soon as practicable.

(5) A person who qualifies pursuant to subdivision (1)(A)–(D) of this subsection and who has an additional pending charge or a violation of probation shall not be excluded from being offered a risk assessment or needs screening unless the other charge is a listed crime.

(6)(A) The Administrative Judge and Court Administrator, in consultation with the Secretary of Human Services and the Commissioner of Corrections, shall develop a statewide plan for the phased, consistent rollout of the categories identified in subdivisions (1)(A) through (D) of this subsection.

in the order in which they appear in this subsection. The Administrative Judge and Court Administrator shall present the plan to the Joint Legislative Corrections Oversight Committee on or before October 15, 2014.

(B) All persons whose offense or status falls into one of the categories shall be eligible for a risk assessment or needs screening on or before October 15, 2015. Prior to that date, a person shall not be guaranteed the offer of a risk assessment or needs screening solely because the person's offense or status falls into one of the categories. Criminal justice professionals charged with implementation shall adhere to the plan.

(c) The results of the assessment and screening shall be provided to the prosecutor who, upon filing a criminal charge against the person, shall provide the results to the person and his or her attorney and the Court.

(d)(1) In consideration of the assessment and screening, the Court may order the person to comply with any of the following conditions:

(A) meet with a pretrial monitor on a schedule set by the Court;

(B) participate in a clinical assessment by a substance abuse or mental health treatment provider;

(C) comply with any level of treatment or recovery support recommended by the provider;

(D) provide confirmation to the pretrial monitor of the person's attendance and participation in the clinical assessment and any recommended treatment; and

(E) provide confirmation to the pretrial monitor of the person's compliance with any other condition of release.

(2) If possible, the Court shall set the date and time for the assessment at arraignment. In the alternative, the pretrial monitor shall coordinate the date, time, and location of the clinical assessment and advise the Court, the person and his or her attorney, and the prosecutor.

(3) The conditions authorized in subdivision (1) of this subsection shall be in addition to any other conditions of release permitted by law and shall not limit the Court in any way.

(e)(1) Information obtained from the person during the risk assessment or needs screening shall be exempt from public inspection and copying under the Public Records Act and, except as provided in subdivision (2) of this subsection, only may be used for determining bail, conditions of release, and appropriate programming for the person in the pending case. The immunity

provisions of this subsection apply only to the use and derivative use of information gained as a proximate result of the risk assessment or needs screening.

(2) The person shall retain all of his or her due process rights throughout the assessment and screening process and may release his or her records at his or her discretion.

(3) The Vermont Supreme Court in accordance with judicial rulemaking as provided in 12 V.S.A. § 1 shall promulgate and the Department of Corrections in accordance with the Vermont Administrative Procedure Act pursuant to 3 V.S.A. chapter 25 shall adopt rules related to the custody, control, and preservation of information consistent with the confidentiality requirements of this section. Emergency rules adopted prior to January 1, 2015 pursuant to this section shall be considered to meet the “imminent peril” standard under 3 V.S.A. § 844(a).

Sec. 3. RISK ASSESSMENT AND NEEDS SCREENING TOOLS AND SERVICES

(a) The Department of Corrections shall select risk and needs assessment and screening tools for use in the various decision points in the criminal justice system, including pretrial, community supervision screening, community supervision, prison screening, prison intake, and reentry. The Department shall validate the selected tools for the population in Vermont.

(b) In selection and implementation of the tools, the Department shall consider tools being used in other states and shall consult with and have the cooperation of all criminal justice agencies.

(c) The Department shall have the tools available for use on or before September 1, 2014. The Department, the Judiciary, the Defender General, and the Executive Director and the Department of State’s Attorneys and Sheriffs shall conduct training on the risk assessment tools on or before December 15, 2014.

(d) The Department, in consultation with law enforcement agencies and the courts, shall contract for or otherwise provide pretrial services described in this section, including performance of risk assessments, needs screenings, and pretrial monitoring. The contract shall include requirements to comply with data collection and evaluation procedures.

(e) Pretrial monitoring may include:

(1) reporting to the Court concerning the person’s compliance with conditions of release;

(2) supporting the person in meeting the conditions imposed by the Court, including the condition to appear in Court as directed;

(3) identifying community-based treatment, rehabilitative services, recovery supports, and restorative justice programs; and

(4) supporting a prosecutor's precharge program.

(f)(1) The Department, in consultation with the Judiciary and the Crime Research Group, shall develop and implement a system to evaluate goals and performance of the pretrial services described in this section and report to the General Assembly annually on or before December 15.

(2) The Agency of Human Services, in consultation with the Judiciary, shall ensure that a study is conducted to include an outcome study, process evaluation and cost benefit analysis.

(g) The Secretary of Human Services, with staff and administrative support from the Criminal Justice Capable Core Team, shall map services and assess the impact of court referrals and the capacity of the current service provision system in each region. The Secretary, in collaboration with service providers and other stakeholders, shall consider regional resources, including services for assessment, early intervention, treatment, and recovery support. Building on existing models and data, the Secretary and the Criminal Justice Capable Core Team shall develop recommendations for a system for referral based on the appropriate level of need, identifying existing gaps to optimize successful outcomes. Funding models for those services shall be examined by the appropriate State departments. The recommendation for the system for referral shall reflect all initiatives within the Agency of Human Services, including those within the Blueprint for Health and Screening, Brief Intervention, and Referral for Treatment (SBIRT), as well as initiatives within the Green Mountain Care Board and the State Innovation Model (SIM) grant.

* * * Alternative Justice Programs * * *

Sec. 4. PROSECUTOR PRECHARGE PROGRAM GUIDELINES AND REPORTING

(a) The Department of State's Attorneys and Sheriffs, in consultation with the Judiciary and the Attorney General, shall develop broad guidelines for precharge programs to ensure there is probable cause and that there are appropriate opportunities for victim input and restitution.

(b) On or before October 1, 2014, and annually thereafter, the Executive Director of the Department of State's Attorneys and Sheriffs shall report to the General Assembly detailing the alternative justice programs that exist in each

county together with the protocols for each program, the annual number of persons served by the program, and a plan for how a sequential intercept model can be employed in the county. The report shall be prepared in cooperation with the Director of Court Diversion, a co-chair of the Community Justice Network of Vermont, and State, municipal, and county law enforcement officials.

Sec. 5. [Deleted.]

Sec. 6. [Deleted.]

Sec. 7. [Deleted.]

* * * Criminal Provisions * * *

Sec. 8. 18 V.S.A. § 4233(d) is added to read:

(d) Transportation into the State. In addition to any other penalties provided by law, a person knowingly and unlawfully transporting one gram or more of heroin into Vermont with the intent to sell or dispense the heroin shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both.

Sec. 9. 13 V.S.A. § 1201 is amended to read:

§ 1201. BURGLARY

(a) A person is guilty of burglary if he or she enters any building or structure knowing that he or she is not licensed or privileged to do so, with the intent to commit a felony, petit larceny, simple assault, or unlawful mischief. This provision shall not apply to a licensed or privileged entry, or to an entry that takes place while the premises are open to the public, unless the person, with the intent to commit a crime specified in this subsection, surreptitiously remains in the building or structure after the license or privilege expires or after the premises no longer are open to the public.

(b) As used in this section, ~~the words “building,” “structure,” and “premises”:~~

(1) “Building,” “premises,” and “structure” shall, in addition to their common meanings, include and mean any portion of a building, structure, or premises which differs from one or more other portions of such building, structure, or premises with respect to license or privilege to enter, or to being open to the public.

(2) “Occupied dwelling” means a building used as a residence, either full-time or part-time, regardless of whether someone is actually present in the building at the time of entry.

(c)(1) A person convicted of burglary into an occupied dwelling shall be imprisoned not more than 25 years or fined not more than \$1,000.00, or both. Otherwise a person convicted of burglary shall be imprisoned not more than 15 years or fined not more than \$1,000.00, or both.

(2) A person convicted of burglary and who carries a dangerous or deadly weapon, openly or concealed, shall be imprisoned not more than 20 years or fined not more than \$10,000.00, or both.

(3) A person convicted of burglary into an occupied dwelling:

(A) shall be imprisoned not more than 25 years or fined not more than \$1,000.00, or both; or

(B) shall be imprisoned not more than 30 years or fined not more than \$10,000.00, or both, if the person carried a dangerous or deadly weapon, openly or concealed, during commission of the offense.

(4) When imposing a sentence under this section, the Court shall consider as an aggravating factor whether, during commission of the offense, the person entered the building when someone was actually present or used or threatened to use force against the occupant.

Sec. 10. DEPARTMENT OF PUBLIC SAFETY REPORT

The Department of Public Safety, in consultation with the Department of Health, shall examine 18 V.S.A. § 4234 (depressant, stimulant, narcotic drug) for the purpose of establishing clear dosage amounts for narcotics as they relate to unlawful possession, dispensing, and sale. The Department shall consider section 4234 in relation to 18 V.S.A. § 4233 (heroin). The Department shall report its recommendations to the Senate and House Committees on Judiciary on or before December 15, 2014.

* * * Regulation of Opiates * * *

Sec. 11. DVHA AUTHORITY; USE OF AVAILABLE SANCTIONS

The Department of Vermont Health Access shall use its authority to sanction Medicaid-participating prescribers, whether practicing in or outside the State of Vermont, operating in bad faith or not in compliance with State or federal requirements.

Sec. 12. CONTINUED MEDICATION-ASSISTED TREATMENT FOR INCARCERATED PERSONS

(a) The Department of Corrections, in consultation with the Medication-Assisted Treatment for Inmates Work Group created by 2013 Acts and Resolves No. 67, Sec. 11, shall develop and implement a one-year

demonstration project to pilot the continued use of medication-assisted treatment within Department facilities for detainees and sentenced inmates.

(b) The pilot project shall offer continued medication-assisted treatment for opioid dependence with methadone or buprenorphine and a prescribed taper as appropriate to incarcerated persons who were participating in medication-assisted treatment in the community immediately prior to incarceration.

(c) As used in this section, “prescribed taper” means a clinically appropriate medication taper that is designed to minimize withdrawal symptoms and limit avoidable suffering.

(d) The Commissioner of Corrections shall publish an interim revision memorandum to replace Directive 363.01 as recommended by the Medication-Assisted Treatment for Inmates Work Group.

(e) On or before July 30, 2014, the Department shall enter into memoranda of understanding with the Department of Health and with hub treatment providers regarding ongoing medication-assisted treatment for persons in the custody of the Department. The memoranda shall ensure that incarcerated persons who were not receiving medication-assisted treatment prior to incarceration do not receive priority for treatment over persons not in the custody of the Department of Corrections who are on a waiting list for medication-assisted treatment.

(f) The Department shall collaborate with the Department of Health to facilitate the provision of opioid overdose prevention training for pilot project participants who are incarcerated and the distribution of overdose rescue kits with naloxone at correctional facilities to persons who are transitioning from incarceration back into the community.

(g) The Departments of Corrections and of Health shall continue the Medication-Assisted Treatment for Inmates Work Group created by 2013 Acts and Resolves No. 67, Sec. 11 to inform and monitor implementation of the demonstration project. The Departments shall evaluate the demonstration project and provision of medication-assisted treatment to persons who are incarcerated in Vermont and report their findings, including a proposed schedule of expansion, to the Joint Legislative Corrections Oversight Committee during the 2014 interim and to the House Committees on Corrections and Institutions, on Human Services, and on Judiciary and the Senate Committees on Health and Welfare and on Judiciary on or before January 1, 2015.

Sec. 13. VPMS QUERY; RULEMAKING

The Secretary of Human Services shall adopt rules requiring:

(1) All Medicaid participating providers, whether licensed in or outside Vermont, who prescribe buprenorphine or a drug containing buprenorphine to a Vermont Medicaid beneficiary to query the Vermont Prescription Monitoring System the first time they prescribe buprenorphine or a drug containing buprenorphine for the patient and at regular intervals thereafter. Regular intervals shall exceed the requirements for other Schedule III pharmaceuticals, and queries shall be done prior to prescribing a replacement prescription. The rules shall also include dosage thresholds, which may be exceeded only with prior approval from the Chief Medical Officer of the Department of Vermont Health Access or designee.

(2) All providers licensed in Vermont who prescribe buprenorphine or a drug containing buprenorphine to a Vermont patient who is not a Medicaid beneficiary to query the Vermont Prescription Monitoring System the first time they prescribe buprenorphine or a drug containing buprenorphine for the patient and at regular intervals thereafter. Regular intervals shall exceed the requirements for other Schedule III pharmaceuticals, and queries shall be done prior to prescribing a replacement prescription. The rules shall also include dosage thresholds.

Sec. 14. MEDICATION-ASSISTED THERAPY; RULEMAKING

The Commissioner of Health shall adopt rules relating to medication-assisted therapy for opioid dependence for physicians treating fewer than 30 patients, which shall include a requirement that such physicians ensure that their patients are screened or assessed to determine their need for counseling and that patients who are determined to need counseling or other support services are referred for appropriate counseling from a licensed clinical professional or for other services as needed.

Sec. 15. 26 V.S.A. chapter 36, subchapter 8 is added to read:

Subchapter 8. Naloxone Hydrochloride

§ 2080. NALOXONE HYDROCHLORIDE; DISPENSING OR FURNISHING

(a) The Board of Pharmacy shall adopt protocols for licensed pharmacists to dispense or otherwise furnish naloxone hydrochloride to patients who do not hold an individual prescription for naloxone hydrochloride. Such protocols shall be consistent with rules adopted by the Commissioner of Health.

(b) Notwithstanding any provision of law to the contrary, a licensed pharmacist may dispense naloxone hydrochloride to any person as long as the

pharmacist complies with the protocols adopted pursuant to subsection (a) of this section.

Sec. 16. [Deleted.]

Sec. 16a. DEPARTMENT OF CORRECTIONS AND HEALTH CARE
REFORM

(a) The Agency of Human Services and its departments shall assist the Department of Corrections in fully enacting the provisions of the Affordable Care Act and Vermont's health care reform initiatives as they pertain to persons in the criminal justice population, including access to health information technology, the Blueprint for Health, Medicaid enrollment, the health benefit exchange, health plans, and other components under the Department of Vermont Health Access that support and ensure a seamless process for reentry to the community or readmission to a correctional facility.

(b) The Department of Corrections shall include substance abuse and mental health services in its request for proposal (RFP) process for inmate health services. Through the RFP, the Department shall require that substance abuse and mental health services be provided to persons while incarcerated; however, this requirement does not create any entitlement for an incarcerated person. The Department shall report to the Joint Legislative Corrections Oversight Committee during the 2014 interim regarding progress toward selecting inmate health services.

Sec. 17. 18 V.S.A. § 4254 is amended to read:

§ 4254. IMMUNITY FROM LIABILITY

* * *

(d) A person who seeks medical assistance for a drug overdose or is the subject of a good faith request for medical assistance pursuant to subsection (b) or (c) of this section shall not be subject to any of the penalties for violation of 13 V.S.A. § 1030 (violation of a protection order), for a violation of this chapter or 7 V.S.A §§ 656 and 657, for being at the scene of the drug overdose, or for being within close proximity to any person at the scene of the drug overdose.

(e) A person who seeks medical assistance for a drug overdose or is the subject of a good faith request for medical assistance pursuant to subsection (b) or (c) of this section shall not be subject to any sanction for a violation of a condition of pretrial release, probation, furlough, or parole for a violation of this chapter or 7 V.S.A §§ 656 and 657; for being at the scene of the drug

overdose; or for being within close proximity to any person at the scene of the drug overdose.

* * *

(g) The immunity provisions of this section apply only to the use and derivative use of evidence gained as a proximate result of the person's seeking medical assistance for a drug overdose, being the subject of a good faith request for medical assistance, being at the scene, or being within close proximity to any person at the scene of the drug overdose for which medical assistance was sought and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.

Sec. 18. EFFECTIVE DATES

(a) Secs. 2, 6, and 7 shall take effect on January 1, 2015.

(b) This section and Secs. 1 (legislative intent), 3 (risk assessment and needs screening tools), 4 (prosecutor precharge programs and reporting), 10 (Department of Public Safety report), 13 (VPMS query; rulemaking), 14 (medication-assisted therapy, rulemaking), and 17 (immunity from liability) shall take effect on passage.

(c) The remaining sections shall take effect on July 1, 2014.

COMMITTEE ON THE PART OF
THE SENATE

SEN. RICHARD W. SEARS
SEN. JOSEPH C. BENNING
SEN. VIRGINIA V. LYONS

COMMITTEE ON THE PART OF
THE HOUSE

REP. WILLIAM J. LIPPERT
REP. SANDY J. HAAS
REP. ALICE M. EMMONS

Which was considered and adopted on the part of the House.

Rules Suspended; Senate Proposal of Amendment Concurred in

S. 184

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

An act relating to eyewitness identification policy

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

The Senate has concurred in the House proposal of amendment with a further proposal of amendment as follows:

By striking out Sec. 3 in its entirety and inserting in lieu thereof a new

Sec. 3 to read as follows:

Sec. 3. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; ~~BIAS-FREE~~ FAIR AND IMPARTIAL POLICING POLICY; RACE DATA COLLECTION

(a)(1) ~~No later than January 1, 2013~~ Except as provided in subdivision (2) of this subsection, on or before September 1, 2014, every State, local, county, and municipal law enforcement agency ~~that employs one or more certified law enforcement officers,~~ and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title, shall adopt a ~~bias-free~~ fair and impartial policing policy. The policy shall contain ~~the following essential~~ substantially the same elements of such a policy as determined by the Law Enforcement Advisory Board after its review of either the current Vermont State Police Policy and fair and impartial policing policy or the most current model policy issued by the Office of the Attorney General.

(2) On or before January 1, 2016, the Criminal Justice Training Council, in consultation with stakeholders, including the Vermont League of Cities and Towns, the Vermont Human Rights Commission, and Migrant Justice, shall adopt a model fair and impartial policing policy. On or before July 1, 2016, every State, local, county, and municipal law enforcement agency, and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title, shall adopt a fair and impartial policing policy that includes, at a minimum, the elements of the Criminal Justice Training Council policy.

(b) ~~The policy shall encourage ongoing bias-free law enforcement training for State, local, county, and municipal law enforcement agencies~~ If a law enforcement agency or constable that is required to adopt a policy pursuant to subsection (a) of this section fails to do so on or before September 1, 2014, that agency or constable shall be deemed to have adopted, and shall follow and enforce, the model policy issued by the Office of the Attorney General.

(c) On or before September 15, 2014, and annually thereafter as part of their annual training report to the Council, every State, local, county, and municipal law enforcement agency, and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title, shall report to the Council whether the agency or officer has adopted a fair and impartial policing policy in accordance with subsections (a) and (b) of this section and which policy has been adopted. The Criminal Justice Training Council shall determine, as part

of the Council's annual certification of training requirements, if current officers have received training on fair and impartial policing.

(d) On or before October 15, 2014, and annually thereafter on April 1, the Criminal Justice Training Council shall report to the House and Senate Committees on Judiciary which departments and officers have adopted a fair and impartial policing policy, which policy has been adopted, and whether officers have received training on fair and impartial policing.

(e)(1) On or before September 1, 2014, every State, local, county, and municipal law enforcement agencies that employ one or more certified law enforcement officers are encouraged to work with the Vermont Association of Chiefs of Police to extend the collection of roadside stop race data uniformly throughout state law enforcement agencies, with the goal of obtaining uniform roadside stop race data for analysis agency shall collect roadside stop data consisting of the following:

- (A) the age, gender, and race of the driver;
- (B) the reason for the stop;
- (C) the type of search conducted, if any;
- (D) the evidence located, if any; and
- (E) the outcome of the stop, including whether:
 - (i) a written warning was issued;
 - (ii) a citation for a civil violation was issued;
 - (iii) a citation or arrest for a misdemeanor or a felony occurred; or
 - (iv) no subsequent action was taken.

(2) Law enforcement agencies shall work with the Criminal Justice Training Council with the goals of collecting uniform data, adopting uniform storage methods and periods, and ensuring that data can be analyzed. Roadside stop data, as well as reports and analysis of roadside stop data, shall be public.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Bill Messaged to Senate Forthwith

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

S. 295

Senate bill, entitled

An act relating to pretrial services, risk assessments, and criminal justice programs

Recess

At one o'clock and twenty-seven minutes in the afternoon, the Speaker declared a recess until four o'clock in the afternoon.

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

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 ninth day of May, 2014, he approved and signed bills originating in the House of the following titles:

H. 260 An act relating to credit for reinsurance

H. 584 An act relating to municipal regulation of parking lots and meters

H. 690 An act relating to the definition of serious functional impairment

H. 888 An act relating to approval of amendments to the charter of the Town of Milton

Rules Suspended; Report of Committee of Conference Adopted

S. 287

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

An act relating to involuntary treatment and medication

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 further amendments as follows:

First: In Sec. 8, 18 V.S.A. § 7509, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) ~~The person~~ All persons admitted or held for admission shall be given the opportunity, subject to reasonable limitations, to communicate with others, including visits by a peer or other support person designated by the person, presence of the support person at all treatment team meetings the person is entitled to attend, the reasonable use of a telephone, and the reasonable use of electronic mail and the Internet.

Second: In Sec. 10, 18 V.S.A. § 7612a, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) If, based on a review conducted pursuant to subsection (a) of this section, the Court finds probable cause to believe that the person was a person in need of treatment at the time of his or her admission, the person shall be ordered held in the temporary custody of the Commissioner for further proceedings in accordance with Part 8 of this title. If probable cause is not established, the person shall be ordered discharged or released from the hospital and returned to the place from which he or she was transported or to such place as the person may reasonably direct.

Third: In Sec. 11, 18 V.S.A. § 7615, by inserting after subdivision (a)(2)(B) a new subdivision to be (a)(3) to read as follows:

(3) If a hearing on the application for involuntary treatment has not occurred within 60 days from the date of the Court's receipt of the application, the Commissioner shall request that the Court and both parties' attorneys provide the reasons for the delay. The Commissioner shall submit a report to the Court, the Secretary of Human Services, and the patient's attorney that either explains why the delay was warranted or makes recommendations as to how delays of this type can be avoided in the future.

Fourth: In Sec. 11, 18 V.S.A. § 7615, by striking out subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e) The proposed patient may at his or her election attend the hearing, subject to reasonable rules of conduct, and the ~~court~~ Court may exclude all persons, except a peer or other support person designated by the proposed patient, not necessary for the conduct of the hearing.

Fifth: In Sec. 12, 18 V.S.A. § 7624, by striking out subsections (a) and (b) in their entirety and inserting in lieu thereof the following:

(a) The ~~commissioner~~ Commissioner may commence an action for the involuntary medication of a person who is refusing to accept psychiatric medication and meets any one of the following ~~three~~ six conditions:

(1) ~~has been placed in the commissioner's~~ Commissioner's care and custody pursuant to section 7619 of this title or subsection 7621(b) of this title;

(2) ~~has previously received treatment under an order of hospitalization and is currently under an order of nonhospitalization, including a person on an order of nonhospitalization who resides in a secure residential recovery facility; or~~

(3) ~~has been committed to the custody of the commissioner of corrections~~ Commissioner of Corrections as a convicted felon and is being held in a correctional facility which is a designated facility pursuant to section 7628 of this title and for whom the ~~department of corrections and the department of mental health~~ Departments of Corrections and of Mental Health have ~~jointly~~ jointly determined jointly that involuntary medication would be appropriate pursuant to 28 V.S.A. § 907(4)(H);

(4) has an application for involuntary treatment pending for which the Court has granted a motion to expedite pursuant to subdivision 7615(a)(2)(A)(i) of this title;

(5)(A) has an application for involuntary treatment pending;

(B) waives the right to a hearing on the application for involuntary treatment until a later date; and

(C) agrees to proceed with an involuntary medication hearing without a ruling on whether he or she is a person in need of treatment; or

(6) has had an application for involuntary treatment pending pursuant to subdivision 7615(a)(1) of this title for more than 26 days without a hearing having occurred and the treating psychiatrist certifies, based on specific behaviors and facts set forth in the certification, that in his or her professional judgment there is good cause to believe that:

(A) additional time will not result in the person establishing a therapeutic relationship with providers or regaining competence; and

(B) serious deterioration of the person's mental condition is occurring.

(b)(1) A Except as provided in subdivisions (2), (3), and (4) of this subsection, a petition for involuntary medication shall be filed in the family

~~division of the superior court~~ Family Division of the Superior Court in the county in which the person is receiving treatment.

(2) If the petition for involuntary medication is filed pursuant to subdivision (a)(4) of this section:

(A) the petition shall be filed in the county in which the application for involuntary treatment is pending; and

(B) the Court shall consolidate the application for involuntary treatment with the petition for involuntary medication and rule on the application for involuntary treatment before ruling on the petition for involuntary medication.

(3) If the petition for involuntary medication is filed pursuant to subdivisions (a)(5) or (a)(6) of this section, the petition shall be filed in the county in which the application for involuntary treatment is pending.

(4) Within 72 hours of the filing of a petition for involuntary medication pursuant to subdivision (a)(6) of this section, the Court shall determine, based solely upon a review of the psychiatrist's certification and any other filings, whether the requirements of that subdivision have been established. If the Court determines that the requirements of subdivision (a)(6) of this section have been established, the Court shall consolidate the application for involuntary treatment with the petition for involuntary medication and hear both applications within ten days of the date that the petition for involuntary medication is filed. The Court shall rule on the application for involuntary treatment before ruling on the petition for involuntary medication. Subsection 7615(b) of this title shall apply to applications consolidated pursuant to this subdivision.

Sixth: In Sec. 13, 18 V.S.A. § 7625, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) A Unless consolidated with an application for involuntary treatment pursuant to subdivision 7624(b)(2) or (b)(4) of this title, a hearing on a petition for involuntary medication shall be held within seven days of filing and shall be conducted in accordance with sections 7613, 7614, ~~7615(b)–(e)~~, and 7616 and subsections ~~7615(b)–(e)~~ of this title.

Seventh: In Sec. 15, 18 V.S.A. § 7627, by striking out subdivision (f)(2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) The order shall require the person's treatment provider to conduct ~~monthly~~ weekly reviews of the medication to assess the continued need for

involuntary medication, the effectiveness of the medication, the existence of any side effects, and whether the patient has become competent pursuant to subsection 7625(c) of this title and shall also require the person's treatment provider to document this review in detail in the patient's chart. The person's treatment provider shall notify the Department when he or she determines that the patient has regained competence. Within two days of receipt, the Department shall provide a copy of the notice to the patient's attorney.

Eighth: In Sec. 15, 18 V.S.A. § 7627, in subsection (g), by striking out the last sentence and inserting in lieu thereof a new sentence to read as follows: If at any time the treating psychiatrist finds that a person subject to an order for involuntary medication has become competent pursuant to subsection 7625(c) of this title, the order shall no longer be in effect.

Ninth: In Sec. 16, 18 V.S.A. § 7629, by striking out subsections (a) through (c) in their entirety and inserting in lieu thereof new subsections (a) through (c) to read as follows:

(a) It is the intention of the ~~general assembly~~ General Assembly to recognize the right of a legally competent person to determine whether or not to accept medical treatment, ~~including involuntary medication,~~ absent an emergency or a determination that the person is incompetent and lacks the ability to make a decision and appreciate the consequences.

(b) ~~This act protects this right through a judicial proceeding prior to the use of nonemergency involuntary medication and by limiting the duration of an order for involuntary treatment to no more than one year. The least restrictive conditions consistent with the person's right to adequate treatment shall be provided in all cases. The General Assembly adopts the goal of high-quality, patient-centered health care, which the Institute of Medicine defines as "providing care that is respectful of and responsive to individual patient preferences, needs, and values and ensuring that patient values guide all clinical decisions." A substitute decision-maker is sometimes necessary to make a decision about care when a person is incompetent and lacks the ability to make a decision and appreciate the consequences. Even when a person lacks competence, health care that a person is opposing should be avoided whenever possible because the distress and insult to human dignity that results from compelling a person to participate in medical treatment against his or her will are real, regardless of how poorly the person may understand the decision.~~

(c) It is the policy of the ~~general assembly~~ General Assembly to work ~~towards~~ toward a mental health system that does not require coercion or the use of involuntary medication.

Tenth: In Sec. 23, by striking out Sec. 23 in its entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

Sec. 23. LEGISLATIVE INTENT; EMERGENCY INVOLUNTARY
PROCEDURES

The Mental Health Oversight Committee shall identify and include in its 2014 annual report a list of policies that may require clarification of legislative intent in order for the Department of Mental Health to proceed with rulemaking pursuant to 2012 Acts and Resolves No.79, Sec. 33a. The Committee shall also make recommendations as to any legislation needed to clarify legislative intent for those policies identified by the Committee.

Eleventh: By inserting after Sec. 27 a new Sec. 28 to read as follows:

Sec. 28. REPORT; APPLICATIONS ON INVOLUNTARY TREATMENT
AND MEDICATION

On or before February 1, 2015, the Department of Mental Health and the Court Administrator shall jointly submit a report to the House Committees on Human Services and on Judiciary and to the Senate Committees on Health and Welfare and on Judiciary containing data on:

(1) the total number of applications for involuntary treatment filed, and the total number granted, between July 1, 2014 and December 31, 2014, and, of those filed, the total number expedited pursuant to 18 V.S.A. § 7615(a)(2)(A)(i) and (a)(2)(A)(ii); and

(2) the total number of applications for involuntary medication filed, and the total number granted, between July 1, 2014 and December 31, 2014 pursuant to 18 V.S.A. § 7624(a), including the total number of applications filed under each subdivision.

and by renumbering the remaining section to be Sec. 29

COMMITTEE ON THE PART OF
THE SENATE

SEN. JEANETTE K. WHITE
SEN. CLAIRE D. AYER
SEN. RICHARD W. SEARS

COMMITTEE ON THE PART OF
THE HOUSE

REP. THOMAS F. KOCH
REP. ANNE B. DONAHUE
REP. WILLIAM J. LIPPERT

Which was considered and adopted on the part of the House.

Recess

At four o'clock and forty-nine minutes in the afternoon, the Speaker declared a recess until six o'clock in the evening.

At seven o'clock in the evening, the Speaker called the House to order.

Message from the Senate No. 74

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 proposal of amendment to Senate bill of the following title:

S. 269. An act relating to business consumer protection and data security breaches.

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

The Senate has considered joint resolutions originating in the House of the following titles:

J.R.H. 19. Joint resolution relating to encouraging New Hampshire to enact laws protecting emergency responders from across state lines.

J.R.H. 21. Joint resolution urging Congress to enact the Blue Water Navy Vietnam Veterans Act of 2013.

And has adopted the same in concurrence.

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. 297. An act relating to duties and functions of the Department of Public Service.

H. 735. An act relating to Executive Branch and Judiciary fees.

And has accepted and adopted the same on its part.

Rules Suspended; Report of Committee of Conference Adopted

H. 735

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

An act relating to Executive Branch and Judiciary fees

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 proposal of amendment be further amended as follows:

First: In Sec. 6, in 22 V.S.A. § 724, by inserting subsection (a) to read:

(a) ~~Historic sites operations special fund~~ Sites Operations Special Fund. The ~~historic sites operations special fund~~ Historic Sites Operations Special Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 of chapter 7 of Title 32 to be used by the ~~division for historic preservation~~ Division for Historic Preservation to carry out the provisions of subdivisions 723(a)(9) and (b)(1) of this title. Revenues to the ~~fund~~ Fund shall be from the following sources:

(1) Receipts from ticket sales at and fees for rental of ~~state-owned~~ State-owned historic sites. Notwithstanding ~~subdivision 32 V.S.A. § 603(2) of Title 32,~~ fees for admission to and rentals of historic sites shall be set by the ~~state historic preservation officer~~ State Historic Preservation Officer, with the approval of the ~~commissioner of housing and community affairs~~ Commissioner of Housing and Community Development, in a manner that both maximizes revenues and promotes the tourism purposes of historic sites, but not to exceed ~~\$8.00~~ \$12.00 for a single admission. This not-to-exceed amount shall not apply to the rental of an historic site or admission to an historic site for a special event. These fees shall be reported in accordance with ~~section 605 of Title 32~~ 32 V.S.A. § 605.

Second: In Sec. 14, in 26 V.S.A. § 1256, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for license	\$ 70.00
(2) Biennial renewal of license	
(A) Funeral director	\$ 300.00 <u>\$ 350.00</u>
(B) Embalmer	\$ 300.00 <u>\$ 350.00</u>
(C) Funeral establishment	\$ 540.00 <u>\$ 800.00</u>
(D) Crematory establishment	\$ 540.00 <u>\$ 800.00</u>

(E) <u>Crematory personnel</u>	<u>\$ 125.00</u>
(F) <u>Removal personnel</u>	\$ 85.00 <u>\$ 125.00</u>
(G) <u>Limited services establishment license</u>	<u>\$ 800.00</u>

Third: In Sec. 20, in 20 V.S.A. § 2307, in subsection (b), subdivision (2)(B)(ii), after the words “until further order of the Court” by inserting: , and specifies the manner in which he or she will provide secure storage of such items.

Fourth: In Sec. 20, in 20 V.S.A. § 2307, in subsection (b), subdivision (2)(B)(iv), by striking out the words “this subdivision (2)(A)” and inserting in lieu thereof the words subdivision (2)(C).

Fifth: In Sec. 20, in 20 V.S.A. § 2307, in subsection (b), at the end of subdivision (2)(C), by adding a sentence to read: In the event that the person required to relinquish the firearms, ammunition, or other weapons or any other person not authorized by law to possess the relinquished items obtains access to, possession of, or use of a relinquished item, all relinquished items shall be immediately transferred to the possession of a law enforcement agency or approved federally licensed firearms dealer pursuant to subdivision (1) of this subsection (b).

Sixth: In Sec. 20, in 20 V.S.A. § 2307, in subsection (g), subdivision (2)(A)(iii), by striking out the words “pursuant to Rule 4 of the Vermont Rules of Civil Procedure” and inserting in lieu thereof via first class mail, certified restricted delivery

Seventh: By striking out Sec. 28 in its entirety and inserting in lieu thereof a new Sec. 28 to read:

Sec. 28. 18 V.S.A. § 4474f is amended to read:

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND
REGISTRATION

* * *

(g) After a dispensary is approved but before it begins operations, it shall submit the following to the ~~department of public safety~~ Department:

* * *

(4) A registration fee of \$20,000.00 for the first year of operation, and an annual fee of ~~\$30,000.00~~ \$25,000.00 in subsequent years.

* * *

Eighth: In Sec. 29, 30 V.S.A. § 7521, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d)(1) Notwithstanding any other provision of law to the contrary, beginning on September 1, 2014, in the case of prepaid wireless telecommunications service, the universal service charge shall be imposed as follows:

(A) If the provider sells directly to a consumer in a retail transaction, the provider may collect the charge from the customer at the rate specified in section 7523 of this title; or

(B) if the provider does not sell directly to the consumer, or if the provider sells directly to the customer in a retail transaction but elects not to collect the charge from the customer, the charge shall be imposed on the provider at the rate determined in subdivision (2) of this subsection (d).

(2) The Public Service Board shall establish a formula to ensure the universal service charge rate imposed on prepaid wireless telecommunications service providers under subdivision (1)(B) of this subsection reflects two percent of retail prepaid wireless telecommunications service in Vermont.

(3) As used in this subsection, “prepaid wireless telecommunications service” means a telecommunications service as defined in subdivision 203(5) of this title that a consumer pays for in advance and that is sold in predetermined units or dollars that decline with use.

Ninth: In Sec. 30, in 30 V.S.A. § 7524, by inserting a new subsection to be subsection (f) to read:

(f) The Public Service Board shall ensure the fiscal agent is authorized to negotiate and collect from telecommunications service providers any universal service charges not properly assessed or remitted pursuant to this chapter. For the purpose of this subsection, the fiscal agent may examine the records of telecommunications providers for the immediately preceding three years and assess the provider for underpayments, if any, as appropriate.

Tenth: In Sec. 31, 6 V.S.A. § 3022, in subsection (a), by striking out in its entirety the sentence “~~The secretary~~ Secretary may, ~~with the approval of the governor,~~ appoint or contract with one or more inspectors who shall also be authorized to inspect all apiaries and otherwise enforce the provisions of this chapter.”

Eleventh: By striking out Sec. 32 (effective dates) in its entirety and inserting in lieu thereof the following Secs. 32–36 to read:

Sec. 32. 9 V.S.A. § 2632 is amended to read:

§ 2632. GENERAL POWERS AND DUTIES OF SECRETARY

* * *

(b) Fees and reimbursements of costs collected by the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets under the provisions of this chapter and 6 V.S.A. § 3022 shall be credited to a weights and measures special fund and shall be available to the ~~agency~~ Agency to offset the costs of implementing this chapter.

Sec. 33. 30 V.S.A. § 7503(a) is amended to read:

(a) A fiscal agent shall be selected to receive and distribute funds under this chapter ~~for the Vermont telecommunications relay service, for the Vermont lifeline program, for enhanced 911 services, and, subject to further legislative authorization, to reduce the cost to customers of basic telecommunications service in high-cost areas.~~

Sec. 34. 30 V.S.A. § 7511 is amended to read:

§ 7511. DISTRIBUTION GENERALLY

(a) As directed by the ~~public service board~~ Public Service Board, funds collected by the fiscal agent, and interest accruing thereon, shall be distributed as follows:

(1) ~~To~~ to pay costs payable to the fiscal agent under its contract with the ~~public service board.~~ Board;

(2) ~~To~~ to support the Vermont telecommunications relay service in the manner provided by section 7512 of this title.;

(3) ~~To~~ to support the Vermont ~~lifeline~~ Lifeline program in the manner provided by section 7513 of this title.;

(4) ~~To~~ to support ~~enhanced 911~~ Enhanced-911 services in the manner provided by section 7514 of this title.;

(5) ~~To~~ to reduce the cost to customers of basic telecommunications service in high-cost areas, in the manner provided by section 7515 of this title; and

(6) to support the cost of Executive Branch activities as specified under section 7515a of this title.

(b) If insufficient funds exist to support all of the purposes contained in subsection (a) of this section, the ~~public service board~~ Board shall conduct an expedited proceeding to allocate the available funds, giving priority in the order listed in subsection (a).

Sec. 35. 30 V.S.A. § 7515a is added to read:

§ 7515a. ADDITIONAL PROGRAM SUPPORT

The fiscal agent may make distributions to the State Treasurer to fund Executive Branch activities related to and supportive of the programs funded under this chapter, as determined by the General Assembly.

Sec. 36. EFFECTIVE DATES

(a) This section and Sec. 28 (dispensaries) shall take effect on passage.

(b) Secs. 31 and 32 (apiaries) shall take effect on July 1, 2015.

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

*MARK A. MACDONALD
CHRISTOPHER A. BRAY
ELDRED FRENCH*

Committee on the part of the Senate

*JAMES W. MASLAND
ALISON H. CLARKSON
KESHA K. RAM*

Committee on the part of the House

Pending the question, Shall the report of the Committee of Conference be adopted? **Rep. Terenzini of Rutland Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee of Conference be adopted? was decided in the affirmative. Yeas, 87. Nays, 48.

Those who voted in the affirmative are:

Ancel of Calais	Corcoran of Bennington	Head of South Burlington
Bartholomew of Hartland	Cross of Winooski	Heath of Westford
Bissonnette of Winooski	Davis of Washington	Hooper of Montpelier
Botzow of Pownal	Deen of Westminster	Jerman of Essex
Burke of Brattleboro	Donovan of Burlington	Jewett of Ripton
Buxton of Tunbridge	Ellis of Waterbury	Johnson of South Hero
Campion of Bennington	Emmons of Springfield	Johnson of Canaan
Carr of Brandon	Evans of Essex	Kitzmiller of Montpelier
Christie of Hartford	Fay of St. Johnsbury	Klein of East Montpelier
Clarkson of Woodstock	Fisher of Lincoln	Krowinski of Burlington
Cole of Burlington	Frank of Underhill	Lanpher of Vergennes
Connor of Fairfield	French of Randolph	Lenes of Shelburne
Conquest of Newbury	Gallivan of Chittenden	Lippert of Hinesburg
Copeland-Hanzas of Bradford	Greshin of Warren	Macaig of Williston
	Haas of Rochester	Malcolm of Pawlet

Manwaring of Wilmington	Peltz of Woodbury	Townsend of South Burlington
Marek of Newfane	Potter of Clarendon	Trieber of Rockingham
Martin of Wolcott	Pugh of South Burlington	Vowinkel of Hartford
Masland of Thetford	Rachelson of Burlington	Waite-Simpson of Essex
McCarthy of St. Albans City	Ram of Burlington	Walz of Barre City
McCormack of Burlington	Russell of Rutland City	Webb of Shelburne
McCullough of Williston	Ryerson of Randolph	Weed of Enosburgh
Michelsen of Hardwick	Sharpe of Bristol	Wilson of Manchester
Miller of Shaftsbury	Spengler of Colchester	Woodward of Johnson
Mook of Bennington	Stevens of Waterbury	Wright of Burlington
Moran of Wardsboro	Stuart of Brattleboro	Yantachka of Charlotte
Mrowicki of Putney	Sweaney of Windsor	Young of Glover
Nuovo of Middlebury	Till of Jericho	Zagar of Barnard
O'Brien of Richmond	Toleno of Brattleboro	
Pearson of Burlington	Toll of Danville	

Those who voted in the negative are:

Batchelor of Derby	Goodwin of Weston	Poirier of Barre City
Beyor of Highgate	Hebert of Vernon	Quimby of Concord
Bouchard of Colchester	Higley of Lowell	Ralston of Middlebury
Brennan of Colchester	Hubert of Milton	Savage of Swanton
Browning of Arlington	Huntley of Cavendish	Scheuermann of Stowe
Burditt of West Rutland	Juskiewicz of Cambridge	Shaw of Pittsford
Canfield of Fair Haven	Keenan of St. Albans City	Shaw of Derby
Consejo of Sheldon	Kilmartin of Newport City	Smith of New Haven
Cupoli of Rutland City	Koch of Barre Town	South of St. Johnsbury
Dakin of Chester	Larocque of Barnet	Stevens of Shoreham
Devereux of Mount Holly	Lawrence of Lyndon	Strong of Albany
Dickinson of St. Albans Town	Lewis of Berlin	Terenzini of Rutland Town
Donaghy of Poultney	Marcotte of Coventry	Turner of Milton
Donahue of Northfield	McFaun of Barre Town	Van Wyck of Ferrisburgh
Feltus of Lyndon	Morrissey of Bennington	Winters of Williamstown
Gage of Rutland City	Myers of Essex	
	Pearce of Richford	

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

Branagan of Georgia	Hoyt of Norwich	Martin of Springfield
Condon of Colchester	Komline of Dorset	Mitchell of Fairfax
Fagan of Rutland City	Krebs of South Hero	O'Sullivan of Burlington
Grad of Moretown	Kupersmith of South Burlington	Partridge of Windham
Helm of Fair Haven		Wizowaty of Burlington

Rules Suspended; Report of Committee of Conference Adopted

H. 297

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

An act relating to duties and functions of the Department of Public Service
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 bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Legislative Purpose; Findings * * *

Sec. 1. LEGISLATIVE PURPOSE; FINDINGS

It is the intent of the General Assembly to maintain a robust and modern telecommunications network in Vermont by making strategic investments in improved technology for all Vermonters. To achieve that goal, it is the purpose of this act to upgrade the State's telecommunications objectives and reorganize government functions in a manner that results in more coordinated and efficient State programs and policies, and, ultimately, produces operational savings that may be invested in further deployment of broadband and mobile telecommunications services for the benefit of all Vermonters. In addition, it is the intent of the General Assembly to update and provide for a more equitable application of the Universal Service Fund (USF) surcharge. Together, these operational savings and additional USF monies will raise at least \$1 million annually, as follows:

(1) \$650,000.00 from an increase in the USF charge to a flat two percent;

(2) \$450,000.00 from application of the USF charge to prepaid wireless telecommunications service providers; and

(3) \$300,000.00 in operational savings from the transfer and consolidation of State telecommunications functions.

* * * Universal Service Fund * * *

Sec. 2. 30 V.S.A. § 7501 is amended to read:

§ 7501. PURPOSE; DEFINITIONS

(a) It is the purpose of this act to create a financial structure that will allow every Vermont household to obtain basic telecommunications service at an affordable price, and to finance that structure with a proportional charge on all

telecommunications transactions that interact with the public switched network.

(b) As used in this chapter:

(1) “Basic telecommunications service” means that a customer has available at his or her location:

(A) switched voice grade interactive telecommunications service permitting origination and termination of calls;

(B) the ability to transmit network switching instructions through tones generated by customer-owned equipment;

(C) the ability to transmit and receive the customer’s computer-generated digital data, either by digital or analog transmission, reliably and at common transmission rates, using customer-owned equipment;

(D) the ability to communicate quickly and effectively with emergency response personnel; and

(E) telecommunications relay service, as authorized under section 218a of this title.

(2) “Interactive” means that a communications medium is regularly used to transmit information in two directions.

(3) “Line in service” means a circuit or channel connecting a customer to the public switched network or to the Internet.

(4) “Private network” means a telecommunications system entirely owned and operated by a single corporate or individual person other than a telecommunications service provider and not available to the general public.

~~(4)~~(5) “Public switched network” means the communications network owned and operated by telecommunications service providers, some of whom are common carriers.

(6) “Service area” means:

(A) in the case of a rural telephone company, the company’s study area as approved by the Federal Communications Commission; or

(B) in the case of a local exchange carrier, other than a rural telephone company, the carrier’s local exchange service area as approved by the Public Service Board.

(7) “Service location” means a business or residential geographic point of contact of a telecommunications service for purposes of the enhanced-911 network. The number of service locations in each exchange shall be

determined by the Department of Public Service in periodic updates to the State Telecommunications Plan based on analysis of the locations in the database of the Vermont Enhanced-911 Board.

~~(5)~~(8) “Telecommunications service” means the transmission of any interactive electromagnetic communications that passes through the public switched network. The term includes, ~~but is not limited to,~~ transmission of voice, image, data, and any other information, by means of ~~but not limited to~~ wire, electric conductor cable, optic fiber, microwave, radio wave, or any combinations of such media, and the leasing of any such service.

(A) Telecommunications service includes ~~but is not limited to:~~

- (i) local telephone service, including any facility or service provided in connection with such local telephone service;
- (ii) toll telephone service;
- (iii) directory assistance;
- (iv) two-way cable television service; and
- (v) mobile telephone or telecommunication service, both analog and digital.

(B) Notwithstanding the ~~above, for purposes of~~ provisions of this subdivision (8), as used in this chapter, telecommunications service does not include:

(i) Services consisting primarily of the creation of artistic material or other information that is later transmitted over telecommunications equipment, including information services and electronic bulletin boards, but only to the extent that charges for such information processing are separated from charges for other telecommunications services, and only to the extent that such information is not used by any telecommunications service provider in the administration of the telecommunications network.

(ii) Mobile radio and paging services that do not have an electronic interface into the public switched network.

(iii) Private network services; provided, however, that payments by a private network to a telecommunications service provider, such as for point-to-point transmission services, are not exempt under this subdivision.

(iv) [Repealed.]

(v) Telecommunications services paid for at the point of purchase by depositing coins or currency.

(vi) Charges incurred by utilizing prepaid telephone calling cards or prepaid authorization numbers.

~~(6)(9)~~ “Telecommunications service provider” means a company required by law to hold a certificate of public good from the ~~public service board~~ Public Service Board to offer telecommunications service for intrastate service, or is authorized by the Federal Communications Commission to offer interstate telecommunications service.

Sec. 3. 30 V.S.A. § 7511(5) is amended to read:

~~(5) To reduce the cost to customers of basic telecommunications service in high cost areas, in the manner provided by section 7515 of this title to support the Connectivity Fund established in section 7516 of this chapter.~~

Sec. 4. 30 V.S.A. § 7516 is added to read:

§ 7516. CONNECTIVITY FUND

There is created a Connectivity Fund for the purpose of providing support to the High-Cost Program established under section 7515 of this chapter and the Connectivity Initiative established under section 7515b of this chapter. The fiscal agent shall determine annually, on or before September 1, the amount of monies available to the Connectivity Fund. Such funds shall be apportioned equally to the High-Cost Program and the Connectivity Initiative referenced in this section.

Sec. 5. 30 V.S.A. § 7515 is amended to read:

§ 7515. HIGH-COST PROGRAM

(a) ~~The General Assembly intends that~~ the universal service charge shall be used in the future as a means of keeping basic telecommunications service affordable in all parts of this State, thereby maintaining universal service, and as a means of supporting access to broadband service in all parts of the State.

~~(b) The Commissioner of Public Service, in conjunction with the Public Service Board, shall conduct a study of the costs and other factors affecting the delivery of local exchange service by the incumbent local exchange carriers (the providers of last resort). The study shall include an informal workshop process to be conducted by the Board. Such process shall be noticed to the general public and structured to allow written and verbal comments by the general public, service providers, public officials, and others as determined by the Board. The study shall:~~

~~(1) After considering information on how various factors affect the costs of providing telecommunications service in Vermont and elsewhere, estimate~~

~~the current costs and estimate, on a forward-looking basis, the differential costs of providing local exchange service to various customer groups throughout Vermont.~~

~~(2) Estimate the relationship between basic telecommunications service charges and universal service, and the threshold level beyond which universal residential service is likely to be harmed.~~

~~(3) Estimate the relationship between basic telecommunications service charges and opportunities for uniform economic development throughout the State, and the threshold prices beyond which such opportunities may be adversely affected.~~

~~(4) Estimate the potential effects of local exchange competition on uniform and affordable basic telecommunications service charges in all parts of the State.~~

~~(5) Examine policy options by which the cost to customers may be managed so as not to jeopardize universal service and the uniform economic development opportunities, including at least the following:~~

~~(A) establishing a maximum price for basic telecommunications service, beyond which customers would have access, without regard to income, to credits or vouchers negotiable for local exchange service from a local exchange provider or competitive access provider;~~

~~(B) broadening eligibility for the Lifeline program; and~~

~~(C) establishing a mechanism to adjust the level of support for higher cost customers over time to reflect legal rights, recover historic costs, and reflect the advantages of improved technology and increased efficiency.~~

~~(6) Examine the actions, if any, of the Federal Communications Commission (FCC) in revising its Universal Service Fund, and the need, if any, for additional action in Vermont. In particular, the study shall examine the impact on Vermont services caused by the FCC's report and order released November 18, 2011, which, among other things, expands the federal Universal Service Fund to include broadband deployment in unserved areas. Further, the study shall consider the potential impact of various legal challenges to the FCC action on the federal Universal Service Fund.~~

~~(7) Propose mechanisms to support universal service and rural economic development while securing the benefits of telecommunications competition for Vermont households and businesses.~~

~~(8) Include an audit of the Universal Service Fund to examine, among other things, the contributions made to the fund in terms of the categories of~~

~~telecommunications service providers covered as well as the specific services charged. In addition, the audit shall assess the disbursements made from the Fund.~~

~~(9) Consider any other relevant issues that may arise during the course of the study.~~

~~(e) The results of the study, together with any plan for amending and distributing funds under this section, shall be submitted to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on or before December 1, 2012.~~

~~(d) The Commissioner of Public Service may contract with a consultant to conduct the study required by this section. Costs incurred in conducting the study shall be reimbursed from the State Universal Service Fund up to \$75,000.00.~~

~~(e) To the extent this study may require disclosure of confidential information by a telecommunications service provider, such confidential information shall be disclosed to a third party pursuant to a protective agreement. In no event shall the third party be a person or persons employed by a business competitor or whose primary duties engage them in business competition with a telecommunications service provider submitting the confidential information. The third party may be the consultant retained by the Commissioner under subsection (d) of this section or may be another third party agreed upon by the Commissioner and the telecommunications service providers. The third party shall be responsible for aggregating the information and, once aggregated, may publicly disclose such information consistent with the purposes of this section. The confidentiality requirements of this subsection shall not affect whether information provided to an agency of the State or a political subdivision of the State pursuant to other laws is or is not subject to disclosure. The Public Service Board, after review of a petition of a company holding a certificate of public good to provide telecommunications service in Vermont, and upon finding that the company meets all requirements for designation as an "eligible telecommunications carrier" as defined by the FCC, may designate the company as a Vermont-eligible telecommunications carrier (VETC).~~

~~(c) The supported services a designated VETC must provide are voice telephony services, as defined by the FCC, and broadband Internet access, directly or through an affiliate. A VETC receiving support under this section shall use that support for capital improvements in high cost areas to build broadband capable networks.~~

~~(d) The Board may designate multiple VETCs for a single high cost area,~~

but each designated VETC shall:

(1) offer supported services to customers at all locations throughout the service area or areas for which it has been designated; and

(2) for its voice telephone services, meet service quality standards set by the Board.

(e) A VETC shall receive support as defined in subsection (i) of this section from the fiscal agent of the Vermont Universal Service Fund for each telecommunications line in service or service location, whichever is greater in number, in each high cost area it services. Such support may be made in the form of a net payment against the carrier's liability to the Fund. If multiple VETCs are designated for a single area, then each VETC shall receive support for each line it has in service.

(f) As used in this section, a Vermont telephone exchange is a "high cost area" if the exchange is served by a rural telephone company, as defined by federal law, or if the exchange is designated as a rural exchange in the wholesale tariff of a regional bell operating company (RBOC), as defined by the FCC, or of a successor company to an RBOC. An exchange is not a high cost area if the Public Service Board finds that the supported services are available to all locations throughout the exchange from at least two service providers.

(g) Except as provided in subsection (h) of this section, a VETC shall provide broadband Internet access at speeds meeting 4 Mbps download and 1 Mbps upload in each high cost area it serves within five years of designation. A VETC need not provide broadband service to a location that has service available from another service provider, as determined by the Department of Public Service.

(h) The Public Service Board may modify the build out requirements of subsection (d) of this section as it relates to broadband Internet access to be the geographic area that could be reached using one-half of the funds to be received over five years. A VETC may seek such waiver of the build out requirements in subsection (c) within one year of designation and shall demonstrate the cost of meeting broadband Internet access requirements on an exchange basis and propose an alternative build out plan.

(i) The amount of the monthly support under this section shall be the pro rata share of available funds as provided in subsection (e) of this section.

(j) The Public Service Board shall adopt by rule standards and procedures for ensuring projects funded under this section are not competitive overbuilds of existing wired telecommunications services.

(k) Each VETC shall submit certification that it is meeting the requirements of this section and an accounting of how it expended the funds received under this section in the previous calendar year with its annual report to the Department of Public Service. For good cause shown, the Public Service Board may investigate submissions required by this subsection and may revoke a company's designation if it finds that the company is not meeting the requirements of this subsection.

Sec. 6. 30 V.S.A. § 7515b is added to read:

§ 7515b. CONNECTIVITY INITIATIVE

(a) The purpose of the Connectivity Initiative is to provide each service location in Vermont access to Internet service that is capable of speeds of at least 4 Mbps download and 1 Mbps upload, beginning with locations not served as of December 31, 2013 according to the minimum technical service characteristic objectives applicable at that time. Within this category of service locations, priority shall be given first to unserved and then to underserved locations. As used in this section, "unserved" means a location having access to only satellite or dial-up Internet service and "underserved" means a location having access to Internet service with speeds that exceed satellite and dial-up speeds but are less than 4 Mbps download and 1 Mbps upload. Any new services funded in whole or in part by monies in this Fund shall be capable of being continuously upgraded to reflect the best available, most economically feasible service capabilities.

(b) The Department of Public Service shall publish annually a list of census blocks eligible for funding based on the Department's most recent broadband mapping data. The Department annually shall solicit proposals from service providers, the Vermont Telecommunications Authority, and the Division for Connectivity to deploy broadband to eligible census blocks. The Department shall give priority to proposals that reflect the lowest cost of providing services to unserved and underserved locations; however, the Department also shall consider:

(1) the proposed data transfer rates and other data transmission characteristics of services that would be available to consumers;

(2) the price to consumers of services;

(3) the proposed cost to consumers of any new construction, equipment installation service, or facility required to obtain service;

(4) whether the proposal would use the best available technology that is economically feasible;

(5) the availability of service of comparable quality and speed; and

(6) the objectives of the State's Telecommunications Plan.

Sec. 7. 30 V.S.A. § 7523 is amended to read:

§ 7523. ~~RATE ADJUSTED ANNUALLY OF CHARGE~~

~~(a) Annually, after considering the probable expenditures for programs funded pursuant to this chapter, the probable service revenues of the industry and seeking recommendations from the department, the public service board shall establish a rate of charge to apply during the 12 months beginning on the following September 1. However, the rate so established shall not at any time exceed two percent of retail telecommunications service. The board's decision shall be entered and announced each year before July 15. However, if the general assembly does not enact an authorization amount for E-911 before July 15, the board may defer decision until 30 days after the E-911 authorization is established, and the existing charge rate shall remain in effect until the board establishes a new rate. Beginning on July 1, 2014, the rate of charge shall be two percent of retail telecommunications service.~~

(b) Universal service charges imposed and collected by the fiscal agent under this subchapter shall not be transferred to any other fund or used to support the cost of any activity other than in the manner authorized by section 7511 of this title.

* * * State Telecommunications Policy; Planning; Reporting * * *

Sec. 8. 30 V.S.A. § 202c is amended to read:

§ 202c. STATE TELECOMMUNICATIONS; POLICY AND PLANNING

(a) The General Assembly finds that advances in telecommunications technology and changes in federal regulatory policy are rapidly reshaping telecommunications services, thereby promising the people and businesses of the State communication and access to information, while creating new challenges for maintaining a robust, modern telecommunications network in Vermont.

(b) Therefore, to direct the benefits of improved telecommunications technology to all Vermonters, it is the purpose of this section and section 202d of this title to:

(1) ~~Strengthen~~ strengthen the State's role in telecommunications planning;

(2) ~~Support~~ support the universal availability of appropriate infrastructure and affordable services for transmitting voice and high-speed data;

(3) ~~Support~~ support the availability of modern mobile wireless telecommunications services along the State's travel corridors and in the State's communities;

(4) ~~Provide~~ provide for high-quality, reliable telecommunications services for Vermont businesses and residents;

(5) ~~Provide~~ provide the benefits of future advances in telecommunications technologies to Vermont residents and businesses;

(6) ~~Support~~ support competitive choice for consumers among telecommunications service providers and promote open access among competitive service providers on nondiscriminatory terms to networks over which broadband and telecommunications services are delivered;

(7) ~~Support, to the extent practical and cost effective,~~ support the application of telecommunications technology to maintain and improve governmental and public services, public safety, and the economic development of the State;

(8) ~~Support~~ support deployment of broadband infrastructure that:

(A) ~~Uses~~ uses the best commercially available technology;

(B) ~~Does~~ does not negatively affect the ability of Vermont to take advantage of future improvements in broadband technology or result in widespread installation of technology that becomes outmoded within a short period after installation;

(9) ~~In~~ in the deployment of broadband infrastructure, encourage the use of existing facilities, such as existing utility poles and corridors and other structures, in preference to the construction of new facilities or the replacement of existing structures with taller structures; and

(10) support measures designed to ensure that by the end of the year 2024 every E-911 business and residential location in Vermont has infrastructure capable of delivering Internet access with service that has a minimum download speed of 100 Mbps and is symmetrical.

Sec. 9. 30 V.S.A. § 202d is amended to read:

§ 202d. TELECOMMUNICATIONS PLAN

(a) The ~~department of public service~~ Department of Public Service shall constitute the responsible planning agency of the ~~state~~ State for the purpose of

obtaining for all consumers in the ~~state~~ State stable and predictable rates and a technologically advanced telecommunications network serving all service areas in the ~~state~~ State. The ~~department of public service~~ Department shall be responsible for the provision of plans for meeting emerging trends related to telecommunications technology, markets, financing, and competition.

(b) The ~~department of public service~~ Department shall prepare a ~~telecommunications plan~~ Telecommunications Plan for the ~~state~~ State. The ~~department of innovation and information~~ Department of Innovation and Information, the Division for Connectivity and the ~~agency of commerce and community development~~ Agency of Commerce and Community Development shall assist the ~~department of public service~~ Department of Public Service in preparing the ~~plan~~ Plan. The ~~plan~~ Plan shall be for a ~~seven-year~~ ten-year period and shall serve as a basis for ~~state~~ State telecommunications policy. Prior to preparing the ~~plan~~ Plan, the ~~department of public service~~ Department shall prepare:

(1) an overview, looking ~~seven~~ ten years ahead, of future requirements for telecommunications services, considering services needed for economic development, technological advances, and other trends and factors which, as determined by the ~~department of public service~~ Department of Public Service, will significantly affect ~~state~~ State telecommunications policy and programs;

(2) a survey of Vermont residents and businesses, conducted in cooperation with the ~~agency of commerce and community development~~ Agency of Commerce and Community Development and the Division for Connectivity, to determine what telecommunications services are needed now and in the succeeding ~~seven~~ ten years;

(3) an assessment of the current state of telecommunications infrastructure;

(4) an assessment, conducted in cooperation with the ~~department of innovation and information~~ Department of Innovation and Information and the Division for Connectivity, of the current ~~state~~ State telecommunications system and evaluation of alternative proposals for upgrading the system to provide the best available and affordable technology for use by government; and

(5) an assessment of the state of telecommunications networks and services in Vermont relative to other states, including price comparisons for key services and comparisons of the state of technology deployment.

(c) In developing the ~~plan~~ Plan, the ~~department~~ Department shall take into account the policies and goals of section 202c of this title.

(d) In establishing plans, public hearings shall be held and the ~~department of public service~~ Department shall consult with members of the public, representatives of telecommunications utilities, other providers, and other interested ~~state~~ State agencies, particularly the ~~agency of commerce and community development~~ Agency of Commerce and Community Development, ~~the Division for Connectivity~~, and the ~~department of innovation and information~~ Department of Innovation and Information, whose views shall be considered in preparation of the ~~plan~~ Plan. To the extent necessary, the ~~department of public service~~ Department shall include in the ~~plan~~ Plan surveys to determine existing, needed, and desirable plant improvements and extensions, access and coordination between telecommunications providers, methods of operations, and any change that will produce better service or reduce costs. To this end, the ~~department of public service~~ Department may require the submission of data by each company subject to supervision by the ~~public service board~~ Public Service Board.

(e) Before adopting a ~~plan~~ Plan, the ~~department~~ Department shall conduct public hearings on a final draft and shall consider the testimony presented at such hearings in preparing the final ~~plan~~ Plan. At least one hearing shall be held jointly with ~~committees~~ Committees of the ~~general assembly~~ General Assembly designated by the ~~general assembly~~ General Assembly for this purpose. The ~~plan~~ Plan shall be adopted by ~~September 1, 2004~~ September 1, 2014.

(f) The ~~department~~ Department, from time to time, but in no event less than every three years, institute proceedings to review a ~~plan~~ Plan and make revisions, where necessary. The three-year major review shall be made according to the procedures established in this section for initial adoption of the ~~plan~~ Plan. For good cause or upon request by a ~~joint resolution~~ Joint Resolution passed by the ~~general assembly~~ General Assembly, an interim review and revision of any section of the ~~plan~~ Plan may be made after conducting public hearings on the interim revision. At least one hearing shall be held jointly with ~~committees~~ Committees of the ~~general assembly~~ General Assembly designated by the ~~general assembly~~ General Assembly for this purpose.

(g) The Department shall review and update the minimum technical service characteristic objectives not less than every three years beginning in 2017. In the event such review is conducted separately from an update of the Plan, the Department shall issue revised minimum technical service characteristic objectives as an amendment to the Plan.

Sec. 10. 3 V.S.A. § 2222b is amended to read:

§ 2222b. TELECOMMUNICATIONS; COORDINATION AND PLANNING

(a) The Secretary of Administration or designee shall be responsible for the coordination of telecommunications initiatives among Executive Branch agencies, departments, and offices.

(b) In furtherance of the goals set forth in 30 V.S.A. § 8060(b), the Secretary shall have the following duties:

(1) from information reasonably available after public notice to and written requests made of mobile telecommunications and broadband service providers, to develop and maintain an inventory of locations at which mobile telecommunications and broadband services are not available within the State, develop and maintain an inventory of infrastructure that is available or reasonably likely to be available to support provision of services to unserved areas, and develop and maintain an inventory of infrastructure necessary for provision of these services to the unserved areas;

(2) to identify the types and locations of infrastructure and services needed to accomplish the goals of this chapter;

(3) to formulate, on or before December 15, 2014, an action plan to accomplish the goals of universal availability of broadband and mobile telecommunications services ~~by the end of the year 2013~~;

(4) to coordinate the agencies of the State to make public resources available to support the extension of mobile telecommunications and broadband infrastructure and services to all unserved areas;

(5) to support and facilitate initiatives to extend the availability of mobile telecommunications and broadband services, and to promote development of the infrastructure that enables the provision of these services;

(6) through the Department of Innovation and Information, to aggregate and broker access at reduced prices to services and facilities required to provide wireless telecommunications and broadband services; and to waive or reduce State fees for access to state-owned rights-of-way in exchange for comparable value to the State, unless payment for use is otherwise required by federal law;

(7) to review all financial transactions, statements, and contracts of the Vermont ~~telecommunications authority~~ Telecommunications Authority established under 30 V.S.A. § 8061; and

(8) to receive all technical and administrative assistance as deemed necessary by the Secretary of Administration.

(c) Deployment tracking.

(1) Not later than 30 days after the effective date of this act, all persons proposing to construct or install Vermont cables, wires, or telecommunications facilities as defined in 30 V.S.A. § 248a(b)(1) shall file plans with the Secretary if the construction or installation relates to the deployment of broadband infrastructure and is funded in whole or in part pursuant to the American Recovery and Reinvestment Act of 2009, Pub.L. No. 111-5, or by funds granted or loaned by the State of Vermont or one of its instrumentalities.

(2) The plans filed pursuant to subdivision (1) of this subsection shall include data identifying the projected coverage area, the projected average speed of service, service type, and the anticipated date of completion in addition to identifying the location and routes of proposed cables, wires, and telecommunications facilities, and shall be updated every 90 days.

(3) The Secretary shall use the information provided pursuant to this subsection in performing the duties set forth in subsection (b) of this section.

(4) The Secretary shall keep confidential the plans submitted to him or her under this subsection except that, pursuant to a nondisclosure agreement, the ~~secretary~~ Secretary may disclose the information to ~~the Vermont Center for Geographic Information created under 10 V.S.A. § 122 or to some other person~~ or an entity for the purpose of aggregating the information. Information so disclosed shall remain confidential.

(5) The Secretary may request voluntary disclosure of information such as that set forth in subdivision (2) of this subsection regarding deployment of broadband, telecommunications facilities, or advanced metering infrastructure that is not publicly funded. The Secretary may enter into a nondisclosure agreement with respect to any such voluntary disclosures and the information disclosed pursuant thereto shall remain confidential. Alternatively, entities that voluntarily provide information requested pursuant to this subdivision may select a third party to be the recipient of such information. That third party may aggregate information provided by the entities, but shall not disclose the information it has received to any person, including the Secretary. The third party may only disclose the aggregated information to the Secretary.

(6) The Secretary may publicly disclose aggregated information based upon the information provided pursuant to this subsection.

(7) The confidentiality requirements of subdivisions (4) and (5) of this subsection shall not affect whether information provided to an agency of the state or a political subdivision of the state pursuant to other laws is or is not subject to disclosure.

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

§ 2222c. BROADBAND AND WIRELESS DEPLOYMENT

* * *

(b) Report; broadband and wireless deployment; underserved and unserved areas. On or before ~~January 30, 2012~~ December 15, 2014, the Secretary of Administration or designee shall report to the General Assembly each of the following:

(1) As of ~~January 1, 2014~~ December 15, 2014, based upon data submitted by the providers, the areas of the State that will not be served by broadband. The report shall reflect both areas currently served as of the date of the report, as well as areas proposed to be served on or before ~~January 1, 2014~~ January 1, 2016, including broadband and wireless communications services funded in whole or in part pursuant to the American Recovery and Reinvestment Act of 2009, Pub.L. No. 111-5. The report shall include a map and a narrative description of each of the following, as of ~~January 1, 2014~~ December 15, 2014:

(A) The areas served and the areas not served by broadband that has a download speed of at least 0.768 Mbps and an upload speed of at least 0.2 Mbps.

(B) The areas served and the areas not served by broadband that has a combined download and upload speed of at least five Mbps.

(C) The areas served and the areas not served by wireless communications service.

(2) Estimates as can reasonably be identified of the cost to:

(A) Provide broadband that has a download speed of at least 0.768 Mbps and an upload speed of at least 0.2 Mbps to areas not served by such broadband.

(B) Provide broadband that has a combined download and upload speed of at least five Mbps to areas not served by such broadband.

(C) Provide wireless communications service to the areas identified under subdivision (1)(C) of this subsection as not receiving such service.

Sec. 12. 3 V.S.A. § 2225 is added to read:

§ 2225. DIVISION FOR CONNECTIVITY

(a) Creation. The Division for Connectivity is created within the Agency of Administration as the successor in interest to and the continuation of the

Vermont Telecommunications Authority. A Director for Connectivity shall be appointed by the Secretary of Administration. The Division shall receive administrative support from the Agency.

(b) Purposes. The purposes of the Division are to promote:

(1) access to affordable broadband service to all residences and businesses in all regions of the State, to be achieved in a manner that is consistent with the State Telecommunications Plan;

(2) universal availability of mobile telecommunication services, including voice and high-speed data along roadways, and near universal availability statewide;

(3) investment in telecommunications infrastructure in the State that creates or completes the network for service providers to create last-mile connection to the home or business and supports the best available and economically feasible service capabilities;

(4) the continuous upgrading of telecommunications and broadband infrastructure in all areas of the State is to reflect the rapid evolution in the capabilities of available mobile telecommunications and broadband technologies, and in the capabilities of mobile telecommunications and broadband services needed by persons, businesses, and institutions in the State; and

(5) the most efficient use of both public and private resources through State policies by encouraging the development of open access telecommunications infrastructure that can be shared by multiple service providers.

(c) Duties. To achieve its purposes, the Division shall:

(1) provide resources to local, regional, public, and private entities in the form of grants, technical assistance, coordination, and other incentives;

(2) prioritize the use of existing buildings and structures, historic or otherwise, as sites for visually-neutral placement of mobile telecommunications and wireless broadband antenna facilities;

(3) inventory and assess the potential to use federal radio frequency licenses held by instrumentalities of the State to enable broadband service in unserved areas of the State; take steps to promote the use of those licensed radio frequencies for that purpose; and recommend to the General Assembly any further legislative measures with respect to ownership, management, and use of these licenses as would promote the general good of the State;

(4) coordinate telecommunications initiatives among Executive Branch agencies, departments, and offices;

(5) from information reasonably available after public notice to and written requests made of mobile telecommunications and broadband service providers, develop and maintain an inventory of locations at which mobile telecommunications and broadband services are not available within the State, develop and maintain an inventory of infrastructure that is available or reasonably likely to be available to support the provision of services to unserved areas, and develop and maintain an inventory of infrastructure necessary for the provision of these services to the unserved areas;

(6) identify the types and locations of infrastructure and services needed to carry out the purposes stated in subsection (b) of this section;

(7) formulate an action plan that conforms with the State Telecommunications Plan and carries out the purposes stated in subsection (b) of this section;

(8) coordinate the agencies of the State to make public resources available to support the extension of mobile telecommunications and broadband infrastructure and services to all unserved areas;

(9) support and facilitate initiatives to extend the availability of mobile telecommunications and broadband services, and promote development of the infrastructure that enables the provision of these services;

(10) through the Department of Innovation and Information, aggregate and broker access at reduced prices to services and facilities required to provide wireless telecommunications and broadband services; and waive or reduce State fees for access to State-owned rights-of-way in exchange for comparable value to the State, unless payment for use is otherwise required by federal law; and

(11) receive all technical and administrative assistance as deemed necessary by the Director for Connectivity.

(d)(1) Deployment. The Director may request voluntary disclosure of information regarding deployment of broadband, telecommunications facilities, or advanced metering infrastructure that is not publicly funded. Such information may include data identifying projected coverage areas, projected average speed of service, service type, and the anticipated date of completion in addition to identifying the location and routes of proposed cables, wires, and telecommunications facilities.

(2) The Director may enter into a nondisclosure agreement with respect

to any voluntary disclosures under this subsection and the information disclosed pursuant thereto shall remain confidential. Alternatively, entities that voluntarily provide information requested under this subsection may select a third party to be the recipient of such information. The third party may aggregate information provided by the entities, but shall not disclose the information it has received to any person, including the Director. The third party shall only disclose the aggregated information to the Director. The Director may publicly disclose aggregated information based upon the information provided under this subsection. The confidentiality requirements of this subsection shall not affect whether information provided to any agency of the State or a political subdivision of the State pursuant to other laws is or is not subject to disclosure.

(e) Minimum technical service characteristics. The Division only shall promote the expansion of broadband services that offer actual speeds that meet or exceed the minimum technical service characteristic objectives contained in the State's Telecommunications Plan.

(f) Annual Report. Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year, the Director shall submit a report of its activities for the preceding fiscal year to the General Assembly. Each report shall include an operating and financial statement covering the Division's operations during the year, including a summary of all grant awards and contracts and agreements entered into by the Division, as well as the action plan required under subdivision (c)(7) of this section. In addition, the report shall include an accurate map and narrative description of each of the following:

(1) the areas served and the areas not served by wireless communications service, as identified by the Department of Public Service, and cost estimates for providing such service to unserved areas;

(2) the areas served and the areas not served by broadband that has a download speed of at least 0.768 Mbps and an upload speed of at least 0.2 Mbps, as identified by the Department of Public Service, and cost estimates for providing such service to unserved areas;

(3) the areas served and the areas not served by broadband that has a combined download and upload speed of at least 5 Mbps, as identified by the Department of Public Service, and the costs for providing such service to unserved areas; and

(4) the areas served and the areas not served by broadband that has a download speed of at least 100 Mbps and is symmetrical, as identified by the Department of Public Service, and the costs for providing such service to unserved areas.

Sec. 13. REPEAL

3 V.S.A. § 2222b (Secretary of Administration responsible for coordination and planning); 3 V.S.A. § 2222c (Secretary of Administration to prepare deployment report); 30 V.S.A. § 8077 (minimum technical service characteristics); and 30 V.S.A. § 8079 (broadband infrastructure investment) are repealed.

Sec. 14. CREATION OF POSITIONS; TRANSFER OF VACANT POSITIONS; REEMPLOYMENT RIGHTS

(a) The following exempt positions are created within the Division for Connectivity: one full-time Director and up to six additional full-time employees as deemed necessary by the Secretary of Administration.

(b) The positions created under subsection (a) of this section shall only be filled to the extent there are existing vacant positions in the Executive Branch available to be transferred and converted to the new positions in the Division for Connectivity, as determined by the Secretary of Administration and the Commissioner of Human Resources, so that the total number of authorized positions in the State shall not be increased by this act.

(c) All full-time personnel of the Vermont Telecommunications Authority employed by the Authority on the day immediately preceding the effective date of this act, who do not obtain a position in the Division for Connectivity pursuant to subsection (a) of this section, shall be entitled to the same reemployment or recall rights available to non-management State employees under the existing collective bargaining agreement entered into between the State and the Vermont State Employees' Association.

Sec. 15. TRANSITIONAL PROVISIONS

(a) Personnel. The Secretary of Administration shall determine where the offices of the Division for Connectivity shall be housed.

(b) Assets and liabilities. The Secretary of Administration shall develop a plan for transferring the assets and liabilities of the Vermont Telecommunications Authority (VTA) to the Agency of Administration or to another entity, as deemed appropriate.

(c) Legal and contractual obligations. The Executive Director of the VTA, in consultation with the Secretary of Administration, shall identify all grants and contracts of the VTA and create a plan to redesignate the Agency of Administration as the responsible entity. The plan shall ensure that all existing grantors, grantees, and contractors are notified of the redesignation.

* * * Conduit Standards; Public Highways * * *

Sec. 16. 3 V.S.A. § 2226 is added to read:

§ 2226. PUBLIC HIGHWAYS; CONDUIT STANDARDS

(a) Intent. The intent of this section is to provide for the construction of infrastructure sufficient to allow telecommunications service providers seeking to deploy communication lines in the future to do so by pulling the lines through the conduit and appurtenances installed pursuant to this section. This section is intended to require those constructing public highways, including State, municipal, and private developers, to provide and install such conduit and appurtenances as may be necessary to accommodate future telecommunications needs within public highways and rights-of-way without further excavation or disturbance.

(b) Study. On or before December 15, 2014, the Secretary of Administration, in consultation with the Commissioner of Public Service, the Secretary of Transportation, and the Vermont League of Cities and Towns, shall submit a report to the General Assembly on a “Dig Once Program” consistent with the intent of subsection (a) of this section. The study shall include findings and recommendations related to the installation of conduit and such vaults and other appurtenances as may be necessary to accommodate installation and connection of telecommunications lines within conduit during highway construction projects; construction standards with due consideration given to existing and anticipated technologies and industry standards; minimum diameter of the conduit and interducts to meet the requirements of this section; the party responsible for installation costs; the ownership and availability of the conduit; and any other matters the Secretary deems appropriate.

* * * 248a Sunset * * *

Sec. 17. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS FACILITIES

* * *

(b) Definitions. ~~For the purposes of~~ As used in this section:

* * *

(4) “Telecommunications facility” means a communications facility that transmits and receives signals to and from a local, State, national, or international network used primarily for two-way communications for commercial, industrial, municipal, county, or State purposes and any associated support structure that is proposed for construction or installation

which is primarily for communications purposes, and any ancillary improvements that are proposed for construction or installation and are primarily intended to serve the communications facilities or support structure. An applicant may seek approval of construction or installation of a telecommunications facility whether or not the telecommunications facility is attached to an existing structure.

(5) "Wireless service" means any commercial mobile radio service, wireless service, common carrier wireless exchange service, cellular service, personal communications service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

* * *

(c) Findings. Before the Public Service Board issues a certificate of public good under this section, it shall find that:

(1) The proposed facility will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, and the public health and safety, and the public's use and enjoyment of the I-89 and I-91 scenic corridors or of any highway that has been designated as a scenic road pursuant to 19 V.S.A. § 2501 or a scenic byway pursuant to 23 U.S.C. § 162, with due consideration having been given to the relevant criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K). However, with respect to telecommunications facilities of limited size and scope, the Board shall waive all criteria of this subdivision other than 10 V.S.A. § 6086(a)(1)(D)(floodways) and (a)(8)(aesthetics, scenic beauty, historic sites, rare and irreplaceable natural areas; endangered species; necessary wildlife habitat). Such waiver shall be on condition that:

(A) ~~The~~ the Board may determine, pursuant to the procedures described in subdivision (j)(2)(A) of this section, that a petition raises a significant issue with respect to any criterion of this subdivision; and

(B) ~~A~~ a telecommunications facility of limited size and scope shall comply, at a minimum, with the requirements of the Low Risk Site Handbook for Erosion Prevention and Sediment Control issued by the Department of Environmental Conservation, regardless of any provisions in that handbook that limit its applicability.

(2) Unless there is good cause to find otherwise, substantial deference has been given to the land conservation measures in the plans of the affected municipalities and the recommendations of the municipal legislative bodies and the municipal and regional planning commissions regarding the municipal

and regional plans, respectively. Nothing in this section or other provision of law shall prevent a municipal body from basing its recommendations on an ordinance adopted under 24 V.S.A. § 2291(19) or bylaw adopted under 24 V.S.A. chapter 117 by the municipality in which the facility is located. A rebuttable presumption respecting compliance with the applicable plan shall be created by a letter from an affected municipal legislative body or municipal planning commission concerning compliance with the municipal plan and by a letter from a regional planning commission concerning compliance with the regional plan.

(3) If the proposed facility relates to the provision of wireless service, the proposed facility reasonably cannot be collocated on or at an existing telecommunications facility, or such collocation would cause an undue adverse effect on aesthetics.

* * *

(e) Notice. No less than 45 days prior to filing an application for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the Board pursuant to this section to the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities; the Secretary of Natural Resources; the Secretary of Transportation; the Division for Historic Preservation; the Commissioner of Public Service and its Director for Public Advocacy; the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151; and the landowners of record of property adjoining the project sites. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions.

(1) Upon motion or otherwise, the Public Service Board shall direct that further public or personal notice be provided if the Board finds that such further notice will not unduly delay consideration of the merits and that additional notice is necessary for fair consideration of the application.

(2) On the request of the municipal legislative body or the planning commission, the applicant shall attend a public meeting with the municipal legislative body or planning commission, or both, within the 45-day notice period before filing an application for a certificate of public good. The Department of Public Service shall attend the public meeting on the request of the municipality. The Department shall consider the comments made and information obtained at the meeting in making recommendations to the Board on the application and in determining whether to retain additional personnel under subsection (o) of this section.

* * *

(i) Sunset of Board authority. Effective on July 1, 2014 2017, no new applications for certificates of public good under this section may be considered by the Board.

* * *

(m) Municipal bodies; participation. The legislative body and the planning commission for the municipality in which a telecommunications facility is located shall have the right to appear and participate on any application under this section seeking a certificate of public good for the facility.

(n) Municipal recommendations. The Board shall consider the comments and recommendations submitted by the municipal legislative body and planning commission. The Board's decision to issue or deny a certificate of public good shall include a detailed written response to each recommendation of the municipal legislative body and planning commission.

(o) Retention; experts. The Department of Public Service may retain experts and other personnel as identified in section 20 of this title to provide information essential to a full consideration of an application for a certificate of public good under this section. The Department may allocate the expenses incurred in retaining these personnel to the applicant in accordance with section 21 of this title. The Department may commence retention of these personnel once the applicant has filed the 45-day notice under subsection (e) of this section. A municipal legislative body or planning commission may request that the Department retain these personnel. Granting such a request shall not oblige the Department or the personnel it retains to agree with the position of the municipality.

(p) Review process; guide. The Department of Public Service, in consultation with the Board, shall create, maintain, and make available to the public a guide to the process of reviewing telecommunications facilities under this section for use by local governments and regional planning commissions and members of the public who seek to participate in the process. On or before September 1, 2014, the Department shall complete the creation of this guide and make it publically available.

Sec. 18. PUBLIC SERVICE BOARD; ORDER REVISION

The Public Service Board (the Board) shall define the terms "good cause" and "substantial deference" for the purpose of 30 V.S.A. § 248a(c)(2) in accordance with the following process:

(1) Within 30 days of the effective date of this section, the Board shall

provide direct notice to each municipal legislative body and planning commission, the Vermont League of Cities and Towns, the Department of Public Service, and such other persons as the Board considers appropriate, that it will be amending its procedures order issued under 30 V.S.A. § 248a(1) to include definitions of these terms. The notice shall provide an opportunity for submission of comments and recommendations and include the date and time of the workshop to be held.

(2) Within 60 days of giving notice under subdivision (1) of this section, the Board shall amend its procedures order to include definitions of these terms.

Sec. 19. REPORT; TELECOMMUNICATIONS FACILITY REVIEW PROCESS

On or before October 1, 2015, the Department of Public Service shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Finance a report assessing the telecommunications facility review process under 30 V.S.A § 248a. The report shall include the number of applications for the construction or installation of telecommunications facilities filed with the Board, the number of applications for which a certificate of public good was granted, the number of applications for which notice was filed but were then withdrawn, and the number of times the Department used its authority under 30 V.S.A. § 248(o) to allocate expenses incurred in retaining expert personnel to the applicant, during the year ending August 31, 2015.

Sec. 20. 10 V.S.A. § 1264(j) is amended to read:

(j) Notwithstanding any other provision of law, if an application to discharge stormwater runoff pertains to a telecommunications facility as defined in 30 V.S.A. § 248a and is filed before July 1, ~~2014~~ 2017 and the discharge will be to a water that is not principally impaired by stormwater runoff:

(1) The Secretary shall issue a decision on the application within 40 days of the date the Secretary determines the application to be complete, if the application seeks authorization under a general permit.

(2) The Secretary shall issue a decision on the application within 60 days of the date the Secretary determines the application to be complete, if the application seeks or requires authorization under an individual permit.

Sec. 21. 10 V.S.A. § 8506 is amended to read:

§ 8506. RENEWABLE ENERGY PLANT; TELECOMMUNICATIONS

FACILITY; APPEALS

(a) Within 30 days of the date of the act or decision, any person aggrieved by an act or decision of the ~~secretary~~ Secretary, under the provisions of law listed in section 8503 of this title, or any party by right may appeal to the ~~public service board~~ Public Service Board if the act or decision concerns a renewable energy plant for which a certificate of public good is required under 30 V.S.A. § 248 or a telecommunications facility for which the applicant has applied or has served notice under 30 V.S.A. § 248a(e) that it will apply for approval under 30 V.S.A. § 248a. This section shall not apply to a facility that is subject to section 1004 (dams before the Federal Energy Regulatory Commission) or 1006 (certification of hydroelectric projects) or chapter 43 (dams) of this title. This section shall not apply to an appeal of an act or decision of the secretary regarding a telecommunications facility made on or after July 1, ~~2014~~ 2017.

* * *

Sec. 22. REPEAL

2011 Acts and Resolves No. 53, Sec. 14d (repeal of limitations on municipal bylaws; municipal ordinances; wireless telecommunications facilities) is repealed.

Sec. 23. 3 V.S.A. § 2809 is amended to read:

§ 2809. REIMBURSEMENT OF AGENCY COSTS

(a)(1) The Secretary may require an applicant for a permit, license, certification, or order issued under a program that the Secretary enforces under 10 V.S.A. § 8003(a) to pay for the cost of research, scientific, programmatic, or engineering expertise provided by the Agency of Natural Resources, provided that the following apply:

(A) ~~the~~ The Secretary does not have such expertise or services and such expertise is required for the processing of the application for the permit, license, certification, or order; ~~or~~.

(B) ~~the~~ The Secretary does have such expertise but has made a determination that it is beyond the ~~agency's~~ Agency's internal capacity to effectively utilize that expertise to process the application for the permit, license, certification, or order. In addition, the Secretary shall determine that such expertise is required for the processing of the application for the permit, license, certification, or order.

(2) The Secretary may require an applicant under 10 V.S.A. chapter 151 to pay for the time of Agency of Natural Resources personnel providing

research, scientific, or engineering services or for the cost of expert witnesses when ~~agency~~ Agency personnel or expert witnesses are required for the processing of the permit application.

(3) In addition to the authority set forth under 10 V.S.A. chapters 59 and 159 and § section 1283, the Secretary may require a person who caused the ~~agency~~ Agency to incur expenditures or a person in violation of a permit, license, certification, or order issued by the Secretary to pay for the time of ~~agency~~ Agency personnel or the cost of other research, scientific, or engineering services incurred by the ~~agency~~ Agency in response to a threat to public health or the environment presented by an emergency or exigent circumstance.

* * *

(g) Concerning an application for a permit to discharge stormwater runoff from a telecommunications facility as defined in 30 V.S.A. § 248a that is filed before July 1, ~~2014~~2017:

(1) Under subdivision (a)(1) of this section, the ~~agency~~ Agency shall not require an applicant to pay more than \$10,000.00 with respect to a facility.

(2) The provisions of subsection (c) (mandatory meeting) of this section shall not apply.

* * * Administration Reports; Transfers and Consolidations * * *

Sec. 24. ADMINISTRATION REPORT; TRANSFERS AND CONSOLIDATION; VERMONT USF FISCAL AGENT

(a) On or before December 15, 2014, after receiving input from State and local agencies potentially impacted, the Secretary of Administration shall submit a report to the General Assembly proposing a plan for transferring the responsibilities and powers of the Enhanced 911 Board, including necessary positions, to the Division for Connectivity, the Department of Public Service, or the Department of Public Safety, as he or she deems appropriate. The plan shall include budgetary recommendations and shall strive to achieve annual operational savings of at least \$300,000.00, as well as enhanced coordination and efficiency, and reductions in operational redundancies. The report shall include draft legislation implementing the Secretary's plan. In addition, the report shall include findings and recommendations on whether it would be cost effective to select an existing State agency to serve as fiscal agent to the Vermont Universal Service Fund.

(b) As part of the report required in subsection (a) of this section, the Secretary shall also make findings and recommendations regarding the status

of the Vermont Communications Board, Department of Public Safety, and the Vermont Public Safety Broadband Network Commission (Vermont FirstNet). If not prohibited by federal law, the Secretary shall propose draft legislation creating an advisory board within the Division for Connectivity or the Department of Public Safety comprising 15 members appointed by the Governor to assume functions of the current Enhanced 911 Board, the Vermont Communications Board, and Vermont FirstNet, as the Secretary deems appropriate.

Sec. 25. ADMINISTRATION REPORT; VERMONT TELECOMMUNICATIONS AUTHORITY; DIVISION FOR CONNECTIVITY

On or before December 15, 2014, the Secretary of Administration, in consultation with the Commissioner of Public Service and the Secretary of Commerce and Community Development, shall submit a report to the General Assembly assessing all aspects of the Division for Connectivity established under this act, including its duties, functions, objectives, and agency location within the Executive Branch. The Secretary shall recommend any amendments he or she deems appropriate, including repeal of the Division for Connectivity if he or she determines the Vermont Telecommunications Authority (VTA) or another entity is more appropriate for implementing the State's telecommunications policies and deployment programs. If the Secretary recommends establishment of the Division for Connectivity or an entity other than the VTA, he or she shall make a proposal regarding establishment of a new telecommunications advisory board, which could be modeled after the VTA Board of Directors and may include a proposal for transferring the existing VTA Board members to such board.

Sec. 26. ADMINISTRATION PRESENTATION TO GENERAL ASSEMBLY

In January of 2015, the Secretary shall present the reports required in Secs. 24 and 25 of this act to the Senate Committees on Finance and on Government Operations and to the House Committees on Commerce and Economic Development and on Government Operations.

* * * DPS Deployment Report * * *

Sec. 27. DEPARTMENT OF PUBLIC SERVICE; DEPLOYMENT REPORT

On July 15, 2015, the Commissioner of Public Service shall submit to the General Assembly and the Division for Connectivity a report, including maps, indicating the service type and average speed of service of mobile telecommunications and broadband services available within the State by

census block as of December 31, 2014.

* * * VTA; Dormant Status * * *

Sec. 28. 30 V.S.A. § 8060a is added to read:

§ 8060a. PERIOD OF DORMANCY

On July 1, 2015, the Division for Connectivity established under 3 V.S.A. § 2225 shall become the successor in interest to and the continuation of the Vermont Telecommunications Authority, and the Authority shall cease all operations and shall not resume its duties as specified under this chapter or under any other Vermont law unless directed to do so by enactment of the General Assembly or, if the General Assembly is not in session, by order of the Joint Fiscal Committee. Notwithstanding 32 V.S.A. § 5, the Joint Fiscal Committee shall issue such order only upon finding that, due to an unforeseen change in circumstances, implementation of the Authority's capacity to issue revenue bonds or to accept any new gifts, grants, or contributions would be the most effective means of furthering the State's telecommunications goals and policies. Upon the effective date of such enactment or order, the duties of the Executive Director and the Board of Directors of the Authority shall resume in accordance with 30 V.S.A. chapter 91 and the Director for Connectivity shall be the acting Executive Director of the Authority, until the position is filled pursuant to 30 V.S.A. § 8061(e).

* * * Retransmission Fees * * *

Sec. 29. 30 V.S.A. § 518 is added to read:

§ 518. RETRANSMISSION FEES; REPORTING

(a) Purpose. The purpose of this section is to provide the Attorney General with information necessary to investigate certain conduct within the cable and broadcast network industries to determine whether unfair methods of competition or unfair or deceptive acts or practices are occurring in violation of 9 V.S.A. chapter 63.

(b) Reporting. Annually, beginning January 1, 2015, each commercial broadcasting station doing business with a Vermont cable company shall report to the Attorney General any fees charged for program content retransmitted on the cable network under a retransmission consent agreement entered into pursuant to 47 U.S.C. § 325, for the prior calendar year.

(c) Investigations. The Attorney General may investigate retransmission fees charged by commercial broadcasting stations, pursuant to his or her investigatory powers established under 9 V.S.A. chapter 63.

(d) Public disclosure. The information received under this section by the Attorney General shall be disclosed to the public at a time and in a manner determined by the Attorney General to be consistent with and permitted by the Public Records Act and relevant provisions of federal law.

(e) Enforcement. A violation of this section constitutes an unfair and deceptive act and practice in commerce under 9 V.S.A. § 2453.

(f) The Attorney General may adopt rules he or she deems necessary to implement this section. The rules, as well as any finding of unfair or deceptive practices with regard to retransmission consent fees, shall not be inconsistent with the rules, regulations, and decisions of the Federal Communications Commission and the federal courts interpreting the Communications Act of 1934, as amended.

* * * Statutory Revision Authority * * *

Sec. 30. LEGISLATIVE COUNCIL STATUTORY REVISION
AUTHORITY; LEGISLATIVE INTENT

(a) The staff of the Office of the Legislative Council in its statutory revision capacity is authorized and directed to amend the Vermont Statutes Annotated as follows:

(1) deleting all references to “by the end of the year 2013” in 30 V.S.A. chapter 91; and

(2) during the interim of the 2015 biennium of the General Assembly, in 30 V.S.A. § 227e, replacing every instance of the words “Secretary of Administration” and “Secretary” with the words “Director for Connectivity” and “Director,” respectively.

(b) Any duties and responsibilities that arise by reference to the Division for Connectivity in the Vermont Statutes Annotated shall not be operative until the Division is established pursuant to 3 V.S.A. § 2225.

* * * Effective Dates * * *

Sec. 31. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 12, 13, and 14 (regarding the Division for Connectivity) shall take effect on July 1, 2015.

And that after passage the title of the bill be amended to read: “An act relating to Vermont telecommunications policy”

*CHRISTOPHER A. BRAY
TIMOTHY R. ASHE
Committee on the part of the Senate*

*SAMUEL R. YOUNG
MICHAEL J. MARCOTTE
Committee on the part of the House*

Which was considered and adopted on the part of the House.

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:

S. 184

Senate bill, entitled

An act relating to eyewitness identification policy

S. 221

Senate bill, entitled

An act relating to providing statutory purposes for tax expenditures

S. 287

Senate bill, entitled

An act relating to involuntary treatment and medication

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 552

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

An act relating to raising the Vermont minimum wage

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. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25~~, \$9.15. Beginning January 1, 2016, an employer shall not employ any

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

* * *

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

§ 531. EMPLOYMENT TRAINING PROGRAM

* * *

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

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

~~whichever is greater~~ equals or exceeds the livable wage as defined in 2 V.S.A. § 505;

* * *

Sec. 3. EFFECTIVE DATES

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

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

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Canfield of Fair Haven** 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 concur in the Senate proposal of amendment? was decided in the affirmative. Yeas, 132. Nays, 3.

Those who voted in the affirmative are:

Ancel of Calais	Dickinson of St. Albans	Kilmartin of Newport City
Bartholomew of Hartland	Town	Kitzmiller of Montpelier
Batchelor of Derby	Donahue of Northfield	Klein of East Montpelier
Beyor of Highgate	Donovan of Burlington	Koch of Barre Town
Bissonnette of Winooski	Ellis of Waterbury	Krowinski of Burlington
Botzow of Pownal	Emmons of Springfield	Lanpher of Vergennes
Bouchard of Colchester	Evans of Essex	Larocque of Barnet
Brennan of Colchester	Fay of St. Johnsbury	Lawrence of Lyndon
Browning of Arlington	Feltus of Lyndon	Lenes of Shelburne
Burditt of West Rutland	Fisher of Lincoln	Lewis of Berlin
Burke of Brattleboro	Frank of Underhill	Lippert of Hinesburg
Buxton of Tunbridge	French of Randolph	Macaig of Williston
Campion of Bennington	Gage of Rutland City	Malcolm of Pawlet
Canfield of Fair Haven	Gallivan of Chittenden	Manwaring of Wilmington
Carr of Brandon	Goodwin of Weston	Marcotte of Coventry
Christie of Hartford	Greshin of Warren	Marek of Newfane
Clarkson of Woodstock	Haas of Rochester	Martin of Wolcott
Cole of Burlington	Head of South Burlington	Masland of Thetford
Connor of Fairfield	Heath of Westford	McCarthy of St. Albans City
Conquest of Newbury	Hebert of Vernon	McCormack of Burlington
Consejo of Sheldon *	Higley of Lowell	McCullough of Williston
Copeland-Hanzas of	Hooper of Montpelier	McFaun of Barre Town
Bradford	Hubert of Milton	Michelsen of Hardwick
Corcoran of Bennington	Huntley of Cavendish	Miller of Shaftsbury
Cupoli of Rutland City	Jerman of Essex	Mook of Bennington
Dakin of Chester	Jewett of Ripton	Moran of Wardsboro
Davis of Washington	Johnson of South Hero	Morrissey of Putney
Deen of Westminster	Johnson of Canaan	Mrowicki of Putney
Devereux of Mount Holly	Juskiewicz of Cambridge	Myers of Essex
	Keenan of St. Albans City	Nuovo of Middlebury

O'Brien of Richmond	Sharpe of Bristol	Townsend of South
Partridge of Windham	Shaw of Pittsford	Burlington
Pearce of Richford	Shaw of Derby	Trieber of Rockingham
Pearson of Burlington	Smith of New Haven	Turner of Milton
Peltz of Woodbury	South of St. Johnsbury	Vowinkel of Hartford
Poirier of Barre City	Spengler of Colchester	Waite-Simpson of Essex
Potter of Clarendon	Stevens of Waterbury *	Walz of Barre City
Pugh of South Burlington	Stevens of Shoreham	Webb of Shelburne
Quimby of Concord	Strong of Albany	Weed of Enosburgh
Rachelson of Burlington	Stuart of Brattleboro	Wilson of Manchester
Ralston of Middlebury	Sweaney of Windsor	Woodward of Johnson
Ram of Burlington	Terenzini of Rutland Town	Wright of Burlington
Russell of Rutland City	Till of Jericho	Yantachka of Charlotte
Ryerson of Randolph	Toleno of Brattleboro	Young of Glover
Savage of Swanton	Toll of Danville	Zagar of Barnard
Scheuermann of Stowe		

Those who voted in the negative are:

Donaghy of Poultney	Van Wyck of Ferrisburgh	Winters of Williamstown
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Those members absent with leave of the House and not voting are:

Branagan of Georgia	Hoyt of Norwich	Mitchell of Fairfax
Condon of Colchester	Komline of Dorset	O'Sullivan of Burlington
Cross of Winooski	Krebs of South Hero	Wizowaty of Burlington
Fagan of Rutland City	Kupersmith of South	
Grad of Moretown	Burlington	
Helm of Fair Haven	Martin of Springfield	

Rep. Consejo of Sheldon explained his vote as follows:

“Mr. Speaker:

I am very proud of this vote and this body; this is what can happen when we listen and truly work for the benefit of the people of Vermont. Together we are stronger.”

Rep. Stevens of Waterbury explained his vote as follows:

“Mr. Speaker:

Along with the good work on this bill by everyone on the committee, I would like to recognize the original presenter of the bill, the representative from Burlington, who could not be here tonight. Her work made this bill happen.”

Action on Bill Postponed**H. 645**

House bill, entitled

An act relating to workers' compensation

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Botzow of Pownal**, action on the bill was postponed until the next legislative day.

Message from the Senate No. 75

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 Governor has informed the Senate that on the ninth day of May, 2014, he approved and signed a bill originating in the Senate of the following title:

S. 177. An act relating to nonjudicial discipline.

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 57. Senate concurrent resolution congratulating the Capitol Plaza Hotel and Conference Center on providing 20 years of award-winning service to the Montpelier community.

S.C.R. 58. Senate concurrent resolution congratulating the Greenwood School and documentary filmmaker Ken Burns on the premiere of *The Address*.

S.C.R. 59. Senate concurrent resolution congratulating OUR House of Central Vermont on its 25th anniversary.

S.C.R. 60. Senate concurrent resolution congratulating Pixley Tyler Hill and Ted Tyler on being named as U.S. Environmental Protection Agency's 2014 Environmental Merit Award winners.

S.C.R. 61. Senate concurrent resolution honoring Franklin County Deputy Sheriff Corporal Brendan McKenney and Enosburgh Ambulance Officer Dean Scott for their heroic rescue efforts in Montgomery.

S.C.R. 62. Senate concurrent resolution congratulating the Vermont State Nurses' Association on its centennial .

S.C.R. 63. Senate concurrent resolution commemorates the U.S. Army's 10th Mountain Division, our nation's alpine soldiers.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 356. House concurrent resolution honoring Rutland Free Library Director Paula Baker.

H.C.R. 357. House concurrent resolution congratulating the Vermont Housing Finance Agency on its 40th anniversary and recognizing the leadership of its executive director, Sarah Carpenter.

H.C.R. 358. House concurrent resolution congratulating the Italian American Club in Rutland on its centennial.

H.C.R. 359. House concurrent resolution congratulating William Anton on being named the 2014 Vermont winner of the National Association of Elementary School Principals' National Distinguished Principal Award.

H.C.R. 360. House concurrent resolution congratulating Rosemary FitzSimons on being named the 2014 winner of the Henry Giaguque Vermont Elementary Principal of the Year.

H.C.R. 361. House concurrent resolution congratulating the 2014 Woodstock Union High School Wasps Division II girls' Nordic skiing championship team.

H.C.R. 362. House concurrent resolution congratulating the 2014 Woodstock Union High School Wasps Division II boys' Nordic skiing championship team.

H.C.R. 363. House concurrent resolution congratulating Vermont Economic Development Authority on its 40th anniversary.

H.C.R. 364. House concurrent resolution in memory of John P. Griffin Jr. of Bennington.

H.C.R. 365. House concurrent resolution congratulating the Washington Electric Cooperative on its 75th anniversary.

H.C.R. 366. House concurrent resolution commemorating the 70th anniversary of D-Day.

H.C.R. 367. House concurrent resolution congratulating the 2013 Richford High School's Division IV girls' track and field team.

H.C.R. 368. House concurrent resolution congratulating the Milton High School Drama Club on winning the Vermont Drama Festival's one-act play competition.

H.C.R. 369. House concurrent resolution congratulating the 2014 Middlebury Union High School Tigers Division II championship girls' ice hockey team.

H.C.R. 370. House concurrent resolution congratulating the Farm & Wilderness Camps on their 75th anniversary.

H.C.R. 371. House concurrent resolution honoring Windham Southeast Supervisory Union Business Administrator James E. Kane.

H.C.R. 372. House concurrent resolution congratulating Penny Ly on being named the Vermont winner of the 2014 Doodle 4 Google competition.

H.C.R. 373. House concurrent resolution honoring Frances Ann Sullivan of Vergennes.

H.C.R. 374. House concurrent resolution in memory of former Representative Ira Pike of Mendon.

H.C.R. 375. House concurrent resolution congratulating Coy Lyford on winning his third consecutive State youth wrestling championship.

H.C.R. 376. House concurrent resolution congratulating Rebecca Carleton on winning the National Art Education Association's 2014 Eastern Region Educator of the Year Award.

H.C.R. 377. House concurrent resolution congratulating the Bennington Fire Department on its 50th Bennington Battle Day Parade.

H.C.R. 378. House concurrent resolution honoring the Vermont Elks Association's Silver Towers Camp.

H.C.R. 379. House concurrent resolution honoring University of Vermont Associate Professor of Philosophy Arthur Kuflik.

H.C.R. 380. House concurrent resolution designating May 7, 2014 as Poverty Awareness Day in Vermont.

H.C.R. 381. House concurrent resolution honoring former Brattleboro Selectboard Chair Jesse M. Corum IV for his legal and civic leadership in Windham County.

H.C.R. 382. House concurrent resolution congratulating Kelly Stettner of Springfield on being named the 2014 winner of the Green Mountain Power-Zetterstrom Environmental Award.

Adjournment

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

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 356

House concurrent resolution honoring Rutland Free Library Director Paula Baker;

H.C.R. 357

House concurrent resolution congratulating the Vermont Housing Finance Agency on its 40th anniversary and recognizing the leadership of its executive director, Sarah Carpenter;

H.C.R. 358

House concurrent resolution congratulating the Italian American Club in Rutland on its centennial;

H.C.R. 359

House concurrent resolution congratulating William Anton on being named the 2014 Vermont winner of the National Association of Elementary School Principals' National Distinguished Principal Award;

H.C.R. 360

House concurrent resolution congratulating Rosemary FitzSimons on being named the 2014 winner of the Henry Giaguque Vermont Elementary Principal of the Year;

H.C.R. 361

House concurrent resolution congratulating the 2014 Woodstock Union High School Wasps Division II girls' Nordic skiing championship team;

H.C.R. 362

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House concurrent resolution congratulating Vermont Economic Development Authority on its 40th anniversary;

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House concurrent resolution congratulating the Washington Electric Cooperative on its 75th anniversary;

H.C.R. 366

House concurrent resolution commemorating the 70th anniversary of D-Day;

H.C.R. 367

House concurrent resolution congratulating the 2013 Richford High School's Division IV girls' track and field team;

H.C.R. 368

House concurrent resolution congratulating the Milton High School Drama Club on winning the Vermont Drama Festival's one-act play competition;

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House concurrent resolution congratulating the 2014 Middlebury Union High School Tigers Division II championship girls' ice hockey team;

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House concurrent resolution congratulating the Farm & Wilderness Camps on their 75th anniversary;

H.C.R. 371

House concurrent resolution honoring Windham Southeast Supervisory Union Business Administrator James E. Kane;

H.C.R. 372

House concurrent resolution congratulating Penny Ly on being named the Vermont winner of the 2014 Doodle 4 Google competition;

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House concurrent resolution honoring Frances Ann Sullivan of Vergennes;

H.C.R. 374

House concurrent resolution in memory of former Representative Ira Pike of Mendon;

H.C.R. 375

House concurrent resolution congratulating Coy Lyford on winning his third consecutive State youth wrestling championship;

H.C.R. 376

House concurrent resolution congratulating Rebecca Carleton on winning the National Art Education Association's 2014 Eastern Region Educator of the Year Award;

H.C.R. 377

House concurrent resolution congratulating the Bennington Fire Department on its 50th Bennington Battle Day Parade;

H.C.R. 378

House concurrent resolution honoring the Vermont Elks Association's Silver Towers Camp;

H.C.R. 379

House concurrent resolution honoring University of Vermont Associate Professor of Philosophy Arthur Kuflik;

H.C.R. 380

House concurrent resolution designating May 7, 2014 as Poverty Awareness Day in Vermont;

H.C.R. 381

House concurrent resolution honoring former Brattleboro Selectboard Chair Jesse M. Corum IV for his legal and civic leadership in Windham County;

H.C.R. 382

House concurrent resolution congratulating Kelly Stettner of Springfield on being named the 2014 winner of the Green Mountain Power-Zetterstrom Environmental Award;

H.C.R. 383

House concurrent resolution in memory of John C. Whitney of Georgia;

S.C.R. 57

Senate concurrent resolution congratulating the Capitol Plaza Hotel and Conference Center on providing 20 years of award-winning service to the Montpelier community;

S.C.R. 58

Senate concurrent resolution congratulating the Greenwood School and documentary filmmaker Ken Burns on the premiere of *The Address*;

S.C.R. 59

Senate concurrent resolution congratulating OUR House of Central Vermont on its 25th anniversary;

S.C.R. 60

Senate concurrent resolution congratulating Pixley Tyler Hill and Ted Tyler on being named as U.S. Environmental Protection Agency's 2014 Environmental Merit Award winners;

S.C.R. 61

Senate concurrent resolution honoring Franklin County Deputy Sheriff Corporal Brendan McKenney and Enosburgh Ambulance Officer Dean Scott for their heroic rescue efforts in Montgomery;

S.C.R. 62

Senate concurrent resolution congratulating the Vermont State Nurses' Association on its centennial ;

S.C.R. 63

Senate concurrent resolution commemorates the U.S. Army's 10th Mountain Division, our nation's alpine soldiers;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2014, seventy-second Adjourned session.]