

Journal of the Senate

FRIDAY, APRIL 4, 2014

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 42

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

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

H. 441. An act relating to changing provisions within the Vermont Common Interest Ownership Act related to owners of time-shares.

And has severally concurred therein.

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

H. 609. An act relating to terminating propane service.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the President recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Emily Aldrich of Monkton
Lucy Boyden of Cambridge
Henry Drake of Waterbury
Josie Ford of South Burlington
Elizabeth Goodell of Newbury
Robin Goodwin of Stockbridge
Isabel Jamieson of Waitsfield

Catherine Michael of South Burlington
Rachel Rackliff of Jericho
Aliyah Rosen of East Montpelier
James Tedesco of Woodbury

Bill Referred to Committee on Appropriations

H. 112.

House bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to the labeling of food produced with genetic engineering.

Bill Passed in Concurrence

H. 347.

House bill of the following title was read the third time and passed in concurrence:

An act relating to veterinary dentistry.

Bill Amended; Third Reading Ordered

S. 23.

Senator Ayer, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

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

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 6915 is added to read:

§ 6915. ACCESS TO MEDICAL RECORDS

(a) A person having custody or control of the medical records of a vulnerable adult for whom a report is required or authorized under section 6903 of this title may make such records or a copy of such records available to a law enforcement officer or an adult protective services worker investigating whether the vulnerable adult was the victim of abuse, neglect, or exploitation upon receipt of a written request for the records signed by the law enforcement officer or adult protective services worker, as follows:

(1) For an alleged victim with capacity, the law enforcement officer or adult protective services worker shall obtain the written consent of the alleged victim prior to requesting the records.

(2)(A) For an alleged victim without capacity who has a court-appointed guardian, the law enforcement officer or adult protective services worker shall obtain the written consent of the guardian prior to requesting the records, unless the guardian is the alleged perpetrator of the abuse, neglect, or exploitation, in which case the officer or worker shall proceed pursuant to subdivision (B) of this subdivision (2). A guardian who refuses to provide consent pursuant to this section shall do so only if the guardian believes in good faith that the refusal is in the best interest of the alleged victim.

(B)(i) For an alleged victim without capacity who does not have a guardian, the law enforcement officer or adult protective services worker shall demonstrate to the person with custody or control of the records, in writing, that:

(I) the records are needed to determine whether a violation of law by a person other than the alleged victim has occurred, and the information is not intended to be used against the alleged victim; and

(II) immediate enforcement activity that depends on the records would be materially and adversely affected by waiting until the alleged victim regains capacity.

(ii) The person having custody or control of the medical records shall release the records of an alleged victim without capacity only if he or she believes, in the exercise of professional judgment, that making the records or a copy of the records available to the law enforcement officer or adult protective services worker is in the best interests of the alleged victim.

(b) If a vulnerable adult with capacity refuses to provide consent pursuant to subdivision (a)(1) of this section, the person having custody or control of the vulnerable adult's medical records shall not provide the records to the law enforcement officer or adult protective services worker unless necessary to comply with an order or warrant issued by a court, a subpoena or summons issued by a judicial officer, or a grand jury subpoena, or as otherwise required by law.

(c)(1) A law enforcement officer or adult protective services worker who receives consent to obtain records from an alleged victim with capacity pursuant to subdivision (a)(1) of this section or from the guardian of an alleged victim without capacity pursuant to subdivision (a)(2)(A) of this section shall include a copy of the written consent in the case file.

(2) A law enforcement officer or adult protective services worker who obtains records pursuant to subdivision (a)(2)(B) of this section because the alleged victim lacks capacity shall document in the case file the need for the

records obtained, including a copy of the written materials submitted to the person with custody or control of the records pursuant to that subdivision.

(d) A person who in good faith makes an alleged victim's medical records or a copy of such records available to a law enforcement officer or adult protective services worker in accordance with this section shall be immune from civil or criminal liability for disclosure of the records unless the person's actions constitute gross negligence, recklessness, or intentional misconduct. Nothing in this subsection shall be construed to provide civil or criminal immunity to a person suspected of having abused, neglected, or exploited a vulnerable adult.

(e) The person having custody or control of the alleged victim's medical records may charge and collect from the law enforcement officer or adult protective services worker requesting a copy of such records the actual cost of providing the copy.

(f) Records disclosed pursuant to this section are confidential and exempt from public inspection and copying under the Public Records Act and may be used only in a judicial or administrative proceeding or investigation directly related to a report required or authorized under this section.

(g) As used in this section, "capacity" means an individual's ability to make and communicate a decision regarding the issue that needs to be decided.

Sec. 2. 33 V.S.A. § 6916 is amended to read:

§ 6916. ACCESS TO FINANCIAL RECORDS

(a) A person having custody or control of the financial records of a vulnerable adult for whom a report is required or authorized under section 6903 of this title shall make such records or a copy of such records available to a law enforcement officer or an adult protective services worker investigating whether the vulnerable adult was the victim of abuse, neglect, or exploitation upon receipt of a written request for the records signed by the law enforcement officer or adult protective services worker, as follows:

(1) For an alleged victim with capacity, the law enforcement officer or adult protective services worker shall obtain the written consent of the alleged victim prior to requesting the records.

(2)(A) For an alleged victim without capacity who has a court-appointed guardian, the law enforcement officer or adult protective services worker shall obtain the written consent of the guardian prior to requesting the records, unless the guardian is the alleged perpetrator of the abuse, neglect, or exploitation, in which case the officer or worker shall proceed pursuant to subdivision (B) of this subdivision (2). A guardian who refuses to provide

consent pursuant to this section shall do so only if the guardian believes in good faith that the refusal is in the best interest of the alleged victim.

(B) For an alleged victim without capacity who does not have a guardian, the law enforcement officer or adult protective services worker shall submit to the person with custody or control of the records a written statement that declares:

(i) the records are needed to determine whether a violation of law by a person other than the alleged victim has occurred, and the information is not intended to be used against the alleged victim; and

(ii) immediate enforcement activity that depends on the records would be materially and adversely affected by waiting until the alleged victim regains capacity.

(b) If a vulnerable adult with capacity refuses to provide consent pursuant to subdivision (a)(1) of this section, the person having custody or control of the vulnerable adult's financial records shall not provide the records to the law enforcement officer or adult protective services worker unless necessary to comply with an order or warrant issued by a court, a subpoena or summons issued by a judicial officer, or a grand jury subpoena, or as otherwise required by law.

(c)(1) A law enforcement officer or adult protective services worker who receives consent to obtain records from an alleged victim with capacity pursuant to subdivision (a)(1) of this section or from the guardian of an alleged victim without capacity pursuant to subdivision (a)(2)(A) of this section shall include a copy of the written consent in the case file.

(2) A law enforcement officer or adult protective services worker who obtains records pursuant to subdivision (a)(2)(B) of this section because the alleged victim lacks capacity shall document in the case file the need for the records obtained, including a copy of the written materials submitted to the person with custody or control of the records pursuant to that subdivision.

(d) A person who in good faith makes an alleged victim's financial records or a copy of such records available to a law enforcement officer or adult protective services worker in accordance with this section shall be immune from civil or criminal liability for disclosure of the records unless the person's actions constitute gross negligence, recklessness, or intentional misconduct. Nothing in this subsection shall be construed to provide civil or criminal immunity to a person suspected of having abused, neglected, or exploited a vulnerable adult.

(e) The person having custody or control of the alleged victim's financial records may charge and collect from the law enforcement officer or adult

protective services worker requesting a copy of such records the actual cost of providing the copy.

(f) Records disclosed pursuant to this section are confidential and exempt from public inspection and copying under the Public Records Act and may be used only in a judicial or administrative proceeding or investigation directly related to a report required or authorized under this section.

(g) As used in this section, "capacity" means an individual's ability to make and communicate a decision regarding the issue that needs to be decided.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered

H. 584.

Senator McAllister, for the Committee on Government Operations, to which was referred House bill entitled:

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

Reported recommending that the Senate propose to the House to amend the bill in Sec. 2, 24 V.S.A. § 2291, in subdivision (26), at the end of the second sentence, after the following: "land necessary for such projects" by inserting the following: subject to the restrictions set forth in section 2805 of this title and 18 V.S.A. § 5318

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Sears moved that the Senate propose to the House to strike out Sec. 3 in its entirety. Thereupon, pending the question, Shall the bill be amended as proposed by Senator Sears?, Senator Sears requested and was granted leave to withdraw the proposal of amendment.

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered

H. 872.

Senator Mazza, for the Committee on Transportation, to which was referred House bill entitled:

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

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

* * * Transportation Program; Definitions * * *

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2015 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2015 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Secretary" means the Secretary of Transportation.

(3) The table heading "As Proposed" means the Transportation Program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the term "change" or "changes" in the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading.

(4) "TIB funds" or "TIB" refers to monies deposited in the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

* * * Program Development – Funding Sources * * *

Sec. 2. PROGRAM DEVELOPMENT – FUNDING

Spending authority in the Program Development program is modified in accordance with this section. Among projects selected in the Secretary's discretion, the Secretary shall:

(1) reduce project spending authority in the total amount of \$1,500,000.00 in TIB funds; and

(2) increase project spending authority in the total amount of \$1,500,000.00 in transportation funds.

* * * Paving Program * * *

Sec. 3. PROGRAM DEVELOPMENT—PAVING

Spending authority for the statewide–district leveling activity within the Program Development—Paving Program is amended to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	6,000,000	6,084,089	84,089
Total	6,000,000	6,084,089	84,089
<u>Sources of funds</u>			
State	6,000,000	6,084,089	84,089
TIB	0	0	0
Federal	0	0	0
Total	6,000,000	6,084,089	84,089

Sec. 4. SUPPLEMENTAL PAVING SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2014 and 2015 Transportation Programs, the Secretary, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 roadway programs, to the Program Development (8100001100) – Paving appropriation, for the specific purpose of improving the condition of selected State highways and Class 1 town highways that have incurred damage caused by winter weather of 2013–2014.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project’s funding in the fiscal year of the contemplated transfer, the Secretary shall submit the proposed transfer for approval by the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, by the Joint Transportation Oversight Committee. In all other cases, the Secretary may execute the transfer, giving prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Transportation Oversight Committee.

(c) This section shall expire on June 30, 2015.

* * * Supplemental Appropriation; Amendment * * *

Sec. 5. 2014 Acts and Resolves No. 95, Sec. 53 is amended to read:

Sec. 53. TRANSPORTATION – SUPPLEMENTAL APPROPRIATION

(a) The following is appropriated in fiscal year 2014 to the Agency of Transportation:

Transportation Fund	\$1,626,284
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(b) The funds appropriated in subsection (a) of this section are authorized for appropriation and expenditure at the discretion of the Secretary of Transportation as follows:

(1) To the Transportation – maintenance State system appropriation (8100002000) for the specific purpose of excessive winter maintenance costs caused by winter weather of 2013–2014.

(2) To the Transportation – program development appropriation (8100001100) paving program for the specific purpose of improving the condition of State highways and Class 1 town highways that have incurred damage caused by winter weather of 2013–2014.

(c) The Secretary shall report in July 2014 to the Joint Transportation Oversight Committee on the appropriation and expenditure authorized in subsection (b) of this section.

* * * Supplemental Winter Maintenance Spending * * *

Sec. 6. SUPPLEMENTAL WINTER MAINTENANCE SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the Fiscal Year 2014 Transportation Program, the Secretary, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer up to \$3,000,000.00 in Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 Roadway Programs, to the Transportation – maintenance state system appropriation (8100002000) for the specific purpose of paying for excessive winter maintenance costs caused by winter weather of 2013–2014.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project, the Secretary shall submit the proposed transfer for approval by the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, by the Joint Transportation Oversight Committee. In all other cases, the Secretary may execute the transfer, giving prompt notice thereof to the Joint Fiscal Office and to the

House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Transportation Oversight Committee.

(c) This section shall expire on June 30, 2014.

* * * Transportation Buildings * * *

Sec. 7. TRANSPORTATION BUILDINGS; INTERSTATE MAINTENANCE DEPOTS

The following project is added to the Transportation Buildings Program within the fiscal year 2015 Transportation Program: Statewide Interstate Maintenance Depots (study of feasibility of conversion of closed rest areas to statewide interstate maintenance depots).

* * * Program Development – Safety and Traffic Operations * * *

Sec. 8. PROGRAM DEVELOPMENT – SAFETY AND TRAFFIC OPERATIONS

The following project is added to the candidate list of the Program Development – Safety and Traffic Operations Program within the fiscal year 2015 Transportation Program: Woodford—Searsburg—VT9 Truck Chain Up Areas (areas for trucks to pull off the traveled way in order to install chains).

* * * Rail * * *

Sec. 9. RAIL

(a) The following project is added to the Rail Program: Leicester–New Haven (upgrade track to continuously welded rail on the Vermont Railway Northern Subdivision from Leicester mile post 76.99 to New Haven mile post 93.48).

(b) The Agency is encouraged to apply for a federal discretionary grant to cover, in whole or in part, the cost of the Leicester–New Haven project. In the event the State is awarded a grant for this project, authority to spend the federal grant funds is added to the fiscal year 2015 Transportation Program—Rail Program and the amount of federal funds awarded is appropriated to the fiscal year 2015 Transportation Program—Rail Program.

Sec. 10. RAILROAD BRIDGE LOAD RATINGS

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the Fiscal Year 2015 Transportation Program, the Secretary, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer up to \$3,000,000.00 in Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2

Roadway Programs, to the Transportation – rail appropriation (8100002300) for the specific purpose of paying for improvements to State-owned railroad bridges to address insufficient load ratings if necessary to maintain rail service at current levels.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project, the Secretary shall submit the proposed transfer for approval by the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, by the Joint Transportation Oversight Committee. In all other cases, the Secretary may execute the transfer, giving prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Transportation Oversight Committee.

(c) This section shall expire on June 30, 2015.

* * * Authorization of Positions * * *

Sec. 11. AUTHORIZATION OF POSITIONS

(a) Sixteen limited service positions at the Agency shall be converted to permanent classified positions on July 1, 2015.

(b) The Agency is authorized to establish three new permanent classified positions to carry out the Local Technical Assistance Program created pursuant to Sec. 12 of this act.

* * * Local Technical Assistance Program * * *

Sec. 12. TOWN HIGHWAY VERMONT LOCAL ROADS; LOCAL TECHNICAL ASSISTANCE PROGRAM

(a) On or before June 30, 2015, the Agency shall complete a transition of the Vermont Local Roads Program from a grant program operated by grantee Saint Michael's College to a program operated by the Agency's Vermont Transportation Training Center. The Agency shall continue to offer the Vermont Local Roads Program a grant agreement until at least April 15, 2015.

(b) In making the transition, the Agency shall create a Local Technical Assistance Program (LTAP or Program) within the Agency's Vermont Transportation Training Center. Consistent with the history of services provided by the Vermont Local Roads Program, the purpose of the LTAP will be to provide transportation-related technical assistance and training for municipalities, including workshops, technology demonstrations, computer training, distance learning, seminars, and field and classroom instruction. If it

is legally permissible for the LTAP to use the name Vermont Local Roads, the Agency may continue to use that name.

(c)(1) Upon completion of the transition described in this section, the Town Highway Vermont Local Roads Program within the Agency's proposed fiscal year 2015 Transportation Program shall be renamed the Local Technical Assistance Program.

(2) Funding for the Vermont Local Roads Program approved and appropriated by the General Assembly for fiscal year 2015 that is unexpended by Vermont Local Roads Program shall be used for operating expenses of the LTAP.

(d) In carrying out the Local Technical Assistance Program, the Agency shall:

(1) offer the same or substantially similar courses as were offered by the Vermont Local Roads Program, as long as demand from municipalities justifies continuing such course offerings;

(2) offer courses in multiple locations throughout the State, to a similar or greater extent than the Vermont Local Roads Program offered courses throughout the State; and

(3) continue providing municipalities the support functions that the Vermont Local Roads Program provided, including facilitating list serves, issuing informational newsletters, providing technical assistance consultation, maintaining a website, and supporting cooperation and communication among municipal transportation officials and employees.

(e)(1) On or before January 15, 2015, the Agency shall provide the House and Senate Committees on Transportation an LTAP work plan for fiscal year 2016 detailing how the Program will accomplish the requirements set forth in subsection (d) of this section.

(2) Prior to submitting the work plan required under subdivision (1) of this subsection to the Committees, the Agency shall:

(A) in consultation with the Vermont League of Cities and Towns and any other person the Agency deems appropriate, solicit from all Vermont towns, villages, and cities recommendations on:

(i) how the LTAP can provide effective municipal transportation-related technical assistance and training; and

(ii) new training, technical assistance, or support functions that could be provided through the LTAP.

(B) consider the input and recommendations received from municipalities in developing the LTAP work plan.

Sec. 13. 19 V.S.A. § 318 is added to read:

§ 318. LOCAL TECHNICAL ASSISTANCE PROGRAM; INPUT FROM MUNICIPALITIES

(a) Prior to submitting a fiscal year Local Technical Assistance Program (LTAP) work plan to the Federal Highway Administration for approval, the Agency shall, in consultation with the Vermont League of Cities and Towns and any other person the Agency deems appropriate, solicit from all Vermont towns, villages, and cities:

(1) input on whether the Agency is providing effective municipal transportation-related technical assistance and training through the LTAP;

(2) recommendations on how to improve the Agency's operation of the LTAP; and

(3) recommendations for new training, technical assistance, or support functions to be provided through the LTAP.

(b) The Agency shall consider the input and recommendations received from municipalities in developing its annual LTAP work plan.

(c) Upon request, the Agency shall provide the Vermont League of Cities and Towns administrative support in soliciting and collecting municipal input and recommendations.

* * * Central Garage * * *

Sec. 14. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2015, the amount of \$1,120,000.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

* * * Cancellation of Projects * * *

Sec. 15. CANCELLATION OF PROJECTS

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following projects:

(1) Program Development – State Highway Bridges:

(A) Chester ER 016-1(31) (rehabilitation of VT 11 BR 43);

(B) Colchester BF 028-1(29) (development and evaluation);

(C) Enosburg BF 027-1(24) (replacement of VT 108 BR 49);

(D) Richford STP 034-2()S (replacement of culvert on VT 105 BR 37);

(2) Program Development – Town Highway Bridges:

(A) Bethel BO 1444() (TH 19 BR 35);

(B) Brownington BRO 1449(32) (TH 39 BR 18);

(C) Jamaica BRO 1442(37) (TH 33 BR 31);

(D) Reading BO 1444() (TH 54 BR 28);

(E) Stockbridge BO 1444() (TH 51 BR 30);

(F) Wheelock TH3 9644 (TH 17 BR 20);

(3) Rail – Development and Evaluation: Rutland WCRS(21) (Railyard Relocation).

(4) Rest Areas: Derby IM 091-3(8) (expansion of Derby I-91 rest area).

* * * Discretionary Federal Grants * * *

Sec. 16. 19 V.S.A. § 7(k) is amended to read:

(k) Upon being apprised of the enactment of a federal law which makes provision for a federal earmark or the award of a discretionary federal grant for a transportation project within the State of Vermont, the Agency shall promptly notify the members of the House and Senate Committees on Transportation and the Joint Fiscal Office. Such notification shall include all available summary information regarding the terms and conditions of the federal earmark or grant. ~~For purposes of~~ As used in this section, federal earmark means a congressional designation of federal aid funds for a specific transportation project or program. When the General Assembly is not in session, upon obtaining the approval of the Joint Transportation Oversight Committee, the Agency is authorized to add new projects to the transportation program in order to secure the benefits of federal earmarks or discretionary grants.

* * * Acceptance of Grants * * *

Sec. 17. 32 V.S.A. § 5 is amended to read:

§ 5. ACCEPTANCE OF GRANTS

(a) No original of any grant, gift, loan, or any sum of money or thing of value may be accepted by any agency, department, commission, board, or other part of State government except as follows:

(1) All such items must be submitted to the Governor who shall send a copy of the approval or rejection to the Joint Fiscal Committee through the Joint Fiscal Office together with the following information with respect to said items:

- (A) the source of the grant, gift, or loan;
- (B) the legal and referenced titles of the grant;
- (C) the costs, direct and indirect, for the present and future years related to such a grant;
- (D) the department and/or program which will utilize the grant;
- (E) a brief statement of purpose;
- (F) impact on existing programs if grant is not accepted.

(2) The Governor's approval shall be final unless within 30 days of receipt of such information a member of the Joint Fiscal Committee requests such grant be placed on the agenda of the Joint Fiscal Committee, or, when the General Assembly is in session, be held for legislative approval. In the event of such request, the grant shall not be accepted until approved by the Joint Fiscal Committee or the Legislature. The 30-day period may be reduced where expedited consideration is warranted in accordance with adopted Joint Fiscal Committee policies. During the legislative session, the Joint Fiscal Committee shall file a notice with the House and Senate clerks for publication in the respective calendars of any grant approval requests that are submitted by the administration.

(3) This section shall not apply to the acceptance of grants, gifts, donations, loans, or other things of value with a value of \$5,000.00 or less, or to the acceptance by the Department of Forests, Parks and Recreation of grants, gifts, donations, loans, or other things of value with a value of \$15,000.00 or less, provided that such acceptance will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities. The Secretary of Administration and Joint Fiscal Office shall be promptly notified of the source, value, and purpose of any items received under this subdivision. The Joint Fiscal Office shall report all such items to the Joint Fiscal Committee quarterly.

(4) With respect to acceptance of the original of a federal transportation earmark or of a discretionary federal grant for a transportation project, the provisions of subdivisions (a)(1) and (a)(2) shall apply, except that in addition:

- (A) notification of the Governor's approval or rejection shall also be made to the Chairs of the House and Senate Committees on Transportation; and

(B) such grant or earmark shall be placed on the agenda, and shall be subject to the approval, of a committee comprising the Joint Fiscal Committee and the Chairs of the House and Senate Committees on Transportation, if one of the Chairs or a member of the Joint Fiscal Committee so requests.

* * *

* * * State Highways; Detours * * *

Sec. 18. 19 V.S.A. § 10 is amended to read:

§ 10. DUTIES

The ~~agency~~ Agency shall, except where otherwise specifically provided by law:

* * *

(3) Exercise general supervision of all transportation functions, have the right to direct traffic on all ~~state~~ State highways which are under construction and maintenance, and may close all or any part of a ~~state~~ State highway which is under construction or repair. ~~The agency shall properly mark sections of highway which are closed to traffic, and shall~~ Agency shall maintain detours comprising State or town highways, or both, around closed sections planned closures of State highways in excess of 72 hours. If the Agency maintains a detour on a town highway, it shall be responsible for repairing any damage to the town highway caused by the detoured traffic.

* * *

Sec. 19. 23 V.S.A. § 1006a is amended to read:

§ 1006a. HIGHWAYS; EMERGENCY CLOSURE

(a) The ~~traffic committee~~ Traffic Committee may close any part or all of any ~~state~~ State highway to public travel to protect the health, safety, or welfare of the public. In such event, ~~the agency of transportation shall properly mark and~~ Agency may maintain a detour comprising State or town highways, or both, around the closed section. If the Agency maintains a detour on a town highway, it shall be responsible for repairing any damage to the town highway caused by the detoured traffic.

* * *

* * * Surplus Property * * *

Sec. 20. 19 V.S.A. § 26 is amended to read:

§ 26. PURCHASE AND SALE OF PROPERTY

(a)(1) Subject to subsection (b) of this section:

(A) The Agency may purchase or lease any land, taking conveyance in the name of the ~~state~~ State, when land is needed in connection with the layout, construction, repair, and maintenance of any State highway, or the reconstruction of the highway.

(B) The Agency may acquire or construct buildings necessary for use in connection with this work.

(C) When any of the land or the buildings acquired or the buildings constructed become no longer necessary for these purposes, the Agency may sell or lease the property.

(2) The proceeds from any sale or lease shall be deposited in the Transportation Fund ~~and, unless otherwise required by federal law or regulation, shall be credited to transportation buildings to be used for transportation building projects previously authorized by the General Assembly.~~

* * *

* * * Consolidated Transportation Report * * *

Sec. 21. FINDINGS

The General Assembly finds:

(1) Timely access to accurate and comprehensive information about the State's transportation system and the Agency's activities is necessary for the House and Senate Committees on Transportation to carry out their oversight functions and to develop transportation policy.

(2) Under current law, the Committees receive such information in several different reports.

(3) Requiring the Agency to submit one consolidated transportation system and activities report will facilitate the oversight and policy-setting work of the Committees and better enable the public to evaluate the State's transportation system and the Agency's activities.

Sec. 22. 19 V.S.A. § 42 is amended to read:

§ 42. REPORTS PRESERVED; CONSOLIDATED TRANSPORTATION REPORT

(a) Notwithstanding 2 V.S.A. § 20(d), the reports or reporting requirements of this section and sections 7(k), 10b(d), ~~10e(k), 10e(l), 10e(e)~~, 10g, 11f(i), 12a, and 12b(d) of this title shall be preserved absent specific action by the General Assembly repealing the reports or reporting requirements.

(b) Annually, on or before January 15, the Agency shall submit a consolidated transportation system and activities report to the House and Senate Committees on Transportation. The report shall consist of:

(1) Financial and performance data of all public transit systems, as defined in 24 V.S.A. § 5088(6), that receive operating subsidies in any form from the State or federal government, including subsidies related to the Elders and Persons with Disabilities Transportation Program for service and capital equipment. This component of the report shall:

(A) be developed in cooperation with the Public Transit Advisory Council;

(B) be modeled on the Federal Transit Administration's National Transit Database Program with such modifications as appropriate for the various services and guidance found in the most current State policy plan;

(C) show as a separate category financial and performance data on the Elders and Persons with Disabilities Transportation Program;

(D) describe any action the Agency has taken pursuant to contractual authority to terminate funding for routes or to request service changes for failure to meet performance standards.

(2) Data on pavement conditions of the State highway system that, at a minimum, shall include a pavement condition index that rates the State highway system and the current and historic percentage of State highway pavement mileage that is rated in poor or very poor condition.

(3) A description of the conditions of bridges, culverts, and other structures on the State highway system and on town highways and of the status of the accelerated bridge program.

(4) Department of Motor Vehicle data, including the number of vehicle registrations and licenses issued, revenues by category, transactions by category, commercial motor vehicle statistics, and any other information the Commissioner deems relevant.

(5) A summary of updates to the Agency's strategic plans and performance measurements used in its strategic plans.

(6) A summary of the statuses of aviation, rail, and public transit projects programmed for construction during the previous calendar year.

(7) Data and statistics regarding highway safety, including trends in vehicle crashes and fatalities, traffic counts, and trends in vehicle miles traveled.

(8) An overview of operations and maintenance activities, including winter maintenance statistics, snow and ice control plans, and equipment performance measures.

(9) Data on the miles of State highway paving completed during the previous construction season.

(10) A list of projects for which the construction phase was completed during the most recent construction season.

(11) Such other information that the Secretary determines the Committees on Transportation need to perform their oversight role.

Sec. 23. 19 V.S.A. § 10c is amended to read:

§ 10c. STATEMENT OF POLICY; HIGHWAYS AND BRIDGES

* * *

~~(k)(1) The agency shall by January 15 of each year submit a report on the pavement conditions of the state highway system to the house and senate committees on transportation which, at a minimum, shall contain the information, updated to the latest date consistent with the publication date, which is included in the agency's publication entitled "Pavement Management Annual Report 2006." The report in addition shall include information describing the actual historic percentage of state system pavement which is rated as being in poor or very poor condition.~~

~~(2) The agency shall report to the house and senate committees on transportation regarding alternate formats and measurements for this report. [Repealed.]~~

~~(l) The agency shall by January 15 of each year submit a report on the condition of bridges, culverts, and other structures on the state system and town highways to the house and senate committees on transportation. The agency shall report to the house and senate committees on transportation on alternate formats and measurements for this report. [Repealed.]~~

* * *

Sec. 24. 19 V.S.A. § 10e(c) is amended to read:

~~(c) The agency of transportation shall, by January 15 of each year, submit a rail report to the members of the house and senate committees on transportation. The report shall include the status of projects programmed for delivery during the previous calendar year and a summary of any changes to the agency's organizational structure which may affect project delivery. [Repealed.]~~

Sec. 25. 24 V.S.A. § 5092 is amended to read:

§ 5092. **REPORTS**

~~The Agency of Transportation, in cooperation with the Public Transit Advisory Council, shall develop an annual report of financial and performance data of all public transit systems that receive operating subsidies in any form from the State or federal government, including subsidies related to the elders and persons with disabilities transportation program for service and capital equipment. Financial and performance data on the elders and persons with disabilities transportation program shall be a separate category in the report. The report shall be modeled on the Federal Transit Administration's National Transit Database Program with such modifications as appropriate for the various services and guidance found in the most current state policy plan. The report shall describe any action taken by the Agency pursuant to contractual authority to terminate funding for routes or to request service changes for failure to meet performance standards. The Agency shall deliver the report to the General Assembly by January 15 of each year. Notwithstanding 2 V.S.A. § 20(d), this annual report shall be produced indefinitely absent specific action by the General Assembly repealing the report. [Repealed.]~~

* * * Vermont Design Standards * * *

Sec. 26. **RECOMMENDATIONS TO UPDATE VERMONT STATE DESIGN STANDARDS**

(a) Prior to updating the "Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation of Freeways, Roads and Streets" (Vermont State Standards), the Secretary shall establish a multi-disciplinary Stakeholders Group consisting of representatives of public and private sector entities from the various modes of transportation affected by the Vermont State Standards to provide the Agency with critical input in revising the Standards.

(b) Purpose and charge. The Stakeholders Group shall:

(1) Review the current Vermont State Standards and identify areas of the Standards that require modification to be current with state-of-practice transportation facility design, and modifications to be consistent with supplemental design guidance and policies prepared by the Agency since 1997. In fulfilling this primary duty, the Group shall also identify other related Agency standards and guidance that would need to be addressed to align with the revised Vermont State Standards.

(2) Identify barriers, gaps, and opportunities that exist in current Agency design practices, standards, and guidance to address the needs of all transportation modes in a variety of contexts.

(3) Document the opportunities that exist to modify the existing Vermont State Standards to meet current state-of-the-industry practices.

(4) Prepare an implementation plan and associated schedule for addressing the various components of the Vermont State Standards that require modification.

(c) On or before March 15, 2015, the Agency shall submit a written report of the Stakeholder Group findings and recommendations to the House and Senate Committees on Transportation.

* * * Scrap Dealers; Railroad Scrap * * *

Sec. 27. 9 V.S.A. § 3021(8) is added to read:

(8) “Railroad scrap” means any scrap metal consisting primarily of the steel components used in railroad tracks, including rails, joint bars, tie plates, anchors, turnouts, frogs, and spikes. “Railroad scrap” also includes railroad signals and signal components.

Sec. 28. 9 V.S.A. § 3022 is amended to read:

§ 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES, ~~AND PROPRIETARY ARTICLES,~~ AND RAILROAD SCRAP

(a) [Repealed.]

(b) A scrap metal processor may purchase nonferrous scrap, metal articles, ~~and proprietary articles,~~ and railroad scrap only if the scrap metal processor complies with all the following procedures:

(1) At the time of sale, the processor:

(A) Requires the seller to provide a current government-issued photographic identification that indicates the seller’s full name, current address, and date of birth, and records in a permanent ledger the identification information of the seller, the time and date of the transaction, the license number of the seller’s vehicle, and a description of the items received from the seller.

(B) Requests and, if available, collects documentation from the seller of the items offered for sale, such as a bill of sale, receipt, letter of authorization, or similar evidence that establishes that the seller lawfully owns the items to be sold.

(2) After purchasing an item from a person who fails to provide documentation pursuant to subdivision (1)(B) of this subsection, the processor:

(A) Submits to the Department of Public Safety no later than the close of the following business day a report that describes the item and the

seller's identifying information required in subdivision (1)(A) of this subsection.

(B) Holds the item for at least 10 days following purchase.

(c) The information collected by a scrap metal processor pursuant to this section shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.

* * * Site Plan Review; Access to State Highways * * *

Sec. 29. 24 V.S.A. § 4416 is amended to read:

§ 4416. SITE PLAN REVIEW

(a) As prerequisite to the approval of any use other than one- and two-family dwellings, the approval of site plans by the appropriate municipal panel may be required, under procedures set forth in subchapter 10 of this chapter. In reviewing site plans, the appropriate municipal panel may impose, in accordance with the bylaws, appropriate conditions and safeguards with respect to: the adequacy of parking, traffic access, and circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting; the size, location, and design of signs; and other matters specified in the bylaws. The bylaws shall specify the maps, data, and other information to be presented with applications for site plan approval and a review process pursuant to section 4464 of this title.

(b) Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the section 1111 permit.

* * * Survey Plats * * *

Sec. 30. 27 V.S.A. § 1404(a) is amended to read:

(a) Survey plats prepared and filed by municipal and ~~state~~ State government agencies shall be exempt from subdivision ~~1403(b)(6)~~ 1403(b)(5) of this title. Each plat sheet filed under this exemption shall contain a title area in the lower right-hand corner of the sheet stating the location of the land, the scale expressed in engineering units, and the date of compilation. Highway

plats or plans filed under this exemption shall also include right-of-way detail sheets and a title sheet.

* * * Proposed Communications Facilities; Notification to Secretary of
Transportation * * *

Sec. 31. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS
FACILITIES

* * *

(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. 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.

* * *

* * * Effective Dates * * *

Sec. 32. EFFECTIVE DATES

(a) This section and Secs. 4 (supplemental paving spending), 5 (supplemental appropriation), and 6 (supplemental winter maintenance spending), shall take effect on passage.

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

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Transportation.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Transportation?, Senator Flory moved to amend the proposal of amendment of the Committee on Transportation, in Sec. 27, 9 V.S.A. § 3021(8), in the first sentence, before the words “railroad tracks” by inserting the following: rolling stock,

Which was agreed to.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Transportation, as amended?, Senators Pollina, Cummings and Doyle moved to amend the proposal of amendment of the Committee on Transportation, by striking out Sec. 3 and the reader assistance thereto in its entirety and inserting in lieu thereof the following:

* * * Bike & Pedestrian Facilities Program * * *

Sec. 3. PROGRAM DEVELOPMENT – BIKE & PEDESTRIAN FACILITIES PROGRAM

If the Cross Vermont Trail Association raises funds sufficient to furnish \$240,911.00 of the \$325,000.00 local match required to construct the Cross Vermont Trail Bridge project (Montpelier – Berlin STP CVRT(2)), the Fiscal Year 2015 Program Development – Bike & Pedestrian Facilities Program shall be amended to authorize spending of \$84,089.00 in transportation funds for construction of the project.

* * * Paving Program * * *

Which was disagreed to.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment of the Committee on Transportation, as amended, was agreed to.

Thereupon, third reading of the bill was ordered.

Message from the House No. 43

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 286. House concurrent resolution in memory of former Senator and Chittenden County Assistant Judge Thomas M. Crowley of South Burlington.

H.C.R. 287. House concurrent resolution congratulating the 2014 Essex High School Hornets Metro Division girls' hockey championship team.

H.C.R. 288. House concurrent resolution congratulating the 2014 Essex High School Division I championship cheerleading team.

H.C.R. 289. House concurrent resolution honoring Patricia Palencsar for her leadership at Green Mountain RSVP & Volunteer Center.

H.C.R. 290. House concurrent resolution designating April 2014 as Autism Awareness Month.

H.C.R. 291. House concurrent resolution congratulating the 2014 Poultney High School Division II championship cheerleading team.

H.C.R. 292. House concurrent resolution honoring Richard Andrews as a conservationist and hiking recreational leader.

In the adoption of which the concurrence of the Senate is requested.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representative Pugh and others,

H.C.R. 286.

House concurrent resolution in memory of former Senator and Chittenden County Assistant Judge Thomas M. Crowley of South Burlington.

By Representative Myers and others,

H.C.R. 287.

House concurrent resolution congratulating the 2014 Essex High School Hornets Metro Division girls' hockey championship team.

By Representative Myers and others,

H.C.R. 288.

House concurrent resolution congratulating the 2014 Essex High School Division I championship cheerleading team.

By Representative Campion and others,

By Senators Hartwell and Sears,

H.C.R. 289.

House concurrent resolution honoring Patricia Palencsar for her leadership at Green Mountain RSVP & Volunteer Center.

By Representative Mook and others,

H.C.R. 290.

House concurrent resolution designating April 2014 as Autism Awareness Month.

By Representative Donaghy,

H.C.R. 291.

House concurrent resolution congratulating the 2014 Poultney High School Division II championship cheerleading team.

By Representative Martin and others,

H.C.R. 292.

House concurrent resolution honoring Richard Andrews as a conservationist and hiking recreational leader.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, April 8, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 53.