

Journal of the Senate

WEDNESDAY, APRIL 30, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Ken White of Burlington.

Message from the House No. 58

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 House bill entitled:

H. 885. An act relating to making appropriations for the support of government.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Heath of Westford
Rep. Johnson of South Hero
Rep. Brennan of Colchester

Senate Resolutions Referred

S.R. 12.

Senate resolution of the following title was offered, read the first time and is as follows:

Senate resolution relating to the public policy implications of the proposed Trans-Pacific Partnership Agreement and the Transatlantic Trade and Investment Partnership.

By Senator Lyons,

S.R. 12. Senate resolution relating to the public policy implications of the proposed Trans-Pacific Partnership Agreement and the Transatlantic Trade and Investment Partnership.

Whereas, the proposed Trans-Pacific Partnership Agreement (TPPA) is a multinational trade agreement in the Asia-Pacific region which, if implemented, could create the largest trading bloc in the world, and

Whereas, the Transatlantic Trade and Investment Partnership (TTIP) is a free trade agreement being negotiated with the European Union that could override Vermont's constitutionally guaranteed authority to pass laws and implement policies on a wide range of domestic issues, and

Whereas, the negotiations for the two trade agreements lack transparency and concern terms going beyond tariff agreements, and

Whereas, the trade agreements could impact state sovereignty and restrict the ability of Vermont to regulate certain corporate activities impacting the environment, health care, tobacco products, pharmaceuticals, energy, and agriculture, and

Whereas, states do not have an equal advisory capacity in the trade negotiations as that given to businesses, and

Whereas, the negotiating texts have not been published and there has not been public debate on U.S. trade policy, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont requests the United States Trade Representative (USTR): (1) to increase transparency in TTIP and TPPA free-trade negotiations, (2) to publish information going beyond tariff negotiations, (3) to give states as equal an advisory role in the negotiations as that given to businesses, and (4) to consider state sovereignty and the impact of the trade agreements on state and local laws, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to the USTR and the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing and General Affairs.

S.R. 13.

Senate resolution of the following title was offered, read the first time and is as follows:

Senate resolution relating to improving pending legislation to reinstate the Fast Track Authority mechanism in international trade agreements.

By Senator Lyons,

S.R. 13. Senate resolution relating to improving pending legislation to reinstate the Fast Track Authority mechanism in international trade agreements.

Whereas, The United States Trade Representative (USTR) is in the midst of negotiating two major trade agreements: the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP), and

Whereas, The Bipartisan Congressional Trade Priorities Act (H.R. 3830; S.1900) will reinstate the Fast Track Trade Promotion Authority (Fast Track) mechanism, and

Whereas, Fast Track was designed in the 1970s when trade negotiations were focused on cutting tariffs and quotas, but the TPP and TTIP trade agreements pending today are much broader, and

Whereas, Fast Track creates special rules that empower the executive branch to negotiate and sign trade agreements without Congressional oversight, and

Whereas, Fast Track undermines Congress's ability to have a meaningful role in shaping the content of trade agreements, and

Whereas, Fast Track limits Congress's time frame to read and debate thousands of pages before voting, and

Whereas, such a broad delegation of Congress's constitutional authorities is inappropriate given the scope of the pending trade agreements, and

Whereas, there is a current opportunity to improve the process by which significant foreign trade policy agreements such as the TPP and TTIP are negotiated, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont respectfully urges and requests the President of the United States and the Congress of the United States to improve the process by which United States trade agreements are developed and implemented in order to allow Congress to have a meaningful role in shaping

the content of trade agreements and to enable broad participation by all sectors of society, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to the USTR and to the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing and General Affairs.

Bill Referred to Committee on Appropriations

H. 578.

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

Committees of Conference Appointed

H. 765.

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

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator French
Senator McAllister
Senator White

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

H. 885.

An act relating to making appropriations for the support of government.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Kitchel
Senator Sears
Senator Snelling

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Proposal of Amendment; Third Reading Ordered**H. 88.**

Senator Benning, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to parental rights and responsibilities involving a child conceived as a result of a sexual assault.

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:

Sec. 1. 15 V.S.A. § 665 is amended to read:

§ 665. RIGHTS AND RESPONSIBILITIES ORDER; BEST INTERESTS OF THE CHILD

(a) In an action under this chapter, the ~~court~~ Court shall make an order concerning parental rights and responsibilities of any minor child of the parties. The ~~court~~ Court may order parental rights and responsibilities to be divided or shared between the parents on such terms and conditions as serve the best interests of the child. When the parents cannot agree to divide or share parental rights and responsibilities, the ~~court~~ Court shall award parental rights and responsibilities primarily or solely to one parent.

(b) In making an order under this section, the ~~court~~ Court shall be guided by the best interests of the child, and shall consider at least the following factors:

(1) the relationship of the child with each parent and the ability and disposition of each parent to provide the child with love, affection, and guidance;

(2) the ability and disposition of each parent to assure that the child receives adequate food, clothing, medical care, other material needs, and a safe environment;

(3) the ability and disposition of each parent to meet the child's present and future developmental needs;

(4) the quality of the child's adjustment to the child's present housing, school, and community and the potential effect of any change;

(5) the ability and disposition of each parent to foster a positive relationship and frequent and continuing contact with the other parent, including physical contact, except where contact will result in harm to the child or to a parent;

(6) the quality of the child's relationship with the primary care provider, if appropriate given the child's age and development;

(7) the relationship of the child with any other person who may significantly affect the child;

(8) the ability and disposition of the parents to communicate, cooperate with each other, and make joint decisions concerning the children where parental rights and responsibilities are to be shared or divided; and

(9) evidence of abuse, as defined in section 1101 of this title, and the impact of the abuse on the child and on the relationship between the child and the abusing parent.

* * *

(f) The State has a compelling interest in not forcing a victim of sexual assault or sexual exploitation to continue an ongoing relationship with the perpetrator of the abuse. Such continued interaction can have traumatic psychological effects on the victim, making recovery more difficult, and negatively affect the victim's ability to parent and to provide for the best interests of the child. Additionally, the State recognizes that a perpetrator may use the threat of pursuing parental rights and responsibilities to coerce a victim into not reporting or assisting in the prosecution of the perpetrator for the sexual assault or sexual exploitation, or to harass, intimidate, or manipulate the victim.

(1) The Court may enter an order awarding sole parental rights and responsibilities to a parent and denying all parent-child contact with the other parent if the Court finds by clear and convincing evidence that the nonmoving parent was convicted of sexually assaulting the moving parent and the child was conceived as a result of the sexual assault. As used in this subdivision, sexual assault shall include sexual assault as provided in 13 V.S.A. § 3252(a), (b), (d), and (e), aggravated sexual assault as provided in 13 V.S.A. § 3253, and aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a, lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602, and similar offenses in other jurisdictions.

(A) An order issued in accordance with this subdivision (f)(1) shall be permanent and shall not be subject to modification.

(B) Upon issuance of a rights and responsibilities order pursuant to this subdivision (f)(1), the Court shall not issue a parent-child contact order and shall terminate any existing parent-child contact order concerning the child and the nonmoving parent.

(2) The Court may enter an order awarding sole parental rights and responsibilities to one parent and denying all parent-child contact between the other parent and a child if the Court finds that such an order is in the best interest of the child and finds by clear and convincing evidence that the child was conceived as a result of the nonmoving parent sexually assaulting or sexually exploiting the moving parent. A conviction is not required under this subdivision and the Court may consider other evidence of sexual assault or sexual exploitation in making its determination.

(A) For purposes of this subdivision (f)(2):

(i) sexual assault shall include sexual assault as provided in 13 V.S.A. § 3252, aggravated sexual assault as provided in 13 V.S.A. § 3253, aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a, lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602, and similar offenses in other jurisdictions; and

(ii) sexual exploitation shall include sexual exploitation of an inmate as provided in 13 V.S.A. § 3257, sexual exploitation of a minor as provided in 13 V.S.A. § 3258, sexual abuse of a vulnerable adult as provided in 13 V.S.A. § 1379, and similar offenses in other jurisdictions.

(B) Except as provided in subdivision (f)(2)(C), the Court shall not issue a parent-child contact order in a case in which a parental rights and responsibilities order has been issued pursuant to this subdivision (f)(2) and any existing parent-child contact order concerning the child and the nonmoving parent shall be terminated.

(C) A party may file a motion for modification of the order only upon a showing of extraordinary, real, substantial, and unanticipated change of circumstances.

(3) Issuance of an order in pursuant to this subsection shall not affect the right of the custodial parent to seek child support from the noncustodial parent.

Sec. 2. 15 V.S.A. § 668 is amended to read:

§ 668. MODIFICATION OF ORDER

(a) On motion of either parent or any other person to whom custody or parental rights and responsibilities have previously been granted, and upon a showing of real, substantial and unanticipated change of circumstances, the ~~court~~ Court may annul, vary, or modify an order made under this subchapter if it is in the best interests of the child, whether or not the order is based upon a stipulation or agreement.

* * *

(c) A final order related to parental rights and responsibilities and parent child contact issued pursuant to subdivision 665(f)(1) of this title shall not be subject to modification. A party may file a motion for modification of an order related to parental rights and responsibilities and parent child contact issued pursuant to subdivision 665(f)(2) of this title only upon a showing of extraordinary, real, substantial, and unanticipated change of circumstances.

Sec. 3. 13 V.S.A. § 2651(3) is amended to read:

(3) “Commercial sex act” means any ~~sex~~ sexual act, sexual conduct, or sexually explicit performance on account of which anything of value is promised to, given to, or received by any person.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

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, the proposal of amendment was agreed to, and third reading of the bill was ordered.

**Senate Proposal of Amendment Amended; Bill Passed in Concurrence
with Proposal of Amendment**

H. 217.

House bill entitled:

An act relating to smoking in lodging establishments, hospitals, and child care facilities, and on State lands.

Was taken up.

Thereupon, pending third reading of the bill, Senator Campbell moved that the Senate proposal of amendment be amended by striking out Sec. 8, effective date, and inserting in lieu thereof two new sections to be numbered Secs. 8 and 9 to read as follows:

Sec. 8. 7 V.S.A. § 1012 is added to read:

§ 1012. LIQUID NICOTINE; PACKAGING

(a) Unless specifically preempted by federal law, no person shall manufacture, regardless of location, for sale in; offer for sale in; sell in or into the stream of commerce in; or otherwise introduce into the stream of commerce in Vermont any liquid or gel substance containing nicotine unless that product is contained in child-resistant packaging.

(b) As used in this section, “child-resistant packaging” means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

Sec. 9. EFFECTIVE DATES

(a) Secs. 1–7 and this section shall take effect on July 1, 2014.

(b) Sec. 8 (liquid nicotine; packaging; warning label) shall take effect on January 1, 2015.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Proposals of Amendment; Third Reading Ordered

H. 681.

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

An act relating to the professional regulation for veterans, military service members, and military spouses.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1 (professional regulatory entities; military service licensure requirements), in subdivision (a)(1) (definition of “expedited temporary license by endorsement”), at the end of the subdivision following “licensure in another state” by inserting the following: or, in the case of EMS providers, based on current certification from the National Registry of Emergency Medical Technicians (NREMT)

Second: In Sec. 1, in subsection (b), at the beginning of the introductory paragraph, by striking out the following: “February 1, 2015” and inserting in lieu thereof the following: July 1, 2015

Third: In Sec. 1, in subdivision (b)(2)(B) (expedited temporary licensure by endorsement; application requirements), at the end of subdivision (ii) following “issued in another state” by inserting the following: or, in the case of EMS providers, proof that the applicant holds a current certification from the NREMT

Fourth: In Sec. 1, in subdivision (b)(3)(B) (renewal of licensure; eligibility), by inserting two new subdivisions to be subdivisions (i) and (ii) to read as follows:

(i) The provisions of this subdivision (B) shall apply to an EMS licensee with a military deployment of less than two years, or greater than two years if the position served in the military was as an EMS provider or a substantially similar role.

(ii) For an EMS licensee with a military deployment of greater than two years and whose position served in the military was not as an EMS provider or a substantially similar role, the licensee shall be required to obtain certification with the NREMT prior to renewal of a license under this subdivision.

Fifth: In Sec. 2, 18 V.S.A. § 906c, in subdivision (b)(1), following “compensation upon his or her return from deployment” by striking out the following: “despite the lapse of licensure or certification” and inserting in lieu thereof the following: once licensure is renewed

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

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

Proposals of Amendment; Consideration Postponed

H. 823.

Senator Hartwell, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to encouraging growth in designated centers and protecting natural resources.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. § 6001 (definitions), in subdivision (16)(A) (existing settlement), in subdivision (ii), after the words an existing by striking out the word “community”

Second: In Sec. 1, 10 V.S.A. § 6001 (definitions), by striking out subdivision (36) in its entirety and inserting in lieu thereof a new subdivision (36) to read as follows:

(36) “Strip development” means linear commercial development along a public highway that includes three or more of the following characteristics:

broad road frontage, predominance of single-story buildings, limited reliance on shared highway access, lack of connection to any existing settlement except by highway, lack of connection to surrounding land uses except by highway, lack of coordination with surrounding land uses, and limited accessibility for pedestrians. In determining whether a proposed development or subdivision constitutes strip development, the District Commission shall consider the topographic constraints in the area in which the development or subdivision is to be located.

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

Sec. 2. 10 V.S.A. § 6086 is amended to read:

§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

(a) Before granting a permit, the ~~district commission~~ District Commission shall find that the subdivision or development:

* * *

(5)(A) Will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports and airways, and other means of transportation existing or proposed.

(B) Will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services, unless the District Commission affirmatively finds that such a strategy, access, or connection does not constitute a measure that a reasonable person would take given the type, scale, and transportation impacts of the proposed development or subdivision.

* * *

(9) Is in conformance with a duly adopted capability and development plan, and land use plan when adopted. However, the legislative findings of subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria in the consideration of applications by a ~~district commission~~ District Commission.

* * *

~~(L) Rural growth areas.—A permit will be granted for the development or subdivision of rural growth areas when it is demonstrated by the applicant that in addition to all other applicable criteria provision will be made in accordance with subdivisions (9)(A) “impact of growth,” (G) “private utility service,” (H) “costs of scattered development” and (J) “public utility~~

services” of subsection (a) of this section for reasonable population densities, reasonable rates of growth, and the use of cluster planning and new community planning designed to economize on the cost of roads, utilities and land usage. Settlement patterns. To promote Vermont’s historic settlement pattern of compact village and urban centers separated by rural countryside, a permit will be granted for a development or subdivision outside an existing settlement when it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision:

(i) will make efficient use of land, energy, roads, utilities, and other supporting infrastructure;

(ii) is designed in a manner consistent with the planning goals set forth in 24 V.S.A. § 4302(c)(1);

(iii) will conform to the land use element, map, and resource protection policies included in the municipal and regional plans applicable to the proposed location of the development or subdivision; and

(iv)(I) will neither establish nor contribute to a pattern of strip development along public highways; and

(II) if the development or subdivision will be located in an area that already constitutes strip development, will incorporate infill as defined in 24 V.S.A. § 2791 and is designed to avoid or minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title.

* * *

Fourth: By striking out Secs. 3, 4, and 5 in their entirety and inserting in lieu thereof new Secs. 3, 4, and 5 to read as follows:

Sec. 3. 10 V.S.A. § 6086b is added to read:

§ 6086b. DOWNTOWN DEVELOPMENT; FINDINGS

Notwithstanding any provision of this chapter to the contrary, each of the following shall apply to a development or subdivision that is completely within a downtown development district designated under 24 V.S.A. chapter 76A and for which a permit or permit amendment would otherwise be required under this chapter:

(1) In lieu of obtaining a permit or permit amendment, a person may request findings and conclusions from the District Commission, which shall approve the request if it finds that the development or subdivision will meet subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water available), (3) (burden on existing water supply), (4) (soil erosion),

(5) (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas), (8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy conservation), and (9)(K) (public facilities, services, and lands) of this title.

(2) The request shall be complete as to the criteria listed in subdivision (1) of this subsection and need not address other criteria of subsection (a) of this section.

(A) The requestor shall file the request in accordance with the requirements of subsection 6084(a) of this title and the requestor shall provide a copy of the request to each agency and department listed in subdivision (3) of this section.

(B) Within five days of the request's filing, the District Coordinator shall determine whether the request is complete. Within five days of the date the District Coordinator determines the request to be complete, the District Commission shall provide notice of the complete request to each person required to receive a copy of the filing under subdivision (2)(A) of this section and to each adjoining property owner and shall post the notice and a copy of the request on the Board's web page. The computation of time under this subdivision (2)(B) shall exclude Saturdays, Sundays, and State legal holidays.

(3) Within 30 days of receiving notice of a complete request:

(A) The State Historic Preservation Officer or designee shall submit a written recommendation on whether the improvements will have an undue adverse effect on any historic site.

(B) The Commissioner of Public Service or designee shall submit a written recommendation on whether the improvements will meet or exceed the applicable energy conservation and building energy standards under subdivision 6086(a)(9)(F) of this title.

(C) The Secretary of Transportation or designee shall submit a written recommendation on whether the improvements will have a significant impact on any highway, transportation facility, or other land or structure under the Secretary's jurisdiction.

(D) The Commissioner of Buildings and General Services or designee shall submit a written recommendation on whether the improvements will have a significant impact on any adjacent land or facilities under the Commissioner's jurisdiction.

(E) The Secretary of Natural Resources or designee shall submit a written recommendation on whether the improvements will have a significant impact on any land or facilities under its jurisdiction or on any important

natural resources, other than primary agricultural soils. In this subdivision (E), “important natural resources” shall have the same meaning as under 24 V.S.A. § 2791.

(F) The Secretary of Agriculture, Food and Markets or designee shall submit a written recommendation on whether the improvements will reduce or convert primary agricultural soils and on whether there will be appropriate mitigation for any reduction in or conversion of those soils.

(4) Any person may submit written comments or ask for a hearing within 30 days of the date on which the District Commission issues notice of a complete request. If the person asks for a hearing, the person shall include a petition for party status in the submission. The petition for party status shall meet the requirements of subdivision 6085(c)(2) of this title.

(5) The District Commission shall not hold a hearing on the request unless it determines that there is a substantial issue under one or more applicable criteria that requires a hearing. The District Commission shall hold any hearing within 20 days of the end of the comment period specified in subdivisions (3) and (4) of this section. Subdivisions 6085(c)(1)–(5) of this title shall govern participation in a hearing under this section.

(6) The District Commission shall issue a decision within 60 days of issuing notice of a complete request under this section or, if it holds a hearing, within 15 days of adjourning the hearing. The District Commission shall send a copy of the decision to each State agency listed in subdivision (3) of this section, to the municipality, to the municipal and regional planning commissions for the municipality, and to each person that submitted a comment, requested a hearing, or participated in the hearing, if any. The decision may include conditions that meet the standards of subsection 6086(c) of this title.

(7) The requestor may waive the time periods required under subdivisions (3), (4), and (6) of this section as to one or more agencies, departments, the District Commission, the District Coordinator, or other persons. Such a waiver shall extend the applicable and subsequent time periods by the amount of time waived. In the absence of a waiver under this subdivision, the failure of a State agency to file a written determination or a person to submit a comment or ask for a hearing within the time periods specified in subdivisions (3) and (4) of this section shall not delay the District Commission’s issuance of a decision on a complete request.

Sec. 4. 10 V.S.A. § 6081(v) is added to read:

(v) A permit or permit amendment shall not be required for a development or subdivision in a designated downtown development district for which the

District Commission has issued positive findings and conclusions under section 6086b of this title on all the criteria listed in that section. A person shall obtain new or amended findings and conclusions from the District Commission under section 6086b of this title prior to commencement of a material change, as defined in the rules of the Board, to a development or subdivision for which the District Commission has issued such findings and conclusions. A person may seek a jurisdictional opinion under section 6007 of this title concerning whether such a change is a material change.

Sec. 5. [Deleted.]

Fifth: By striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. [Deleted.]

Sixth: By striking out Secs. 7 and 8 in their entirety and inserting in lieu thereof new Secs. 7 and 8 to read as follows:

Sec. 7. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

* * *

(10) 10 V.S.A. chapter 151, relating to land use, and including findings and conclusions issued under section 6086b of this title;

* * *

* * * Nonappeal, Recommendation to District Commission * * *

Sec. 8. 10 V.S.A. § 8504 is amended to read:

§ 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

(a) Act 250 and agency appeals. Within 30 days of the date of the act or decision, any person aggrieved by an act or decision of the Secretary, the Natural Resources Board, or a ~~district commission~~ District Commission under the provisions of law listed in section 8503 of this title, or any party by right, may appeal to the Environmental Division, except for an act or decision of the Secretary under subdivision 6086b(3)(E) of this title or governed by section 8506 of this title.

* * *

Seventh: In Sec. 13 (wastewater rules; amendment), after the words “the Agency of Natural Resources shall amend its” by inserting the word application prior to form

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

Senator Bray, for the Committee on Economic Development, Housing and General Affairs, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Natural Resources and Energy with the following amendment thereto:

By striking out the *third* proposal of amendment and inserting in lieu thereof the following:

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

Sec. 2. 10 V.S.A. § 6086 is amended to read:

§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

(a) Before granting a permit, the ~~district commission~~ District Commission shall find that the subdivision or development:

* * *

(5)(A) Will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports and airways, and other means of transportation existing or proposed.

(B) As appropriate, will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. In determining appropriateness under this subdivision (B), the District Commission shall consider whether such a strategy, access, or connection constitutes a measure that a reasonable person would take given the type, scale, and transportation impacts of the proposed development or subdivision.

* * *

(9) Is in conformance with a duly adopted capability and development plan, and land use plan when adopted. However, the legislative findings of subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria in the consideration of applications by a ~~district commission~~ District Commission.

* * *

~~(L) Rural growth areas. — A permit will be granted for the development or subdivision of rural growth areas when it is demonstrated by the applicant that in addition to all other applicable criteria provision will be made in accordance with subdivisions (9)(A) “impact of growth,” (G) “private utility service,” (H) “costs of scattered development” and (J) “public utility services” of subsection (a) of this section for reasonable population densities, reasonable rates of growth, and the use of cluster planning and new community planning designed to economize on the cost of roads, utilities and land usage. Settlement patterns. To promote Vermont’s historic settlement pattern of compact village and urban centers separated by rural countryside, a permit will be granted for a development or subdivision outside an existing settlement when it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision:~~

~~(i) will make efficient use of land, energy, roads, utilities, and other supporting infrastructure; and~~

~~(ii) (I) will not contribute to a pattern of strip development along public highways; or~~

~~(II) if the development or subdivision will be located in an area that already constitutes strip development, will incorporate infill as defined in 24 V.S.A. § 2791 and is designed to reasonably minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title.~~

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 pending the question, Shall the recommendation of proposal of amendment of the Committee on Natural Resources and Energy be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, on motion of Senator Campbell consideration was postponed until later in the day.

House Proposal of Amendment; Consideration Postponed

S. 247.

House proposal of amendment to Senate bill entitled:

An act relating to the regulation of medical marijuana dispensaries.

Was taken up.

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

Sec. 1. 18 V.S.A. § 4472 is amended to read:

§ 4472. DEFINITIONS

As used in this subchapter:

(1) “Bona fide health care professional-patient relationship” means a treating or consulting relationship of not less than six months’ duration, in the course of which a health care professional has completed a full assessment of the registered patient’s medical history and current medical condition, including a personal physical examination. The six-month requirement shall not apply if a patient has been diagnosed with:

(A) a terminal illness,

(B) cancer with distant metastases, or

(C) acquired immune deficiency syndrome.

* * *

(4) “Debilitating medical condition,” provided that, in the context of the specific disease or condition described in subdivision (A) or (B) of this subdivision (4), reasonable medical efforts have been made over a reasonable amount of time without success to relieve the symptoms, means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; or

(B) a disease, medical condition, or its treatment that is chronic, debilitating, and produces severe, persistent, and one or more of the following intractable symptoms: cachexia or wasting syndrome; severe pain; severe nausea; or seizures.

(5) “Dispensary” means a nonprofit entity registered under section 4474e of this title which acquires, possesses, cultivates, manufactures, transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her center and to his or her registered caregiver for the registered patient’s use for symptom relief. A dispensary may provide marijuana for symptom relief to registered patients at only one facility or location but may have a second location associated with the dispensary where the marijuana is cultivated or processed. Both locations are considered to be part of the same dispensary.

(6)(A) “Health care professional” means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a

naturopathic physician under 26 V.S.A. chapter 81 who has a special license endorsement authorizing the individual to prescribe, dispense, and administer prescription medicines to the extent that a diagnosis provided by a naturopath under this chapter is within the scope of his or her practice, an individual certified as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

(B) Except for naturopaths, this definition includes individuals who are professionally licensed under substantially equivalent provisions in New Hampshire, Massachusetts, or New York.

* * *

(14) “Transport” means the movement of marijuana and marijuana-infused products from registered growing locations to their associated dispensaries, between dispensaries, to registered patients and registered caregivers in accordance with delivery protocols, or as otherwise allowed under this subchapter.

(15) “Usable marijuana” means the dried leaves and flowers of marijuana, and any mixture or preparation thereof, and does not include the seeds, stalks, and roots of the plant.

~~(15)~~(16) “Use for symptom relief” means the acquisition, possession, cultivation, use, transfer, or transportation of marijuana, or paraphernalia relating to the administration of marijuana to alleviate the symptoms or effects of a registered patient’s debilitating medical condition which is in compliance with all the limitations and restrictions of this subchapter. For the purposes of this definition, “transfer” is limited to the transfer of marijuana and paraphernalia between a registered caregiver and a registered patient.

Sec. 2. 18 V.S.A. § 4474 is amended to read:

§ 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS AND PROCEDURES

(a) A person may submit a signed application to the ~~department of public safety~~ Department of Public Safety to become a registered patient’s registered caregiver. The ~~department~~ Department shall approve or deny the application in writing within 30 days. In accordance with rules adopted pursuant to section 4474d of this title, the Department shall consider an individual’s criminal history record when making a determination as to whether to approve the application. An applicant shall not be denied solely on the basis of a criminal conviction that is not listed in subsection 4474g(e) of this title or 13 V.S.A. chapter 28. The ~~department~~ Department shall approve a registered caregiver’s application and issue the person an authorization card, including the caregiver’s name, photograph, and a unique identifier, after verifying:

~~(1) the person will serve as the registered caregiver for one registered patient only; and~~

~~(2) the person has never been convicted of a drug-related crime.~~

(b) Prior to acting on an application, the ~~department~~ Department shall obtain from the Vermont ~~criminal information center~~ Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a criminal record from the Federal Bureau of Investigation for the applicant. ~~For purposes of this subdivision, "criminal record" means a record of whether the person has ever been convicted of a drug-related crime.~~ Each applicant shall consent to release of criminal records to the ~~department~~ Department on forms substantially similar to the release forms developed by the ~~center~~ Center pursuant to 20 V.S.A. § 2056c. The ~~department~~ Department shall comply with all laws regulating the release of criminal history records and the protection of individual privacy. The Vermont ~~criminal information center~~ Crime Information Center shall send to the requester any record received pursuant to this section or inform the ~~department of public safety~~ Department that no record exists. If the ~~department~~ Department disapproves an application, the ~~department~~ Department shall promptly provide a copy of any record of convictions and pending criminal charges to the applicant and shall inform the applicant of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Vermont ~~criminal information center~~ Crime Information Center. No person shall confirm the existence or nonexistence of criminal record information to any person who would not be eligible to receive the information pursuant to this subchapter.

~~(c)(1) A~~ Except as provided in subdivision (2) of this subsection, a registered caregiver may serve only one registered patient at a time, and a registered patient may have only one registered caregiver at a time.

(2) A registered patient who is under 18 years of age may have two registered caregivers.

Sec. 3. 18 V.S.A. § 4473(b) is amended to read:

(b) The ~~department of public safety~~ Department of Public Safety shall review applications to become a registered patient using the following procedures:

(1) A patient with a debilitating medical condition shall submit, ~~under oath,~~ a signed application for registration to the ~~department~~ Department. A patient's initial application to the registry shall be notarized, but subsequent renewals shall not require notarization. If the patient is under ~~the age of~~ 18 years of age, the application must be signed by both the patient and a parent or guardian. The application shall require identification and contact information

for the patient and the patient's registered caregiver applying for authorization under section 4474 of this title, if any, and the patient's designated dispensary under section 4474e of this title, if any. The applicant shall attach to the application a medical verification form developed by the ~~department~~ Department pursuant to subdivision (2) of this subsection.

* * *

Sec. 4. 18 V.S.A. § 4474d(e)–(g) are added to read:

(e) The Department shall adopt rules for the issuance of a caregiver registry identification card that shall include standards for approval or denial of an application based on an individual's criminal history record. The rules shall address whether an applicant who has been convicted of an offense listed in subsection 4474g(e) of this title or 13 V.S.A. chapter 28 has been rehabilitated and should be otherwise eligible for a caregiver registry identification card.

(f) The Department shall adopt rules establishing protocols for the safe delivery of marijuana to patients and caregivers.

(g) The Department shall adopt rules for granting a waiver of the dispensary possession limits in section 4474e of this title upon application of a dispensary for the purpose of developing and providing a product for symptom relief to a registered patient who is under 18 years of age who suffers from seizures.

Sec. 5. 18 V.S.A. § 4474e is amended to read:

§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION

(a) A dispensary registered under this section may:

(1) Acquire, possess, cultivate, manufacture, transfer, transport, supply, sell, and dispense marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her dispensary and to his or her registered caregiver for the registered patient's use for symptom relief. ~~For purposes of this section, "transport" shall mean the movement of marijuana or marijuana-infused products from registered growing locations to their associated dispensaries, between dispensaries, or as otherwise allowed under this subchapter.~~

(A) Marijuana-infused products shall include tinctures, oils, solvents, and edible or potable goods. Only the portion of any marijuana-infused product that is attributable to marijuana shall count toward the possession limits of the dispensary and the patient. ~~The department of public safety~~ Department of Public Safety shall establish by rule the appropriate method to

establish the weight of marijuana that is attributable to marijuana-infused products.

(B) Marijuana-related supplies shall include pipes, vaporizers, and other items classified as drug paraphernalia under chapter 89 of this title.

(2) Acquire marijuana seeds or parts of the marijuana plant capable of regeneration from or dispense them to registered patients or their caregivers or acquire them from another registered Vermont dispensary, provided that records are kept concerning the amount and the recipient.

(3)(A) Cultivate and possess at any one time up to 28 mature marijuana plants, 98 immature marijuana plants, and 28 ounces of usable marijuana. However, if a dispensary is designated by more than 14 registered patients, the dispensary may cultivate and possess at any one time two mature marijuana plants, seven immature plants, and ~~two~~ four ounces of usable marijuana for every registered patient for which the dispensary serves as the designated dispensary.

(B) Notwithstanding subdivision (A) of this subdivision, if a dispensary is designated by a registered patient under 18 years of age who qualifies for the registry because of seizures, the dispensary may apply to the Department for a waiver of the limits in subdivision (A) of this subdivision (3) if additional capacity is necessary to develop and provide an adequate supply of a product for symptom relief for the patient. The Department shall have discretion whether to grant a waiver and limit the possession amounts in excess of subdivision (A) of this subdivision (3) in accordance with rules adopted pursuant to section 4474d of this title.

* * *

(d)(1) A dispensary shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and shall ensure that each location has an operational security alarm system. All cultivation of marijuana shall take place in an enclosed, locked facility which is either indoors or otherwise not visible to the public and which can only be accessed by principal officers and employees of the dispensary who have valid registry identification cards. ~~The department of public safety~~ Department of Public Safety shall perform an annual on-site assessment of each dispensary and may perform on-site assessments of a dispensary without limitation for the purpose of determining compliance with this subchapter and any rules adopted pursuant to this subchapter and may enter a dispensary at any time for such purpose. During an inspection, ~~the department~~ Department may review the dispensary's confidential records, including its dispensing records, which shall track transactions according to

registered patients' registry identification numbers to protect their confidentiality.

(2)(A) A registered patient or registered caregiver may obtain marijuana from the dispensary ~~facility~~ by appointment only.

(B) A dispensary may deliver marijuana to a registered patient or registered caregiver. The marijuana shall be transported in a locked container.

(3) The operating documents of a dispensary shall include procedures for the oversight of the dispensary and procedures to ensure accurate record-keeping.

(4) A dispensary shall submit the results of ~~an annual~~ a financial audit to the ~~department of public safety~~ Department of Public Safety no later than 60 days after the end of the dispensary's first fiscal year, and every other year thereafter. The ~~annual~~ audit shall be conducted by an independent certified public accountant, and the costs of any such audit shall be borne by the dispensary. The ~~department~~ Department may also periodically require, within its discretion, the audit of a dispensary's financial records by the ~~department~~ Department.

(5) A dispensary shall destroy or dispose of marijuana, marijuana-infused products, clones, seeds, parts of marijuana that are not usable for symptom relief or are beyond the possession limits provided by this subchapter, and marijuana-related supplies only in a manner approved by rules adopted by the ~~department of public safety~~ Department of Public Safety.

* * *

(n) Nothing in this subchapter shall prevent a dispensary from acquiring, possessing, cultivating, manufacturing, transferring, transporting, supplying, selling, and dispensing hemp and hemp-infused products for symptom relief. "Hemp" shall have the same meaning as provided in 6 V.S.A. § 562. A dispensary shall not be required to comply with the provisions of 6 V.S.A. chapter 34.

Sec. 6. 18 V.S.A. § 4474f is amended to read:

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND REGISTRATION

* * *

(b) Within 30 days of the adoption of rules, the ~~department~~ Department shall begin accepting applications for the operation of dispensaries. Within 365 days of the effective date of this section, the ~~department~~ Department shall grant registration certificates to four dispensaries, provided at least four

applicants apply and meet the requirements of this section. No more than four dispensaries shall hold valid registration certificates at one time. ~~The total statewide number of registered patients who have designated a dispensary shall not exceed 1,000 at any one time.~~ Any time a dispensary registration certificate is revoked, is relinquished, or expires, the ~~department~~ Department shall accept applications for a new dispensary. If at any time after one year after the effective date of this section fewer than four dispensaries hold valid registration certificates in Vermont, the ~~department of public safety~~ Department of Public Safety shall accept applications for a new dispensary.

* * *

(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 in subsequent years.

Sec. 7. 18 V.S.A. § 4474m is added to read:

§ 4474m. DEPARTMENT OF PUBLIC SAFETY; PROVISION OF EDUCATIONAL AND SAFETY INFORMATION

The Department of Public Safety shall provide educational and safety information developed by Vermont Department of Health to each registered patient upon registration pursuant to section 4473 of this title, and to each registered caregiver upon registration pursuant to section 4474 of this title.

Sec. 8. DEPARTMENT OF HEALTH REPORT; POST-TRAUMATIC STRESS DISORDER

The Department of Health, in consultation with the Department of Mental Health, shall review and report on the existing research on the treatment of the symptoms of post traumatic stress disorder, as defined by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, as well as the existing research on the use of marijuana for relief of the symptoms of post traumatic stress disorder. The Department shall report its findings to the General Assembly on or before January 15, 2015.

Sec. 8a. TAXATION AND REGULATION OF MARIJUANA; REPORT

On or before January 15, 2015, the Secretary of Administration shall report to the General Assembly regarding the taxation and regulation of marijuana in Vermont. The report shall analyze:

(1) the possible taxing systems for the sale of marijuana in Vermont, including sales and use taxes and excise taxes, and the potential revenue each may raise;

(2) any savings or costs to the State that would result from regulating marijuana; and

(3) the experiences of other states with regulating and taxing marijuana.

Sec. 9. EFFECTIVE DATES

This section and Sec. 4 shall take effect on passage and the remaining sections shall take effect on July 1, 2014.

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

An act relating to the regulation of marijuana for symptom relief and dispensaries.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Campbell consideration was postponed until later in the day.

Report of Committee of Conference Accepted and Adopted on the Part of the Senate

H. 526.

Senator Snelling, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill entitled:

An act relating to the establishment of lake shoreland protection standards.

Respectfully reports that it has met and considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS AND LEGISLATIVE INTENT

The General Assembly finds and declares that:

(1) Clean water is essential in Vermont's quality of life.

(2) Preserving, protecting, and restoring the water quality of all lakes, ponds, rivers, and streams are necessary for the clean water, recreation, economic opportunity, wildlife habitat, and ecological value that such waters provide.

(3) Currently, there are multiple pressures on the protection of the water quality of the State's surface waters.

(4) The State has responded to the multiple pressures on water quality by implementing regulatory programs for stormwater, wastewater, and agricultural runoff, but water quality issues remain that need addressing.

(5) Vermont's lakes are among the State's most valuable and fragile economic and natural resources, and the protection of naturally vegetated shorelands adjacent to lakes is necessary to prevent water quality degradation, maintain healthy habitat, and promote flood resilience.

(6) Naturally vegetated shorelands and implementation of best management practices in lands adjacent to lakes function to:

(A) intercept and infiltrate surface water runoff, wastewater, and groundwater flows from upland sources;

(B) remove or minimize the effects of nutrients, sediment, organic matter, pesticides, and other pollutants;

(C) moderate the temperature of shallow water habitat;

(D) maintain the conditions that sustain the full support of aquatic biota, wildlife, and aquatic habitat uses; and

(E) promote stability and flood resilience by protecting shoreline banks from erosion.

(7) Healthy lakes and adjacent shorelands:

(A) support Vermont's tourism economy and promote widespread recreational opportunities, including swimming, boating, fishing, and hunting;

(B) support property values and tax base; and

(C) reduce human health risks.

(8) According to the Agency of Natural Resources Water Quality Remediation, Implementation, and Funding Report in 2013, review of the development, protection, and stabilization of shorelands is necessary because of the importance of shorelands to the health of lakes.

(9) A lake or pond of more than 10 acres is located in 184 of the State's 251 municipalities. However, only 48 municipalities have shoreland zoning that requires vegetative cover. Scientifically based standards for impervious surface and cleared area adjacent to lakes are necessary to protect and maintain the integrity of water quality and aquatic and shoreland habitat, while also allowing for reasonable development of shorelands.

(10) The shorelands of the State owned by private persons remain private property, and this act does not extend the common-law public trust doctrine to private shoreland that is not currently public trust land. The State has an interest in protecting lakes and adjacent shorelands in a manner that respects existing rights of property owners to control access to land they own in lake shorelands, and the regulation of the creation of new impervious surface or cleared area in the shoreland areas should not and does not affect the ability of property owners to control access to their lands.

(11) In order to fulfill the State's role as trustee of its waters and promote public health, safety, and the general welfare, it is in the public interest for the General Assembly to establish lake shoreland protection standards for impervious surface and cleared area in the shorelands adjacent to the State's lakes.

Sec. 2. 10 V.S.A. chapter 49A is added to read:

CHAPTER 49A. LAKE SHORELAND PROTECTION STANDARDS

§ 1441. PURPOSE

The purposes of this chapter shall be to:

(1) provide clear and adaptable standards for the creation of impervious surface or cleared area in lands adjacent to lakes;

(2) prevent degradation of water quality in lakes and preserve natural stability of shoreline;

(3) protect aquatic biota and protect habitat for wildlife and aquatic life;

(4) mitigate, minimize, and manage any impact of new impervious surface and new cleared area on the lakes of the State;

(5) mitigate the damage that floods and erosion cause to development, structures, and other resources in the lands adjacent to lakes;

(6) accommodate creation of cleared areas and impervious surfaces in protected shoreland areas in a manner that allows for reasonable development of existing parcels;

(7) protect shoreland owners' access to, views of, and use of the State's lakes; and

(8) preserve and further the economic benefits and values of lakes and their adjacent shorelands.

§ 1442. DEFINITIONS

As used in this chapter:

(1) “Agency” means the Agency of Natural Resources.

(2) “Best management practices” means approved activities, maintenance procedures, and other practices to prevent or reduce the effects of impervious surface or cleared area on water quality and natural resources.

(3) “Cleared area” means an area where existing vegetative cover, soil, tree canopy, or duff is permanently removed or altered. Cleared area shall not mean management of vegetative cover conducted according to the requirements of section 1447 of this title.

(4) “Duff” means leaf litter plus small fragments of plants and organic debris that provide a spongy substrate that absorbs the energy of falling water and allows runoff to infiltrate soil.

(5) “Expansion” means an increase or addition of impervious surface or cleared area.

(6) “Grass lawn” means land maintained in continuous plant coverage of grasses and similar plants that are closely and regularly mowed, including meadow or pasture on nonagricultural land. “Grass lawn” does not include pasture cropland, land used to grow sod, or similar land used for agricultural production.

(7) “Habitable structure” means a permanent assembly of materials built for the support, shelter, or enclosure of persons, animals, goods, or property, including a dwelling, a commercial or industrial building, and driveways, decks, and patios attached or appurtenant to a dwelling or commercial or industrial building. “Habitable structure” shall not mean a motor home, as that term is defined under 32 V.S.A. § 8902, tents, lean-tos, or other temporary structures.

(8) “Highway” shall have the same meaning as in 19 V.S.A. § 1(12).

(9) “Impervious surface” means those manmade surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

(10) “Lake” means a body of standing water, including a pond or a reservoir, which may have natural or artificial water level control. Private ponds shall not be considered lakes.

(11) “Management road” shall have the same meaning as in 19 V.S.A. § 1(13).

(12) “Mean water level” means the mean water level of a lake as defined in the Mean Water Level Rules of the Agency of Natural Resources adopted under 29 V.S.A. § 410.

(13) "Parcel" means a portion of land or a tract of land with defined boundaries created by dividing the land by sale, gift, lease, mortgage foreclosure, court-ordered partition or decree, or filing of a plat, plan, or deed in the records of the municipality where the act of division occurred.

(14) "Private pond" means a body of standing water that is a natural water body of not more than 20 acres located on property owned by a person or an artificial water body of any size located on property owned by one person. A "private pond" shall include a reservoir specifically constructed for one of the following purposes: snowmaking storage, golf course irrigation, stormwater management, or fire suppression.

(15) "Private road" means a road or street other than a highway, as that term is defined in 19 V.S.A. § 1(12), that is owned by one or more persons and that is used as a means of travel from a highway to more than one parcel of land.

(16) "Project" means an act or activity that results in cleared area or the creation of impervious surface in a protected shoreland area.

(17) "Protected shoreland area" means all land located within 250 feet of the mean water level of a lake that is greater than 10 acres in surface area.

(18) "Secretary" means the Secretary of Natural Resources or the Secretary's duly authorized representative.

(19) "Slope" means the vertical rise divided by the horizontal run of a plane expressed as a percentage.

(20) "State forest highway" shall have the same meaning as in 19 V.S.A. § 1(19).

(21) "Stormwater runoff" means precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

(22) "Vegetative cover" means mixed vegetation within the protected shoreland area, consisting of trees, shrubs, groundcover, and duff. "Vegetative cover" shall not mean grass lawns, noxious weeds designated by the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 84, or nuisance plants, such as poison ivy and poison oak, designated by the Secretary of Natural Resources.

§ 1443. INDIVIDUAL PERMIT REQUIREMENT FOR IMPERVIOUS SURFACE OR CLEARED AREA IN A PROTECTED SHORELAND AREA

(a) Permit requirement. A person shall not create cleared area or impervious surface in a protected shoreland area without a permit from the Secretary issued under this section, except for activities authorized to occur without a permit under section 1446 of this title.

(b) Permit issuance. The Secretary shall issue a permit under this section if the proposed impervious surface or cleared area meets the requirements of section 1444 or 1445 of this title.

(c) Permit process.

(1) A person applying for a permit shall do so on a form provided by the Secretary. The application shall be posted on the Agency's website.

(2) A person applying for a permit shall provide notice, on a form provided by the Secretary, to the municipal clerk of the municipality in which the construction of impervious surface or creation of cleared area is located at the time the application is filed with the Secretary.

(3) The Secretary shall provide an opportunity for written comment, regarding whether an application complies with the requirements of this chapter or any rule adopted by the Secretary, for 30 days following receipt of the application.

(d) Permit condition. A permit issued under this section may include permit conditions, including authorizing a permittee, no more frequently than two times per year, to clear vegetative cover within three feet of both sides of a footpath within the protected shoreland area in order to allow access to the mean water level for maintenance or repair of recreational structures or for other activity approved by the Secretary.

(e) Permit term. Individual permits issued under this section shall be for an indefinite term, provided that the permittee complies with the requirements of the permit and takes no additional action for which an individual permit is required.

(f) Recording. A permit or registration issued under this chapter shall, for the purposes of having the permit or registration run with the land, be recorded in the land records of the municipality in which the impervious surface or cleared area is located.

(g) Public recreational areas. Notwithstanding the requirements of sections 1444 and 1445 of this title, the Secretary shall issue a permit under this chapter for a public recreational area project if the permit applicant demonstrates and the Secretary finds that:

(1) the recreational activity provides access to the water for the general public and promotes the public trust uses of the water;

(2) the impervious surface or cleared area is necessary to achieve the recreational purpose of the project, and the project must be constructed within the protected shoreland area to achieve its recreational function; and

(3) the project conforms with best management practices approved by the Secretary that protect the habitat and water quality of the lake while achieving the public recreational purposes.

§ 1444. PERMIT STANDARDS

(a) Permit standards; generally. Except for permits issued under section 1445 of this title, the Secretary shall issue a permit under this chapter if the permit applicant, including the State of Vermont, demonstrates that:

(1) cleared area or impervious surface shall be located at least 100 feet from the mean water level, except for for shoreland stabilization measures designed to repair or prevent erosion or flood risks and approved by the Secretary;

(2) cleared area or impervious surface within the protected shoreland area shall be located on a site:

(A) with a slope of less than 20 percent; or

(B) that will have a stable slope with minimal erosion and minimal negative impacts to water quality;

(3)(A) no more than 20 percent of the protected shoreland area of the parcel shall consist of impervious surface; or

(B) best management practices will be used to manage, treat, and control erosion due to stormwater runoff from that portion of impervious surface that exceeds 20 percent of the protected shoreland area;

(4)(A) no more than 40 percent of the protected shoreland area of the parcel shall consist of cleared area, including area cleared for the purposes of creating impervious surface; or

(B) best management practices will be used to provide erosion control, bank stability, and wildlife habitat functionally equivalent to that which would be provided by clearing less than 40 percent of the protected shoreland area; and

(5) vegetative cover shall be managed according to the requirements of section 1447 of this title.

(b) Repair of highway, State forest highway, management road, or private road. Under this chapter, when the repair, emergency repair, or replacement of a highway, management road, State forest highway, or private road results in the construction, creation, or expansion of impervious surface or cleared area on a property adjacent to the highway, management road, State forest highway, or private road, the impervious surface or cleared area constructed or created on the adjacent property shall not be calculated as square footage of impervious surface or cleared area for purposes of permitting or registration under this chapter.

(c) Calculation of area. Under this chapter, the area of constructed, created, or expanded impervious surface or cleared area shall be the square footage as measured on a horizontal plane.

§ 1445. NONCONFORMING PARCELS; PERMIT STANDARDS

(a) Permit for nonconforming parcels. A permit applicant shall comply with the requirements of subsection (b) of this section if the applicant cannot meet the standard required under subdivision 1444(a)(1) of this title on a parcel of land in existence on July 1, 2014, due to one of the following limitations:

(1) parcel size;

(2) the site characteristic or site limitations of the parcel, including presence of highway or rights of way and soil type; or

(3) application of municipal setback requirement in a municipal bylaw adopted on or before July 1, 2014.

(b) Permit standards for nonconforming parcels.

(1) For a parcel on which there is no habitable structure, the cleared area or impervious surface shall be as far as possible from the mean water level, and at a minimum shall be no less than 25 feet from the mean water level, except for shoreland stabilization measures designed to repair or prevent erosion or flood risks and approved by the Secretary.

(2) For a parcel on which a habitable structure is located, the expansion of any portion of the structure within 100 feet of the mean water level shall be on the side of the structure farthest from the lake, unless the Secretary determines that:

(A) expansion on an alternate side of the structure will have an impact on water quality that is equivalent to or less than expansion of the structure on the side farthest from the lake; and

(B) the structure is not expanded toward the mean water level.

(3) Cleared area or impervious surface within the protected shoreland area shall be located on a site:

(A) with a slope of less than 20 percent; or

(B) that the permit applicant demonstrates will have a stable slope with minimal erosion and minimal negative impacts to water quality.

(4)(A) No more than 20 percent of the protected shoreland area of the parcel shall consist of impervious surface; or

(B) The permit applicant shall demonstrate that best management practices will be used to manage, treat, and control erosion due to stormwater runoff from that portion of impervious surface that exceeds 20 percent of the protected shoreland area.

(5)(A) No more than 40 percent of the protected shoreland area of the parcel shall consist of cleared area, including area cleared for the purposes of creating an impervious surface; or

(B) The permit applicant shall demonstrate that best management practices will be used to provide erosion control, bank stability, and wildlife habitat functionally equivalent to that which would be provided by clearing less than 40 percent of the protected shoreland area.

(c) Vegetation maintenance on nonconforming parcels. A permit issued under this section for creation of cleared area or impervious surface on a nonconforming parcel shall not require compliance with the requirements of section 1447 for the management of vegetative cover.

(d) Application process. An applicant for a permit under this section shall submit to the Secretary a form that identifies the basis of the nonconformity on the parcel. The Secretary may issue a permit under this section to an applicant who meets the requirements of subsection (b) of this section.

§ 1446. REGISTERED PROJECTS; EXEMPTIONS FROM PERMITTING

(a)(1) Registered projects. The following projects in a protected shoreland area do not require a permit under section 1444 or 1445 of this title:

(A) The creation of no more than 100 square feet of impervious surface or cleared area, or a combination of impervious surface or cleared area, within 100 feet of the mean water level, provided that:

(i) the owner of the property on which the impervious surface or cleared area is created registers with the Secretary, on a form provided by the Secretary that contains the name of the property owner, the address of the property, and a certification that the project meets the requirements of this subsection (a);

(ii) the impervious surface or cleared area is located at least 25 feet from the mean water level; and

(iii) vegetative cover shall be managed according to the requirements of section 1447 of this title.

(B) The creation of 500 square feet or less of impervious surface, cleared area, or a combination of impervious surface and cleared area, provided that:

(i) the owner of the property on which the impervious surface or cleared area is created registers with the Secretary a form provided by the Secretary that contains the name of the property owner, the address of the property, and a certification that the project meets the requirements of this subsection;

(ii) the impervious surface or cleared area is at least 100 feet from the mean water level;

(iii) any proposed cleared area or area within the protected shoreland area where an impervious surface shall be sited has a slope of less than 20 percent;

(iv) after the completion of the project, the protected shoreland area shall consist of no more than 20 percent impervious surface; and

(v) after the completion of the project, the protected shoreland area shall consist of no more than 40 percent cleared area, including any area cleared for the purposes of creating impervious surface.

(2) Limit on registration per parcel. A person shall not use the registration process under this subsection to create more than a maximum total per parcel of:

(A) 100 square feet of impervious surface or cleared area within 100 feet of the mean water level; and

(B) 500 square feet of impervious surface or cleared area within the protected shoreland area that is at least 100 feet from the mean water level.

(3) Effect of registration. A registration shall take effect 15 days after being filed with the Secretary, unless the Secretary requests that the person registering submit additional information that the Secretary considers necessary or the Secretary notifies the person registering that an individual permit is required.

(4) Term. Registrations shall be for an indefinite term, provided that the person complied with the requirements of this subsection and takes no action for which an individual permit is required.

(b) Exemptions. The following activities in a protected shoreland area do not require a permit under section 1444 or 1445 of this title:

(1) Management of vegetative cover. Management of vegetative cover conducted in compliance with section 1447 of this title.

(2) Removal of vegetation for recreational purposes. The cutting or removal of no more than 250 square feet of the existing vegetation under three feet in height within 100 feet of the mean water level to allow for recreational use in the protected shoreland area, provided that:

(A) the cutting or removal of vegetation occurs at least 25 feet from the mean water level; and

(B) other ground cover, including leaf litter and the forest duff layer, shall not be removed from the area in which cutting occurs.

(3) Maintenance of lawns. The maintenance, but not the enlargement, of lawns, gardens, landscaped areas, and beaches in existence as of July 1, 2014.

(4) Creation of footpaths. The creation of one footpath per parcel with a width of no greater than six feet that provides access to the mean water level. Under this subdivision, a footpath includes stairs, landings, or platforms within the authorized six-foot width.

(5) Construction within footprint. Construction within the footprint of an impervious surface, existing as of July 1, 2014, that does not result in a net increase in the amount of impervious surface on a parcel.

(6) Silvicultural activities. Silvicultural activities in a protected shoreland area if the silvicultural activities are in compliance with:

(A) a forest management plan, approved by the Commissioner of Forests, Parks and Recreation, for the land in the protected shoreland area in which the silvicultural activities occur; and

(B) the accepted management practices adopted by the Commissioner of Forests, Parks and Recreation under section 2622 of this title.

(7) Agricultural activities. Agricultural activities on land in agricultural production on July 1, 2014, provided that:

(A) no impervious surface shall be created or expanded in a protected shoreland area except: when no alternative outside the protected shoreland area exists, the construction of a best management practice is necessary to abate an agricultural water quality issue, and the best management practice is approved by the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 215; and

(B) the agricultural activities within the protected shoreland area comply with the rules adopted by the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 215 regarding agricultural water quality, including accepted agricultural practices, best management practices, medium and small farm operation, and large farm operation.

(8) Transportation infrastructure and private roads. The maintenance, emergency repair, repair, and replacement of:

(A) Transportation infrastructure by the Vermont Agency of Transportation or by a municipality.

(B) A private road that does not require a permit under section 1264 of this title, provided that emergency repair, repair, and replacement of the private road shall comply with the applicable water quality best management practices approved by the Secretary under 19 V.S.A. § 996 and incorporated within the Vermont Agency of Transportation town road and bridge standards for controlling stormwater runoff and direct discharges to State waters. The requirement to comply with the water quality best management practices shall apply even if the municipality in which the private road is located has not adopted the town road and bridge standards. Under this subdivision, expansion of a private road in order to allow for passage of emergency vehicles shall be considered repair that does not require a permit under section 1443 of this title.

(9) Railroad activities. Railroad activities and facilities within the jurisdiction of federal law.

(10) Parcel intersected by public highway. The creation or expansion of impervious surface or cleared area on a parcel within the protected shoreland area when the parcel is intersected by a highway and the impervious surface or cleared area is created or expanded on that portion of the parcel on the side of the highway away from the mean water level.

(11) Wastewater systems and potable water supplies. Installation, maintenance, repair, or replacement of a wastewater system or potable water supply permitted by the Agency of Natural Resources under chapter 64 of this title.

(12) Stormwater treatment. Discharges of stormwater, stormwater treatment facilities or practices, including repair or maintenance, permitted by the Agency of Natural Resources under section 1264 of this title.

(13) Utility projects and utility lines.

(A) The construction of projects that require a certificate of public good under 30 V.S.A. § 248 subject to the Agency of Natural Resources Riparian Buffer Guidance for Act 250 and Section 248 projects.

(B) The routine repair and maintenance of utility lines and structures including vegetation maintenance in utility line corridors, in a protected shoreland area that are subject to 30 V.S.A. § 248, chapter 151 of this title, or a vegetation management plan approved by the Agency in a protected shoreland area. Vegetation management practices in a protected shoreland area shall be performed in accordance with a vegetation management plan approved by the Agency of Natural Resources.

(C) The emergency repair of utility lines and poles in protected shoreland areas, provided that such repair minimizes adverse impacts to vegetation in the protected shoreland area.

(14) Act 250 permit. Projects which have received a permit pursuant to chapter 151 of this title.

(15) Designated downtowns and village centers. Projects in downtowns and village centers designated pursuant to 24 V.S.A. chapter 76A.

(16) Urban and industrial redevelopment. Construction, creation, or expansion of impervious surface or cleared area within a protected shoreland area, provided that:

(A) the area in which the impervious surface or cleared area will be constructed, created, or expanded is:

(i) urban or industrial in nature;

(ii) contains as of July 1, 2014 impervious surface or cleared area; and

(iii) has been designated by municipal bylaw for redevelopment.

(B) the municipality has adopted a shoreland bylaw or ordinance that:

(i) is at least as stringent as the permitting requirements and exemptions of this chapter; or

(ii) requires best management practices or other controls that are, as determined by the Secretary, functionally equivalent to compliance with the permitting requirements and exemptions of this chapter.

(17) Mosquito control. Where mosquito populations create a public health hazard, as that term is defined in 18 V.S.A. § 2, physical practices or activities approved by the Secretary that create cleared area or remove vegetative cover in order to reduce mosquito breeding habitat, provided that any activity authorized under this subdivision shall comply with the Vermont Wetlands Rules.

(c) Application of vegetative cover requirements. Activities authorized under subdivisions (b)(2)–(13) of this section shall not be required to comply

with the requirements for the management of vegetative cover under section 1447 of this title.

§ 1447. LAKE SHORELAND VEGETATION PROTECTION STANDARDS

(a) Within 100 feet of the mean water level, cutting of trees is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. Vegetation management that occurs within the protected shoreland area and that is conducted according to the requirements of this section shall not be counted toward the cleared area on a parcel.

(b) A “well-distributed stand of trees” shall be defined as maintaining a minimum rating score of 12, in each 25-foot by 25-foot area within 100 feet of the mean water level, as determined by the following rating system.

<u>(1) Diameter of tree at 4-1/2 feet above ground level (inches)</u>	<u>Points</u>
<u>2–< 4 in.</u>	<u>1</u>
<u>4–< 8 in.</u>	<u>2</u>
<u>8–< 12 in.</u>	<u>4</u>
<u>12 in. or greater</u>	<u>8</u>

(2) The following shall govern in applying this point system:

(A) 25-foot by 25-foot plots shall be established for vegetation management purposes.

(B) Each successive plot must be adjacent to but not overlap a previous plot.

(C) Any plot not containing the required points must have no vegetative cover removed unless the removal is allowed pursuant to a registration or individual permit.

(D) Any plot containing the required points may have trees removed down to the minimum points allowed.

(E) Existing vegetative cover under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or as allowed pursuant to a registration or individual permit.

(F) Pruning of tree branches on the bottom one-third of a tree’s height is allowed.

(G) Removal of dead, diseased, or unsafe trees shall be allowed regardless of points.

(c) As used in this section, “other natural vegetation” means retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at four and one-half feet above ground level for each 25-foot by 25-foot area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been planted or rooted in the plot.

§ 1448. MUNICIPAL DELEGATION

(a) Municipal shoreland bylaws or ordinances. The Secretary shall delegate authority to permit the construction, creation, or expansion of impervious surface or cleared area under this chapter to a municipality that has adopted a shoreland bylaw or ordinance if:

(1) the municipality adopts a bylaw or ordinance regulating construction of impervious surface or creation of cleared area in a protected shoreland area;

(2) the municipal bylaw or ordinance is, as determined by the Secretary, functionally equivalent to the requirements under sections 1444, 1445, 1446, and 1447 of this title; and

(3) the Secretary determines that the municipality provides adequate resources for administration and enforcement of the bylaw or ordinance.

(b) Delegation agreement.

(1) Delegation under subsection (a) of this section shall be by agreement between the Secretary and the delegated municipality. The delegation agreement shall set the terms for revocation of delegation.

(2) Under the delegation agreement, the Secretary and the municipality may agree, in instances where a delegated municipality does not or cannot address noncompliance, that the Secretary, after consultation with the municipality, may institute enforcement proceedings under chapter 201 of this title.

(3) The delegation agreement shall require the municipality to:

(A) have or establish a process for accepting, reviewing, and processing applications and issuing permits for construction of impervious surface or creation of cleared area in protected shoreland areas;

(B) take timely and appropriate enforcement actions;

(C) commit to reporting annually to the Secretary on a form and date determined by the Secretary;

(D) comply with all other requirements of the rules adopted under this chapter; and

(E) cure any defects in such bylaw or ordinance or in the administration or enforcement of such bylaw or ordinance upon notice of a defect from the Secretary.

(4) A municipality that seeks delegation under subsection (a) of this section shall be presumed to satisfy the requirements of this subsection for a permit process and enforcement if the municipality has designated a municipal zoning administrator or other municipal employee or official as responsible for the permitting and enforcement of the construction, creation, or expansion of impervious surface or cleared area within the municipality.

§ 1449. COORDINATION OF AGENCY OF NATURAL RESOURCES' PERMITTING OF ACTIVITIES IN PROTECTED SHORELAND AREAS

(a) Coordination of permitting in protected shoreland area. During technical review of a permit application for a wastewater system, potable water supply, stormwater discharge, or stormwater treatment facility that is proposed to be located in a protected shoreland area and that does not require a permit under this chapter, the Agency division issuing the wastewater system, potable water supply, stormwater discharge, or stormwater treatment facility permit shall consult with the Agency's Lakes and Ponds Section regarding practices or activities that could reduce the impact of the proposed activity on the protected shoreland area or water quality of lakes adjacent to the protected shoreland area.

(b) Agency guidance or procedure. The Agency may formalize the consultation process required by this section in a guidance document or internal agency procedure.

§ 1450. MUNICIPAL ZONING BYLAW OR ORDINANCE

(a) Construction of impervious surface or creation of cleared area occurring outside protected shoreland areas. Construction of impervious surface or creation of cleared area occurring outside a protected shoreland area shall conform to duly adopted municipal zoning bylaws and applicable municipal ordinances and shall not be subject to regulation by the Secretary of Natural Resources under this chapter.

(b) Existing municipal bylaws and ordinances. The requirements of this chapter are in addition to existing municipal bylaws and ordinances, and proposed construction of impervious surface or creation of cleared area within the protected shoreland area shall comply with all relevant, existing municipal, State, and federal requirements.

§ 1451. RULEMAKING

The Secretary may adopt rules necessary for the purposes of implementing, administering, or enforcing the requirements of this chapter, including best management practices for the construction of impervious surfaces or the creation of cleared area in a protected shoreland area, including standards for:

(1) managing vegetative cover that may be required as a best management practice in order to ensure that some level of the required vegetative cover is maintained in the protected shoreland area;

(2) allowing reasonable use of the protected shoreland area subject to a vegetative cover requirement for construction, creation, or expansion of an impervious surface or cleared area;

(3) minimizing and mitigating the creation of an impervious surface or cleared area in a protected shoreland area.

§ 1452. EDUCATION AND OUTREACH; CITIZEN'S GUIDE

The Secretary shall conduct ongoing education and outreach to assist Vermont citizens with understanding and complying with the requirements of this chapter. The education and outreach activities shall include publication on or before January 1, 2015 of a Citizen's Guide to Shoreland Protection, which shall provide easily understood instructions on the requirements of this chapter, how to apply for a permit or registration, and the activities that are exempt from or otherwise not subject to the requirements of this chapter.

Sec. 3. 10 V.S.A. § 8003(a) is amended to read:

(a) The ~~secretary~~ Secretary may take action under this chapter to enforce the following statutes:

* * *

(22) 10 V.S.A. chapter 164A, collection and disposal of mercury-containing lamps; ~~and~~

(23) 24 V.S.A. § 2202a, relating to a municipality's adoption and implementation of a solid waste implementation plan that is consistent with the State Solid Waste Plan; and

(24) 10 V.S.A. chapter 49A, relating to lake shoreland protection standards.

Sec. 4. VOLUNTARY SHORELAND EROSION CONTROL CERTIFICATION

(a) Voluntary certification. Beginning on January 1, 2016, the Agency of Natural Resources, in consultation with the Associated General Contractors of

Vermont, shall offer an optional shoreland erosion control certification program. The program shall include training related to development activities in a shoreland area, including best management practices for erosion control, clearance of vegetation, and construction of impervious surfaces in shoreland areas. The voluntary certification program shall be offered until January 1, 2018.

(b) Report. On or before January 1, 2018, the Secretary of Natural Resources shall report to the House and Senate Committees on Natural Resources and Energy and the House Committee on Fish, Wildlife and Water Resources regarding the voluntary shoreland erosion control certification program created in subsection (a) of this section. The report shall include:

(1) a general summary and evaluation of the program's success, including an overview of the number of persons certified by the program and the projects constructed by certified persons;

(2) a recommendation of whether the State and the Associated General Contractors of Vermont should continue the shoreland erosion control certification program, including whether to make the erosion control certification program mandatory and whether to allow certified persons to certify compliance with the shoreland protection standards in this chapter in lieu of obtaining the permit required under 10 V.S.A. § 1444 or 1445; and

(3) any other recommendations for improving the program.

Sec. 5. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(R) chapter 32 (flood hazard areas).

(S) chapter 49A (lake shoreland protection standards).

* * *

Sec. 6. 3 V.S.A. § 2822(j)(32) is added to read:

(32) For projects taking place in a protected shoreland area that require:

(A) a registration under 10 V.S.A. § 1446: \$100.00.

(B) a permit under 10 V.S.A. §§ 1443, 1444, and 1445: \$125.00 plus \$0.50 per square foot of impervious surface.

Sec. 7. REPORT ON PROGRESS OF LAKE SHORELAND PROTECTION PROGRAM

On or before January 15, 2016, the Secretary of Natural Resources shall submit to the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Natural Resources and Energy, and the House Committee on Fish, Wildlife and Water Resources a report regarding implementation by the Agency of Natural Resources of the Lake Shoreland Protection Program under 10 V.S.A. chapter 49A. The report shall include:

(1) the number of lake shoreland protection registrations and permits issued by the Agency;

(2) the number of lots, if any, denied a shoreland protection registration or permit and the rationale for the denial of each application;

(3) an evaluation of the performance of the Lake Shoreland Protection Program, including the time frame for issuance of permits and landowner compliance;

(4) a list of the towns the Secretary delegated to implement the Lake Shoreland Protection Program, and a list of the towns that were denied delegation, including the rationale for denial;

(5) an evaluation of whether implementation of the Lake Shoreland Protection Program has achieved or is achieving the purposes of the Program set forth under 10 V.S.A. § 1441, including preventing degradation of water quality, preserving natural shoreline stability, protecting aquatic biota, protecting habitat for wildlife and aquatic life, and mitigating sediment and nutrient runoff to surface waters;

(6) the permit and registration fees collected by the Agency;

(7) the cost to the Agency of implementing the Lake Shoreland Protection Program; and

(8) any recommendations to improve the Lake Shoreland Protection Program, including how and whether to allow the use of off-site mitigation to offset the adverse impacts of creation or expansion of an impervious surface or cleared area on the water quality of lakes or on protected shoreland areas.

Sec. 8. 10 V.S.A. § 1454 is amended to read:

§ 1454. TRANSPORT OF AQUATIC PLANTS AND AQUATIC NUISANCE SPECIES

(a) No person shall transport an aquatic plant or aquatic plant part, zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena bugensis*), or other aquatic nuisance species identified by the ~~secretary~~ Secretary by rule to or from any Vermont waters on the outside of a vehicle, boat, personal watercraft, trailer, or other equipment. This section shall not restrict proper harvesting or other control activities undertaken for the purpose of eliminating or controlling the growth or propagation of aquatic plants, zebra mussels, quagga mussels, or other aquatic nuisance species.

(b) The ~~secretary~~ Secretary may grant exceptions to persons to allow the transport of aquatic plants, zebra mussels, quagga mussels, or other aquatic nuisance species for scientific or educational purposes. When granting exceptions, the ~~secretary~~ Secretary shall take into consideration both the value of the scientific or educational purpose and the risk to Vermont surface waters posed by the transport and ultimate use of the specimens. A letter from the ~~secretary~~ Secretary authorizing the transport must accompany the specimens during transport.

(c) A violation of this section may be brought by any law enforcement officer, as that term is defined in 23 V.S.A. § 4(11), in the Environmental Division of the Superior Court. When a violation is brought by an enforcement officer other than an environmental enforcement officer employed by the Agency of Natural Resources, the enforcement officer shall submit to the Secretary a copy of the citation for purposes of compliance with the public participation requirements of section 8020 of this title.

Sec. 9. TRANSITION

A permit or registration under 10 V.S.A. chapter 49A for the creation of impervious surface or cleared area within a protected shoreland area shall not be required on a parcel of land for a project for which:

(1) all necessary State, local, or federal permits have been obtained prior to the effective date of this act and the permit holder takes no subsequent act that would require a permit or registration under 10 V.S.A. chapter 49A; or

(2) a complete application for all applicable local, State, and federal permits has been submitted on or before the effective date of this act, provided that the applicant does not subsequently file an application for a permit amendment that would require a permit under 10 V.S.A. chapter 49A and substantial construction of the impervious surface or cleared area commences

within two years of the date on which all applicable local, State, and federal permits become final.

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

ROBERT M. HARTWELL

DIANE B. SNELLING

JOHN S. RODGERS

Committee on the part of the Senate

DAVID L. DEEN

ROBERT C. KREBS

STEPHEN C. BEYOR

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

**Consideration Resumed; House Proposal of Amendment Concurred In
S. 247.**

Consideration was resumed on Senate bill entitled:

An act relating to the regulation of medical marijuana dispensaries.

Thereupon, the pending question, Shall the Senate concur in the House Proposal of amendment?, was agreed to.

**Rules Suspended; Proposal of Amendment; Third Reading Ordered
H. 864.**

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to capital construction and State bonding budget adjustment.

Was taken up for immediate consideration.

Senator Flory, for the Committee on Institutions, to which the bill was referred, 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:

Sec. 1. 2013 Acts and Resolves No. 51, Sec. 2 is amended to read:

Sec. 2. STATE BUILDINGS

* * *

(b) The following sums are appropriated in FY 2014:

* * *

(15) Renovation and replacement of state-owned assets, Tropical Storm Irene:

* * *

(F) A special committee consisting of the Joint Fiscal Committee and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions (“Special Committee”) is hereby established. If there are any material changes to the planning or funding of the Waterbury State Office Complex, the Special Committee shall meet to review and approve these changes at the next regularly scheduled meeting of the Joint Fiscal Committee or at an emergency meeting called by the Chairs of the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the Joint Fiscal Committee. The Special Committee shall be entitled to per diem and expenses as provided in 2 V.S.A. § 406.

(G) The Commissioner of Buildings and General Services shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions at least monthly of updates to the planning process for the projects described in this subdivision (b)(15), including any updates on material changes to the planning or funding of the Waterbury State Office Complex.

(H) As used in this subdivision (b)(15), a “material change” means a change to the planning or funding of the Waterbury State Office Complex that:

(i) increases the total original project cost estimate by ~~40~~ five percent or more; or

(ii) constitutes a change in plan or design.

(I) The Commissioner of Buildings and General Services, with the approval of the Secretary of Administration, is authorized to approve additional contingency spending for the Waterbury State Office Complex of less than five percent of the total original project cost estimate.

* * *

(c) The following sums are appropriated in FY 2015:

* * *

(2) Statewide, building reuse and planning:	\$75,000.00
(3) Statewide, contingency:	\$100,000.00
(4) Statewide, major maintenance:	\$8,334,994.00 <u>\$8,369,994.00</u>

(5) Statewide, BGS engineering, project management, and architectural project costs: ~~\$2,982,132.00~~ \$3,446,163.00

* * *

(11) Montpelier, capitol district heat plant, 122 State Street supplemental funds: \$2,500,000.00

(12) Agency of Agriculture, Food and Markets and Agency of Natural Resources, laboratory, development of proposal for site location, programming, and design: \$300,000.00

(13) Permanent secure residential facility, proposal for siting and design (as described in Sec. 40 of this act): \$50,000.00

(14) Vergennes, Weeks School, master plan (as described in Sec. 22 of this act): \$30,000.00

(15) State House, elevator upgrades and repair: \$180,000.00

(16) Barre, 2 Spaulding Street and McFarland State Office Building, retaining wall (as described in subsection (h) of this section): \$75,000.00

(17) State House, security enhancements (as described in subsection (i) of this section): \$250,000.00

(18) State House maintenance, and enhancements, upgrades, and renovations to support the Senate, as approved by the Committee on Committees: \$100,000.00

(d) It is the intent of the General Assembly that the Commissioner of Buildings and General Services may use up to \$75,000.00 of the funds appropriated in subdivision (b)(4) of this section for the purpose of funding projects described in 2009 Acts and Resolves No. 43, Sec. 24(b), and in Sec. 49 of this act. It is also the intent of the General Assembly that the Commissioner of Buildings and General Services may:

(1) reallocate up to \$300,000.00 of the funds appropriated in subdivision (c)(4) of this section to subdivision (c)(2) of this section;

(2) use up to \$360,000.00 of the funds appropriated in subdivisions (b)(5) and (c)(5) of this section for the purpose of funding four limited service positions in the Department of Buildings and General Services created for engineering-related work pursuant to the 2013 Acts and Resolves No. 50, Sec. E.100(b)(1) (FY 2014 Appropriations Act); and

(3) use up to \$250,000.00 of the funds appropriated in subdivision (c)(5) of this section for the purpose of supporting the Department of Buildings and General Services in implementing a project management system.

* * *

(f) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(2) of this section may be used for:

(1) a long-term capital plan, as described in Sec. 27 of this act;

(2) a budget and phased design plan for infrastructure improvements at 120 State Street in Montpelier; and

(3) fostering and developing a ten-year capital program plan as required by 32 V.S.A. § 701a.

(g) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(11) of this section shall not exceed the cost of construction in placing the capital district heat plant into service. It is also the intent of the General Assembly that any additional funds remaining after this construction has been completed shall be reallocated to the FY 2016 Capital Construction Act.

(h)(1) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(16) of this section shall be used by the Commissioner of Buildings and General Services to reimburse the landowner of the property located at 2 Spaulding Street in Barre once the landowner has completed the following:

(A) demolishes and removes the entire retaining wall that is located on both the landowner's property and on the State's property;

(B) demolishes and removes the house located on the landowner's property; and

(C) excavates and grades the site located on both the landowner's property and on the State's property.

(2) Notwithstanding 32 V.S.A. § 5, the Commissioner of Buildings and General Services is authorized to use any remaining funds to compensate the landowner if the landowner conveys the property located at 2 Spaulding Street in Barre by warranty deed to the State of Vermont. It is the intent of the General Assembly that the Commissioner shall not compensate the landowner for the conveyance unless the work described in subdivision (1) of this subsection is complete.

(3) It is also the intent of the General Assembly that any reimbursement of funds for work described in subdivision (1) of this subsection or compensation provided to the landowner for the conveyance shall be transferred to the landowner on or before October 1, 2014.

(4) It is also the intent of the General Assembly that any additional funds remaining shall be reallocated to the FY 2016 Capital Construction Act.

(i)(1) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(17) of this section shall be used by the Commissioner of Buildings and General Services to:

(A) install a necessary raceway system with supporting wiring for the installation of a security system for the State House;

(B) install an alert system in One Baldwin Street to notify employees when an emergency alarm has been activated in the State House and when the House and the Senate are convening; and

(C) conduct trainings, assessments, and evaluations, as needed.

(2) It is also the intent of the General Assembly that the Commissioner of Buildings and General Services shall use the amount appropriated in subdivision (c)(17) to reimburse the General Assembly for retaining consultant services for trainings, assessments, and evaluations, as described in Sec. 26 of this act.

Appropriation – FY 2014		\$52,461,132.00
Appropriation – FY 2015	\$45,742,126.00	<u>\$49,726,157.00</u>
Total Appropriation – Section 2	\$98,203,258.00	<u>\$102,187,289.00</u>

Sec. 2. 2013 Acts and Resolves No. 51, Sec. 4 is amended to read:

Sec. 4. HUMAN SERVICES

* * *

(b) The following sums are appropriated in FY 2015 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in this subsection:

* * *

(3) Correctional facilities, suicide abatement projects at Southern State Correctional Facility and Southeast State Correctional Facility: \$200,000.00

(4) State correctional facilities, security enhancements and cameras, replacement for all facilities: \$250,000.00

(5) Southern State Correctional Facility, installation of a new security gate and security cage over camera, installation of gurney lift, and recreational yard improvements: \$90,000.00

(6) Northern State Correctional Facility, reconstruction of the kitchen and serving line to improve safety and security and to expand kitchen space to

allow increased serving capacity: \$160,000.00

(7) Woodside Juvenile Rehabilitation Center, installation of new security fencing to support program and provide a more secure setting:

\$181,000.00

* * *

Appropriation – FY 2014 \$5,200,00.00

Appropriation – FY 2015 \$6,100,000.00 \$6,981,000.00

Total Appropriation – Section 4 \$11,300,000.00 \$12,181,000.00

Sec. 3. 2013 Acts and Resolves No. 51, Sec. 5 is amended to read:

Sec. 5. JUDICIARY

* * *

(c) The sum of \$40,000.00 is appropriated in FY 2015 to the Department of Buildings and General Services on behalf of the Judiciary for the planning and monitoring of the Caledonia courthouse wall stabilization and foundation project currently under design.

(d) The sum of \$88,000.00 is appropriated in FY 2015 to the Judiciary and directed to the Windsor County courthouse for funding ADA compliance, life safety requirements, electrical device redundancy, and teledata components and wiring.

(e) It is the intent of the General Assembly that any amounts appropriated under this section shall not alter the Judiciary's capital construction priority list.

Appropriation – FY 2014 \$1,000,000.00

Appropriation – FY 2015 \$2,628,000.00

Total Appropriation – Section 5 \$3,500,000.00 \$3,628,000.00

Sec. 4. 2013 Acts and Resolves No. 51, Sec. 6 is amended to read:

Sec. 6. COMMERCE AND COMMUNITY DEVELOPMENT

* * *

(c) The following sum is appropriated in FY 2014 to the Department of Buildings and General Services for the Battle of Cedar Creek and Winchester Memorials, ~~relocation~~ design and replication, and placement of roadside marker:

\$25,000.00 \$35,000.00

* * *

(e) The following sums are appropriated in FY 2015 to the Agency of Commerce and Community Development for the following projects:

* * *

(3) Justin Morrill State site, Strafford, siding repair, stair modifications to allow a second means of egress, and a conditions assessment: \$28,000.00

Appropriation – FY 2014	\$440,000.00	<u>\$450,000.00</u>
Appropriation – FY 2015	\$250,000.00	<u>\$288,000.00</u>
Total Appropriation – Section 6	\$690,000.00	<u>\$728,000.00</u>

Sec. 5. 2013 Acts and Resolves No. 51, Sec. 8 is amended to read:

Sec. 8. EDUCATION

* * *

(b) The sum of ~~\$10,411,446~~ \$10,354,690.00 is appropriated in FY 2015 to the Agency of Education for funding the ~~state~~ State share of completed school construction projects pursuant to 16 V.S.A. § 3448. ~~It is the intent of the General Assembly that the funds appropriated in this subsection are committed funds not subject to budget adjustment.~~

Appropriation – FY 2014		\$6,704,634.00
Appropriation – FY 2015	\$10,411,446.00	<u>\$10,354,690.00</u>
Total Appropriation – Section 8	\$17,116,080.00	<u>\$17,059,324.00</u>

Sec. 6. 2013 Acts and Resolves No. 51, Sec. 11 is amended to read:

Sec. 11. NATURAL RESOURCES

* * *

(b) The following sums are appropriated to the Agency of Natural Resources in FY 2015 for:

(1) the Water Pollution Control Fund for the following projects:

(A) Clean Water State/EPA Revolving Loan Fund (CWSRF) match:

~~\$700,000.00~~ \$1,114,000.00

* * *

(2) the Drinking Water Supply for the following projects:

* * *

(C) EcoSystem restoration and protection:

~~\$2,073,732.00~~ \$2,573,732.00

(D) Waterbury waste treatment facility for phosphorous removal:
\$300,000.00

* * *

(4)(A) the Agency of Natural Resources for the Department of Forests, Parks and Recreation for statewide small scale rehabilitation, wastewater repairs, preventive improvements and upgrades of restrooms and bathhouses, and statewide small-scale road rehabilitation projects: \$2,000,000.00

(B) the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the purchase of easements and trail improvements on behalf of the Green Mountain Club:
\$122,197.00

(5) the Department of Fish and Wildlife for the following projects:

(A) general infrastructure projects: \$1,000,000.00

(B) Lake Champlain Walleye Association, Inc. to upgrade and repair the walleye rearing, restoration, and stocking infrastructure: \$25,000.00

* * *

Appropriation – FY 2014	\$13,772,550.00
Appropriation – FY 2015	\$7,881,732.00 <u>\$9,242,929.00</u>
Total Appropriation – Section 11	\$21,654,282.00 <u>\$23,015,479.00</u>

Sec. 7. 2013 Acts and Resolves No. 51, Sec. 12 is amended to read:

Sec. 12. MILITARY

(a) The sum of \$750,000.00 is appropriated in FY 2014 to the Department of Military for land acquisition, new construction, maintenance, ADA compliance, and renovations at state armories. To the extent feasible, these funds shall be used to match federal funds.

(b) The sum of ~~\$500,000.00~~ \$550,000.00 is appropriated in FY 2015 for the purpose described in subsection (a) of this section.

<u>Appropriation – FY 2014</u>	<u>\$750,000.00</u>
<u>Appropriation – FY 2015</u>	<u>\$550,000.00</u>
Total Appropriation – Section 12	\$1,250,000.00 <u>\$1,300,000.00</u>

Sec. 8. 2013 Acts and Resolves No. 51, Sec. 13 is amended to read:

Sec. 13. PUBLIC SAFETY

* * *

(f) The sum of \$36,000.00 is appropriated in FY 2015 to the Department of Public Safety to provide evidence storage units for the Vermont State Police to acquire accreditation through the Commission on Accreditation for Law Enforcement (CALEA) at existing barracks not yet renovated: \$36,000.00

(g) The sum of \$50,000.00 is appropriated in FY 2015 to the Department of Buildings and General Services to contract with an independent third party to develop, in consultation with all interested stakeholders, an operational governance and planning model for the operation, financial integrity, and maintenance of the Robert H. Wood Criminal Justice and Fire Service Training Center in Pittsford. On or before January 15, 2015, the Department of Buildings and General Services shall submit this plan to the House Committee on Corrections and Institutions and the Senate Committee on Institutions: \$50,000.00

Appropriation – FY 2014		\$3,600,000.00
Appropriation – FY 2015	\$3,400,000.00	\$3,486,000.00
Total Appropriation – Section 13	\$7,000,000.00	<u>\$7,086,000.00</u>

Sec. 9. 2013 Acts and Resolves No. 51, Sec. 17 is amended to read:

Sec. 17. VERMONT VETERANS' HOME

* * *

(e) The sum of \$435,000.00 is appropriated in FY 2015 to the Department of Buildings and General Services for the Vermont Veterans' Home to be used to match federal funds for kitchen renovations. The amount appropriated in this subsection shall be used in conjunction with the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 19(b) to the Department of Buildings and General Services for the Vermont Veterans' Home to design an upgrade of the kitchen and dietary storage areas to be code compliant and to improve the food preparation and delivery systems.

<u>Appropriation – FY 2014</u>		<u>\$1,216,000.00</u>
<u>Appropriation – FY 2015</u>		<u>\$435,000.00</u>
Total Appropriation – Section 17	\$1,216,000.00	<u>\$1,651,000.00</u>

Sec. 10. 2013 Acts and Resolves No. 51, Sec. 18a is amended to read:

Sec. 18a. ENHANCED 911 PROGRAM

* * *

~~(b) The sum of \$10,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section. [Repealed.]~~

* * *

Total Appropriation – Section 18a \$20,000.00 ~~\$10,000.00~~

Sec. 11. 2013 Acts and Resolves No. 51, Sec. 19 is amended to read:

Sec. 19. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

* * *

(e) The following sums are reallocated to defray expenditures authorized in this act:

(1) of the amount appropriated in 1991 Acts and Resolves No. 93, Sec. 11 (drinking water supply projects): \$5,062.78

(2) of the amount appropriated in 2002 Acts and Resolves No. 149, Sec. 15 (State's Attorneys and Sheriffs, case management software system):
\$54,877.31

(3) of the amount appropriated in 2004 Acts and Resolves No. 121, Sec. 10 (Fish and Wildlife, species recovery plan): \$82.63

(4) of the amount appropriated in 2005 Acts and Resolves No. 43, Sec. 9 (State-owned dams, maintenance): \$0.19

(5) of the amount appropriated in 2006 Acts and Resolves No. 147, Sec. 10 (State-owned dams, maintenance): \$18,934.32

(6) of the amount appropriated in 2006 Acts and Resolves No. 147, Sec. 3 (Health and Public Safety Lab): \$985.58

(7) of the amount appropriated in 2007 Acts and Resolves, No. 52, Sec. 3 (Health and Public Safety Lab): \$93,006.05

(8) of the amount appropriated in 2008 Acts and Resolves No. 200, Sec. 3 (co-location of Health and Forensic Lab): \$13,163.00

(9) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 1 (State buildings, major maintenance and various projects): \$24,914.89

(10) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 9 (Fish hatcheries, biosecurity): \$38.27

(11) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 9 (Montpelier flood control): \$42,273.30

(12) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 1 (Statewide, major maintenance): \$11,656.44

-
- (13) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 1 (Waterbury, State office complex, fire alarm panels and door holders):
\$38,590.72
- (14) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 1 (Bennington State Office Building, geothermal energy project):
\$96,277.59
- (15) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 8 (Austine School, Holton Hall, renovations):
\$11,962.03
- (16) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 9 (Ecosystem restoration and protection):
\$7,000.00
- (17) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 12 (Lamprey Control Project):
\$0.40
- (18) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 12 (Montpelier flood control):
\$175,201.00
- (19) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 12 (Water pollution control projects):
\$0.01
- (20) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 14 (Waterbury, Public Safety headquarters, repairs):
\$11,757.61
- (21) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 26 (Springfield, municipal water system):
\$200,000.00
- (22) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 20 (Center for Crime Victim Services):
\$344.31
- (23) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (Statewide buildings, reuse and planning):
\$32,497.59
- (24) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (Statewide buildings, statewide contingency):
\$1,473.51
- (25) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (Statewide buildings, major maintenance):
\$53,676.67
- (26) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (State buildings, 120 State Street, restroom renovations):
\$1,960.39
- (27) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (State buildings, St. Albans, Northwest Correctional Facility, maintenance shop):
\$5,360.00
- (28) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (State buildings, statewide, engineering and architectural costs):
\$95,639.98

(29) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 12 (ecosystem restoration and protection): \$12,468.06

(30) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 12 (Department of Forest, Parks, and Recreation, projects): \$64.47

(31) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 20 (Center for Crime Victim Services): \$4,270.00

(32) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (State House committee rooms): \$7,337.97

(33) of the amount appropriated in 2012 Acts and Resolves No. 104, Sec. 7 (Regional economic development grants): \$2,000.00

(34) of the amount appropriated in 2012 Acts and Resolves No. 104, Sec. 9 (Review of Vermont State Police facilities): 30,602.86

Total Reallocations and Transfers – Section 19 \$5,728,049.74 \$6,781,529.67

Sec. 12. 2013 Acts and Resolves No. 51, Sec. 20 is amended to read:

Sec. 20. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

* * *

(c) The State Treasurer is authorized to issue additional general obligation bonds in the amount of \$5,842,992.21 that were previously authorized but unissued under 2013 Acts and Resolves No. 51, Sec. 20(a) for FY 2014 for the purpose of funding the appropriations of this act.

Total Revenues – Section 20 \$167,503,320.00 \$173,346,312.21

Sec. 13. 2013 Acts and Resolves No. 51, Sec. 21 is amended to read:

Sec. 21. SALE OF BUILDING 617 IN ESSEX; USE OF PROCEEDS

The proceeds from the sale of Building 617 in Essex shall be allocated to the Department of Buildings and General Services and used to defray FY 2014 expenditures in Sec. 2 of this act. To the extent such use of proceeds results in a like amount of general obligation bonds authorized in Sec. 20 of this act for Sec. 2 to remain unissued at the end of FY 2014, then such unissued amount of bonds shall remain authorized to be issued in FY 2015 ~~to provide additional funding for the Waterbury State Office Complex and such amount shall be appropriated in FY 2015 to Sec. 2(e)(10) of this act.~~

* * * Policy * * *

* * * Buildings and General Services * * *

Sec. 14. 2012 Acts and Resolves No. 104, Sec. 1(a) is amended to read:

(a) Damage to ~~state-owned~~ State-owned assets and infrastructure caused by Tropical Storm Irene on August 28, ~~2012~~ 2011 made necessary some of the reallocations and appropriations contained in this act.

Sec. 15. ART IN STATE BUILDINGS PROGRAM; REVIEW OF GUIDELINES AND PROCEDURES

(a) The Commissioner of Buildings and General Services and the Vermont Council on the Arts, Inc. shall evaluate the effectiveness of the current guidelines and procedures for the Art in State Buildings Program, including the use of program terms and whether modified or new guidelines or procedures are required.

(b) On or before January 15, 2015, the Commissioner of Buildings and General Services and the Vermont Council on the Arts, Inc. shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with the results of the evaluation described in subsection (a) of this section.

Sec. 16. 2012 Acts and Resolves No. 104, Sec. 2(f) is amended to read:

(f)(1) Option B of the of the Freeman, French, Freeman report published on March 9, 2012 aligns closely with the ~~general assembly's~~ General Assembly's vision for the Waterbury Complex. However, the ~~general assembly~~ General Assembly believes that Option B could be modified to achieve a cost savings to Vermonters. On or before June 1, 2012, the ~~department of buildings and general services~~ Department of Buildings and General Services shall present a modified design proposal, including proposals under subdivision (4) of this subsection (f) to the ~~house committee on corrections and institutions~~ House Committee on Corrections and Institutions, the ~~senate committee on institutions~~ Senate Committee on Institutions, and the ~~special committee~~ Special Committee described in this subsection.

* * *

(4) The ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services is authorized to take certain actions before formal approval of the design. Therefore, notwithstanding 29 V.S.A. § 152(a)(6), 165, or 166 or any other provision of law, in addition to producing a design, permitting, and applying for federal aid, upon passage of this act, the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services may:

(A) lease, sell, lease purchase, subdivide, redevelop for State use, or donate the following buildings within the Waterbury Complex in their current condition: Stanley and Wasson, 121 South Main Street, 123 South Main Street, 5 Park Row, 43 Randall Street, and their improvements.

* * *

Sec. 17. 2011 Acts and Resolves No. 40, Sec. 26(c) is amended to read:

~~(c) The commissioner of buildings and general services is authorized to sell the Vermont health laboratory at 195 Colchester Avenue in Burlington pursuant to 29 V.S.A. § 166. The Commissioner of Buildings and General Services is authorized to do any or all of the following with respect to the Vermont health laboratory located at 195 Colchester Avenue in Burlington:~~

(1) investigate all potential uses of the land and building, including redeveloping the land, provided that it is consistent with existing deed covenants; and

(2) enter into agreements and execute any necessary documentation to release or extinguish any of the existing deed covenants.

Sec. 18. REPEAL; USE AND DEVELOPMENT OF STATE FACILITIES AND LAND; SPRINGFIELD CORRECTIONAL FACILITY

2010 Acts and Resolves No. 161, Sec. 26(c)(2)(improvements and upgrades to the municipal water system at the Springfield Correctional Facility) is repealed.

Sec. 19. 2013 Acts and Resolves No. 51, Sec. 25 is amended to read:

Sec. 25. BATTLE OF CEDAR CREEK AND WINCHESTER MEMORIALS

(a) The Commissioner of Buildings and General Services is authorized to use the appropriation in Sec. 6(c)(1) of this act for capital expenses associated with the placement of a Vermont historical roadside marker at the Cedar Creek Battlefield in Virginia, and the ~~relocation~~ design and replication of the Battle of Winchester Memorial ~~to~~ at its original location on the Third Winchester Battlefield in Virginia, ~~and~~. The Department of Buildings and General Services, or its agent, shall supervise the installation of the roadside marker and the Memorial.

(b) The Commissioner of Buildings and General Services is further authorized to use the appropriation in Sec. 6(c)(1) of this act for capital expenses associated with the completion of the projects described in subsection (a) of this section for reimbursement to the Civil War Trust, the State of Virginia, ~~and~~ the United States Veterans Administration for any capital

expenses associated with the completion of these projects, the Cedar Creek Battlefield Foundation, and any other entity engaged by the Department of Buildings and General Services to assist with the roadside marker or the Memorial.

(c) As used in this section, Capital capital expenses associated with the placement of the roadside marker or the ~~relocation~~ replication of the Memorial may include site acquisition, planning, design, transportation of the Memorial, and any other reasonably related costs.

Sec. 20. SALISBURY CHURCH

The General Assembly finds that the former parsonage and land located at 1941 West Shore Road in the Town of Salisbury, and described in the warranty deed dated December 8, 1980 between Alan S. Farwell and the Salisbury Congregational United Church of Christ, has little or no value to the State of Vermont, and would require additional operational funds to maintain or sell. Therefore, notwithstanding 32 V.S.A. § 5, the General Assembly:

(1) disclaims any existing or future interest in the former parsonage and land located at 1941 West Shore Road in the Town of Salisbury; and

(2) authorizes the Commissioner of Buildings and General Services to execute a quitclaim deed to transfer any existing or future interest in the former parsonage and land located at 1941 West Shore Road in the Town of Salisbury to the Salisbury Congregational United Church of Christ.

Sec. 21. 2009 Acts and Resolves No. 43, Sec. 25 is amended to read:

Sec. 25. PROPERTY TRANSACTIONS; MISCELLANEOUS

* * *

~~(e) Pursuant to 29 V.S.A. § 166(b), the commissioner of buildings and general services is authorized to subdivide land at the former Weeks school in Vergennes in order to sell the Arsenal and Fairbanks buildings. The commissioner may use proceeds from the sale to enhance the value of the remaining former Weeks school property. [Repealed.]~~

* * *

Sec. 22. WEEKS SCHOOL; VERGENNES; MASTER PLAN

(a) The Commissioner of Buildings and General Services shall contract with an independent third party to develop a master plan for the former Weeks School property located in the City of Vergennes and the Town of Ferrisburgh. In developing the master plan, the independent third party shall consult with the City of Vergennes, the Town of Ferrisburgh, local and regional organizations, and affected State agencies and landowners. The master plan

shall include an evaluation of whether the property may be subdivided and sold, and for what purposes it may be used.

(b) On or before January 15, 2015, the Commissioner of Buildings and General Services shall provide an update on the plan described in subsection (a) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

Sec. 23. 29 V.S.A. § 157 is amended to read:

§ 157. FACILITIES CONDITION ANALYSIS

(a) The Commissioner of Buildings and General Services shall:

* * *

(2) conduct a facilities condition analysis each year of ~~20~~ ten percent of the building area and infrastructure under the Commissioner's jurisdiction so that within ~~five~~ ten years all property is assessed. At the end of the ~~five~~ ten years, the process shall begin again. The analysis conducted pursuant to this subsection shall include the thermal envelope of buildings and a report on the annual energy consumption and energy costs and recommendations for reducing energy consumption.

(b) The Commissioner may use up to two percent of the funds appropriated to the Department of Buildings and General Services for major maintenance and planning for the purpose described in subsection (a) of this section.

Sec. 24. FACILITIES CONDITIONS ANALYSIS; USE OF FY 2015 FUNDS

The Commissioner of Buildings and General Services may use the funds appropriated to the Department of Buildings and General Services for major maintenance and planning and allocated to conducting a facilities conditions analysis under 29 V.S.A. § 157(b) for Sec. 27(a)(2) of this act.

Sec. 25. DEDICATION OF SENATOR SALLY FOX CONFERENCE AREA IN THE WATERBURY STATE OFFICE COMPLEX

(a) Purposes. It is the intent of the General Assembly to honor the work of the late Senator Sally Fox, who served in the Vermont House of Representatives from 1986 to 2000 and in the Vermont Senate from 2010 to 2014. She spent her entire career working on human services policy issues and was widely recognized as one of Vermont's leading advocates for the clients of the Agency of Human Services.

(b) Dedication. In acknowledgement of Senator Fox's years of public service to the State of Vermont and the countless hours she dedicated to working on human services policy in the former Waterbury State Office

Complex, the Commissioner of Buildings and General Services and the Secretary of Human Services shall name one of the main conference areas or conference rooms at the new office space of the Agency of Human Services in the Waterbury State Office Complex in the name of Senator Fox.

* * * Security * * *

Sec. 26. CAPITOL COMPLEX SECURITY; WORKING GROUP; REVIEW

(a) Creation. There is created a working group for the purpose of assessing security in the Capitol Complex. The Working Group may authorize or retain consultant services to conduct a review and prepare a report on security in the Capitol Complex, including reviewing current security arrangements and governance options, and identifying possible security enhancements. Any consultants retained pursuant to this subsection shall work through the Joint Fiscal Office under the direction of the Chair of the Working Group.

(b) Membership.

(1) The Working Group shall be composed of the following members:

(A) the Lieutenant Governor;

(B) the Commissioner of Buildings and General Services or designee;

(C) a representative of the Capitol Police;

(D) the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions;

(E) the Sergeant at Arms; and

(F) the Court Administrator or designee.

(2) The Lieutenant Governor shall be the Chair of the Working Group and shall convene meetings.

(3) The Working Group shall have the assistance of the staff of the Office of Legislative Council and the Joint Fiscal Office.

(4) The Joint Fiscal Office, in consultation with the Speaker of the House and the Committee on Committees, shall hire one or more consultants to undertake the security review authorized by this section.

(c) Funding. The working group is authorized to use funds appropriated in Sec. 1(c)(17) of this act to retain consultant services pursuant to subsection (a) of this section. It is the intent of the General Assembly that any remaining funds shall be reallocated to the FY 2016 Capital Construction Act for the purpose of implementing the recommendations contained in the security report. Any remaining funds shall only be appropriated to implement a

recommendation with authorization of the General Assembly.

* * * Capital Planning and Finance * * *

Sec. 27. LONG-TERM CAPITAL PLAN

(a) The Commissioner of Buildings and General Services is authorized to use funds appropriated in 2013 Acts and Resolves No. 51, Sec. 2(c)(2) to develop a long-term capital plan for space utilization in the Capitol Complex and in State-owned and leased buildings in surrounding areas. The plan shall include:

(1) an evaluation of the full and efficient occupancy of State-owned and leased buildings;

(2) a facilities conditions analysis of up to ten percent of the total building square footage within the Capitol Complex, as may be required; and

(3) an evaluation of the space needs of the State Auditor.

(b) The Commissioner of Buildings and General Services shall present the results of the long-term capital plan described in subsection (a) of this section as part of the ten-year capital plan required by 32 V.S.A. § 701a.

Sec. 28. 32 V.S.A. § 701a(d) is amended to read:

~~(d) On or before ~~October~~ January 15, each entity to which spending authority has been authorized by a capital construction act enacted in a legislative session that was two or more years prior to the current legislative session shall submit to the ~~Department of Buildings and General Services~~ House Committee on Corrections and Institutions and the Senate Committee on Institutions a report on the status current fund balances of each authorized project with unexpended funds. ~~The report shall follow the form provided by the Department of Buildings and General Services and shall include details regarding how much of the appropriation has been spent, how much of the appropriation is unencumbered, actual progress in meeting the goals of the project, and any impediments to completing the project on time and on budget. The Department may request additional or clarifying information regarding each project. On or before January 15, the Department shall present the information collected to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.~~~~

Sec. 29. CAPITAL PLANNING CAPABILITIES

(a) The Commissioner of Buildings and General Services and the Commissioner of Finance and Management, in consultation with the Joint Fiscal Office, shall evaluate options for the State's capital planning capabilities in order to improve transparency and accountability for authorized capital

construction projects and opportunities to develop a long-term statewide capital planning application in accordance with 32 V.S.A. § 701a.

(b) On or before January 15, 2015, the Commissioner of Buildings and General Services shall present the results of the evaluation described in subsection (a) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

Sec. 30. FIT-UP COSTS; DEFINITION AND PROCEDURES

On or before July 15, 2014, the Commissioner of Buildings and General Services shall develop and implement procedures for defining and allocating responsibility for fit-up costs in future construction of State-owned buildings and leased space.

* * * Administration * * *

Sec. 31. 3 V.S.A. § 2293(b) is amended to read:

(b) Development Cabinet. A Development Cabinet is created, to consist of the Secretaries of the Agencies of Administration, ~~of Natural Resources, of Commerce and Community Affairs, of Transportation, and~~ of Agriculture, Food and Markets, ~~of Commerce and Community Development, of Education, of Natural Resources, and of Transportation.~~ The Governor or the Governor's designee shall chair the Development Cabinet. The Development Cabinet shall advise the Governor on how best to implement the purposes of this section, and shall recommend changes as appropriate to improve implementation of those purposes. The Development Cabinet may establish interagency work groups to support its mission, drawing membership from any agency or department of State government. Any interagency work groups established under this subsection shall evaluate, test the feasibility of, and suggest alternatives to economic development proposals, including proposals for public-private partnerships, submitted to them for consideration. The Development Cabinet shall refer to appropriate interagency workgroups any economic development proposal that has a significant impact on the inventory or use of State land or buildings.

* * * Agency of Agriculture, Food and Markets * * *

Sec. 32. 24 V.S.A. § 5608 is added to read:

§ 5608. AGRICULTURAL FAIRS AND FIELD DAYS CAPITAL PROJECTS COMPETITIVE GRANTS PROGRAM

(a) Grant guidelines. The following guidelines shall apply to capital grants made for Vermont agricultural fairs and field days projects pursuant to this section:

(1) Grants shall be competitively awarded to capital projects that relate to Vermont agricultural fairs and field days operating a minimum of three consecutive, eight-hour days per year.

(2) A project for which a grant is awarded shall have a minimum useful life of 20 years and shall be completed within three years of the execution of a contract to perform work authorized by the grant.

(3) A grant recipient shall contribute matching funds or in-kind services in an amount equal to 15 percent or more of the value of the grant.

(b) There is established an Agricultural Fairs and Field Days Capital Program Advisory Committee to administer and coordinate grants made pursuant to this section. The Committee shall include:

(1) two members appointed by the Secretary of Agriculture, Food and Markets;

(2) one member appointed by the Commissioner of Forests, Parks and Recreation;

(3) two members appointed by the Vermont Fair and Field Days Association;

(4) one member appointed by the Vermont Department of Tourism and Marketing;

(5) one member of the Vermont Senate appointed by the Committee on Committees; and

(6) one member of the Vermont House of Representatives appointed by the Speaker of the House.

(c) Administration.

(1) The Advisory Committee created in subsection (b) of this section shall have the authority to award grants in its sole discretion; provided, however, that the Committee may consider whether to award partial awards to all applicants that meet Program criteria established by the Committee.

(2) The Agency of Agriculture, Food and Markets shall provide administrative and technical support to the Committee for purposes of administering grants awarded under this section.

* * * Agency of Agriculture, Food and Markets and
Agency of Natural Resources * * *

Sec. 33. LABORATORY; PROPOSAL

(a) On or before August 15, 2014, the Department of Buildings and General Services, the Agency of Agriculture, Food and Markets, and the

Agency of Natural Resources shall submit a site location proposal for a shared laboratory to the House Committee on Corrections and Institutions and the Senate Committee on Institutions. It is the intent of the General Assembly that when evaluating site locations, preference shall be given to State-owned property.

(b) With approval of the Speaker of the House and the President Pro Tempore, as appropriate, the House Committee on Corrections and Institutions and the Senate Committee on Institutions may meet up to one time when the General Assembly is not in session to evaluate the proposal described in subsection (a) of this section and make a recommendation on the site location to the Joint Fiscal Committee. The Committees shall notify the Commissioner of Buildings and General Services, the Secretary of Agriculture, Food and Markets, and the Secretary of Natural Resources prior to holding a meeting pursuant to this subsection. Committee members shall be entitled to receive a per diem and expenses as provided in 2 V.S.A. § 406.

(c) The Joint Fiscal Committee shall review the recommendation of the Committees described in subsection (b) of this section at its September 2014 meeting. If the Joint Fiscal Committee so determines, it shall approve the proposal as recommended by the Committees.

(d) On or before December 1, 2014, the Department of Buildings and General Services, in consultation with the Agency of Agriculture, Food and Markets and the Agency of Natural Resources, shall develop a detailed proposal on the site location recommended by the Committees if approved by the Joint Fiscal Committee. The proposal shall include programming, size, design, and preliminary cost estimates for a shared laboratory. The proposal shall also include an evaluation of the current Agency of Agriculture, Food and Markets and the Agency of Natural Resources programs located in the leased space at 322 Industrial Lane in Berlin. The Department of Buildings and General Services is authorized to use funds appropriated in 2013 Acts and Resolves No. 51, Sec. 2, as amended by Sec. 1 of this act, for any costs associated with the proposal.

(e) The Commissioner of Buildings and General Services shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions at least monthly of updates on the proposals described in subsections (a) and (d) of this section.

* * * Education * * *

Sec. 34. ENHANCED 911 PROGRAM; IMPLEMENTATION IN SCHOOL DISTRICTS

(a) The Enhanced 911 Board, in consultation with the Agency of Education, shall conduct a Statewide assessment in each school district to determine the needs for compliance with the Enhanced 911 Program.

(b) On or before January 15, 2015, the Enhanced 911 Board shall report the results of the assessment described in subsection (a) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

* * * Human Services * * *

Sec. 35. 2013 Acts and Resolves No. 51, Sec. 40 is amended to read:

Sec. 40. SECURE RESIDENTIAL FACILITY

Pursuant to the Level 1 Psychiatric Care Evaluation required by the ~~Fiscal Year~~ fiscal year 2014 Appropriations Act, Sec. E.314.2, the Commissioner of Buildings and General Services, in consultation with the Commissioners of Mental Health and Corrections, shall develop a proposal to establish a permanent secure residential facility no later than January 15, 2015.

Sec. 36. VERMONT PSYCHIATRIC CARE HOSPITAL; CERTIFICATE OF NEED; FEDERAL MATCH

The Commissioner of Buildings and General Services is authorized to transfer the sum of \$447,928.05 from the amount authorized in 2013 Acts and Resolves No. 51, Sec. 2(b)(15)(A) to the Agency of Human Services if State funding is required to match federal funds for eligible project costs required under the Certificate of Need for the Vermont Psychiatric Care Hospital.

* * * Judiciary * * *

Sec. 37. COUNTY COURTHOUSES; PLAN

(a) Pursuant to the restructuring of the Judiciary in 2009 Acts and Resolves No. 154, the Court Administrator and the Commissioner of Buildings and General Services shall evaluate the scope of the State's responsibility for maintaining county courthouses, including Americans with Disabilities Act (ADA) compliance and whether an emergency fund is necessary for construction or renovation projects at county courthouses.

(b) On or before January 15, 2015, the Judiciary shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with the results of the evaluation.

* * * Public Safety * * *

Sec. 38. 2013 Acts and Resolves No. 51, Sec. 48 is amended to read:

Sec. 48. PUBLIC SAFETY FIELD STATION PROJECT

The Department of Buildings and General Services, in consultation with the Department of Public Safety, is authorized to use appropriations in Sec. 13 of this act to conduct feasibility studies, and identify and purchase land for future public safety field station sites. If the Department of Buildings and General Services proposes to purchase property when the General Assembly is not in session, the Commissioner of Buildings and General Services shall notify the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions of the proposal. In the event that land is identified for Troop B of the Vermont State Police, then the Department of Public Safety shall hold public meetings in the affected communities for public input on the proposal. The Department of Public Safety shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the results of the meeting when the General Assembly is in session, and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions when the General Assembly is not in session. The General Assembly encourages the affected communities to contact the Department of Public Safety to review any proposals as they develop.

Sec. 39. VERMONT STATE POLICE; SALE OF WEST BRATTLEBORO AND ROCKINGHAM BARRACKS

The Commissioner of Buildings and General Services is authorized to sell the West Brattleboro Troop Headquarters in the Town of West Brattleboro and the Rockingham Troop Headquarters in the Town of Rockingham. The net proceeds of any sale shall be reallocated to the Department of Public Safety for the purposes described in 2013 Acts and Resolves No. 51, Sec. 13(d).

* * * Energy Use on State Properties * * *

Sec. 40. ENERGY EFFICIENCY; STATE LEASES

The Commissioner of Buildings and General Services shall develop a set of criteria and guidelines to evaluate and, where appropriate, incorporate the use of energy efficiency measures, thermal energy conservation measures, and renewable energy resources in buildings and facilities leased by the State.

Sec. 41. 29 V.S.A. § 168 is amended to read:

§ 168. STATE ~~RESOURCE~~ ENERGY MANAGEMENT PROGRAM; REVOLVING FUNDS

(a) ~~Resource~~ State energy management program. ~~The~~

(1) There is established within the Department ~~shall be responsible of~~ Buildings and General Services an Energy Management Program for administering the interest of the State in all ~~resource conservation~~ energy management measures in State buildings and facilities, including equipment replacement, studies, weatherization, and construction of improvements affecting the use of energy resources, the implementation of energy efficiency and conservation measures, and the use of renewable resources.

(2) The Energy Management Program shall be implemented through two revolving funds used to finance energy management measures in State buildings and facilities. Pursuant to subsections (b) and (c) of this section, the State Resource Management Revolving Fund shall provide revenue for implementation of resource conservation measures, and the Energy Revolving Fund shall provide funding for energy efficiency improvements and the use of renewable resources. The Commissioner of Buildings and General Services shall establish guidelines for the provision of funding for energy management measures through these revolving funds.

(3) All ~~resource conservation~~ energy management measures taken for the benefit of departments or agencies to which this section applies pursuant to this section shall, beginning on July 1, 2004, be made and executed by and in the name of the Commissioner.

(b) State Resource Management Revolving Fund.

(1) There is established a Resource Management Revolving Fund to provide revenue for implementation of resource conservation measures anticipated to generate a life cycle cost benefit to the State. All State agencies responsible for development and operations and maintenance of State infrastructure shall have access to the Resource Management Revolving Fund on a priority basis established by the Commissioner.

(2) The Fund shall consist of:

(A) ~~Monies~~ monies appropriated to the Fund, or which are paid to it under authorization of the Emergency Board;

(B) ~~Monies~~ monies saved by the implementation of resource management conservation measures; and

(C) ~~Fees~~ fees for administrative costs paid by departments and agencies, which shall be fixed by the Commissioner subject to the approval of the Secretary of Administration.

(D) ~~{Deleted.}~~ [Repealed.]

(3) Monies from the Fund shall be expended by the Commissioner for resource conservation measures anticipated to generate a life cycle cost benefit

to the State and all necessary costs involved with the administration of State agency energy planning as determined by the Commissioner.

(4) The Commissioner shall establish criteria to determine eligibility for funding of resource conservation measures.

(5) Agencies or departments receiving funding shall repay the Fund through their regular operating budgets according to a schedule established by the Commissioner. Repayment shall include charges of fees for administrative costs over the term of the repayment.

(6) The Commissioner of Finance and Management may anticipate receipts to this Fund and issue warrants based thereon.

(7) The Commissioner of ~~Buildings and General Services~~ shall maintain accurate and complete records of all receipts by and expenditures from the Fund.

(8) All balances remaining at the end of a fiscal year shall be carried over to the following year.

(c) Energy Revolving Fund.

(1) There is established an Energy Revolving Fund to finance energy efficiency improvements and the use of renewable resources in State buildings and facilities anticipated to generate a cost-savings to the State. State agencies and departments shall have access to the Energy Revolving Fund on a priority basis established by the Commissioner and the State Treasurer.

(2) The Fund shall consist of:

(A) monies appropriated to the Fund or which are paid to it under authorization of the Emergency Board;

(B) monies saved by the implementation of energy efficiency improvements and the use of renewable resources;

(C) any funds available through a credit facility maintained by the State Treasurer in accordance with subsection (d) of this section; and

(D) fees for administrative costs paid by departments and agencies, which shall be fixed by the Commissioner subject to the approval of the Secretary of Administration.

(3) Monies from the Fund shall be expended by the Commissioner for measures anticipated to generate a cost-savings to the State and costs involved with the administration of the State agency energy plan as determined by the Commissioner.

(4) The Commissioner and the State Treasurer shall establish criteria to determine eligibility for funding of energy efficiency improvements and the use of renewable resources, including returns of investment on terms acceptable to the State Treasurer.

(5) Agencies and departments receiving funding shall repay the Fund through their regular operating budget according to a schedule established by the Commissioner. Repayment shall include charges of fees for administrative costs over the term of the repayment.

(6) The Commissioner of Finance and Management may anticipate receipts to this Fund and issue warrants based thereon.

(7) The Commissioner of Buildings and General Services shall maintain accurate and complete records of all receipts by and expenditures from the Fund.

(8) All balances remaining at the end of a fiscal year shall be carried over to the following year; provided, however, that any amounts received in repayment of the credit facility established under subsection (d) of this section may be reinvested by the State Treasurer.

(d) Notwithstanding any other provision of law to the contrary, the State Treasurer, working in collaboration with the Department of Buildings and General Services, shall have the authority to establish a credit facility of up to \$8,000,000.00, on terms acceptable to the State Treasurer. The credit facility shall be used for the purpose of financing energy efficiency improvements and the use of renewable resources anticipated to generate a cost-savings to the State.

(e) As used in this section:

(1) "Energy efficiency improvement" shall mean a set of measures aimed at reducing the energy used by specific end-use devices and systems to provide light, heat, cooling, or other services without affecting the level of service provided. An energy efficiency project may also include energy conservation measures; that is, a reduction in energy consumption that corresponds with a reduction in service demand.

(2) "Renewables" shall have the same meaning as under 30 V.S.A. § 8002.

(3) "Resource conservation measures" shall mean a set of measures, including a study, product, process, or technology, aimed at reducing overall use or consumption of energy resources in State buildings or facilities. "Resource conservation measures" shall include energy efficiency improvements.

(f) Beginning on or before January 15, 2015 and annually thereafter, the Department of Buildings and General Service shall report to the Senate Committee on Institutions and the House Committee on Corrections and Institutions on the expenditure of funds from the State Resource Management Revolving Fund for resource conservation measures and the Energy Revolving Fund for energy efficiency improvements and the use of renewable resources. For each fiscal year, the report shall include a summary of each project receiving funding and the State's expected savings.

* * * Effective Date * * *

Sec. 42. EFFECTIVE DATE

This act shall take effect on passage.

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 Senate propose to the House that the bill be amended as recommended by the Committee on Institutions with the following amendment thereto:

In Sec. 32, Agricultural Fairs and Field Days Capital Projects Competitive Grants Program, in subdivision (a)(2), by striking out "three" and inserting in lieu thereof two.

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 recommendation of proposal of amendment of the Committee on Institutions was amended as recommended by the Committee on Appropriations.

Thereupon, the proposal of amendment of the Committee on Institutions, as amended, was agreed to and third reading of the bill was ordered.

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 823.

Consideration was resumed on House bill entitled:

An act relating to encouraging growth in designated centers and protecting natural resources.

Thereupon, pending the question, Shall the recommendation of proposal of amendment of the Committee on Natural Resources and Energy be amended as recommended by the Committee on Economic Development, Housing and

General Affairs?, Senators Bray and MacDonald moved to amend the proposal of amendment of the Committee on Economic Development, Housing and General Affairs in the *Third* proposal of amendment, Sec. 2, 10 V.S.A. § 6086, in subdivision (a)(9)(L)(ii)(II), by striking out the words “located in” and inserting in lieu thereof the words confined to

Which was agreed to.

Thereupon, the pending question, Shall the recommendation of proposal of amendment of the Committee on Natural Resources and Energy be amended as recommended by the Committee on Economic Development, Housing and General Affairs, as amended?, was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Natural Resources, as amended?, was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senator Flory moved to amend the Senate proposal of amendment, as follows:

First: In Sec. 1, 10 V.S.A. § 6001 (definitions), after the fourth ellipsis, by striking out subdivision (16) in its entirety and inserting in lieu thereof a new subdivision (16) to read as follows:

(16) “Rural growth areas” means lands which are not natural resources referred to in subdivisions 6086(a)(1)(A) through (F), subdivision 6086(a)(8)(A) and subdivisions 6086(a)(9)(B), (C), (D), (E) and (K) of this title.

Second: In Sec. 1, 10 V.S.A. § 6001 (definitions), by striking out subdivision (36) (strip development) in its entirety

Third: In Sec. 2, 10 V.S.A. § 6086 (issuance of permit; conditions and criteria), in subdivision (a)(9), after the first ellipsis in that subdivision (9), by striking out subdivision (L) in its entirety and inserting in lieu thereof a new subdivision (L) to read as follows:

(L) Rural growth areas. A permit will be granted for the development or subdivision of rural growth areas when it is demonstrated by the applicant that in addition to all other applicable criteria provision will be made in accordance with subdivisions (9)(A) “impact of growth,” (G) “private utility service,” (H) “costs of scattered development” and (J) “public utility services” of subsection (a) of this section for reasonable population densities, reasonable rates of growth, and the use of cluster planning and new community planning designed to economize on the cost of roads, utilities and land usage.

Which was disagreed to on a roll call, Yeas 7, Nays 22.

Senator Mullin having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Benning, Flory, McAllister, Mullin, Rodgers, Starr, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Bray, Campbell, Collins, Cummings, Doyle, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Sirotkin, Snelling, White, Zuckerman.

The Senator absent and not voting was: Sears.

Thereupon, third reading of the bill was ordered.

Bills Passed in Concurrence with Proposal of Amendment

H. 740.

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

An act relating to transportation impact fees.

Bill Passed in Concurrence

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

H. 888.

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

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

Point of Personal Privilege; Letter Journalized

On motion of Senator Lyons, a letter read by Senator Campbell regarding the Vermont Children's Trust Foundation was entered into the Journal, as follows:

“April 30, 2014

“Dear Colleagues,

“We are pleased to let you know the Vermont Children's Trust Foundation has established the **Sally Fox Award**, *for Outstanding Contributions to Child Well-Being in Vermont*. VCTF created the award to honor Sally's

commitment to the welfare of Vermont kids. A description of the award is attached.

“As we were all honored to be Sally's colleagues, and proud of her great work in the legislature, we are asking you to join us in making a contribution to this award. VCTF has committed \$5,000. If each of us donated \$25, we would be close to matching VCTF's commitment, and the award would grow to \$10,000, a significant amount for the winning organization.

“Your donation in honor of Sally will help VCTF continue the work that was so important to Sally: protecting and strengthening children and families.

“Donations of any amount may be made by check or credit card in the enclosed envelope, or online with at www.vtchildrenstrust.org. Thank you for your consideration. Here's to Sally!

“Shap Smith, Speaker of the House John Campbell, President Pro Tempore”

Adjournment

On motion of Senator Campbell, the Senate adjourned until nine o'clock and thirty minutes in the morning.